

California State Archives
State Government Oral History Program

Oral History Interview

with

HON. JAMES A. COBEY

California State Senator, 1955 - 1966

June 29, July 6, and July 8, 1988
Pasadena, California

By Enid Hart Douglass
Oral History Program
Claremont Graduate School

RESTRICTIONS ON THIS INTERVIEW

None

LITERARY RIGHTS AND QUOTATION

This manuscript is hereby made available for research purposes only. No part of the manuscript may be quoted for publication without the written permission of the California State Archivist or the Director, Oral History Program, Claremont Graduate School.

Requests for permission to quote for publication should be addressed to:

California State Archives
1020 O Street, Room 130
Sacramento, CA 95814

or

Director, Oral History Program
Harper Hall 155
Claremont Graduate School
150 E. Tenth Street
Claremont, CA 91711-6160

The request should include identification of the specific passages and identification of the user.

It is recommended that this oral history be cited as follows:

James A. Cobey, Oral History Interview, Conducted 1988
by Enid H. Douglass, Oral History Program, Claremont
Graduate School, for the California State Archives
State Government Oral History Program.



March Fong Eu
Secretary of State

California State Archives
1020 O Street, Room 130
Sacramento, CA 95814

Information	(916) 445-4293
Document Restoration	(916) 445-4293
Exhibit Hall	(916) 445-0748
Legislative Bill Service (prior years)	(916) 445-2832

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 issues 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 institutionally based programs.

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

Oral History Program
History Department
California State University, Fullerton

Oral History Program
Center for California Studies
California State University, Sacramento

Oral History Program
Claremont Graduate School

Regional Oral History Office
The Bancroft Library
University of California, Berkeley

Oral History Program
University of California, Los Angeles

The establishment of the California State Archives 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 dissemination 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

TABLE OF CONTENTS

INTERVIEW HISTORY		i
BIOGRAPHICAL SUMMARY		iii
I	FAMILY AND PROFESSIONAL BACKGROUNDS	1
	[Session 1, June 29, 1988, Tape 1, Side A]	1
	Parents and Early Education	1
	College and Law School	6
	Position with National Labor Relations Board	8
	Justice William O. Douglas and Abe Fortas	10
	Development of Political Viewpont	13
II	MILITARY SERVICE	19
	Marriage and Service	19
	Richard M. Nixon	22
III	LEGAL CAREER IN LOS ANGELES	27
	Judge Clement Shinn	27
	[Tape 1, Side B]	29
	Los Angeles County Counsel's Office	36
IV	MERCED AREA	38
	Law Practice in Association with C. Ray Robinson	38
	Community Activities	40
	Law Practice Activities	43
	Law Firms	47
V	ENTERING POLITICS	51
	Decision to Run for State Senate	51
	The Senate Race (1954)	54
	[Tape 2, Side A]	59
VI	FIRST SENATE TERM (1955-1958)	66
	[Session 2, June 6, 1988, Continuation of Tape 2, Side A]	66
	Settling In	66
	Freshman Class	70
	Invitations to Join In-Group	72
	Lobbyist Activities	76
	Nature of Senate	78
	Interest in Water Legislation	82
	Jesse Unruh	83
	[Tape 2, Side B]	86
	The Committee Power Structure	89
	Lower San Joaquin Levee District	93
	Milk Legislation	102
	California Law Revision Commission	109
	1957 Legislation	113
	[Tape 3, Side A]	116

	Lieutenant Governors Powers and Anderson	122
	CDC and Other Democratic Activities	124
	President Pro Tem Hugh Burns	131
	Water Resources Committee	138
	[Tape 3, Side B]	143
VII	GOVERNOR EDMUND G. (PAT) BROWN	145
	Gubernatorial Race	145
	Bird Watchers Group	148
	Staff	151
	Governors Goodwin Knight and Earl Warren	153
	1965 Gubernatorial Campaign	156
VIII	1965 SENATE RACE	159
	Effect Reapportionment	160
	Appointment to Judgeship	165
IX	LEGISLATION CARRIED	171
	[Session 3, July 8, 1988, Tape 4, Side A]	171
	Code of Civil Procedure	171
	Trucking	177
	Relationship to Constituency	180
	Interim Committee on Labor and Welfare	184
	Bill Origin and Handling	192
	[Tape 4, Side B]	198
	1961 Bills	202
	1963 Bills	208
	1965 Bills	214
X	COMMENTS ON SENATORS	222
	Joseph A. Rattigan	222
	Walter W. Stiern	226
	[Tape 5, Side A]	227
	Randolph Collier	227
	Others	231
XI	SENATOR COBEY'S OFFICE OPERATIONS	234
	INDEX OF NAMES	238

INTERVIEW HISTORY

Interviewer/Editor

Enid Hart Douglass
Director, Oral History Program and Lecturer in History
Claremont Graduate School
B.A., Pomona College [Government]
M.A., Claremont Graduate School [Government]

Interview Time and Place

June 29, 1988
Senator Cobey's home, Pasadena, California
Morning session of 1 3/4 hours

July 6, 1988
Senator Cobey's home, Pasadena, California
Morning session of 2 3/4 hours

July 8, 1988
Senator Cobey's home, Pasadena, California
Morning session of 2 hours

Editing

The interviewer/editor checked the verbatim manuscript of the interviews against the original tape recordings, and verified proper names. Insertions by the editor are bracketed.

In October 1988, the edited transcript was forwarded to James A. Cobey, who reviewed the transcript and returned it on November 1, 1988.

The interviewer/editor prepared the introductory materials.

Papers

Senator Cobey has deposited his papers in the California State Archives.

Tapes and Interview Records

The original tape recordings of the interviews are in the Oral History Program office, Claremont Graduate School, along with the records relating to the interview. Master tapes are deposited in the California State Archives.

BIOGRAPHICAL SUMMARY

James A. Cobey was born in Frostburg, Maryland, on October 3, 1913. As a child, he attended the Frostburg Teachers Training School; he graduated from the Mercersburg Academy, Mercersburg, Pennsylvania in 1930. Mr. Cobey enrolled at Princeton University and received his A.B. degree in history from the School of Public and International Affairs in 1934. He was accepted into the newly created Law-Business Combination Program offered by Harvard and Yale Universities, attending Harvard Business School for a year and then Yale Law School for three years to earn his law degree (an LL.B. now transformed to an LL.D.) in 1938.

From 1938 to 1941, Mr. Cobey worked for the National Labor Relations Board as a field attorney in Los Angeles, California. During World War II, he was an officer on a PT boat in the Southwest Pacific until he contracted malaria. After his recuperation, he was assigned to the Chief of Naval Operations Office in Washington, D.C., where he joined the instructional staff for torpedo boat training, eventually rewriting the manual for motor torpedo boat tactics. Mr. Cobey was married on August 1, 1942, and he and his wife have three children.

After the war, James Cobey returned to Los Angeles and became the chief law clerk in Division 3 of the Second District of the California Court of Appeal. In 1948, he worked as a legal adviser in the Los Angeles County Counsel's office, gaining substantive experience in election code and agricultural matters. Mr. Cobey then accepted a position in private practice with Mr. C. Ray Robinson's firm in Merced County. He worked primarily on water law and helped to set up the Central California Irrigation District, which covers 160,000 acres and spans three counties.

The death of Senator George J. Hatfield in November 1953 created an open seat in the Twenty-Fourth District (Merced and Madera Counties), which Mr. Cobey won in the general election the following year. During the entire time of his three-term (1955-1966) service in the state senate, he served on the Agriculture and the Judiciary Committees. He was also a member of the following committees: Finance; Fish and Game; Labor; Military and Veterans Affairs; Revenue and Taxation; and he chaired the Elections, Social Welfare, and Water Resources Committees. While chairing the Social Welfare Committee (1961-62), he served as chairman of the Interim Committee on Labor and Welfare, which won a national award for its investigation and report on aid to needy

children. Mr. Cobey was also appointed to the California Law Revision Commission by his legislative colleagues.

After he was defeated in 1966, James Cobey was appointed an associate justice, Division 3 of the Second District of the California Court of Appeal and sat on the court until his retirement in 1981. In his retirement, Judge Cobey serves as a mandatory judicial referee in the Pasadena superior court. He also is a part-time instructor at Southwestern Law School.

I. FAMILY AND PROFESSIONAL BACKGROUND

[Session 1, June 29, 1988]

[Begin Tape 1, Side A]

Parents and Early Education

DOUGLASS: Senator Cobey, you were born in Maryland in what town? This was 1913?

COBEY: Yes. October 3, 1913. The town was Frostburg.
F-R-O-S-T-B-U-R-G.

DOUGLASS: What was that near?

COBEY: Near Cumberland, which would have been the county seat of Allegheny County.

DOUGLASS: And how did you family happen to be living in .
. . .

COBEY: Frostburg?

DOUGLASS: Yes.

COBEY: Because my father moved there as a young doctor to help out one of his relatives in the practice of medicine and then just stayed there.

DOUGLASS: Where did you father get his medical training?

COBEY: At the University of Maryland.

DOUGLASS: I see. He was a Maryland person.

COBEY: Yes. Two of them. My mother came from the

valley of Virginia.

DOUGLASS: When you say the "valley," you mean . . .

COBEY: The Shenandoah Valley.

DOUGLASS: Oh, the beautiful Shenandoah. You were probably taken there a lot as a youngster.

COBEY: Yes. My mother's sister still lived there and her older brother still lived there. So, yes, we visited it quite often.

DOUGLASS: Did you have all of your elementary school and high school education there in Frostburg?

COBEY: The elementary school in Frostburg. . . . There was a teachers' training college, an institute. It had in connection with it, an elementary school. I attended the elementary school for eight years.

DOUGLASS: This would have been a small group.

COBEY: Yes.

DOUGLASS: Did you like that?

COBEY: Yes. Then I went to a military academy in Winchester, Virginia, which is also in the valley. For two years. From there I went to Mercersburg Academy in Mercersburg, Pennsylvania.

DOUGLASS: Was there any particular reason for your being sent to a military academy?

COBEY: Well, both my parents thought it would be good for me.

DOUGLASS: Shape you up?

COBEY: Yes. Make me a neater person.

DOUGLASS: How were your feelings of school then in terms of achieving, as a youngster?

COBEY: My mother put great emphasis on achievement. So, achievement was very important, and I was very good at books. So that was not difficult.

DOUGLASS: And you had a stimulating experience probably in this college elementary school?

COBEY: Yes. I guess so.

DOUGLASS: Now why were you transferred from one military school to the other?

COBEY: Well, the military academy was not too good academically. And my mother was intent that I go to Princeton [University] and pass the college board examination and Mercersburg was much better preparation for that.

DOUGLASS: Why had she singled out Princeton?

COBEY: Because some southerners went to Princeton, and she was intensely southern. And it was a top school.

DOUGLASS: It sounds as if your mother was shepherding your life somewhat more than your father.

COBEY: Oh, yes. My father worked awfully hard, but it was my mother who really directed that phase of things completely.

DOUGLASS: Did you have brothers and sisters?

COBEY: Yes. I had two older brothers who,

unfortunately, are now deceased. My oldest brother went to Princeton and then to Harvard Law School. He had a very successful career as a lawyer and a judge. He was also a banker. He merged a couple of banks. Unfortunately, when he and his wife decided to go on a Caribbean trip because they had a lot of trouble with respiratory disease. Western Maryland has a rough winter. Frostburg was 2,200 feet above sea level. They got their shots in New York City at the last minute. And he was stuck with an improperly sterilized needle from which he got viral hepatitis. He fought it for seven years, but he died at fifty-seven.

DOUGLASS: What a tragedy.

COBEY: Both of these brothers went to Mercersburg before me.

DOUGLASS: Excuse me. What was the name of the first brother you were talking about?

COBEY: William Earle; they called him Earle, E-A-R-L-E. And the second brother, who was Milton Carpinter, went to Mercersburg. Then he could not get into Princeton; so he went to Amherst [College]. The family did not realize that Amherst was between Smith [College] and Mount Holyoke [College]. And his main interest was girls. He was the only one who even approached

being an athlete in our family. So, he flunked out of Amherst. The family was terribly disgraced, but they arranged to get him into Columbia [University]. He completed his undergraduate education at Columbia. He was working at a bank in New York City and completed his education at Columbia.

He was admitted to the first class of the medical school at Duke University. Once he hit medicine, there was no stopping him. He took to it like a duck to water. He became one of the top orthopedic surgeons in the United States. His practice was located in Washington, D.C. His son now has taken over the practice.

DOUGLASS: So, your father got a doctor in the family.

COBEY: Yes. Thank goodness. I was slated for the clergy.

DOUGLASS: Oh, were you, really?

COBEY: My mother wanted her sons to all be professional men because she never got over the fact that in the 1893 Depression she had to leave Goucher College in Baltimore after one year. She wanted some economic security. The oldest brother was slated to be the lawyer, my middle brother to be the doctor, and I was slated to be a clergyman. But I revolted.

DOUGLASS: I see. At what age did you start to disagree with that?

COBEY: Well, the normal age. About my sophomore year in college.

College and Law School

DOUGLASS: You entered Princeton in 1930. I noticed that you were a graduate of the Woodrow Wilson School. Is that right?

COBEY: That is correct. That is when it was an undergraduate school.

DOUGLASS: Was that your freshman year you were involved with the Woodrow Wilson School?

COBEY: No. They only took the upperclassmen. It was my junior and senior year.

DOUGLASS: I see. So you entered as a regular freshman.

COBEY: Liberal arts.

DOUGLASS: What were you drawn toward in your studies the first two years?

COBEY: Political science. I would have majored in political science, that's what my oldest brother had majored in, but the political science department at that time was pretty lousy at Princeton. So I majored in history, which was the other social science major which suited my taste.

DOUGLASS: Having rejected the notion of being in the clergy, were you then immediately going toward being a lawyer?

COBEY: No. I only became a lawyer as a last resort. I

could not use my hands. I never have been able to, so I could not be a doctor. I didn't want to be a clergyman. I didn't want to be a teacher. So, the law is what was left. I had a cousin who was the leading lawyer in western Maryland, but I had nothing to do with him. I didn't work in his law office or anything else. When I studied law, I hated it. I would not work in any legal field during the time I was going to law school. I didn't develop an interest in law until after I graduated from law school and was admitted to the bar. I did pretty well in law school. I took this combination law-business course.

DOUGLASS: I noticed that, at Harvard [University].

COBEY: Yes. I think that I ended up eleventh in a class of one hundred and twenty. But my interest was really in the theory of law. I was not interested in the practical aspects, such as investigation. I didn't particularly enjoy the practice of law. It was all right. It was not one of the top experiences of my life. I am trying to think of a delicate way of expressing it. I can't think of a synonym.

I was a half-assed apprentice to Abe Fortas. That was because in my last year of law school, I took a course in the underwriting of securities, which Abe taught. Abe was then

conducting an investigation for his friend [William O.] Bill Douglas of the SEC [Securities and Exchange Commission], of corporate directors who didn't direct. He spent most of his time in class discussing what he had found in that investigation. The people he was investigating, generally speaking, were often the close relatives of my classmates. The classroom discussion got very bitter, and he was just completely outnumbered. I decided to support him. So I did.

He announced before the final examination that I would receive the highest grade in the class. No one has ever objected to favorable discrimination. He was a man of his word. I received the highest mark in the class, the highest mark I got in law school. All of my grades picked up.

Position with National Labor Relations Board

Evidently, the light dawned slowly for me. My grades all picked up my last year in law school. He also arranged for my job. This was 1938. We were coming out of the depression, but we were not completely out of it. We were just starting preparation for World War II. His predecessor or immediate successor, the editor-in-chief of the Yale Law Journal, [Thomas] Tom

COBEY: Emerson had the review division in the NLRB [National Labor Relations Board] board. So, he got me a job with Emerson. The job of the review division was to write the opinions of the labor board. That is the way I started in '38.

After having done it for a year and a half, I didn't see that it offered an opportunity to become a well-grounded lawyer with a speciality. I was not offered any jobs within the speciality, either by management or by labor. So, I decided to become a field attorney, where I would be trying the administrative lawsuits.

At that time, I was chairman of the NLRB lawyer's union grievance committee. We had organized a lawyer's union in the Labor Board. We did that because we felt we had to, since the National Labor Relations Act was concerned with encouraging unionization generally. Why, to be consistent, we had to have one in our own shop. But also we made sure it was a craft union and not an industrial union because we didn't want all the secretaries outvoting us.

I was chairman of the grievance committee of the lawyer's union. In that capacity I met often with the associate general counsel who handled personnel. So when I expressed a desire to go into the field, he said, "Take your choice. Any one you want." So I picked Seattle

because I felt that due to Justice Douglas, who came from the state of Washington, the state of Washington was the last great frontier. So it offered a great opportunity.

Justices William O. Douglas and Abe Fortas

DOUGLASS: Let me back up just a minute. What involvement had you had with Douglas up to this time?

COBEY: Very limited. The first year I took a course from him and he gave me a "C."

DOUGLASS: What was the course?

COBEY: Oh, something to do with corporations and corporate structure, mergers, that sort of thing because that was his field. He taught corporations at Yale.

DOUGLASS: What was your impression of him? Your initial impression of Douglas?

COBEY: There is no doubt that he was a very smart man, but he also was very cold. Douglas had had a rough childhood. I didn't know, but you may know it. I didn't know it at that time. To get through law school, he had to work his way through law school--he went to Columbia [Law School]--he tutored the stupid Ivy Leaguers. When he encountered me, he decided that I was just another stupid Ivy Leaguer.

DOUGLASS: He had a real chip on his shoulder?

COBEY: We didn't get along. His evaluation of my

ability was that I could not write. But, anyway, we didn't get along. But, Fortas, who was his protege, and I, because of that background that I related to you, we had gotten along very well. In fact, the Fortases-- Carolyn, his wife--they wanted me to live with them in Georgetown when I came down for my job in Washington, D.C. Stupidly, I turned them down.

DOUGLASS: Fortas was somebody you took to right away?

COBEY: Yes. Fortas and I always hit it off.

DOUGLASS: Was he a good teacher, do you think?

COBEY: I think he was. He was certainly a dedicated teacher. He did a lot of independent research.

DOUGLASS: Well, to go back to Douglas, that was your freshman year. When was your next encounter with Douglas?

COBEY: Well, I went over to apply to be his law clerk when he was appointed to the [United States] Supreme Court, for which he promptly turned me down. It was stupid on my part because I didn't have a chance of getting it in view of our relations. We didn't have any further relationships. Douglas was very smart but very cold. I had nothing further to do with him.

DOUGLASS: But he made some kind of impression on you because you said that you were interested in the Seattle area because of Douglas.

COBEY: That's right. You know, he actually lived in a tent. His father was an itinerant preacher. He didn't make any money. He lived in a tent. I thought, from what I had heard, that this was the last frontier, and I wanted to be on the frontier.

DOUGLASS: He grew up in the Yakima Valley.

COBEY: Right.

DOUGLASS: Before we get past Seattle, I would like to go back just a minute. When you were in Princeton, why did you decide in your upper division to go into the Woodrow Wilson School?

COBEY: Because that was always my interest. I wanted to go into public life.

DOUGLASS: So that is where we begin to really see an organized interest in public life?

COBEY: Oh, yes.

DOUGLASS: Were you interested in the international aspect of it?

COBEY: No.

DOUGLASS: You finished Princeton in '34, and then you had already decided to go to law school.

COBEY: Yes. I went to Yale Law School because I was tired of following my older brother around. I had gone to the same prep school and the same college, and I said, "I will be damned, if I go to the same law school."

DOUGLASS: OK. You entered Yale Law School in the fall of '34. And you finished in three years.

COBEY: No. Four. I finished in '38 because I took this extra year. This was a brand new course, a combination law-business course. You took your first year at New Haven and your second year at Cambridge. I finished thirtieth in my class at Cambridge.

DOUGLASS: So this explains this business of going to Harvard and Yale. Right?

COBEY: Right.

DOUGLASS: Most of it was at Yale and only a year at Harvard.

COBEY: A year was at Harvard, and we wrote our thesis on an interrelated subject.

DOUGLASS: But that was business school at Harvard.

COBEY: At Harvard, it was business school completely.

DOUGLASS: What was the theory behind that?

COBEY: It would make you a better corporate lawyer if you understood your client's viewpoints.

DOUGLASS: Were you interested in going into corporate law?

COBEY: Yes. I was. I didn't get any opportunities.

DOUGLASS: You were really tracking very well in your education, in terms of your goals? Your packaging of it.

COBEY: Yes.

Development of Political Philosophy

DOUGLASS: That's very interesting. You finished in '38

with your LL.B [Bachelor of Laws] and LL.D [Doctor of Laws], right?

COBEY: Yes, a single degree. An LL.B which has now been transformed into an LL.D.

DOUGLASS: Then to go back, let's pick up with Seattle, because you really wanted to go to Seattle as a field attorney. What happened?

COBEY: There was a big blowup in the office in Los Angeles, and the chairman reassigned me to Los Angeles.

DOUGLASS: The NLRB.

COBEY: Yes. I almost resigned over it, but then I had the good sense not to.

DOUGLASS: How did you like working for the National Labor Relations Board?

COBEY: I liked it. I enjoyed it.

DOUGLASS: This is kind of an interesting place for someone to end up who is interested in corporate law.

COBEY: Right. [Laughter] Also, I am sure that Tom Emerson decided that he had really been taken in by accepting his good friend Abe Fortas's advice on hiring me. I enjoyed the labor board, but, as I say, since I didn't get any offers in that field, and it is a highly specialized field, it didn't prepare me for the general practice of law.

DOUGLASS: Did it have some affect on your view of the

world, in terms of politics?

COBEY: I have always been a liberal. It didn't start with the labor board. I have been a liberal and in the senate practically most of my life. I don't know why, but by inclination.

DOUGLASS: Did your parents lead you that way?

COBEY: No. Not particularly. Neither one. My father was absorbed entirely with the practice of medicine. My mother only became a liberal to try to win me back.

DOUGLASS: Something in common.

COBEY: Yes. Right.

DOUGLASS: I don't think we got this on tape. You were telling me that you were reading the newspaper .

. . .

COBEY: The Baltimore Sun.

DOUGLASS: Tell that story.

COBEY: It was a front page column by a fellow whose name is, I think, Frank R. Kent--I may have the first name wrong--but it was called "The Great Game of Politics." I read that from the time I started to read. It always absorbed me. Getting into public life was always my ambition.

DOUGLASS: And I take it that his column was fairly liberally oriented.

COBEY: I don't know that. I can't really tell you that. I don't even remember what his orientation was.

DOUGLASS: Let's put it this way. When do you think you were first aware that you were liberally oriented? Was it in high school?

COBEY: No. It was in college. I joined the Socialist party in college. That is the extent to which my liberalism went.

DOUGLASS: How did that go over with your family?

COBEY: They didn't like it. In fact, I was nominated for the state senate in New Jersey in 1934. I told them it was foolish. I was leaving to go to law school.

DOUGLASS: Did you actually run a campaign?

COBEY: No. I was out by the fall of the campaign. And I didn't accept it either. I thought that capitalism was unfair and unjust and that socialism was fair and just. I believed in the socialist views. I always drew a line between them and communism because the Communists would want to take over the government by force and we would do so only by the normal means.

DOUGLASS: Do you think the depression had a large effect on that?

COBEY: Yes. I think so. I saw the effects of The depression when I was in college. Yes, I think it had something to do with it, without any question.

DOUGLASS: You were in Princeton first . . .

COBEY: Well, I was always interested in organization. In New Haven I organized a taxpayer's group at the law school, to protest the imposition by the city of New Haven of a special tax. We students claimed that we were not residents of New Haven. And they claimed we were. I think we resolved that finally by agreeing to pay the tax, which didn't amount to much, provided it went only to the relief of the poor, or something of that sort.

DOUGLASS: During the years you were in undergraduate training and your graduate work, were you involved in any organized political activity?

COBEY: No. Aside from joining the Socialist party earlier, from the time I first registered to vote, I was a Democrat. That was the traditional party of my family, since my father came from southern Maryland and my mother from northern Virginia. I was always a Democrat, never thought of being anything else. Except, the most successful politicians in our family were Republicans. Two of my cousins--they both grew up in a the same small town--became U.S. senators from Maryland.

DOUGLASS: Did they? What were their names?

COBEY: J. Glenn Bell. Neither was a distinguished senator, but they did manage to get elected.

DOUGLASS: Were they brothers?

COBEY: No. Father and son.

DOUGLASS: Oh, father and son. One was named. . . .

COBEY: Both were named J. Glenn Bell. One senior and one junior.

DOUGLASS: Were either of them serving when you were a youngster?

COBEY: Yes. Both of them were serving during the educational phase of my life. I didn't agree with them.

DOUGLASS: So you were the loner of the family?

COBEY: Not in the sense that I was in politics. My older brother was in politics, too. At the end of World War II, after having served in the navy, he ran for attorney general of Maryland and got beaten for the nomination by what I consider an unholy coalition. It was the Baltimore bankers and the CIO [Congress of Industrial Organizations]. He was always very much interested in politics, although, as I say, he didn't have any success in politics. But he had a great deal of success in law and banking.

DOUGLASS: You decided to go to Los Angeles despite your reservations?

COBEY: Right. Despite the reservations. I didn't know anything about it.

DOUGLASS: Did the notion of moving to the West Coast have any difficulty for you?

COBEY: No.

DOUGLASS: All right. What year did you move?

COBEY: That was January of '40.

II. MILITARY SERVICE

Marriage and Service

DOUGLASS: And when were you married?

COBEY: August 1st of '42.

DOUGLASS: And where did you meet your wife?

COBEY: I met my wife at the last dance of my midshipman's class. We had three dates before we were married.

DOUGLASS: Well, maybe I better get you into the military first. [Laughter] What happened? You came to Los Angeles and you were working as a field attorney for the National Labor Relations Board. How soon was it before you became involved in the navy?

COBEY: I enlisted in the naval reserve the day after I was classified 1-A in the draft.

DOUGLASS: Which would have been . . .

COBEY: That was about the middle of '41, I guess.

DOUGLASS: Still pre-Pearl Harbor.

COBEY: Yes. I didn't want to serve in the infantry. So I joined the navy instead. I started naval training at Northwestern [University] in Chicago in January of '42. And I was commissioned in May of '42, and then I volunteered for motor

torpedo boats. PT [Patrol Torpedo] boats. Which was a volunteer service as far as the officers were concerned. I guess, technically, they are motor torpedo boats. They are eighty feet long and twenty feet wide.

I then took my training at the motor torpedo boat training center, which was in Melville, Rhode Island on Narragansett Bay. I did that May, June, and July of '42. Then on September 19th our boats were loaded aboard a freighter, the S.S. Fairisle of the Waterman Steamship Company. We were loaded aboard at the Brooklyn Navy Yard. We brought the boats down from Newport to the Brooklyn Navy Yard. Our PT boats were reinforcements for Squadron Six. Reinforcements at Guadalcanal.

Fortunately for me, [General Douglas] MacArthur, who had been rescued by the PT boats, asked for PT boats in the Southwest Pacific, his command. So, our squadron was split up, and my boat was one that went to the Southwest Pacific and not to the South Pacific. The boats had two officers apiece. We were the first PT boats into New Guinea waters. My crew was firing machine guns at the Japanese the third time they had ever fired their guns. We had very little in the way of training time ashore. At one time, we were the only surface unit of the U.S.

COBEY: Seventh Fleet.

In February of '43, I got malaria.

[Interruption]

I came home with malaria. I was first at the Philadelphia Naval Hospital. I came home on a cruiser and was then at the naval hospital at Newport. Then I joined the instructional staff of the motor torpedo boat training center. Then I got into combat intelligence as the assistant officer in that respect. I was interviewing all the returnees and getting their suggestions for improvements in equipment and tactics. Then I was assigned to Washington, D.C. with the Chief of Naval Operations [office]. That is when I did the rewrite of the motor torpedo tactical doctrine.

DOUGLASS: This would be like a handbook?

COBEY: Yes. It is a very small book. I have one copy and I can show it to you.

DOUGLASS: This was the actual tactical orders?

COBEY: Tactical. How the boats should perform.

DOUGLASS: "Confidential. Non-Registered."

COBEY: By the time that book was finally cleared, I was no longer eligible to have a copy. So, on V-J Day I had a WAVE [Women Accepted for Voluntary Emergency Service in the navy] steal that copy.

DOUGLASS: You put a lot of work into that, I suspect.

COBEY: Yes. I did. But, of course, it is something I am good at. I have always been a wordsmith.

DOUGLASS: Did this need redoing or did you write . . .

COBEY: The navy felt that it had to be brought up to date. It was written at the start of the war.

DOUGLASS: That is what I meant. You revised it.

COBEY: I revised the job that had originally been put out.

[Interruption]

DOUGLASS: When was it that you rewrote that handbook? Were we in '43, '44?

COBEY: The winter of 1944-45.

DOUGLASS: Where were you physically at this time?

COBEY: Where was I physically? I wrote this in Washington, D.C., but I was still attached to the motor torpedo boat training center. So, I came back to that.

DOUGLASS: Which was headquartered where?

COBEY: In Melville, Rhode Island, on Narragansett Bay just outside of Newport. So, I came back there. Then I applied for transfer to the contract termination division of the Bureau of Aeronautics. I had an uncle who was chief of the Supply Division of the Bureau of Aeronautics. So, I got that assignment.

Richard M. Nixon

COBEY: After a month or two of training, I went back to New York City in the contract termination

division of the Bureau of Aeronautics. The person occupying the desk next to mine was Richard Milhous Nixon.

DOUGLASS: Oh, really.

COBEY: I have known Dick Nixon for many years. In those days, we used to exchange casserole dinners and occasionally get drunk together.

DOUGLASS: So you each had your wives with you in New York.

COBEY: Yes.

DOUGLASS: Where were you living? In Manhattan?

COBEY: At that time, in Pelham Manor. If you know the New York area, it is in Westchester County.

DOUGLASS: What were your first impressions of the Nixons?

COBEY: I liked him. We used to take long walks together at lunch. We both had armchair jobs, and so we walked. We never discussed politics. Really, what we discussed with respect to him, was as to whether he should stay in the best law firm in Whittier or join one of the corporate law factories in Los Angeles, Chicago and New York.

DOUGLASS: So you each were thinking ahead about your professional career, and you both were out of the L.A. [Los Angeles] area at that time.

COBEY: Right. I also supported Nixon when he ran for Congress, although it was misguided because [H. Jeremiah] Jerry Voorhis, the man who was knocked

out, was one of the best congressmen who ever was.

DOUGLASS: At that time, that would have been '46, were you doing that partly because you knew Nixon personally?

COBEY: Yes. That was the basic reason for doing it.

DOUGLASS: Did you see him in later years, particularly, at all?

COBEY: No. When he ran for governor in '62, he attacked the administration of the social welfare program. And I issued a long statement at the insistence of [Governor Edmund G.] Pat Brown [Sr.], his opponent, defending it. Because I had conducted the legislative investigation of what was then the aid to needy children program.

DOUGLASS: You were on the Social Welfare Committee and chaired it for a while.

COBEY: Yes. The origins of that committee is interesting, too. When we set up our committees, which are set up at the start of each legislative session, as you probably know, we then called them interim committees. Now they have adopted a much more laudatory designation, select committees. We didn't have any on labor. I objected because the U.S. Senate had one on labor, and I thought that the state should have one on labor. So, then they

made it [the Committee on] Labor and Welfare.

And they did it with malice aforethought because I was a persona non grata to the leadership of the state senate, which was a bipartisanship leadership, because I was a reformer. And reformers create hard votes. So the house leadership thought this might create real problems for me, representing rural areas and having to deal with welfare legislation.

DOUGLASS: But you were chairman of what was called the Social Welfare Committee in 1961.

COBEY: That is right.

DOUGLASS: That was why you made this statement on the behalf of Brown?

COBEY: Right. That was my field.

DOUGLASS: At that point, you were definitely supporting Brown and not Nixon, I gather.

COBEY: I supported Brown the whole time. I never supported Nixon for anything except that one congressional race.

DOUGLASS: Did you ever see him again? Personally?

COBEY: I don't think we have, as I recall.

DOUGLASS: How long did you serve together in New York?

COBEY: Several months. When the war ended, I never saw him after that.

DOUGLASS: And you were discharged when?

COBEY: I was discharged in January of '46. Severance

took three months, a time when I went around trying unsuccessfully to get a job.

DOUGLASS: Were you trying on the East Coast?

COBEY: I was trying out here. I went to Los Angeles, San Francisco, Portland, and Seattle. I didn't find any jobs to my liking, so then I came back, reluctantly, to the labor board.

DOUGLASS: To pick up on your marriage. You described your naval training. Was it at the graduation party when you finished your initial training that you met your future wife?

COBEY: No. The last dance.

DOUGLASS: The last dance?

COBEY: The last dance of my midshipman's class. I met her in Chicago. She comes from the suburb of Le Grange. That is where we met. Had a whirlwind romance.

DOUGLASS: What was she doing at that time?

COBEY: She was what was called a Field Flyer, which was at Marshall Field's. She was putting together ensembles for customers. She had taken her bachelor's from the University of Iowa in fine arts and drama. I think there were only four schools which gave such degrees at that time. So she had gone to Iowa. And before that she had gone to Stephens College in Missouri. That is our background.

DOUGLASS: When you got out of the service, you both had to

move to Los Angeles. She had not lived in Los Angeles?

COBEY: Yes. We were both immigrants.

DOUGLASS: You went back to the NLRB as a field attorney.

COBEY: Right.

III. LEGAL CAREER IN LOS ANGELES

Judge Clement Shinn

DOUGLASS: Then what happened?

COBEY: I don't remember if I related this on tape. This was when Judge [Clement] Shinn got together with Howling Smith (marine amphibian landings, World War II). My sister-in-law informed him that I would be interested in being his law clerk.

DOUGLASS: Yes. That is not on tape. Now, who was Judge Shinn?

COBEY: Judge Shinn was then an associate justice of the California Court of Appeal in Los Angeles. He had hunted ducks with Smith, and he had just persuaded his two colleagues on the division that they needed a law clerk. A court of appeal sits as a three-judge panel. At that time they were permanent. He had persuaded his two colleagues that they really needed a law clerk. What they did, they used the ladies who had been their secretaries, who had passed the bar. All they did was check transcript

references and citations. And they didn't do any independent research. He wanted some independent research. So that is why I was hired and became the chief law clerk for that division.

DOUGLASS: Now what would have been the salary difference in the two positions?

COBEY: I took a salary cut. My first salary as a law clerk was \$435 a month.

DOUGLASS: Now is this '47?

COBEY: It was in November of '46 that I went to work for Judge Shinn. I don't make any bones about him, Enid, I am very prejudiced. The reason I am is he had never been to law school himself. His father was a very successful criminal defense lawyer here in Los Angeles. Clem wrote decisions by the cut-and-paste method. In other words, he would write a draft and then he would take out his scissors and cut them out and that sort of thing. But his was the most brilliant analytical mind I have ever encountered. He was the guy who really educated me and made me really love law. Changed me completely around.

DOUGLASS: You must have enjoyed each other. He must have liked having you there?

COBEY: The best day that I remembered as a clerk, I walked into his chamber at nine o'clock one

morning and raised a point which I was working on. We started arguing. We argued all morning. We went out to lunch to some little hole-in-the-wall Mexican restaurant. We argued during the lunchtime. We came back to his chambers, we argued all the afternoon until five o'clock. That was the best day I ever had.

DOUGLASS: Do you remember what the subject was?

COBEY: No. [Laughter]

DOUGLASS: He respected your opinion.

COBEY: He was awfully nice to me. He was a Republican. He knew that I was a Democrat. Oh, I do have to tell you about his hiring me.

[End Tape 1, Side A]

[Begin Tape 1, Side B]

COBEY: I came into the conference room. So, he took over the interview. He said, "Mr. Cobey, I understand that you are an attorney for the National Labor Relations Board." I said, "Yes, sir." He said, "Tell me, has the National Labor Relations Board ever issued a decision in favor of an employer?" I said, "Yes. I can only testify from own experience, but I have seen quite a few of them." He said, "Mr. Cobey, between the A.F. of L. [American Federation of Labor] and the C.I.O., the Labor Board has consistently favored the C.I.O." I said, "Again, I can only testify as to my experience,

but I have not seen any evidence of that at all."

I walked out of that interview, and I said to my friends, "Well, that is one job I didn't get." Later on, I had a couple of them call him to explain that I was not as radical as he thought I was. To my amazement, in about three days he called me and told me that the job was mine.

After I had been working for him for about a year, he leaned back one time--and he loved to chew on unsmoked cigars--he was chewing on his cigar, and he said, "Cobey, how did you like that interview we gave you?" I said, "If you want a frank answer, I didn't." He said, "Well, you just didn't understand. I had a couple of colleagues that didn't really think we needed a law clerk. And I had to convince them that you were not my Charlie McCarthy." That was a perfect example of his ways.

DOUGLASS: How old a man would he have been at that time?

COBEY: I figured it up the other day. I think he was sixty-seven. He had been a superior court judge. In fact, he had decided the Hearst case, which is one the big cases in Los Angeles history.

DOUGLASS: Who had appointed him?

COBEY: Let's see, it was [Governor] Earl [M.] Warren.

DOUGLASS: So he went on in the forties?

COBEY: Yes. As a matter of fact, that division was created in 1941. He was one of the original three members of that division. So that is when he went on the appellate court, in 1941.

DOUGLASS: Sounds like he had quite an effect on your life.

COBEY: Well, he did because he was a man who I intensely admired. He could write beautifully, but more than that, he could think, analytically, better than any person I ever encountered.

DOUGLASS: Did you ever have political discussions with him?

COBEY: No. We stayed away from politics completely. I filled a gap in his life. I didn't realize it. He had an only son who had gone through Boalt Law School at the University of California [Berkeley], but he hated the law. When he came back from naval service, he started a dealership for foreign cars up in La Canada, and he never went back to the law. He was the only child. There was a big gap in Clem's life. I sort of filled that gap. And he had a lovely wife, who was very quiet.

To my thinking, Clement Shinn was everything that a judge should be. To cap it all off, I think I mentioned it to you, when I

was defeated after reapportionment, then he resigned in order to create the vacancy to make my appointment possible to the court.

DOUGLASS: That is amazing. So, in other words, he timed his resignation . . .

COBEY: In fact, he put it on the paperwork. "Pat. If you will appoint Cobey to succeed me, I will resign."

DOUGLASS: So that would have been in that short time frame.

COBEY: Yes. After the election and before the end of the year.

DOUGLASS: He had a good relationship with Brown, I assume.

COBEY: He and Pat actually didn't like each other. Clem never trusted Pat. They were both members of the Commission on Judicial Qualifications. Clem was the senior appellate judge at that time in this area. He didn't trust Pat. A mutual friend of ours who is now dead--a good friend of mine--had to persuade Clem that he could trust Pat on this. That Pat would not double-cross him on this.

DOUGLASS: Brown's motivation was to do something for you. It was not so much that he had this relationship with Shinn?

COBEY: No. He was doing something for me because I had been a state senator for twelve years. I had given him loyal support. Therefore, I wanted a

judgeship.

DOUGLASS: Well, was Shinn thinking of retiring in the next year or two?

COBEY: No. But he was eighty-nine years old and could retire anytime. But he retired just to take care of me.

DOUGLASS: How did the subject even come up? Did he get in touch with you?

COBEY: No. As a matter of fact, after our defeat, when we were down here visiting with him, he never even mentioned it. That is his usual fashion. I didn't even know it was in the works, although I certainly hoped something was in the works.

DOUGLASS: Is that when you talked to Brown about a possible judgeship?

COBEY: Oh, I am sure I had earlier. So, Brown knew that I wanted a judgeship. [Richard] Dick Richards gave me the best advice on that. "Now, don't tell Pat that you will take the superior court. Because if you tell him that, that is all you will get. You want the court of appeal. Stick with the court of appeal." So that is what I did, and that's what I got.

DOUGLASS: That is quite a story. What a friend. He thought a lot of you or he would not have done that.

COBEY: I organized a little group called the "Bird

Watchers." There were about seven of us who were not identified with the two power blocs in the California senate. [Walter W.] Walt Stiern was one of the members of the Bird Watchers.

DOUGLASS: What was the goal of this group?

COBEY: To support the governor. I felt that a Democratic governor deserves the support of a Democratic legislature.

DOUGLASS: And these were senators.

COBEY: These were all senators. No assemblymen. We were a bloc he could really count on.

DOUGLASS: So that might be another reason Brown was interested in taking care of you.

COBEY: Right.

DOUGLASS: Who was in the Bird Watchers? Do you remember?

COBEY: I would have to get out a handbill of some sort to remember them all. John [W.] Holmdahl was in it. [Albert S.] Al Rodda.

DOUGLASS: Stiern. It was an interesting group. Were you the key person in getting that started?

COBEY: Yes. I have always been interested in human beings and how the world runs.

DOUGLASS: What really stimulated you to go to the point of organizing this kind of group?

COBEY: Well, he needed it. He needed the help. He had a rough time in the senate. George Miller [Jr.] gave him a rough time. Hugh [M.] Burns gave him a rough time. Both were titular leaders of the

Democrats in the senate. He needed some help.

DOUGLASS: In what way did Miller give him a rough time?

COBEY: Well, George did not feel any obligation to support him. So, often he didn't.

DOUGLASS: So, in other words, he would act quite independently of the governor and quite purposefully.

COBEY: Well, George Miller never got over the fact that Pat Brown was governor and he wasn't. He knew that he was a lot smarter man than Pat Brown. Which he was.

DOUGLASS: So Brown had launched himself from the attorney generalship into that, and Miller would have liked to launch himself from the senate.

COBEY: Yes.

DOUGLASS: Well, how about with Burns. What was the problem between Brown and Burns?

COBEY: Well, Hugh Burns, first and foremost, was a lobbyist's man. There were cracks about his being "the greatest senator that money could buy." I don't know if he did anything dishonest. He played all these games with the lobbyists. Brown could very rarely depend on him right down the line.

DOUGLASS: In other words, Brown did not know what he would do. Was your interpretation, this would be according to what lobbyist was pressuring him?

- COBEY: Yes. Who had greatest influence at that particular time.
- DOUGLASS: Let me stop here. We will get into Burns later. Let's go back to your being the law clerk for Judge Shinn. What was your next decision, in terms of your profession? How long were you a law clerk?
- COBEY: Well, I was his law clerk from October of '46 until February of '48.
- DOUGLASS: So that was quite a while. You did have an intensive training.
- Los Angeles County Counsel's Office
- COBEY: Then, in February of '48, I went over to the Los Angeles County Counsel's office. I was with them until the end of '48.
- DOUGLASS: Would you just explain what the distinction is between a county counsel and a county district attorney?
- COBEY: Well, a district attorney handles all criminal matters. In other words, serious crimes, their prosecution. The county counsel is the legal advisor to the board of supervisors and to all the county department heads. One is a civil lawyer and one is criminal prosecutor.
- DOUGLASS: The county counsel is always around in education, giving opinions.
- COBEY: Right. I am very prejudiced, of course, but I think the county counsel is probably the best

public law office there ever was in California.

DOUGLASS: Is it sort of like the legislative counsel, an opinion-giving body?

COBEY: Yes. When they are requested. It gives opinions and advice in other forms. I was told before I left the office that I had already been ticketed as one of the key people. I was understudy to the guys who were advising the board of supervisors.

DOUGLASS: Who were they?

COBEY: A. Curtis Smith and George Wakefield. George was with them for thirty years.

DOUGLASS: What was your title when you went to the county? A deputy?

COBEY: A deputy.

DOUGLASS: Were you given an assignment?

COBEY: Yes. I got into elections. I was an advisor on elections and agriculture, of course. Writs. I handled the defense against all writ applications which were brought against the superior court.

DOUGLASS: That is an interesting combination of fields. Was all of that, except maybe for writs, was elections and agriculture something where you learned quite a bit, in terms of the substance of it.

COBEY: Yes. I read the Elections Code completely. We

won the three suits that were filed in 1948 against us by each of the parties. That is when I got into election law. Of course, a lot of it has changed.

DOUGLASS: Were you working directly under Wakefield?

COBEY: No. Harold Kennedy was the county counsel. A man who I did most of my work under was A. Curtis Smith. He was a very brilliant lawyer and a very keen analytical mind. He is the one I did most of my work for. He became a superior court judge.

DOUGLASS: Maybe I had it wrong. You said that you had heard later you were an understudy to be . . .

COBEY: Yes. I had been ticketed to be an understudy. Who was it? Was it Wakefield who was then representing the county board of supervisors? I have forgotten.

DOUGLASS: The person who was their legal advisor . . .

COBEY: Yes.

DOUGLASS: It would have been quite a powerful position.

COBEY: Right.

IV. MERCED AREA

Law Practice in Association with C. Ray Robinson

DOUGLASS: What led you to leave the county counsel?

COBEY: Because I wanted to get into private practice. I didn't want to stay in public practice. And this looked like quite an opportunity. C. Ray

Robinson was undoubtedly one of the great plaintiff's personal injury lawyers in the country. And the firm dominated the little county. I went up there in the beginning of '48. There were forty lawyers in the whole county, and there were ten of them in his law firm.

DOUGLASS: Now, you said these were all in association. He didn't have any partners.

COBEY: He didn't have any partners.

DOUGLASS: That is very interesting that the leading lawyer in the personal injury cases would be up in Merced.

COBEY: He was a very smart guy. He cornered all of that personal injury business in that area and some other areas as well. He eventually opened a branch office in Auburn. He was a Merced boy. He had grown up there.

DOUGLASS: How did this opportunity come about?

COBEY: Through Clement Shinn. Clem Shinn and Ray Robinson hunted ducks together, and they were great friends. I was due to go into one of the principal downtown law offices here. And the partner through whom Clem was secretly working dropped dead. The number two man was not close to Clem. So that opportunity was out.

So then Clem thought of Ray Robinson in Merced. He had to persuade both of us to accept

the deal. We flew up there on Armistice Day of 1948, Jinny and I. And he was smart again. Clem was always smart. He knew if I drove through that godforsaken county, I would not want to be up there. So, he picked the time of year, too. October and May are the best months, before the winter fog and the summer heat. Jinny and I flew up there, and we decided it was a good opportunity for private practice. I was offered the munificent salary of \$500 a month, but I thought it had possibilities. I was very anxious to get into private practice, so we took it. We never had heard of Merced before we went up there. I had great confidence in Clem Shinn's judgment. So that is the story.

DOUGLASS: Obviously, you were in communication with Judge Shinn all through your life.

COBEY: Yes. I stayed in communication with him because I had great respect for him. Every time I was down here I always saw him.

Community Activities

DOUGLASS: So what was it like when you first moved to Merced?

COBEY: It was a change, living in small town, but I had grown up in a small town. I have to tell you one story. During the war, of course, every guy in the war was thinking that he was going to

live life differently after the war. So I said there were three things, as far as I was concerned. I was never going to live in a hot climate because I hated the tropics. There one other thing which I have forgotten besides the small. I will remember it. Anyway, Merced represented everything that I said I was not going to do. [Laughter] That is the way it ended up. But we enjoyed Merced.

DOUGLASS: What was the population of Merced when you moved there?

COBEY: Twenty thousand perhaps. My wife, of course, was terrific at community activities. She organized the League [of] Women Voters. She organized their social organization--I forget what it was--an equivalent of the junior league. She was just awfully good at all of that stuff.

DOUGLASS: How old were you?

COBEY: I was thirty-five.

DOUGLASS: You were thirty-five, and you had youngsters, too.

COBEY: I had one. The second one was born right after we moved to Merced. We have three children.

DOUGLASS: So your wife got very involved in the community.

COBEY: Oh, yes. Very much so. Then, for example, one of the doctors was slated to be the commander of the American Legion post. Well, I joined

the American Legion down here [Los Angeles] in the county counsel's office because Harold Kennedy organized it, and he was the head of the office. I decided it would be wise to join the American Legion, so I did.

When I got up there and this doctor decided after he had become vice commander that he could not take over the commandership. They wanted somebody else to be commander so I became commander. That was very funny, too. This guy got up and delivered this impassioned nominating speech for me, and then he could not remember my name. I became post commander, and then I became district commander. The year I ran for the state senate I was slated to be the departmental commander, which means state commander. I had an offset to Gordon [H.] Winton in that election because he had the V.F.W. [Veterans of Foreign Wars] and I had the Legion.

DOUGLASS: That's right. What other community activities did you get involved in?

COBEY: I was vice president of the county chamber of commerce. I think that I was on the city chamber of commerce. You can only go so far with chambers of commerce because you could not supplant to your clients. For example, I

relinquished the presidency of Merced because one of my clients wanted to president, and the client always comes first.

DOUGLASS: I read in the Handbook for the legislature you had been active in both city and county.

COBEY: As I recall, it might have been. Other interests, I don't remember any other interests offhand. I got interested in the Democratic party in 1952 when Adlai Stevenson was the candidate because I was very much in his corner.

DOUGLASS: What role did you play? Did you work on the campaign in your area?

COBEY: Yes. I worked on the campaign in my area, trying to get my two counties to support Stevenson. It didn't work because they were for [Estes] Kefauver. He was the Tennessee boy with the coonskin cap. I am trying to think. I don't remember any other activity. I was pretty busy practicing law. C. Ray Robinson had high professional standards if you expected to work in his office.

[Interruption]

Law Practice Activities

DOUGLASS: When you went to the law firm, were you coming in with the notion that you would develop any particular specialty?

COBEY: Not at that time. The only specialty was that it was basically obviously engaged in

litigation. Personal injury. I was not going to be in that. I was going to be in the business section. Ray was local counsel for the Bank of America and Southern Pacific Railroad.

DOUGLASS: So, you are finally doing what you had been originally envisioned and been trained for?

COBEY: Yes. In a sense. But I never really got into corporate law to the extent that I felt that I really used the training I got at the Harvard Business School. It was a country practice.

DOUGLASS: They had a wide variety.

COBEY: Yes. A lot of our clients were Portugese, for example. As a matter of fact, that congressional district between Modesto and Fresno had the greatest ethnic diversification of any congressional district in the country.

DOUGLASS: What other ethnic groups did you have beside Portugese?

COBEY: Italians. Iranians. Portugese were the principal ones.

DOUGLASS: And you dealt with some of them in the court with what you were doing.

COBEY: Oh, sure.

DOUGLASS: When did you develop this expertise in water law? Is that when you were with C. Ray Robinson?

COBEY: No. I developed that one when I was a law clerk. One of the cases I worked on was

City of Pasadena v. City of Alhambra,¹ which was the great case in groundwater law in California until the last few years when Los Angeles against San Fernando displaced it. But that is where I got interested in water law.

DOUGLASS: What year was that case decided?

COBEY: Let's see. I am trying to remember whether it was decided before or after I left the court.

DOUGLASS: Anyway, you worked on the research.

COBEY: The research. We reversed the trial judge; then the supreme court took over and reversed us.

DOUGLASS: So it went back to square one.

COBEY: Yes. That's is when I got fascinated because, of course, as an easterner, I knew nothing about water law.

DOUGLASS: What was the essence of the friction?

COBEY: The controversy in that case. Let me see if I can remember it. I can look at the case and find out. My opinion, the opinion I drafted for Judge Shinn is in the 180 Pacific 2d, as I recall. Normally, those opinions are not published, but that one got in.

DOUGLASS: This was a landmark decision.

COBEY: Yes. That's when I got fascinated with water

1. 180 Pacific 2d 699 (1947).

law.

DOUGLASS: And you said it was on groundwater.

COBEY: Yes. That is water from under the ground, not on the surface. Ray was also counsel for the Merced Irrigation District, which somehow he had picked up in the legislature. I was the backup on that. I was not the chief counsel. That is when I got interested in water law and formed water districts.

As a matter of fact, I was one of the principals in forming what is called the Central California Irrigation District, which I think is the last big irrigation district that was formed in California. About 160,000 acres on the west side of Stanislaus, Merced and Fresno Counties.

DOUGLASS: Now did you do this before you went to the senate?

COBEY: I went to the senate in '55. Yes. We had formed that. In fact, that is why my name was well known on the west side of Merced County. Two thirds of the population live on the east side, and one third live on the west side. The San Joaquin River is the dividing line. I was well known on the west side because we had a series of public debates on that in which I had represented those who wanted to form the district. We were debating one of the lawyers from Miller & Lux, which controlled the water

supply in that area, and who we were going to supplant.

DOUGLASS: Now were you doing this as a paid lawyer?

COBEY: Yes. A paid lawyer.

DOUGLASS: And still with C. Ray Robinson?

COBEY: Yes. I don't think C. Ray Robinson ever took a breath without getting paid for it.

DOUGLASS: That's probably why he got where he did?

COBEY: Yes. He ended up quite a wealthy man.

Law Firms

DOUGLASS: At some point in here you formed your own law firm. When was that?

COBEY: That was not until '61. I was in Ray's office for eleven years or better.

DOUGLASS: Oh. You were with Robinson when you went to the senate.

COBEY: Oh, yes.

DOUGLASS: OK. What was the name of your law firm?

COBEY: Cobey & Adams.

DOUGLASS: And what is Adams' first name?

COBEY: William. Bill Adams and I were both associates in the Robinson law firm.

DOUGLASS: OK. You split off. What was the reason for that?

COBEY: Because I inherited some money from my mother and I guess I was looking to do that.

DOUGLASS: This is where you wanted to be.

- COBEY: Right. I wanted to set up my own office.
- DOUGLASS: And this may have been easier, too, to have that arrangement when you were still in the senate.
- COBEY: Yes. We finally got one associate. It was a three-man office.
- DOUGLASS: I gather that you had worked well with Adams over the years?
- COBEY: Yes. He was one of the top men at Hastings [School of Law]. He is a very good lawyer. That was one thing I was very much interested in was having somebody who was a top flight lawyer who could take care of our practice while I was up in Sacramento. My arrangement with Adams was that I took sixty percent of the net. He took forty percent of it. I am considerably older than he is. About fifteen years or better. When I was in Sacramento, he took care of the practice completely. I didn't have to bother about it.
- DOUGLASS: Was it a general practice?
- COBEY: Yes. It could not be anything else. We were special counsel for the Merced Irrigation District. We were probably special counsel to that irrigation district they formed, which is the Central California Irrigation District. But I was never able to get those two accounts away from Ray.
- DOUGLASS: Yes. I suppose when that happens, the

inevitable competition for clients comes.

COBEY: Ray was tough, and he was a hater. But, on the other hand, he gave me a great opportunity. He was very nice to me. His wife, who had great social ambitions, was very fond of Jinny. So we always had a special status when we were in his office. He generally socially entertained only about two members of the office, and we were always one of those. He gave me his blessing when I ran. He didn't think I would win. He let me take time off. I spent from February of '54 on to the election campaigning, with very little time in the office. Practically all on the campaign. He paid me my full salary. After I got elected, we reached agreement on how much he would pay me. He was very nice to me.

DOUGLASS: How long did Cobey & Adams exist?

COBEY: From '61 to '66. My mother died, as I recall, in May of 1960. When I started getting money from that inheritance, I made plans to leave. I think I left in September of '60 just by myself. But I was looking around for somebody to take care of the practice while I was in Sacramento.

Bill Adams agreed, and so we started out in '61 and we lasted until the end of '66, when I was appointed to the court of appeal. In a sense, that was a breach of faith because I had

induced Adams to come with me on the representation that when I got out of the legislature, I would be able to devote my time to a full-time practice. But instead I went to the court.

DOUGLASS: Strange things do happen. Did he go on? Did he get another partner?

COBEY: Yes. He took our associate as his partner, and then it became Adams & Quigley. We were very proud of our professional ranking. When I was in the legislature, there were only two legislators who had "av" ratings in Martindale's [Martindale-Hubbell Law Directory]. Do you know what Martindale's is?

DOUGLASS: Something like Standard & Poors?

COBEY: Yes. It is short for Martindale-Hubbell. It rates lawyers. Of course, you get rated by your colleagues. It is a secret process. My brother used to do it back in Maryland. I did it here in California. There was only one other senator. I don't know if you interviewed [Donald L.] Don Grunsky.

DOUGLASS: Someone else on the project has, I believe. I have not.

COBEY: Grunsky and I were the only two members of the legislature who had "av" ratings, which are top ratings.

DOUGLASS: What does "av" stand for? Like "A plus"?

COBEY: Yes. God knows what the "v" [very high general rating] stands for, and "a" [very high legal ability rating] is like the academic "A." You can't have anything except a "c" rating for the first five years of your practice. At least, that is the way it used to be. Then you move up "c," "b," and "a." I ended up with an "a," and I was very proud of that. I always wanted to maintain my competence in my profession, and that was the mark of it.

DOUGLASS: Within the Robinson firm, you did develop a specialty in water law.

COBEY: Yes. I did some of it. I was not the chief one. They had another lawyer who was older than I was who was the chief office lawyer.

V. ENTERING POLITICS

Decision to Run for State Senate

DOUGLASS: If am correct, you had never run for an elected office until then.

COBEY: Until I ran for the senate.

DOUGLASS: Had you had in the back of your mind that you might want to run for state legislature?

COBEY: Not necessarily the state legislature. Naturally, I was thinking of congress. When I hit Merced at thirty-five, I had pretty well given that up as a childhood ambition which would not be realized. I had to concentrate on

making myself the best and most visible lawyer around.

DOUGLASS: What happened to change your perspective?

COBEY: George [J.] Hatfield died and the seat was open.

DOUGLASS: I take it his death was quite unexpected.

COBEY: Yes. It was. George was quite a guy. George Juan Hatfield.

DOUGLASS: George Juan?

COBEY: Yes. George ran the senate from '42 to '52. [Arthur H.] Art Samish, the lobbyist, controlled the assembly. Earl Warren was in the corner office. They were the main political leaders of California. I never attained any bit of the power that George had. He was an impressive figure, and, for that reason, in that area, they thought the state senatorship was tremendously important because he had made it so.

DOUGLASS: He made it. Did you meet Hatfield during these years?

COBEY: I testified before him once on behalf of the veterans. He certainly would not remember me. I think I testified in '41. His daughter was very smart. She is a Stanford [University] graduate. She took the stump against me when I ran.

DOUGLASS: Oh, did she?

COBEY: Thank god she had only time for one speech.

DOUGLASS: On that first primary.

COBEY: It was not the primary. It was the general election. She was a Republican, and he was a Republican.

DOUGLASS: He died in November of '53, and the seat simply stayed open. Is that right?

COBEY: Yes. Because the board of supervisors, as you know, Enid, farmer's thinking, they didn't want to have the expense of a special election.

DOUGLASS: That's right.

COBEY: The board rather let the seat stay open until it came up in the general the next year. Which, again, was a great break for me.

DOUGLASS: So, they didn't want to go to the expense of the special election. Of course, '54 was a budget short session, too. They probably figured that they could let it ride.

COBEY: Yes. I got elected in '54 and was there in '55.

DOUGLASS: They just let the basic election process move forward.

COBEY: Yes.

DOUGLASS: How did the idea that you would run get jelled?

COBEY: I saw the opportunity. All my life I wanted to be in public office. And this was my first chance to be so. The only thing I had had to do with public office was, I was the legal advisor (although technically Ray Robinson was the city attorney) for the very small town of Atwater, just north of Merced. So, I used to attend

their council meetings.

DOUGLASS: Were you a backup? Were you assigned?

COBEY: Yes. I was assigned to do that. Then, of course, the formation of the Central California Irrigation District and that sort of thing. This was a lifelong ambition on my part to get into public life.

DOUGLASS: Now you had not been on the county central committee. Did you have any party ties?

COBEY: The Democrats had a very loose organization in those days in California. I would not make much difference if you were on the county [central committee]. I guess technically, I was on the county central committee, but I wasn't one of the . . .

The Senate Race (1954)

DOUGLASS: Who did you figure would be throwing their hat in the ring when it was open?

COBEY: I was very much afraid of Gordon Winton because of the status of his family and his own status. Then the mayor of Merced, which was the largest community, came out. I knew that would be tough. Then a guy who became the Republican nominee who won the Republican nomination, Milton Reiman, who was the world's largest turkey grower. Milt and I had a background which was similar. He came from a part of

Pennsylvania which adjoined mine in Maryland. So, we came from the same neck of the woods, although we had not known each other. Who were the other candidates?

DOUGLASS: There was Don [C.] Mayes.

COBEY: Don Mayes was a maverick. He had gone to Stanford, I think. He was a poor man's lawyer.

DOUGLASS: He taught a little bit at [University of California] Berkeley.

COBEY: He may have.

DOUGLASS: Gordon Winton had mentioned that.

COBEY: Gordon Winton and he were partners.

DOUGLASS: Or good friends.

COBEY: I think they were partners. I may be wrong. I always thought they were partners. Mayes and I had absolutely no use for each other.

DOUGLASS: He was a very liberal person?

COBEY: I guess so. He was always looking out for the poor man.

DOUGLASS: Then there was Dean [S.] Leshner. A newspaperman, wasn't he?

COBEY: Leshner is supposed to be worth at least \$14 million now. Yes. He was the newspaperman. He published both of the daily papers in the district.

DOUGLASS: That would have been awesome.

COBEY: Yes. He was obnoxious to meet because he was one of these people who was always compensating

for his lack of height. He and I developed, during the course of the campaign, a strong dislike for each other.

DOUGLASS: Kenneth [E.] Morley was the mayor of Merced.

COBEY: A very nice, decent little guy.

DOUGLASS: Was he a sitting mayor, or had been?

COBEY: Maybe he was had been. I can't remember that portion. If his term had expired, it had just expired. And there was very little Third House money in that race because the Third House could not figure who was going to win. Who to back.

DOUGLASS: This was the days of cross-filing. So everybody went for the primary.

COBEY: Yes, right.

DOUGLASS: And you figured out of that group, that Winton was the one you had to beat.

COBEY: Yes. You had to beat.

DOUGLASS: Even though you both were Democrats.

COBEY: Yes. Right. Remember, under cross-filing, you have to win the nomination of your own party. So Winton was the big obstacle.

[Interruption]

DOUGLASS: I would like to get into the way the two of you campaigned. First of all, how did you get organized for a campaign?

COBEY: Is it on tape about my selection of an

investigator, the sole investigator of the Madera [County] district attorney's office. Who was absolutely perfect, because not only was he extremely competent, but his mother was an Okie. She was married to a Hispanic. He had always been very fair to blacks in his role in the D.A.'s [District Attorney] office. He knew everybody, and everybody respected him. He was a tremendous plus. That is where I beat Winton. I beat him in Madera County.

DOUGLASS: He came out publicly for you, or he managed your campaign?

COBEY: He managed my campaign. I suppose, everybody knew it in Madera County.

DOUGLASS: Why was he willing to do that?

COBEY: Well, his boss, the district attorney, was a good friend of Ray Robinson's. That is how that arose.

DOUGLASS: That gave you that crucial leg up in Madera County. In Merced County, Winton was well known.

COBEY: Yes. In Merced County, I had participated in all of these debates on the formation of the irrigation district on the west side. So I was well known on the west side. I think those two factors were about it. When the first election returns came in, they naturally came from Merced. I was trailing badly. I was not only

trailing Winton, but I was also trailing Mayes, on the Democratic side. In fact, I called my mother back in Maryland and my older brother said it has been a great experience, but I was not making it.

The next morning I was down at the law office at about eight o'clock. A guy walks in and says, "You are winning the race." I said, "How come?" He said, "The Madera returns may swing the deal."

DOUGLASS: Those were the days when we really didn't know.

COBEY: Right. I didn't have money to take any polls. With all due deference to Gordon Winton, he could have won that if he had worked. But he didn't work.

[End Tape 1, Side B]

[Begin Tape 2, Side A]

DOUGLASS: I was interested in the style of campaigning in the fifties, as contrasted to today. What would you do? Would you have ads in the papers?

COBEY: We had ads in the papers. We had these little hand cards. We have some of them around somewhere.

DOUGLASS: Like a calling-card type?

COBEY: Yes. That you handed to voters.

DOUGLASS: Did you go door-to-door at all?

COBEY: I went a bit door-to-door. I found out that didn't pay very much. But one precinct I will tell you about because of one of the dairymen. Dairying is a big industry in that part of the state. Merced County at that time was fourth in dairy cattle in the United States, and, I think, tenth or eleventh in beef cattle. And in this precinct, this fellow who had been a leader of the organized dairymen in Sacramento took me ranch to ranch. When the election results came out of that precinct, I think my opponents got two or three votes, and I got all the others.

DOUGLASS: That takes time.

COBEY: That takes time. Yes. But I advertised. C. Ray Robinson let me to do it. I did all my campaigning at public meetings, public dinners. Everything that I could attend to further my cause.

- DOUGLASS: Were there any meetings in which the other candidates and you were all together, say, in a high school auditorium?
- COBEY: Yes. We had candidate's nights. The Farm Bureaus in those days all had candidate's nights. We would all speak. I would emphasize my background and my training. I was a great issue avoider. I figured most voting is done against and not for. There was not any great talk on issues or anything. I would just tell them what my background was. I remember that the mayor of Merced, Ken Morley, remarked publicly at one of our gatherings, "Cobey likes to talk about his experience in government and that sort of thing. But, you notice that he has never held an elective office." My rejoinder was, "That's right, Ken, but there is always the first time."
- DOUGLASS: I suppose you had to be a little careful on issues. Basically, that is an agricultural, conservative area.
- COBEY: Right. And, also, there was a lot of resentment against C. Ray Robinson because he was regarded as being a great manipulator.
- DOUGLASS: How did you distance yourself from that?
- COBEY: I didn't. I said that I was in practice with C. Ray Robinson, and I was very proud of it. The

best four years I ever had. That is the way I handled it. I didn't back up at all on that.

DOUGLASS: What kind of a pitch would Gordon Winton give?

COBEY: I don't really remember, to tell you the truth. Gordon was so relaxed. I am sure it was low-key. I don't really know what he said. As I say, the only fire was between Leshner and myself. Well, I took him to task. One of the things the law office accomplished was that we got an interim contract for summer water from the U.S. Bureau of Reclamation, which, you know, is part of the Department of Interior. Of course, lawyers were not supposed then to advertise anything about what they did, but Ray Robinson put an end to that. We wrote up a big press release on having attained this contract, which was very important to Merced County on the west side. We listed the people who negotiated the contract, which were an engineer or so, a couple of lawyers, and I was one of them.

So, Leshner, in his papers, published the complete press release, except he omitted my name. He had been campaigning on the theme that it does not matter whether you win or lose, but it is how you play the game. After that happened, and I had a chance to get on the same platform, I related what had happened on this press release. And I turned to Leshner and shook

the advertisement in his face, and I said, "Why don't you practice what you preach?" He said, "I will get you if it is the last thing I ever do."

DOUGLASS: Oh, really. Did he say that publicly?

COBEY: Oh, yes. As I say, he has at least \$14 million now because he was smart enough to go over to the Bay area, the other side of the bay, and he started buying up all of the weeklies in that area. He has made a fortune.

DOUGLASS: A chain of local newspapers.

COBEY: Yes. And he has some radio stations as far north as Idaho. Very successful. He is a lawyer. He comes from Maryland, not too far where I come from.

DOUGLASS: So he got into the newspaper business.

COBEY: Yes. He got into the newspaper business. When he came out here, he bought the papers in Merced and Madera. He came out, as I recall, as a lawyer in Ray Robinson's office before I came.

DOUGLASS: Well, interestingly enough, you and Reiman were the two winners. Were you surprised that Rieman was the Republican candidate?

COBEY: I remember that he was the winner. But he was awfully nice to me. Because two years after I was elected he came up to me unsolicited and said, "Jim, I think the people made the

right choice."

DOUGLASS: That was nice of him.

COBEY: Yes. I thought that was very magnanimous. He was no speaker.

DOUGLASS: He was not a speaker?

COBEY: No. He was not a speaker.

DOUGLASS: So, once you cleared the primary, you probably were in very good shape.

COBEY: Oh, yes. I won the general by about three to two.

DOUGLASS: I have it here. In November, you had 17,883 votes and Reiman had 12,406.

COBEY: I had seventeen?

DOUGLASS: Yes. It's very clear, almost 5,000 votes.

COBEY: I was not worried once I won the nomination. The big fight was getting the nomination.

DOUGLASS: Yes. Your activity between June and November was not terribly intense?

COBEY: No. [Laughter] Something that I wanted that badly, Enid, I never gave up. As I say, Ray Robinson was very nice to me. He said to take as much time as I wanted, and so I did.

DOUGLASS: So at that time, did you try to get Republican votes, basically?

COBEY: Yes. I always tried to broaden my base of support. That is what has always intrigued me about Ronald Reagan because Reagan never did. He was as nasty to the moderate Republicans as

he was to the Democrats. With me, I was always trying to broaden my basis of support.

DOUGLASS: Coming out of a senatorial district like that, I am thinking of people like Walter Stiern, if you were going to stay awhile, you had to do that?

COBEY: Yes. I think so.

DOUGLASS: On that November ballot, interestingly enough, there were two things that would affect you in the senate. One was Prop. 6, which raised salaries to \$500 a month.

COBEY: A munificent sum.

DOUGLASS: Yes. It got to \$6,000 that year. And the other was Assembly Constitutional Amendment No. 1, which was a proposal to extend terms. It would have made four-year terms for assemblyman, and six-year terms for a senator. It was turned down.

COBEY: I don't even remember that. I am sure I took no position on it.

DOUGLASS: The hot one was Prop. 3, which was this whole business of the Alcoholic Beverage Control Department being created because of the scandals with [William G.] Bonelli.¹

 1. August 8, 1954, Bonelli, member of the state Board of Equalization, was indicted for collecting money from wholesale liquor dealers.

COBEY: That was [Caspar W.] Cap Weinberger's. He did that. That is the reform that he made . . .

DOUGLASS: The constitutional amendment. He took it to the senate.

COBEY: Yes. He developed that.

DOUGLASS: That's right. Assembly Constitutional Amendment No. 4. Well, do you remember in the process of running, any debate or anything going on about Prop. 3? I suppose it was a given that it would pass easily, given what had happened?

COBEY: Yes. Right.

[End Session 1, June 29, 1988]

[Session 2, June 6, 1988]

[Continuation Tape 2, Side A]

VI. FIRST SENATE TERM (1955-1958)

Settling In

DOUGLASS: Senator Cobey, we ended the last interview with your being elected to the state senate. I was interested in how you arranged for housing, your law practice, and your family when you made your first move to the legislature.

COBEY: As far as the law practice was concerned, it was not any particular problem because I was an associate of C. Ray Robinson. He didn't really have any partners. So, there was no problem about the office doing my work while I was physically in Sacramento.

Housing. We had some very good advice from [Wallace D.] Wally Henderson's wife. Wally was then an assemblyman from Fresno. Her name was Esther. She said to my wife, "You and the family go with him. Because too many marriages have broken up by separation due to legislative attendance." So, we went up there and rented in [William] Land Park. It was always on a catch-as-catch-can basis. We had the family up there and put them in school. Those who were school age. The youngest daughter was then in jumpers. She was only about three years old.

We didn't have any trouble arranging that. I was very lucky in my legislative secretary. Jane Collins. She took over. And I don't remember if we started immediately, but we started to keep a big spread card, where, at a glance, I could see what my bills were and where they were.

DOUGLASS: Now did you inherit her from your predecessor? Where did she come from?

COBEY: She was a Merced girl who had done newspaper work in New York and San Francisco. And she lived just down the street from me.

DOUGLASS: So, you had her lined up right after you came out of the primaries probably. Did you?

COBEY: Yes. I expected her, frankly, to stay in Merced. But she liked Sacramento. She moved to Sacramento, and that was fine with me. She did a great job. She is around. She still lives in Sacramento.

DOUGLASS: It is interesting. It would have been possible for you, from Merced, to come home on the weekends fairly easily and stay up in Sacramento as a bachelor.

COBEY: Yes. It is 114 miles. I much preferred not having to drive back and forth, if at all possible.

DOUGLASS: Your family found housing near William Land Park. In that development.

COBEY: Yes. Bordering William Land Park.

DOUGLASS: And did you live there all the time you were in the legislature?

COBEY: No. Every session we had to look for another place to live.

DOUGLASS: So you rented.

COBEY: Yes. We just rented.

DOUGLASS: I see. What were your initial impressions of the senate, in terms of, well, the space you got for an office?

COBEY: They gave me adequate facilities at all times. What shocked me was to go down to the office of the president pro tem and find that it was packed with lobbyists. That was my own naivete. I didn't realize that I should have expected it.

DOUGLASS: That the office was packed with lobbyists.

COBEY: The reception room. Over there, I expected to see some of my colleagues. Instead, I just saw a roomful of lobbyists.

DOUGLASS: At that time, the president pro tem was Ben Hulse, who was sort of filling in.

COBEY: Yes. I think he stayed about a year.

DOUGLASS: Yes. I checked that. Apparently, a man named Clarence [C.] Ward . . .

COBEY: Yes. He was the senator from Santa Barbara. He died suddenly.

DOUGLASS: Yes. In May of '55.

COBEY: That was another thing that shocked me, too. When I went to his funeral to find all the lobbyists were there, too. I said, "My god, they follow you to the grave." There they were. It was their job to maintain contact and access.

DOUGLASS: What was Hulse like?

COBEY: I never had any dealings with him. He was quite aloof.

DOUGLASS: You did venture down to his office and saw all the lobbyists?

COBEY: Yes. I think that was Hulse. It might have been Burns. But I will never forget walking into the office and finding it packed with lobbyists. I had no complaints. As a newcomer, a freshman, my first committee chairmanship, I was vice chairman of Fish and Game [Committee]. There couldn't have been anybody more unsuited for that than I was, because I neither fished nor hunted. I don't know how they arrived at that, but I had it.

I think I said to you, subsequently, that I put in a whole system of fees. I think, basically, I just raised them because we were running a deficit on that activity, and it was supposed to be self-sustaining. We raised the fees to accomplish that.

DOUGLASS: So you probably carried those bills for the department.

COBEY: For the Fish and Game?

DOUGLASS: Yes.

COBEY: Yes. I don't remember.

DOUGLASS: I have some fee bills in here in conjunction with a variety of things. Well, you didn't discuss with Hulse your committee assignments even?

COBEY: No. They sent them to me, as I recall it, and there they were.

DOUGLASS: Had you requested some particular assignments?

COBEY: I imagine I requested Agriculture and [Livestock and] Dairy. Because of the nature of my district and the nature of my background.

DOUGLASS: Had you known Clarence Ward?

COBEY: No.

Freshman Class

DOUGLASS: Who was in your freshman class in the senate?

COBEY: You would have to look it up in one of those handbooks.

DOUGLASS: I know Richard Richards was.

COBEY: Richard Richards and I were there together.

DOUGLASS: That plat map [of the seating] might help. It might be hard to read. It is 1956. Well, I was thinking of anyone who stood out in your mind.

COBEY: Not at that time because there were not many people added to senate at that time. Of course, [Robert I.] Bob McCarthy, my seatmate, was a

tremendous help to me. Because he had been assemblyman from San Francisco. Then he had been reapportioned out in 1950. So when he came back in '54 as a state senator from San Francisco, he had the experience that I lacked.

DOUGLASS: Was he just taking his seat in the senate in '55?

COBEY: Yes.

DOUGLASS: That was helpful because he knew his way around the assembly.

COBEY: Right. There were not many from the seating. [James E.] Jim Busch was new, but his brother [Burt W. Busch] had been there before him.

DOUGLASS: I know that Fred [S.] Farr was elected in May of '55.

COBEY: Yes, a special election.

DOUGLASS: Right. He came in just a few months after you did.

COBEY: Fred and I were close friends from the start.

DOUGLASS: I noticed, later, if you look at the plat maps later on, you sat next to each other in the sixties.

COBEY: Yes. Right.

DOUGLASS: Had you known Fred Farr before?

COBEY: Not before, but I got to know him in the senate. We asked to sit together. Bob McCarthy went out in '58 because he tried to be elected attorney general. He ran for some office in '58 and

got beat.

[Laughter] [Edwin J.] Ed Regan came from a cow county, Shasta County. He was a lawyer. A district attorney. He was a "slicker."

DOUGLASS: Did you work much with Richard Richards?

COBEY: Only on that water measure, frankly. That was our one time together. Dick and I have a lot of respect for each other. Dick Richards was the best orator in the senate. By far. It was always a pleasure to listen to Dick, but the nature of our constituencies was quite different.

DOUGLASS: Yes. He was from the urban . . .

COBEY: Yes. Right. Looking this over, referring to this seating chart, I don't see anything much to comment on. I think I told you, that is where I made certainly two of the mistakes of my life, turning down both George Miller and Burns when they offered to have me become part of their groups.

Invitations to Join In-Group

DOUGLASS: I don't think we have that on tape. Why don't we do that. Now, did Miller ask you first?

COBEY: I can't remember.

DOUGLASS: All right. What were the specific suggestions? Take it one at a time.

COBEY: I turned Miller down because he got his money

from Standard Oil [of California] for campaigning. And he got his votes from the CIO. To me, that was a weird combination. I turned Burns down just because he was too close to the Third House all the time.

DOUGLASS: What were they offering you? To be part of their in-group?

COBEY: Yes. They were impressed by the way I handled my first session. This is something I had wanted to do all my life. There was not a better job to be had. I took to it like a duck does to water. So right from the start, I quoted that comment that Ben Hulse made, introducing me at his testimonial down in his county, Imperial, "Here's a young man who has been around a very short time, but acts like he has been around for a long time."

DOUGLASS: So, you were spotted as a comer.

COBEY: Yes. As I told you, at the end of the first session, the capital press voted, as I recall, Jesse [M.] Unruh and myself as the most promising freshmen legislators.

DOUGLASS: That's quite a compliment.

COBEY: It was nice.

DOUGLASS: What do you regret about turning them down?

COBEY: Well, that is the way to power. Politics is entirely concerned with the pursuit of power. If you can't be the leader, or a leader,

immediately, the way to get there is to become a lieutenant. I ignored this fact. It was a very serious mistake. The legislature is a group activity. You've got to measure everything in terms of group influence and group power. I just didn't recognize that.

As I told you, I went on a retreat-- although I am not a Catholic--when I was first elected. I was terribly concerned with protecting my probity. Therefore, I felt the reason I could not become either a part of the Burns group or part of the Miller group was that they might ask me to do things I personally didn't approve of. So I backed off from both. In retrospect, I didn't understand the nature of the job. I thought at that time that I had all the answers, as freshmen often do. Go ahead.

DOUGLASS: Having backed off from when they first asked you, particularly Hugh Burns, would they not ask you again later?

COBEY: They never did. Once was enough. They were suspicious of me. Earl Desmond, who was a trial lawyer in Sacramento who represented Sacramento County, one time we were returning from one of our very pleasant junkets down at the navy yard at Vallejo, where they were entertaining us. He was seated right behind me, and suddenly he

knocks me on the head. He asks me, "Cobey, you are not another Weinberger, are you?" He had been identified heavily legislatively with the liquor interests, which Weinberger had brought under control.

I early developed a reputation as a reformer, and reformers are not necessarily persona non grata, but they are looked upon with great suspicion because they are always creating the hard votes. Everybody, by and large, that is in the legislature would like to stay there, and the last thing they want is hard votes.

DOUGLASS: I assume by a hard vote you mean they have to toe up to an issue which is a difficult one.

COBEY: Yes. It is an issue where they are going to be votes on both sides. I still hold the view that people vote against, they don't vote for. Furthermore, as I have undoubtedly said to you, if a voter agrees with you on nine out of ten issues, but really disagrees with you on the tenth, he will vote against you. By changing things, the reformers create hard votes. The run-of-the-mill legislator does not like change. He is doing very well with the things as they are. Leave them alone.

DOUGLASS: The status quo is fine.

COBEY: So, I developed that reputation as a reformer.

Lobbyist Activities

DOUGLASS: Did you go up there with a particular mission, let's say, when you first ran? Was there something you were going to do? Or even a specific bill you were going to try to get through?

COBEY: No. I just loved the job. I loved the atmosphere. I loved the gastronomic bribery.

DOUGLASS: The gastronomic bribery. [Laughter]

COBEY: You see, every night there was a session, the long sessions--which were every other year--we would be entertained. This would include my wife. I had never heard of beef wellington before. [Laughter]

DOUGLASS: Now, who would be doing the entertaining?

COBEY: All of the important lobbyists. Some of them had regular weekly luncheons. Others had dinners. I can't put my finger on anybody right now from memory.

DOUGLASS: These would be lobbyists.

COBEY: Oh, yes. They would be lobbyists. They would entertain at the Senator Hotel, which was down the street, and the El Mirador Motel. Nobody enjoyed it more. I gained fifteen pounds in my first session.

DOUGLASS: Would these be done in the atmosphere that there would be a speaker or presentation, or were they purely a social function?

- COBEY: The basic rule was that no business was transacted at one of these dinners. They were small groups. The senate got entertained a lot more than the assembly because we were only half as big.
- DOUGLASS: Now what would be the typical size of a group like that, in those days?
- COBEY: Oh, maybe a half a dozen.
- DOUGLASS: Very pleasant. Including spouses?
- COBEY: Yes. I missed a certain amount of entertaining, because I didn't stay around and drink after the end of the session in the daytime. Also, I didn't cultivate the governor's staff downstairs. I don't know whether you have interviewed [Hugo] Fisher or not, but old Hugo, the senator from San Diego, would go down there every day after the end of the session just to cultivate the people in the governor's office.
- DOUGLASS: Really. Were there others who did that?
- COBEY: He was the only one I noticed. There may have been some. That didn't happen until [Governor Edmund G.] Brown [Sr.] was elected governor. There was a sense that the Democrats were a minority group. As you know, during my time, the Democrats steadily increased in size and strength.
- DOUGLASS: At the time, though, did you think about whether you ought to be developing these relationships?

Or was this more in retrospect that you are realizing that was what was happening?

COBEY: More in retrospect. The light has dawned. At that time, as I say, I was more concerned with my probity. I sort of chose an outrider's role, so that nobody could compromise me.

Nature of Senate

DOUGLASS: Did you associate with a group of senators who might be called reform senators?

COBEY: Well, later on in my career, I formed this little group of Bird Watchers. We were the group that more identified with Pat Brown. We were not identified with the leadership. It used to gripe me that [Frederick] Fred Dutton, who was Pat Brown's chief of staff, a good friend of mine, always used to go to these legislative leaders. I used to complain. "Why don't you talk to some of the rest of us?" Of course, they only have so much time. So they talk to the leaders. I didn't like their getting the viewpoint of the Democratic senators from the leadership alone.

DOUGLASS: The senate is not such a huge body.

COBEY: No, it isn't such a huge body. Of course, also it always had a bipartisan tradition. The Rules Committee, which ran the senate, was composed of three members of the majority party and two

members of the minority party. The people on the Rules Committee had not only been there for a long time--some of them hadn't, of course--but, by and large.

DOUGLASS: Even the minority party representatives?

COBEY: Yes. They got along very well. Burns served on the Rules Committee for years as a minority representative. He was the powerful minority representative.

DOUGLASS: I was going to ask about that. What was the atmosphere in which the senate operated? Was it sort of a club?

COBEY: Yes. Very much so. Very rarely would you get any vociferous exchanges.

DOUGLASS: Sort of a mutual respect?

COBEY: Yes. Well, a lot of those guys, frankly, I wondered how they became leaders of their community. Because they were such followers. I was always baffled by how they had done it. One fellow in particular, [Hugh P.] Donnelly, represented Stanislaus County, the county just north of Merced, came from the little town of Turlock, not the county seat of Modesto. He was in insurance and, I think, real estate. Well, Miller had him wrapped around his finger. Miller knew that Donnelly's great interest was education. He always saw that he got to be on the Education Committee and eventually chairman.

In gratitude, Donnelly would do what Miller asked.

One time, Bob McCarthy and I tried to explain to Donnelly that the bill before us was a lobbyist's bill and a complete flimflam. He would not listen to us. He didn't believe us. He was mistrustful. I got a certain amount of mistrust, I feel, as an Ivy Leaguer.

DOUGLASS: You were not a westerner.

COBEY: I don't know whether if it was the West. I was not of the typical background. You've got to remember that the senate was essentially a small-town body. I didn't realize it when I went up there. Actually, Merced was one of the bigger towns. Some of my colleagues came from even smaller places.

DOUGLASS: Rural.

COBEY: Yes. Rural and mountainous.

DOUGLASS: Well, that is interesting. Do you suppose part of it was that they had not had the experience of emerging as leaders in a larger forum, but also they liked the status quo? And they could stay there.

COBEY: Yes. And I will say that I espoused the full-time legislature.

DOUGLASS: You did.

COBEY: I felt very much the pressure of maintaining a

law practice and doing a good job in the legislature. But since then, I have changed my mind about it. Because when you make the legislature a full-time job, then these guys are full-time politicians, and they lose a very valuable contact with their constituents, who got their living in other ways.

DOUGLASS: You are not so sure it fulfills the promise, the full-time legislature?

COBEY: No. The one thing that I carried through was the end of cross-filing, but that was because that was in the Democratic platform. I felt we had an obligation to carry out our platform. But I had misgivings about it at the time.

DOUGLASS: You really did. You didn't feel such a concern for the fact that Democrats were being beaten at the primary?

COBEY: No. I didn't see any great problem by that time. I remember Don Bradley. I don't know whether you have ever encountered him. He was the one paid full-time Democratic operative, and he was a key factor in that bill.

DOUGLASS: You just felt that it was some kind of commitment that had to be carried through that you were not enthusiastic about.

COBEY: Yes.

DOUGLASS: That's very interesting. Because that really did change the thing, in terms of the bipartisan

nature of elections.

COBEY: I suspect from all that I heard there is much more fractionalism now than there was when I was in office.

DOUGLASS: Do you think the assembly always has been very different from the senate on that?

COBEY: Yes. I think so.

Interest in Water Legislation

DOUGLASS: When you got up there, you have mentioned in our casual conversation that Gordon Winton had been on a school board and, therefore, had an interest in education. Did you talk to Gordon Winton, or did you make a decision about where you would go in your direction on legislation?

COBEY: Yes. Gordon and I, I don't think, we discussed it. I don't know that I told him. But he did see that I wasn't on the Education Committee. I was up there for four years before he was.

DOUGLASS: Yes.

COBEY: I wasn't on it. And I wasn't intimating that I wanted it. Our districts were agrarian. and his district was represented in my carrying the district.

DOUGLASS: That meant you went towards water.

COBEY: I went toward water naturally.

DOUGLASS: Because of your legal . . .

COBEY: As a law clerk.

DOUGLASS: You had had a background as a law clerk. And you also had done it as a lawyer in the C. Ray Robinson firm?

COBEY: Yes. We formed the last big irrigation district in California. I worked on the leading groundwater case as a law clerk.

DOUGLASS: The Alhambra case.

COBEY: Pasadena against Alhambra. I had a fascinating experience there because I never encountered anything like that. Western water law. We didn't have that in the East.

DOUGLASS: That's right. It's a western . . .

COBEY: It's western, that's right. And I felt it was crucial to the future of California. We are a semiarid climate. Finding enough water is elementary.

DOUGLASS: It would be very close to the interests of your constituents, surely. A farming [district].

COBEY: Yes.

Jesse Unruh

DOUGLASS: I want to ask one other question about entering the legislature. Jesse Unruh was elected the same year you were. Of course, to the assembly. When did you first run into him?

COBEY: Jesse and I and [William A.] Bill Munnell, we sort of pushed Jesse along, and a few other assemblymen, Dick Richards, we used to meet. We would meet periodically for lunch. In that

way, I got the flavor of the Democratic leadership in the assembly.

DOUGLASS: In the assembly. And what was the basis for your meeting. Did you enjoy each other? Or was there some reason to get together?

COBEY: No. To see whether we could make common cause.

DOUGLASS: Between the assembly and the senate.

COBEY: Yes.

DOUGLASS: You and Richards from the senate. And Munnell.

COBEY: Yes. Munnell and others from the assembly.

DOUGLASS: Was that the first time you met Unruh?

COBEY: Yes.

DOUGLASS: What were your initial impressions of him?

COBEY: At that time, a big, fat guy with pretty poor clothes. I didn't know. I had not seen him, so to speak, at work. As I told you, he was the best-qualified man that ever ran for governor in my time.

DOUGLASS: Why did you feel that by that time? What were your reasons?

COBEY: Well, because he knew more about how government actually operates.

DOUGLASS: As reflected in terms of how he handled things to get them accomplished in the assembly?

COBEY: Yes. Politics, in addition to being the pursuit of power, is also the art of compromise. You've got to know when and where to compromise.

DOUGLASS: So you felt that as a governor he would be able to put forth a platform and deal with the legislature?

COBEY: Oh, yes. Of course, the major thing is that they turn on you just as soon as you step out of their branch. Other former legislators, both on the national scene and on the California scene, they are amazed how the close friendships they developed in the legislative body didn't mean a thing when they got on the other side. That does happen.

As far as I saw, Unruh was never corrupt. That always surprises people, but you've got to remember that politicians are interested in power. They are not interested in financial advancement. Some of them are. But, basically, what matters to them is power. Not having their hand in the till. Unruh became part of the Kennedy faction, and he moved into silk suits and that sort of thing. So, he obviously is getting some affluence that he hadn't had before. But I never thought of him in some kind of corrupt way.

DOUGLASS: The affluence just didn't come off his salary. He probably was speaking and doing other things he was paid for.

COBEY: Right. Remember our salary was \$500 a month.

DOUGLASS: Now, there was quite a dislike for Unruh that

developed in the senate, I believe.

COBEY: Well, that is because he beat George Miller all the time. They collided in those days. He beat George Miller as bad as Miller beat me. He beat George Miller about four out of five times. Yes. Because Unruh made it one of his basic policies to reverse the relationship between the two houses. The senate had been the dominant house. And Unruh was out to make the assembly the dominant house. So, naturally, the old guard in the senate felt justifiably threatened by Unruh.

DOUGLASS: Miller being. . . .

COBEY: Miller being the active leader. Although Burns shared his views because Miller would take the brunt on that. As a consummate politician, Burns was always protecting all avenues.

DOUGLASS: [Laughter] Well, did you work with him on water?

COBEY: No. I didn't work with Jesse on anything.

[End Tape 2, Side A]

[Begin Tape 2, Side B]

COBEY: Jesse didn't make any secret of it that he wanted to make the assembly the dominant house. The bipartisan leadership of the senate felt very much threatened.

DOUGLASS: Unruh did believe in operating in the partisan mode.

- COBEY: Yes. But I disassociated myself from. . . . My assemblyman, Gordon Winton, was in a battle with Unruh.
- DOUGLASS: Yes. For the speakership.
- COBEY: For the speakership. Then, of course, Unruh naturally retaliated. As I recall--my memory may be in error--I think Gordon was stripped of his chairmanship of the Governmental Relations Committee.
- DOUGLASS: I think he kept some of that. He eventually really lost out on the reapportionment. He was in a bad situation, and that's when he lost.
- COBEY: Of course, he was not alone in that. [Laughter]
- DOUGLASS: Yes. A lot of people had problems with Unruh. All right. This group that had lunch was in the beginning years in the legislature. That must have been interesting to watch him. You saw a lot of development in him.
- COBEY: Yes.
- DOUGLASS: You were an admirer of his then.
- COBEY: Yes. Do you know Bill Munnell at all?
- DOUGLASS: No. I don't. I certainly know of him.
- COBEY: He was a little guy. Unruh was the big guy. It was Munnell that really gave Unruh the helping hand.
- DOUGLASS: After he came into the assembly.
- COBEY: Yes.

DOUGLASS: Why was he taken with him?

COBEY: I think he was impressed by the fact that he knew how to do it. You see, Unruh had been the leader of the nonfraternity group at USC. He was used to group politics. Munnell was impressed.

DOUGLASS: He sort of trained him in learning the ropes?

COBEY: Yes.

DOUGLASS: You were certainly there during the period when he emerged.

COBEY: In the assembly? Yes.

DOUGLASS: I had heard there was dislike for him so much in the senate, that when he did consider running for the senate . . .

COBEY: The governorship?

DOUGLASS: No. At one time, he did consider running for the state senate. One of the factors in his deciding not to run might have been that they were out to get him.

COBEY: That could be right.

DOUGLASS: Including Miller, I think. OK. That first session, one thing that had happened in March of '55, there had been terrible floods. How did that affect your district? Do you remember that?

COBEY: I don't remember those floods specifically beyond the fact we were pushing for flood control work at that time.

DOUGLASS: Yes. And you had to pass emergency legislation.

COBEY: May have. You remember Pat Brown's famous expression about those floods, don't you?

DOUGLASS: What is that?

COBEY: He was up there in a disaster area, he said, "This is the worst thing that has happened to California since I became governor."

The Committee Power Structure

DOUGLASS: [Laughter] He said that? That's very good. Well, Proposition had 3 passed in '54, which was the establishment of the Alcoholic Beverage Control Department in response to the difficulty with the board of equalization.

COBEY: As I said, Cap Weinberger put that together.

DOUGLASS: Yes. He carried that bill.

COBEY: He was chairman, as I recall, of the Committee on Governmental Organization, which then was a key committee. One of the things the oldtimers didn't like about me, and justifiably so, I would not keep my mouth shut. Once I discovered what the power structure was, I use to talk about it, publicly. I remember these students would come up from Berkeley who were in Frank Newman's class on legislation and others, because I explained the power structure to them. I was intrigued by the pyramid and interlock.

One of the key committees in the senate was the Committee on Governmental Efficiency. Well, the Committee on Government Efficiency would meet each time over at the Senator Hotel in a room and have dinner the night before. They would go over their agenda for the next day. And not only go over it, and not only decide which bills would pass and which wouldn't, but they would also decide who would make the appropriate motion. So the whole thing was staged in advance and worked out in advance. And that shocked me.

It was not until the waning years of my legislative career did I express any interest in joining. As soon as I did, why, Hugh Burns immediately did everything he could to dissuade me from getting on there, although they had modified some of their practices by that time.

DOUGLASS: He didn't want a troublemaker on it.

COBEY: Yes. They made sure that the ruling group had control of Senate [Committee on] Finance. It corresponded to Assembly Ways and Means--you could not get on it until you had whiskers. So, it took a few years to get on that. They made sure they had control of Senate Finance because Finance considers the the financial implications of bills and they are supposed to be referred to Finance on that basis. But once Finance had a

bill, there was no way that you could control the extent of its consideration. I tried, and I got slapped down. I said, "Look, these guys are in control of the legislation."

DOUGLASS: They'd go over the whole thing.

COBEY: They'd go over the whole thing, the second hearing, when they want to give it.

DOUGLASS: There were two places . . .

COBEY: Yes. Through GE [Governmental Efficiency] Committee and Finance, they had a real system of control and a real pyramid. And they made sure that that pyramid existed at all times.

DOUGLASS: Did one have more power than the other? Was Finance more powerful than GE?

COBEY: I don't know because GE had such broad jurisdiction. You see, that was one of the clever things. By naming the committee Governmental Efficiency, everything affects governmental efficiency. So they could refer any bill to Governmental Efficiency.

DOUGLASS: Now, obviously, the appointments to that committee were very carefully controlled.

COBEY: Yes. Now, one group that I didn't get into which was very lucrative in those days was Insurance. I forget what the other thing was that it was called. But, of course, they had to do with the setting up of the new savings and

loans. A few of my colleagues made considerable sums of money by setting up these new savings and loans. That's where Hugh Burns made some money. He set up one in Fresno.

DOUGLASS: How, actually, did they make money off of it? He was involved with Sequoia Savings and Loan. Did they give him an opportunity to invest in it?

COBEY: To invest in it. And they invested in it at rock bottom.

DOUGLASS: These were the "juice" committees.

COBEY: They were the juice committees. I was not on any of them.

DOUGLASS: And you didn't stand a chance of getting appointed to Governmental Efficiency.

COBEY: At that time, I didn't want to. I didn't want to be embarrassed by an inside operation like that.

DOUGLASS: I understand that Governmental Efficiency is famous for deepsixing bills. Did you have any experiences of really being frustrated over a bill they killed or predetermined?

COBEY: I don't remember that. I don't recall that. But I knew how they operated. The worse thing I did was that I talked about it.

DOUGLASS: Yes. That is where you started telling about talking to students. So, in other words, once you put this together, you didn't mind talking about it.

COBEY: There I violated the first rule of politics. The first rule of politics, number one, is find out where the power is. Number two, find out how you get into that power structure. And number three is to keep your damned mouth shut after you find out. Well, Cobey did just terrible. After I found out, I was like a young kid who sticks up his hand in class and says, "I know. I know."

DOUGLASS: Beyond that, you may have violated the club sense, beyond the pure power?

COBEY: The main impact was to try to maintain the bipartisanship of the senate. And that started to change after the '66 election, when we got these people who had been in the assembly. They moved across. They were not used to this bipartisan deal. There was not enough of the old guard left to maintain it.

Lower San Joaquin Levee District

DOUGLASS: The bills that you were involved with, which we looked at and talked about, particularly, you said the one you felt that was most significant that first year of '55 was the new act for Lower San Joaquin Levee District, S.B. 1325.¹

1. S.B. 325, 1955 Leg. Sess., Cal. Stat. 1075 (1955).

COBEY: You see, we've made a change now. The old setup used to be--on flood control projects--that they would be built by the federal government, but the state government would get the easements and the rights-of-away. Once they were in existence, there had to be, under federal law, I believe, in existence an entity which would guarantee their maintenance of the project according to federal standards.

DOUGLASS: The maintenance of the easements?

COBEY: No. The maintenance of the project itself. We had a stange situation there on the lower San Joaquin [River] because during World War II when there was a great demand for food, they had put under cultivation a lot of areas bordering the river which had been previously wild pasture. They were flooded every spring. Nobody flooded them. God flooded them. Now that they were under cultivation, they wanted protection from the floods. That was the reason for the Lower San Joaquin Levee District.

DOUGLASS: They wanted to maintain them.

COBEY: Yes. They wanted to maintain those.

DOUGLASS: Excuse me, could you describe exactly what you mean by the Lower San Joaquin?

COBEY: Well, that was the area of the San Joaquin River from Friant Dam, which is the big control dam on

the San Joaquin. The area runs all the way down to western Stanislaus County.

DOUGLASS: OK. Up in the mountains and . . .

COBEY: Just at the fringe of the mountains--the first sweep--and on down to Stanislaus.

DOUGLASS: So this was newly gained farmland.

COBEY: Yes. Right. And we were protecting it. There was a tremendous personal gain to those who farmed it. You've got to remember that I was the choice of the big ranchers.

DOUGLASS: When you ran.

COBEY: I haven't gone into that with you. When Hatfield died, my predecessor, they wanted somebody to work for what they wanted. So the decision to nominate me was made by the big ranchers. They knew me and I knew them through the formation of this irrigation district.

DOUGLASS: The one you had worked on out of Robinson's office.

COBEY: Yes. That part of the San Joaquin Valley was served, in terms of providing enough water, by Miller & Lux. So, when we formed the district, we formed it with the battle cry, "Get control of your own water." So, what he did was to just change the control. The canals and the levees and everything were all in place, by and large. I can remember the fears we had in that part of the country when the Bureau of Reclamation,

which is the part of the U.S. Department of the Interior, had all these celebrations about the start of the Central Valley Project. "We are now protecting this part of California." And they said, "Protecting, hell, we've had it since 1870 under the old system." So, I was a candidate of a group of wealthy ranchers.

DOUGLASS: Would their reasoning have been that because you worked with this district that you understood their problems?

COBEY: I also was employed by C. Ray Robinson. I would not be wandering off the reservation. They could trust me. And, actually, when I came up for reelection, I can still remember that I went to the chairman of my finance committee. He was not a rancher, but he was representative of the group. I said, "I would like to have you serve again." He said, "Now, Jim, we think you have done a good job, but we don't think we should carry this on without end." From now on, I would have to raise my own money.

DOUGLASS: It is interesting. You would have thought, normally, they might have gone for a Republican candidate. So their choice of you meant that put you well above the other Democrats running.

COBEY: I suspect so.

DOUGLASS: We have gone over this, but there was no strong

Republican person qualified, when they looked at that group.

COBEY: No.

DOUGLASS: The creation of this project, to be sure I get the significance of it, was that it did guarantee the maintenance of this reclaimed farmland, and they had control over it.

COBEY: Which is one of the requirements of federal law. Yes.

DOUGLASS: How big an area of farmland would it have been?

COBEY: Well, the district we created was 160,000 acres, which now is considerably more than that.

DOUGLASS: The district you created when you working with the ranchers was small then?

COBEY: Yes.

DOUGLASS: What was that district called?

COBEY: Central California Irrigation District.

DOUGLASS: What would be the difference between a levee district and an irrigation district?

COBEY: An irrigation district provides the water supply. A levee district provides the protection against the water.

DOUGLASS: You are very involved with both. The Lower San Joaquin Levee District. And then many things having to do with irrigation. In fact, there was a bill that first year having to do with irrigation district elections.

COBEY: The reason for that bill is that we had a

problem with the election of one of our directors of the irrigation district. We looked at the Water Code and there were no procedures in the Water Code for that. The procedures were all in the Elections Code. It was to take care of that gap. We felt that there should be some solution to that.

DOUGLASS: So you drafted legislation that described the elections for irrigation districts.

COBEY: Well, we just lifted the procedures for irrigation district elections.

DOUGLASS: Took it from the Elections Code.

COBEY: Basically, you know, all bill drafting was done in the Legislative Counsel. One of my key advisors was George Murphy, who subsequently became Legislative Counsel. I talked to him about the problem I had. Well, I started to refer to that because he knew that particular development of wild pastures and cropland. He decided we shouldn't follow the classical division of burden that had been followed, if we could get authority to do otherwise.

Because all of this land that now had been converted into croplands, acquiring easements and the rights-of-away had become very expensive. So, we decided that we would take instead the burden of building the project--the

state would assume the burden of building--and the federal government, the other one, the burden of easement sites. George Murphy was a very smart guy by saying, "Don't put this in a bill for a new district. Put this into the general principle of law that whenever the financial burdens become different from what they are contemplated to be, why, then you will have this reversal of roles."

That was invaluable because that meant I would not be in a battle where I would always have to form a new district and wouldn't be involved in that. We would just come along with a general piece of legislation. Actually, it was a special piece of legislation made for this particular situation.

DOUGLASS: It would apply to them.

COBEY: Yes.

DOUGLASS: You purposely did not put it in this new act.

COBEY: No.

DOUGLASS: Let me be sure that I understand this. Again, it would be a reversal, in terms of who assumes the responsibility for funding between the federal and the state governments.

COBEY: It would be a reversal as to who provided the money as between acquiring the land, easements and rights-of-way, and who built the project.

DOUGLASS: All right.

COBEY: So we got this reversal. And we didn't talk about it from the hilltops.

DOUGLASS: Did you carry another bill, later, that took care of this problem?

COBEY: I introduced two bills. One to form the levee district. And the other problem to take care of the problem of shifting the burden.

DOUGLASS: That was in '55? Maybe it was later?

COBEY: I think it was about the same time. In '56, was the big battle. That was a short session. That was a big battle over the formation of the state Department of Water Resources. Richards and I went down to [Goodwin J.] Goodie Knight's office. When the bill got over there, it was part of the governor's program. And the governor did no support it. He didn't have any ball carriers. Richards and I said, "We are Democrats. But we'll carry the ball for you."

DOUGLASS: So you wanted to volunteer to Knight.

COBEY: Yes, volunteered. Neither one of us was on the Water Committee.

DOUGLASS: Because Knight had made that part of his platform.

COBEY: Oh, yes. He was going to pull all the water agencies together and make one department.

DOUGLASS: And that was good news to you.

COBEY: Yes.

DOUGLASS: What did he say?

COBEY: Well, [Laughter] he reluctantly agreed.

DOUGLASS: Was Weinberger carrying that in the assembly?

COBEY: Weinberger may not have gone out of the assembly by '58.¹ I don't know who was carrying that in the assembly. Weinberger's committee . . . I am sorry, I promised you--I haven't laid my hands on it yet--a bound copy of Weinberger's report.

DOUGLASS: That was '56?

COBEY: Yes.

DOUGLASS: You were in the senate, and he was doing it in the assembly.

COBEY: I and Dick Richards.

DOUGLASS: Yes. And he was doing it, wasn't he, as chairman of . . .

COBEY: The Committee on Governmental Organization.

DOUGLASS: . . . Governmental Organization. OK. One other thing that I noticed you carried in the 1955 session was a bill on public cemetery districts. S.B. 1521.² It rang a bell with me because Senator Stiern talked about the problem you may have addressed here. Could you describe that bill? What that was about.

1. Caspar Weinberger served in the assembly from 1953 to 1958.

2. S.B. 1521, 1955 Leg. Sess., Cal. Stat. 560 (1955).

COBEY: Not from memory. It must have been some local problem.

DOUGLASS: Well, the problem Senator Stiern addressed, and I think it was a couple of years later, was that there was a cemetery district out in the far reaches of his district where people were sending bodies from all over. Relatives saying, "Oh, Joe always wanted to be buried in California." I think the problem was that these were not local taxpayers. He was straightening that out, and I suspect you might have had a similar problem.

COBEY: I don't know that I had a similar problem, frankly.

DOUGLASS: It caught my attention. I did put together the water bills you had carried in '55. One was a bill, S.B. 1234, having to do with the reclamation board's execution of subsidiary¹ plans for flood control projects.

COBEY: That rings a bell. Undoubtedly, it would clear the way for the levee bill.

Milk Legislation

DOUGLASS: You begin to carry these agricultural bills on milk.

1. S.B. 1234, 1955 Leg. Sess., Cal. Stat. 1048 (1955).

COBEY: Right.

DOUGLASS: One was the temporary definitions and standards of new milk products, which were beginning to come . . .

COBEY: Do you understand the legislative situation on milk, as we had it?

DOUGLASS: Not necessarily. What was it?

COBEY: Well, Merced was very much a dairy cattle county. Madera was more cotton. Merced was fourth in the country in dairy cattle, and Madera had something too. So I got into milk legislation right off the bat. It was tremendously complicated. I think there were something like fifty-seven or fifty-eight different pricing districts in the state of California on milk. And the profitable contracts were in selling milk as fluid milk. The unprofitable contracts were for cheese and ice cream and so forth. In fact, they purposely were lowered.

DOUGLASS: So that was another grade of milk.

COBEY: Yes. Merced didn't have good contracts because we were smack in the middle of the state. And, therefore, we were the furthestest removed from the Los Angeles market and the Bay area.

DOUGLASS: It was a transportation problem.

COBEY: Yes. We were too far away, and we got in late.

So we got the worst contracts. I spent a great deal of my time in the legislature trying to do something about that situation.

DOUGLASS: What were the options as to what you could do?

COBEY: We could change the setup of the pricing districts.

DOUGLASS: So, in effect, you could compete?

COBEY: Yes. But I was not successful. [Joe A.] Gonsalves was an assemblyman and dairyman down here in Los Angeles County. And Joe, after I left the senate, finally got the elimination of that whole damned thing. It was incredibly complex pricing.

DOUGLASS: At the time you started to work on this, the pricing system was working adversely towards Merced.

COBEY: Yes. We got the manufacturing milk contracts, which gave us the lowest returns.

DOUGLASS: I see. You were not in it on the fluid milk.

COBEY: No, not to the extent we would have liked to be. We had some good dairymen, crack dairymen, who did get the good contracts. One of the guys who put me in the state senate never forgave me for trying to fool around with that deal because we didn't need it. He produced such good milk, and he had a top contract.

DOUGLASS: Did they do any by train or did they truck all their milk?

COBEY: Milk, basically, as I understand it, is trucked.

DOUGLASS: This is why this comes up all the time. In fact, right away one of the first bills you have was having to do with consumer educational programs and milk marketing. S.B. 830.¹ And these recurred later on. What was the legislative link there? Why were you addressing that topic?

COBEY: I was trying to promote the sale of milk products. Any way you could to increase the income to the dairyman.

DOUGLASS: Did you work with the local dairymen on this?

COBEY: Oh, yes. Quite a bit. The chief lobbyist for the city and county of San Francisco was a very smooth guy.

DOUGLASS: Who was that?

COBEY: Donald Cleary was his name. He is dead now. He approached me because he maintained a suite over in the Senator Hotel, and he gave lunches periodically for legislators over at his hotel suite. He approached me when [with] a man for whom he had been giving lunches or something of the sort. He said, "We can provide the same for you." I thanked him and said, "No."

1. S.B. 830, 1955 Leg. Sess., Cal. Stat. 594 (1955).

Unfortunately, he was tremendously offended because he felt I was questioning his integrity. I wasn't. My feeling was that San Francisco was a milk processing center, and I was concerned with milk producers. I felt that there was a definite economic conflict there. I should not be that close to the guy who was speaking in the legislature for a big center of processing. It cost me a friendship because Cleary never forgave me for turning him down.

DOUGLASS: That was the end of that relationship.

COBEY: Yes. Too bad.

DOUGLASS: There was a lot at stake then for your district.

COBEY: Yes. Your dairymen in the San Joaquin Valley are basically Portuguese from the Azores. They basically raise holstein cattle because holstein cattle produce more milk per cow than jersey cattle. So, that made me close to the Portuguese. I belong to a Portuguese society, a secret society, and then one of my daughters had to buy an insurance policy. I attended one meeting where all the proceedings were in Portuguese. The only two words I could understand were "Cobey" and "Sacramento." But since they all clapped, I figured they must be on my side. I was so lazy I never learned Portuguese.

- DOUGLASS: [Laughter] They probably really didn't have much English.
- COBEY: Most of them speak English, but they did not in that deal. They said everything in Portuguese. There were more people living in the unincorporated area of Merced and Madera Counties when I took office than there were in the incorporated area. So, this was really a rural area.
- DOUGLASS: I was going to ask you, being from the East, and then living in urban Los Angeles, and then being a lawyer for a while out there, but was it when you went to the legislature that you really learned about what made that agriculture community tick?
- COBEY: Yes. I think so. The legislature is a very educational process.
- DOUGLASS: You had not been a farm boy or anything. You really had to start from scratch.
- COBEY: My mother's family farmed in the Shenandoah Valley in Virginia, but I was never as close to that problem as I was in the legislature. I am still trying to remember, as I told you, when we were remaking our lives in World War II, I said I would never live again in a small town because I had grown up in one. I would never live in a hot climate because I hated the tropics. There

was a third ingredient that Merced had and I ended up in Merced.

DOUGLASS: Yes. One does make those statements. In terms of your committee work, if we take these first couple of years, you immediately went on the Elections Committee. I think you explained that was partly because you had done this work as a L. A. deputy county counsel. Would you talk about exactly what the responsibility of the Elections Committee is?

COBEY: Merely to consider all proposed changes to the Elections Code.

DOUGLASS: But didn't you also sit as a court of appeal?

COBEY: No. Only in one election contest. In the senate, the senator from San Joaquin County was challenged. I took the view that we were supposed to be an impartial body. I found out that I was the only one of that view. The vote was going to be a strict party-line vote. You were to protect the new Democratic senator from San Joaquin County.

DOUGLASS: So that committee was not terribly busy.

COBEY: No. I don't remember any election contest except that one.

DOUGLASS: And you didn't have a lot of legislation coming through changing the code.

COBEY: No.

DOUGLASS: OK. You mentioned that you were on Fish and

Game [Committee] and were vice chairman of that.

COBEY: They put me there.

DOUGLASS: Yes. Then the Committee on Military Veterans Affairs from '55 to '58. Was that just one of the things you . . .

COBEY: Well, the American Legion was one of the outfits that elected me. Gordon Winton and I ran against each other in '54. One was V.F.W., and the other was the American Legion.

DOUGLASS: So that was a good place for you.

COBEY: Yes.

DOUGLASS: That was shortly after World War II, and you were on that after the Korean War. Would I be correct in saying that most of your time was spent on Agriculture and Judiciary? Which you stayed on all the time you were in the senate? California Law Revision Commission

COBEY: Yes. I was on the [California] Law Revision Commission of the state.

DOUGLASS: What year were you on it? That was not right away, was it?

COBEY: No. I didn't get on it right away because [Jesse R.] Jess Dorsey had the senate spot. I was on it about ten years.

DOUGLASS: So you went on it fairly quickly. There is a seat for a senator and a seat for an assemblyman. That was quite a prized spot,

wasn't it?

COBEY: I was picked because I wanted an appellate judicial appointment.

DOUGLASS: That was on your agenda already?

COBEY: Yes.

DOUGLASS: That is an interesting question. You were very disappointed when you were not reelected. You assumed that you would be in the senate longer than you were. But your agenda was at the end of that, then this was the move.

COBEY: Oh, yes.

DOUGLASS: But weren't there others who would have liked that appointment?

COBEY: Joe Wapner was very disappointed.

DOUGLASS: Joe who?

COBEY: Joe Wapner of the People's Court. I told you my bon mot on Joe because Joe can be very blunt. We were walking back together from lunch one day and he said, "How come Pat Brown appointed you to the court of appeal instead of the superior court?" I said, "Joe, the answer is very simple." He said, "What's that?" And I said, "I can't think fast enough to be a trial judge."

DOUGLASS: The reason I hesitated is that I would have thought there would be others who wanted to be on the Law Revision Commission.

COBEY: No. Because that was a working commission.

COBEY: Yes. You see, the way the Law Revision Commission functioned was that you normally got a law professor who was teaching in that particular field as our consultant on that particular project. We could not handle anything except what the legislature assigned us. Then we would have work sessions to go over proposed drafts. First, we would have to make the decision whether or not we would draft a statute on the subject. Because it was really converting decisional law into statutory law. So, they worked hard.

DOUGLASS: I would think so. You were appointed by Brown or Knight to that?

COBEY: That is a legislative appointment.

DOUGLASS: So you were recommended by your colleagues.

COBEY: I sought that job. I wanted it.

DOUGLASS: I am curious. I know I have that date.

COBEY: I think it was about '57.

DOUGLASS: So it was very soon.

COBEY: Yes.

DOUGLASS: That was one more thing that you had to fold into your schedule.

COBEY: The senate incumbent in that position was Jess Dorsey. Jess had been an old district attorney down in Kern County. He killed himself in that work in the senate. He had a bill to outlaw the

rule on perpetuity, it's a rule of death perpetuity. And it's a pretty technical subject in the law. So when he got up, he said, "That's what the bill is about," but he said he didn't explain it because none of them would understand it, anyway. Whereupon, of course, they promptly voted the bill down. You were working on technical legal problems and not very many senators were able to do it.

DOUGLASS: But it is quite a powerful position to be in.

COBEY: You can only make a recommendation.

DOUGLASS: Weren't their recommendations pretty well supported?

COBEY: The two things we did was to enact the Evidence Code in California. The subject referred to the Commission on Uniform Laws. Texas had developed the uniform statute. We looked it over, and it was not much good. That is when we decided to write our own. Now, we had two powerhouse lawyers on that committee. One was Joe Ball, and the other was Herman Selvin. There were tops in the profession. And then we had some others who were pretty good.

DOUGLASS: Was that about a seven- to ten-member commission?

COBEY: As I recall, it was ten. It was the job of the legislative members simply to carry the bills

that they developed.

DOUGLASS: I see. Over the years, you have had former legislators who were lawyers on the commission.

COBEY: Yes. You talked to John [D.] Babbage.

DOUGLASS: John Babbage. Stanford [C.] Shaw.

COBEY: Oh, did you? Stanford Shaw originated the Law Revision Commission. John Babbage was a very good member. And I tried to get him reappointed when his term expired because of the work he had done. But Pat Brown would not hear of it because Babbage had run for congress on the Republican ticket. He was not about to give him a thing.

DOUGLASS: I notice people point with pride to having been on it.

COBEY: Yes. Right.

1957 Legislation

DOUGLASS: There are a couple things I want to talk about. Why don't we go to '57. There is a list of legislation from '57, but I realize you have not had a chance to glance at it. [Referring to list]

COBEY: Oh, budget session years. I see these are the short sessions.

DOUGLASS: I tried to group the '57 legislation on agriculture, water, and judicial.

COBEY: Take this first bill, [S.B.] 248, on the sale of

livestock.¹ That was merely to increase the farmers' bargaining power.

DOUGLASS: The slaughter of livestock.

COBEY: Yes. It adds an express warranty for slaughter, which does not imply warranty. That was to get around the law of implied warranty.

DOUGLASS: So the farmers were not held. OK. Then the meat inspection bill requiring that the stamp² must be applied at the slaughterhouse.

COBEY: Yes. The same deal.

DOUGLASS: To protect . . .

COBEY: To further the economic interest of the farmers, basically.

DOUGLASS: But why the meat inspection? Isn't it more of a consumer [protection]?

COBEY: Well, it is not termed "elite of meat." It is the farmer who produces it. He wants inspection standards that he can live with.

DOUGLASS: So this has to do with the stamp actually being put on the meat.

COBEY: The stamp?

DOUGLASS: Yes.

COBEY: I have forgotten.

(1957).

1. S.B. 248, 1957 Leg. Sess., Cal. Stat. 2292
2. S.B. 849, 1957 Leg. Sess., Cal. Stat. 1018 (1957).

DOUGLASS: Well, then the bovine brucellosis control areas
bill.¹

COBEY: Yes. It was a problem at that time.

DOUGLASS: Well, then there is a number of them on fluid
milk and fluid cream. And distinguishing
between the manufacturing milk and the fluid
milk.²

COBEY: Yes.

DOUGLASS: You had a lot of bills.

COBEY: Yes. In those days, they didn't do what they do
now. As you know, they put on the front of the
bill, the Legislative Counsel's summary of it.
So you see generally what the bill does by just
a glance.

[End Tape 2, Side B]

1. S.B. 1259, 1957 Leg. Sess., Cal. Stat. 2289
(1957).
2. S.B. 1813, 1957 Leg. Sess., Cal. Stat. 536
(1957); S.B. 1997, 1957 Leg. Sess., Cal. Stat. 1934 (1957);
and S.B. 2418, 1957 Leg. Sess., Cal. Stat. 1846 (1957).

[Begin Tape 3, Side A]

DOUGLASS: You were saying that you were always on the side of the ranchers.

COBEY: Yes. We had a big battle with the Department of Motor Vehicles over the registration of cotton trailers.¹

DOUGLASS: I saw that. What was the story on that?

COBEY: Well, they wanted to put them--occasionally they were on highways--under regular full registration.

DOUGLASS: Full registration. So what did you do?

COBEY: We finally devised a compromise. They have to carry an indentification plate. Maybe they have changed that.

DOUGLASS: So if they came out from the ranch and moved around and about, they didn't pay a full truck registration?

COBEY: No.

One of the things I was interested in, in my connection with water, was to try to get as much multiple use of water as possible.

Recognizing with certain projects that water would have one primary use, but then it should have as many secondary uses as possible.

1. S.B. 1258, 1957 Leg. Sess., Cal. Stat. 2288 (1957).

DOUGLASS: So you mean like recreational uses?

COBEY: Well, for example, irrigation reservoirs. In many parts of California, it is now standard practice now, but it wasn't then. After all, you have all that water sitting there, why not use it for recreation.

DOUGLASS: That could be fishing or boating.

COBEY: Right. [Referring to papers] I would hate to be put through a cross-examination on some of these bills.

DOUGLASS: It is a long time ago. I thought there might be ones there that might . . .

COBEY: Jog my recollection.

DOUGLASS: Right. You were on water, still doing some housekeeping. Because you had another bill amending the Water Code on irrigation district elections.¹

COBEY: Yes. That grew out of that problem in our own irrigation district.

DOUGLASS: What was the problem in your district? Was it someone who was not properly there?

COBEY: No. It was just that we didn't have any prescribed procedures when we had a challenge of an election.

1. S.B. 1261, 1957 Leg. Sess., Cal. Stat. 1029 (1957).

DOUGLASS: I see. You say you lifted this out of the Election Code.

COBEY: Yes.

DOUGLASS: Well, there is one, S.B. 578, on irrigation districts.¹ Contracts for maintaining ditches. It has to do with their ability and responsibility to maintain the ditches and laterals.

COBEY: There, you see, we were permitting them to contract out that work.

DOUGLASS: Oh, right. They didn't have to do it. They could get a secondary group.

Then you had a bill, S.B. 1992, that spelled out what water districts could do in California.² That must have been boilerplate legislation?

COBEY: What year was that?

DOUGLASS: That's in '57. [Directs Cobey to legislative listing]

COBEY: Yes. That was just a general rewrite. I don't know where I got it. It was not controversial. Sort of a cleanup.

DOUGLASS: Yes. Housekeeping. S.B. 2419 is the very last

1. S.B. 578, 1957 Leg. Sess., Cal. Stat. 876 (1957).
2. S.B. 1992, 1957 Leg. Sess., Cal. Stat. 1935 (1957).

one on that '57 list.¹ Had there been some sort of unwillingness on the part of the Department of Water Resources to furnish the State Water Board with statistics? You amended the Water Code to require that.

COBEY: I don't know. I don't have any recollection of that at all.

DOUGLASS: Again, this may have just been housekeeping. Then, under judicial things, this is the first indication of what appears to be your long-term interest in the performance of work by county jail prisoners outside of the jail. I am now looking at S.B. 580.²

COBEY: I am very proud of that.

DOUGLASS: I noted that later the law was given your name.

COBEY: I decided to adopt the Unruh approach towards the end of my career. [Laughter] I tried to get some spurious immortality.

DOUGLASS: What was that? Give the history on that.

COBEY: As I recall, this was first done in New Jersey by [State] Senator Samuel Hubers. I just thought it was an awfully good idea to give them a chance to work outside. Because, after all,

 1. S.B. 2419, 1957 Leg. Sess., Cal. Stat. 2323 (1957).
 2. S.B. 580, 1957 Leg. Sess., Cal. Stat. 1580 (1957).

once they got out, they have to have a job. This would give them some skills. I couldn't see anything against it.

DOUGLASS: And it permitted them to save a little money, too, didn't it?

COBEY: Yes. But the [Laughter] basic argument of the bill was. . . . My seatmate then was [State] Senator Bob McCarthy, and he wanted to ingratiate himself with the Herald-Examiner in San Francisco, the newspaper. And they had some on this, so I stuck it in.

DOUGLASS: You did what?

COBEY: I introduced the bill. But he was the one who suggested it because of the Examiner's interest in it. So, we got it through. In fact, we were a little surprised in getting it approved as soon as we did. That is called the work furlough. In subsequent years, I have been very proud of it.

DOUGLASS: I am trying to think of what year there was a bill to change the name of that to the Cobey bill.

COBEY: Right. That was at the end when I decided that I would. . . . But it is never used because I put it on after it had been in operation for several years. It is referred to strictly as work furlough.

DOUGLASS: Here it is. If you look in the '65 listing. If

you look at the back of that. It was S.B. 277.¹
 On page two, Senator Cobey. "Work Furlough
 Rehabilitation Law now to be called the Cobey
 Work Furlough Law." That is still in operation,
 isn't it?

COBEY: They system is still in operation. I don't know
 whether anybody ever uses my name in
 connection with it.

DOUGLASS: All through those years, there was a case of
 something in reference to which you had . . .

COBEY: Yes. Right. I got interested because it seemed
 to me that was one situation where everything
 was in its favor and nothing was really against
 it. It was a worthwhile improvement.

DOUGLASS: In conjunction with the Fish and Game Committee,
 and this maybe speaks to what you just mentioned
 was the overlapping of your interests in water,
 you did carry a bill in '57 on the Archibald
 Lake Public Fishing and Recreational Area.²

COBEY: That was part of the multiple use of water.
 If you ask me where the Archibald Lake area is,
 I don't know. I can't remember.

DOUGLASS: You have not been up there fishing. [Laughter]

1. S.B. 277, 1965 Leg. Sess., Cal. Stat. 642 (1965).
 2. S.B. 1825, 1957 Leg. Sess., Cal. Stat. 1037
 (1957).

COBEY: I don't fish. I still don't.

DOUGLASS: You had another one, S.B. 1993, which enabled the Department of Fish and Game to acquire property with the consent of the Wildlife Conservation Board. Which, again, I assume, this is the business of wanting the multiple use of water.

COBEY: I guess. I don't remember the argument of that at all.

Lieutenant Governors Powers and Anderson

DOUGLASS: OK. Why don't we talk about people. When you became a senator, the lieutenant governor was Harold J. Powers.

COBEY: He was a guy who I always thought a great deal of. Butch Powers was a rancher in northeast California. Most of his land was actually in the state of Nevada. Butch was the lieutenant governor of California at the same time that Rex Bell [acting name of George F. Beldam] was the lieutenant governor of Nevada. Rex Bell was Clara Bow's husband. And they both were in the same position, they owned more land in a nonhome state. In my early days in the legislature, when they were talking about me for possible other jobs, they wanted me to run for lieutenant governor. And I said, "I would not because Butch Powers always treated me very friendly. And I was not about to run against him."

DOUGLASS: Powers had been the pro tem.

COBEY: Right. President pro tem. Hatfield died very suddenly. Hatfield had just made the decision that he was tired of having all the power and none of the recognition of the fact that he had all the power. So if he had run for Butch Powers' seat, he would have gotten it. It was really the Hatfield coalition, it was not the Powers' coalition. But Butch was an awfully nice guy.

DOUGLASS: You mean, that caused him to be the pro tem.

COBEY: Yes. Hatfield had let him be.

DOUGLASS: I see. Had allowed him. Powers had only become lieutenant governor, at first, because Governor Warren went to the Supreme Court and Goodwin Knight became governor.

COBEY: Yes.

DOUGLAS: But you had not known Powers until you went to the senate?

COBEY: Right. Not at all.

DOUGLASS: Did you have any dealings with him at all?

COBEY: Well, I don't think any except as presiding officer. He was very fair. That's all I could ask for as a minority party member.

DOUGLASS: Yes. Life changed when Glenn [M.] Anderson came in with Brown. Elected in '58.

COBEY: Have you interviewed Glenn?

DOUGLASS: No. I have not.

COBEY: We used to call Glenn's wife Cup Cake.

DOUGLASS: Why was that?

COBEY: She was quite a dish. The Andersons were always very nice to us. But the lieutenant governor does not really have anything to do with senate outside of running its sessions when he is there.

DOUGLASS: Right.

COBEY: But lots of times they are not there.

DOUGLASS: I have understood that Anderson liked to preside in the senate more than most lieutenant governors. So he was doing it more. I wonder how Burns liked that?

COBEY: I am sure he did it with Burns' approval. As you probably know, they passed around the presiding officer function all the time. Burns was not jealous of that.

DOUGLASS: That meant that you probably saw Anderson in action a bit more.

COBEY: Yes.

DOUGLASS: How did you get to know him?

COBEY: Well, he had been a leader in the California Democratic Central Council. After that, CDC [California Democratic Council].
CDC and Other Democratic Activities

DOUGLASS: You became active in CDC?

COBEY: Yes. But I was never an officer in CDC.

DOUGLASS: Because you were not an active party person at the time you went to the senate. As I recall, you had not held any positions in the county Democratic Committee.

COBEY: As you undoubtedly know, the party system in California was deliberately destroyed by Hiram [W.] Johnson. He had been a successful prosecutor in San Francisco. When he wanted to run for governor, he could not win control of the Republican party from his father, who was the chief lobbyist for the Southern Pacific Railroad, the biggest political power in California. So, not winning control of his own party, he set out to deliberately destroy the party system. And it was, by and large, destroyed. I was not sympathetic to that because I felt it was irresponsible. That is why I formed my little group in the senate to support Governor Brown--and also to get my a judgeship, I hoped--because I felt that there ought to be a direct line of responsibility.

Therefore, I wanted the party organization to be part of that. In fact, I once introduced a bill that provided for precinct committeemen to work their way up along the line with interlocking memberships to the state committee. I wanted a strong party organization. Of

course, that might have been ill advised if it had passed. Because the cities dominated the party committees. The choice of members and that sort of thing. I had my problems because I represented a group that I felt was strongly conservative. Gordon Winton had more guts than I did because he got involved in the formation of the legal assistance program in the rural areas. Gordon was on the organizing committee. I didn't touch it because I felt the farmers would not like it. There is no use of getting into it.

DOUGLASS: Was this for immigrant workers?

COBEY: Yes. Rural legal assistance. It was under the economic opportunities federal law. Gordon was out in the front of that. I didn't dare come out from under cover. I had nothing to do with that. You haven't interviewed [William J.] Bill Beard, have you?

DOUGLASS: No. I am only doing one, small group. And there are various others who have been done by others.

COBEY: I just cite Bill Beard. He succeeded Ben Hulse from Imperial County, and Bill was quite liberal. He forgot the nature of his district, and, therefore, he got defeated for reelection. I never forgot the nature of my district. It was the U.S. Supreme Court which did me in.

DOUGLASS: Yes. Baker v. Carr.¹ I was interested in your activities in the Democratic party. Once you were an elected Democratic state senator, did you then get involved more with the party end of it?

COBEY: Yes, I think so. Of course, number one, I wanted to develop a party base in my own district.

DOUGLASS: I suppose your district was probably heavier Republican.

COBEY: No. I don't think it ever was. One of the things that saved me--in fact, got me elected--was that 1954 was the first year, as I recall, the party designation appeared on the ballot. Again, that was Hiram Johnson's work, to have no party designation. And Dick Richards led the battle to get the party label on the ballot. It saved me. When it came to the general election, I had no problem. Because for once the party label was there on the ballot, and my district was heavily Democratic.

DOUGLASS: You said that once you were elected you wanted to coalesce a following.

COBEY: And, also, Fresno was the favorite site for the

1. Baker v. Carr 369 U.S. 186 (1962).

CDC state convention because it was in the center of the state. Well, it is right next door to me. And so it was only natural that I should go to the CDC convention. The CDC, by and large, the leadership, was quite suspicious of we incumbent officeholders.

DOUGLASS: That was part of their pitch.

COBEY: Right. Because we didn't focus on the issues like they did. So there was a fair tension and friction there.

DOUGLASS: Had you gone to the Asilomar meeting?

COBEY: No.

DOUGLASS: No. So you showed up when they organized in Fresno?

COBEY: Right.

DOUGLASS: Were there many of you incumbents there? Winton went to that.

COBEY: We were there for protective purposes. Also, they were given to espousing a lot of harebrained ideas which the media, which by and large was hostile to us, used it against us.

DOUGLASS: Putting you on the spot?

COBEY: We were putting out fires as much as we could and that sort of thing. But that got me more active in the party. Basically, it was a protective deal.

DOUGLASS: Instead of fighting them, you joined them?

- COBEY: Yes. Right. Well, we joined them in order to get them to not light so many fires. I don't remember spending much time on party matters.
- DOUGLASS: What about the state central committee? Did you get involved?
- COBEY: I attended their meetings. In fact, my greatest claim to fame was that I got the amendment through that made a woman, have a woman as vice chairman. I forget how it came to me. It was the only time I had the intoxication of a large crowd yelling in your favor. They held it in the assembly chamber. I can still remember that I was constantly being interrupted by these crowd noises, which are very loud. It is a very pleasant feeling.
- DOUGLASS: So, you were the one who got it through that there would be a woman vice chairman?
- COBEY: I think it was a vice chairman for women is how we made it. There should always be a vice chairman for women.
- DOUGLASS: That made you a hero for the women certainly. So, you were dabbling in this, but it doesn't sound like Democratic party politics were major concerns of yours.
- COBEY: I was a great admirer of Roger Kent. Because, as you know, the chairmanship went back and forth--at least it used to--between the two sections of the state. And Roger and I were

very good friends. No, I didn't spend my time trying to attain the chair of the party or anything of the sort.

DOUGLASS: What do you think, as you look at it today, the role of something like a CDC is? Do you think there is a role for a group like that? Issue oriented.

COBEY: Yes. I think they serve a good function. But they've got to remember that a politician has to get elected and stay elected to do anything. So politicians are bound to think about the acquisition and retention of office as their primary concern. Then if they get in office, why, they can do some things on some issues which would be helpful.

DOUGLASS: What I am wondering, too, is that as an incumbent who has gone through the process of getting legislation through, I am just guessing, would you have been concerned that they didn't see the realities of how legislation gets passed? There are compromises that go into getting . . .

COBEY: Yes. They are not happy with a compromise system. I was very happy with it. By nature I am a compromiser. It does not bother me at all. Half a loaf is better than no loaf.

DOUGLASS: Isn't it sort of dealing with reality? What you

can get?

COBEY: Right.

DOUGLASS: That was an interesting period. So, you went to quite a few things.

COBEY: Yes. I went to them, but mainly to find out what was happening.

DOUGLASS: Well, you were not particularly involved in this whole side of endorsing candidates, pre-primary endorsements and all of this business and the fights with Unruh.

COBEY: No.

DOUGLASS: OK. Was there anything more on Glenn Anderson?

COBEY: No. Glenn and I were good personal friends.

DOUGLASS: Did you get to know him during this time he came in as lieutenant governor?

COBEY: Yes. Socially. He and his wife and Jinny and myself.

President Pro Tem Hugh Burns

DOUGLASS: Well, let's talk about Hugh Burns.

COBEY: Hugh was an old-line politician. There was a book written which is out of print now. I think it is called Olson's New Deal. It is a wonderful description of the [Governor Culbert L.] Olson times. I lost my copy or lent it to somebody who didn't return it. And I have never been able to get hold of it again. It was a wonderful description. That was one of the things I did in preparation for the senate. I

read that book. Because it discussed all these people with whom I would be dealing. What they had been doing in the past.

Hugh was strictly--I don't know why I should say old-time--but an old-time politician. He concentrated on the essentials. On getting into power. He really didn't give a damn about the Democratic party or Democratic governors.

DOUGLASS: He was his own power base?

COBEY: Yes. He didn't have any special allegiance, shall we say, to the liberal doctrine or the liberal points of view.

DOUGLASS: Do you recall the details of how he managed to gain the election as pro tem?

COBEY: That was very easy because of the fact that he had been the minority member of the Rules Committee for years. So he had the solid backing of all the old-line Democrats.

DOUGLASS: But the senate was split. Twenty-twenty; Republican-Democrat. So, he had to get a couple of Republicans to support him.

COBEY: It was not very hard for him. He was very good at knowing when to hand out favors and how much.

DOUGLASS: Well, I heard one story that perhaps it was Randolph Collier.

COBEY: Yes. It was. Old Randy, you remember, switched parties. He had been a Republican. When he saw

the winds were blowing the other way, he had no hesitation in switching.

DOUGLASS: But he switched right after this. He hadn't switched by then.

COBEY: Maybe not. We all went back to the Democratic national convention.

DOUGLASS: And the other name was Sutton. Louis [G.] Sutton.

COBEY: Sutton was my seatmate for one session. I don't know why Louie would focus in it, unless Burns had him securely in his pocket. Sutton was not impressive in any way.

DOUGLASS: Well, Burns finally won 21-19. It was two votes in there somewhere, or one, at least, that he needed.

COBEY: I was not that close to Burns.

DOUGLASS: I just wondered if you remembered that.

COBEY: He would not place his confidence with a blabbermouth like myself.

DOUGLASS: No. I just wanted to know if you remembered the particular time he was elected.

COBEY: No. I didn't particularly.

DOUGLASS: Well, it was not a surprise to you then?

COBEY: No. I was friendly to Hugh from the start because he represented the adjoining district to mine.

DOUGLASS: That's right.

COBEY: In fact, I think I tried to get him to campaign

for me. He said that he didn't think his campaigning would do any good. I don't know whether that was his real reason or not, but he stayed away. Even in my losing campaign in '66, he came down to see how I was doing. I always had excellent personal relationships with Hugh. But I think we both had the other ticketed for what he was.

DOUGLASS: And I think you said the pro tem's office had a lot of lobbyists.

COBEY: Oh, yes. He understood politics. That's what he was doing. I don't know how he did it, but he really vastly improved his economic situation. Morticians were not that wealthy in those days.

DOUGLASS: Yes. He was a mortician out of Fresno. He must have have a certain kind of charisma to get elected out of there.

COBEY: Well, Hugh played a very smart part. He always acted like a big lout, as if he really didn't know quite what was going on. Hell, the bastard knew everything. He was shrewd as heck. But I stopped him once on an optometrist's bill. The president of the state society or association was from Merced. He had been a member of the Republican central committee in Merced. He and I became very good friends. After I got in the

legislature I helped the optometrists out on their proposed legislation.

So, we got one bill all the way to the Senate Finance Committee. Hugh had made noises that he was going to tack on some amendments which the optometrists didn't want. I think it was a Monday morning. We arranged to have the entire front row in the big senate hearing room. We were going to set aside [room] 4203, I think it was, filled with optometrists. So, when old Hugh came in to take his seat--he always took a few minutes after the appointed time--why, he looked out of that front row, and there was nothing but optometrists. And he didn't open his mouth. The bill sailed through just like it was.

I had one interesting thing with Miller. Because after I had finally gotten the chairmanship of Water Resources, Miller slapped me down on one thing, by getting the committee to reverse a ruling of mine. And I inherited all of my staff from [Stephen P.] Teale, who was one of Miller's chief lieutenants. So, I was suspicious of them.

They had this old engineer. I was carrying a bill for Carley [V.] Porter, who had the Water Committee in the assembly. And I didn't think it was even controversial. But much to my

amazement, Miller took it on. So I was in trouble. We had been debating the bill, and it had not come up for the final vote. Late one afternoon, [William] Bill O'Connell, the name of this old engineer, he walked up to me and said, "Jim, you want me to give you a little help on that bill?" I said, "Yes. I need all the help I can get." I didn't trust O'Connell either. But O'Connell came from Contra Costa County, Miller's county.

So he went down and talked to the board of supervisors down there and said, "Look, why are you guys taking this fellow on?" At the time, the senate reconvened the next day, Miller immediately hurried over to my seat and said, "Jim, is there anything I can to help you on such-and-such deal?" All because the board of supervisors had let him know their position was in favor of it. And not his position. And that was it.

DOUGLASS: I had heard that Burns was a pretty fair person.

COBEY: Yes. He was.

DOUGLASS: Also, if you voted the way you obviously might need to vote, in terms of your district's interests, he didn't tend to hold that against you. Was that your experience?

COBEY: Yes. Absolutely. Very realistic.

DOUGLASS: That must have made him very popular because he

realized the pulls.

COBEY: Yes. Right.

DOUGLASS: I think it was Walter Stiern who said he thought he was very fair.

COBEY: Yes. He was.

DOUGLASS: But do you think he represents another era? I mean, was that a period. Could there be a Burns there now?

DOUGLASS: He gave you the opportunity to . . .

COBEY: To hang myself probably. I think I told you. I complained about the fact that when they set up their interim committees, they didn't have any on labor. And the senate committee, the corresponding U.S. Senate committee was Labor and Welfare. So, they created a Labor and Welfare Interim Committee, and they gave me the chairmanship, knowing neither subject would sit well with my constituents. I considered that for what it was. A hostile act. I adjusted to it. That one didn't work.

DOUGLASS: In terms of your committee appointments, did you have any fundamental problems with Burns?

COBEY: No. Of course, I didn't challenge him until right at the end. Finance [Committee], you just got it on your whiskers. They were the only ones I was interested in. If I had to do things over again, I might have taken another crack at Revenue and Taxation [Committee] because of the

subject matter. I feel that--pardon the language I am using--they were shafting me on the committee.

DOUGLASS: The power structure . . .

COBEY: I leaned over backwards to try to avoid challenging the power structure, because I didn't see anything to be gained by it. The only good revolution is a successful one. If the odds are not in your favor, why do it? I didn't do it.

[Interruption]

Water Resources Committee

DOUGLASS: Senator Cobey, you were always interested in water as a public policy, and then you finally were the chairman of that committee, '59 and '60. A committee you served on from '59 to '66. I was interested in what kind of a situation you inherited when you came on as chairman. Your predecessor and the staff.

COBEY: Well, I inherited the staff that had been put together, as far as I know, by Steve Teale, my predecessor. I was never sure that I controlled that committee as most chairmen do, practically all chairmen do, because on some ruling George Miller appealed from my ruling and got it reversed by the committee.

DOUGLASS: Oh, really. Now was George Miller on the

committee?

COBEY: Yes.

DOUGLASS: That is uncommon?

COBEY: Oh, yes.

DOUGLASS: That's a bad sign.

COBEY: Right. He did it deliberately, and he counted his votes.

DOUGLASS: What was the issue? Do you recall?

COBEY: No. I have forgotten.

DOUGLASS: Something that struck close to his interests?

COBEY: I don't know if he just wanted to put me in my place or what. I don't even remember the issue. It was not of great consequence except my face, so to speak, I was publicly disgraced. I was not happy over that. That's the perils of combat.

DOUGLASS: This was toward the end of your service. It was '63 to '65.

COBEY: Yes. It was at the end that I had the chairmanship.

DOUGLASS: In '65, you are chairman. And the members on it in '63 include Miller, [John A.] Murdy [Jr.] is vice chairman, [L.M.] Backstrand.

COBEY: Have you interviewed John Murdy?

DOUGLASS: No. I have not.

COBEY: I was always jealous of John Murdy, in the sense that he was a graduate of [University of California] Davis, in the agricultural field,

and a very successful bean farmer in Orange County. But I thought he was just a stooge for the group in control. They put him in as the Republican member of the Rules Committee. I always felt that John really didn't know what the hell these boys were up to. But, as I say, you have to discount what I say because of jealousy. It always irritated me that he occupied this position of power and I didn't.

DOUGLASS: So he was the vice chairman?

COBEY: Yes.

DOUGLASS: Donnelly and Miller . . .

COBEY: Donnelly, as I explained to you, Miller had in his pocket. He had his vote any time he wanted it.

DOUGLASS: Edwin Regan, [Jack] Schrade, [Harold T.] Sedgwick, [Alan] Short, and [Howard] Way. That was an interesting committee.

COBEY: Well, I told you about Regan. He was all front. Short was one of these boys that was. . . . I don't what the hell Short was doing. He was not very faithful in his attendance and his homework. Sedgwick was a nice old guy. He didn't carry much weight one way or the other. Who else was on that committee?

DOUGLASS: Howard Way?

COBEY: Well, Howard Way, of course, eventually became

my nemesis.

DOUGLASS: Right. How did you get along at this point?

COBEY: We got along fine.

DOUGLASS: This sounds like a mixed group.

COBEY: Yes. They were a mixed group. Miller was the key man.

DOUGLASS: Miller threw the gauntlet down.

COBEY: Yes.

DOUGLASS: I have when you went on the committee that [J. Howard] Williams was chairman of the committee.

COBEY: No. I was chairman of the joint committee.

DOUGLASS: That's the joint committee. OK. And Teale was on that.

COBEY: Yes.

DOUGLASS: So the senate committee?

COBEY: I didn't get on the senate committee for several years. Neither did Richards or I.

DOUGLASS: This listing I have in '61 is Williams, Murdy, [Carl L.] Christensen [Jr.]. Well, take a look at that list. At the top of the page where it says, "Water Resources."

COBEY: This may be correct, but my recollection of Howard Williams' activity was entirely on the joint committee, which was abandoned shortly thereafter.

DOUGLASS: Teale was on there.

COBEY: Teale was elected, as I recall, May of the year that I came there in January. We were very

close in seniority. Teale was smart. He was Miller's chief legislative lieutenant.

DOUGLASS: I see. When you were talking to Teale, you thought you might be talking to Miller?

COBEY: Oh, sure.

DOUGLASS: So whatever was going on in that committee, you felt that group had dominated the staff?

COBEY: It was terrible when I first set up there. They issued a report on the federal Central Valley Project which was the most biased thing in the world. Because they hated the idea of the feds getting control of waters in California. But it was a terrible report.

DOUGLASS: They were skewering the federal government?

COBEY: Anything to gouge the federal government as far as water was concerned. That is one of the reasons they didn't like me. Because I was willing to look at the feds on the merit to see what was happening. I was not against the feds doing something in the water field because the feds have the money.

DOUGLASS: So that was the basic split between you and Miller. It was over what was appropriate to be done by whom.

COBEY: In a way, [Laughter] they wanted to have the state in control and the federal follow.

[End Tape 3, Side A]

[Begin Tape 3, Side B]

COBEY: You see, the Burns-Porter Act was the big bond act which was passed in 1960. Well, that was full of concessions to the mountain areas. The department had made this review. And they had all of these local, shall I say, water projects financed by the state. [They were] identified, but there was no money. So they put them in this big bond issue. I don't know this, but I always thought that Miller and Teale had a lot to do with that.

DOUGLASS: With the concessions in the bond act?

COBEY: And it also got the bond act through the senate.

DOUGLASS: Can you give an example of a concession?

COBEY: There was just so many little projects, I would have to have a list of them in front of me. But they got them.

DOUGLASS: They got them funded under the bond act. Special little things that would serve them.

COBEY: For them, they were a local deals where they had the water, but they didn't have the money to develop it. Another figure in that was Pauline [L.] Davis from the assembly. She was pushing hard because she represented part of that area to get the projects. Pauline would weep copiously if the votes didn't go the way she wanted them to go.

DOUGLASS: This sort of speaks to the general interest

versus the particular interest in terms of water?

COBEY: The overall statewide interest.

DOUGLASS: That is what I meant. Statewide. In other words, there were not little fundings for things in other parts of the state?

COBEY: In fairness to them, they were the only people who had the water resources. And they were without the money, and there was no way they could get the money except from the state. And I inflicted on you last time, didn't I, my definition of a statesman?

DOUGLASS: No. What's that?

COBEY: [Laughter] A statesman is a politician who obtains public monies from a level of government other than that which he represents.

DOUGLASS: [Laughter] That's excellent. I don't think you did give me that one. Well, once the Burns-Porter bonds [passed], were they still rattling the cage even though they got the concessions in that.

COBEY: Were they asking for more?

DOUGLASS: Yes. And were they digging their heels in about tearing out the state water plan?

COBEY: No. I don't think so. I think that was the key victory. I don't remember offhand now. Let's see if anything jogs my memory. I remember that was the big water battle.

DOUGLASS: In conjunction with that, were you, in particular, working with Governor Brown on water?

COBEY: No. Governor Brown, as I said, Fred Dutton, who was his legislative liaison, was working with George Miller. That was one of my gripes, as you know, assuming that what Burns and Miller wanted was what the rest of the Democratic senators wanted. They did. For a time, the leadership was in place. As long as the leadership is in place, why not consult with the leaders? It makes sense. I felt left out.

VII. GOVERNOR EDMUND G. (PAT) BROWN, SR.

DOUGLASS: Do you want to talk about Brown now? About your first involvement with him. And your relationship with him when you were in the senate?

COBEY: Pat and I first met when he was first running for governor. He and the family always summered up in Yosemite. They invited me up there.

DOUGLASS: Now how did that happen?

COBEY: I was already in the senate. He wanted to meet me. He had been attorney general. The attorney general does not know a helluva lot about state government. So, in his southern California campaign tour, I went along with him the first

time to brief him after all of his appearances. To make sure he had the facts right on what was happening in state government.

DOUGLASS: So you would be briefing him on everything in terms of legislation.

COBEY: Yes. I was a lot closer to the legislative scene than he was.

DOUGLASS: Now how did you happen to be the person doing that?

COBEY: I don't know why Pat picked me. He picked me out. Because I was asked to do it.

DOUGLASS: So you had not met him before that? Really.

COBEY: We had probably run into each other at Democratic gatherings. I had met him before. He knew my boss very well. C. Ray Robinson. Ray had put some money into his campaign for attorney general. So that is how I first got to know him.

Then I made the mistake of when he was elected governor, I didn't go down, at the close of the floor sessions, to hobnob with the governor's staff. Like Hugo Fisher did. I confined myself to my own district and to the stuff I was interested in. And I think that was much too parochial.

DOUGLASS: I interrupted you. You were saying that you had gone to the hotel in Yosemite. He invited you up there?

- COBEY: Yes. He invited me up there. We had an afternoon together, talking over state problems and that sort of thing.
- DOUGLASS: Now this was when he was not sitting as governor?
- COBEY: This was when he was running the first time. He was state attorney general. I remember we spent half a night up there. We shared a cabin together. Both couples. The Browns and ourselves at the [Henry] Kaisers. The Kaisers decided they would get into politics. And so Henry had this marvelous estate on the north shore of Lake Tahoe. Nicely built stone cottages. So the Browns and the Cobey's had the same cottage. We debated that night as to what he would do and spent about half the night. He did have a tough political decision. He was a shoo-in for reelection as attorney general.
- DOUGLASS: This is when he was deciding whether to run for governor?
- COBEY: Yes. Right. I urged him to run.
- DOUGLASS: So, in other words, you met him then. He met you then. Then he picked you to go with him when he ran.
- COBEY: Right.
- DOUGLASS: So the thing up at Lake Tahoe was first.
- COBEY: Right. Then the mistake I made after he got

elected, why, I left him strictly alone.

DOUGLASS: You didn't pursue that.

COBEY: His problems as governor were his problems. My problems as a state senator were something different. I was very stupid. But that is the way I played it. So, I was not close to Pat during his governorship. I suppose he was aware that I formed this small group in the senate.

Bird Watchers Group

DOUGLASS: You didn't directly tell him about that group?

COBEY: I don't remember ever having told him.

DOUGLASS: Name those people again. Who were the Birdwatchers?

COBEY: Let's see. Do you have a list of the senators?

DOUGLASS: I have one from '58. Look at the plat map [of seating in the state senate].

COBEY: Holmdahl, whom I mentioned to you, was one of them. I don't remember [Ronald] Ron [G.] Cameron, whether he joined us or not. It is possible that he did. [John] Jack [J.] Hollister [Jr.] might have. Walter Stiern was one of them. Al Rodda was one. [Virgil] O'Sullivan was a lieutenant of Miller's and [Stanley] Arnold was also. They were both lieutenants for Miller. I wanted to oppose Arnold once for the Rules Committee. I was wisely advised not to. I checked around. He had the votes and I didn't.

DOUGLASS: What about Farr?

COBEY: Yes. Farr was a member of it. How many is that?

DOUGLASS: That's about five. Let's see. Holmdahl, Rodda, Stiern. That's three. I think you named one other who might have. And you. So we are up to four or five.

COBEY: I think we got up as high as seven. I could be wrong. That figure sticks in my mind.

DOUGLASS: You said you felt it was up to you to watch out for the Brown program.

COBEY: Yes. He was the Democratic governor, and I thought it was the responsibility of the Democratic legislators to make the Democratic governor look good.

DOUGLASS: Now what was the official Democratic leadership in the senate doing at that time?

COBEY: Playing games, as they always did. They didn't have an loyalty to Brown. In fact, as I told you, George [Miller] resented Pat considerably because he could not see why he wasn't there and Pat was. And Hugh [Burns], his loyalty was always to the Third House. He never had any party loyalty.

DOUGLASS: You felt there was a vacuum?

COBEY: I didn't think he had any dependable support.

DOUGLASS: Do you think that worked, that system worked in

part? Do you think you helped shepherd some things through?

COBEY: Well, I don't know that. At least, we kept an eye on them. As Al Rodda will tell you, I kept a close watch on what was on the calendar.

DOUGLASS: You checked the status of the various bills.

COBEY: That was on my own bills. I kept a close watch generally. I always knew what was going on in the house. We marshalled our forces when we had to. At the conclusion of each session, you know, they have this logjam. There is absolutely no justification for it. But it happens. And that is what happens. So, we would divide the calendar up then because it was flooded. Each one of us would take about ten bills. Familiarize ourselves with the ten bills so we knew, shall we say, what the right position was.

DOUGLASS: So you would push at the end.

COBEY: So, we would get up if that position was not being pushed we felt well enough on the floor, we would push it. We would count on these people's supporting it.

DOUGLASS: Do you think it worked?

COBEY: Yes. And not only getting them through, it is mainly stopping the bad ones. We had the bad ones ticketed, too.

DOUGLASS: It is interesting that you didn't have any pipelines back to Brown. I would think this

would be very useful to him, to have someone keeping track of what happened to the legislation.

COBEY: He didn't think he needed us. He dealt with leadership and the leadership alone.

DOUGLASS: Even though the leadership was . . .

COBEY: Which, I think, was suspect. But he took a very practical point of view.

Staff

DOUGLASS: Do you think anyone on his staff was persuading him that this was the way to go?

COBEY: I don't know. My friend Fred Dutton may have. I used to argue with Fred about this. Fred and I were close friends for a long, long time. And Ginny and Fred's then wife were very good friends. We used to see a lot of the Duttons.

DOUGLASS: Some legislators perceived Fred Dutton as very controlling, as a barrier to contact with Governor Brown. Would you comment on that?

COBEY: I did not have that experience.

DOUGLASS: What do you think of Brown's style as governor and his relationship with the legislature?

COBEY: Maybe this happens to lots of governors. I think Brown was bored with being governor after the first few years. He was more than happy to delegate anything he could. He didn't want to be involved in it. He is not like Reagan.

[Interruption]

The Lieutenant Governor Knight's whole concept of government was PR [public relations]. As long as the media were not tearing Knight apart or generally in his favor, why that is all that Knight cared about.

DOUGLASS: Was that because he had his eye on staying, getting elected the next time, or was that his style, do you think?

COBEY: As far as I know, it was his style. I never talked to anybody about his performance as a judge. He just didn't put out. And Brown was a considerable improvement in that respect. My standards--because I didn't have the job--may be much too high. But I just think that there were a lot of times Brown hadn't done his homework. Or had not done as much as he should. I can remember one appearance, but I think this was under Knight, though. Oh, yes. This was while Brown was attorney general. Two deputies appeared before the senate Agriculture Committee and argued for two different points of view. I called Pat up. I said, "What is the view of the Department of Justice?" He said, "Oh, Jim, both those guys are nice guys." He still didn't resolve the conflict at all.

DOUGLASS: That's a pretty laid-back approach.

COBEY: [Laughter] Yes. Right.

- DOUGLASS: So you think that carried over to into his governorship?
- COBEY: Oh, yes. He had some able people on his staff. I am great admirer of Fred Dutton. So I think that they did a job. My own guess is that he became bored, and he didn't really feel that he had to keep that close a tab on it.
- DOUGLASS: What was he spending his time on?
- COBEY: I don't know.
- DOUGLASS: After that personal interrelationship that you had, with your wives, there was pretty much nothing after that?
- COBEY: No. Brown and I were friendly, but I was not privy to his inner council, his battles with Unruh and so forth.
- Governors Goodwin Knight and Earl Warren
- DOUGLASS: You brought up Goodwin Knight. He was the governor when you came in and was a Republican governor.
- COBEY: He was a man of his word, though. When we put together the Department of Water Resources, in repayment, he let me name one of the members of the California Water Commission. Which I thought was darned nice of him.
- DOUGLASS: So he stood by what he promised.
- COBEY: Right. But he didn't work at the job at all.
- DOUGLASS: That's interesting that the two of them, in a

way, Knight worked less, you say. Again, do you think that is another period? Style?

COBEY: I don't know. I suspect--Warren was never governor when I was up there--but Earl Warren was much more in control of things. I am a great admirer of Earl Warren.

DOUGLASS: He had an amazing record that man. In two ways.

COBEY: He and I once spent an hour and a half one one evening in Washington discussing California politics.

DOUGLASS: Now how did you know Warren?

COBEY: I went back there [Washington, D.C.] to lobby for the San Luis Water Project. The main dam is in the western end of Merced County there. Los Banos. [] Jack O'Neill, who was the promoter of the project, made a lot of money out of it. From Fresno. When we were waiting to be called that day, he asked me what I was doing. I said, "Nothing." He said, "Why don't you come down for drinks with Honey Bear?" Miss Warren and the governor. So I said, "Fine."

DOUGLASS: Honey Bear was the daughter.

COBEY: Right. So we went down. He spent his time talking to her, Jack did. I spent my time talking to Warren. We spent about an hour and a half talking California politics. I had met him at state bar conventions before. That was one of the most enjoyable short periods of my life.

DOUGLASS: That was a wonderful opportunity.

COBEY: He knew all the players. He knew where all the bodies were buried. Like every good governor, the most important thing that a governor should know is where the bodies are buried. Because when he has to have the votes, that is where you get them. He knows that this guy has got to deliver.

That is the why on Burns. . . . I think I told you Burns was blocking the state Department of Water Resources legislation. Well, I knew Jack O'Neill was the chairman of his finance committee. So, I told [Governor Goodwin J.] Goodie [Knight], "You call Jack O'Neill and tell him that there will be no federal project. You are going to withdraw your support of the federal San Luis project unless Burns gives us his vote on the state Department of Water Resources." So he did that. He got the vote. As I say, when Burns went, about eight went with him. When Burns changed his vote, they changed their votes with him. So we didn't have a problem. That was by direct pressure at the pressure point. The guy raised the money.

DOUGLASS: You were in Washington, D.C. to lobby the congress?

COBEY: Yes. I will have tell you one story. Well, my

oldest brother listened to me testify on the federal San Luis project. After the conclusion of my testimony, he had been sitting on the front row, he leaned over and said in a whisper that could be heard throughout the hearing room, "A Cobey, may be wrong, but he is never uncertain."

DOUGLASS: [Laughter] This is your lawyer brother?

COBEY: Yes. Right.

DOUGLASS: You won?

COBEY: Yes. We won that battle.

DOUGLASS: When would that have been?

COBEY: My guess is that would have been around '56. That is when it was.

DOUGLASS: I gather by implication that you are saying maybe that Pat Brown didn't necessarily know where the bodies were buried.

COBEY: He was a good politician and he should have. I didn't fault him necessarily for not having that information. He may very well have had it, but he didn't work at the job. He just didn't work at it.

1965 Gubernatorial Campaign

DOUGLASS: You campaigned for him again?

COBEY: Yes. That was a fatal mistake. No Democratic candidate for governor had campaigned in Madera County for years because it was too small. It had a population of 40,000. And I went out of

my way to make sure Pat did campaign there in '66. It ws the kiss of death in that county as well as others.

DOUGLASS: Why?

COBEY: There was tremendous resentment against Pat that third time around.

DOUGLASS: Why was that?

COBEY: It accummulated, I guess. I guess they held him responsible because things weren't going as well for the agricultural community.

DOUGLASS: Just the fact that he had been there for eight years?

COBEY: Yes. When you step on toes every damn day, eventually it builds up.

DOUGLASS: So maybe if he had not come by . . .

COBEY: He would have gotten a better vote. [Laughter]

DOUGLASS: [Laughter] It reminded them. You had worked on the '62 campaign, too.

COBEY: Yes. That was the one against Nixon.

DOUGLASS: Any war stories out of that campaign?

COBEY: That was the one where I was chairman of the Social Welfare Committee. We attacked Nixon in that area. It was my statement that was used. I don't think it was attributed to me at the time. I told him to tone it down because Nixon and I had been personal friends. They were ready to really lay it on. So he toned it down

a bit.

- DOUGLASS: This was the statement that the Brown group was issuing on . . .
- COBEY: On social welfare.
- DOUGLASS: On welfare, in reference to Nixon's stand.
- COBEY: Yes.
- DOUGLASS: It was pretty vicious, you think?
- COBEY: Well, pretty strong.
- DOUGLASS: How did you expect that one to come out, between Nixon and Brown?
- COBEY: I was never worried about Brown.
- DOUGLASS: What did you think of the Republican switching of--well, it was not that election--in '58?
- COBEY: That gave us our great issue, the great switch.
- DOUGLASS: But Nixon was certainly part of the politics.
- COBEY: Right. But that was for [Senator William F.] Knowland's benefit. Knowland was really the guy that made that. I knew him personally. My boss, C. Ray Robinson, had served in the assembly with Knowland. In fact, I did some campaigning for Knowland, as I recall.
- DOUGLASS: What were your impressions of Knowland?
- COBEY: Well, I didn't know him intimately. I liked him. He didn't know what he was doing. As a matter of fact, I did write him off as "the senator for Formosa."
- DOUGLASS: Well, I guess, he had the driving ambition to be the governor.

COBEY: Yes. He had a very attractive wife who died from a brain tumor. I thought he was conscientious. First, you look at a guy in public office to see whether or not he is clean. They have so many problems.

DOUGLASS: It has always been true.

COBEY: I think it was more true today than ever. Because they raise those fantastic sums for elections. They spend all their time fund raising.

DOUGLASS: How much did you spend? What did it take to run a senatorial campaign in your day?

VIII. 1965 SENATE RACE

COBEY: The last time I raised about \$32,000. It was not a tremendous amount. I got beat partially because the Republicans had started their campaign a year before. I really was not expecting to run. I only ran at the last minute.

DOUGLASS: Why were you not expecting to run?

COBEY: I was getting bored with the senate, frankly. Also, my kids were getting near college age, and I wanted to get into something that paid more than \$500 a month.

DOUGLASS: Were you hoping for a judgeship then or would you go back to law practice?

COBEY: Either one. I would better my economic

position.

Effect of Reapportionment

DOUGLASS: Meanwhile, you had been waiting out what was going to happen on reapportionment. From '61 on.

COBEY: Sixty-two was Baker v. Carr. Well, that was a sword hanging over our head. I knew some form of reapportionment would then occur. We had defeated all the previous efforts to reapportionment. Mainly, it was just that my kids were getting to college age and I had to have a better income.

DOUGLASS: But then you did run.

COBEY: Yes. I ran at the last minute. Partially, as a lever to make sure Brown gave me my judicial appointment.

DOUGLASS: Because the district you were in was not going to be an easy one for you.

COBEY: [Laughter] Well, it certainly proved that way. I won my two counties and nothing more. I didn't win any of the enlargement. I was really surprised by that vote in Mariposa because I had practiced law in Mariposa for years. I thought I might very well carry Mariposa. I knew I would not carry Tulare. I knew I was in trouble because I knew the people, by and large, would vote to keep the senatorship at home. I had about 145,000 people in my two counties. Howard

Way had 200,000 in his home county of Tulare.

DOUGLASS: That's bad right there.

COBEY: I knew I was in trouble. Neither Howard nor I attacked each other. We would not follow the Nixon system of destroying your opponent. I had no reason to question Howard's integrity or his competence. Of course, I fared very badly in that campaign because the [Eleanor] McClatchy papers, which normally supported me, took no position. Took a neutral stance.

DOUGLASS: Why do you think that happened?

COBEY: I don't know. I never explored the background of it. I was willing to accept their facial explanation that we were both good men and either one would make a good senator.

DOUGLASS: You had something like five counties you were into now. Inyo . . .

COBEY: Mono.

DOUGLASS: Madera.

COBEY: And Fresno.

DOUGLASS: Fresno?

COBEY: Yes. Just a slice.

DOUGLASS: You were dealing with new territory.

COBEY: I got started late because of the fact I had not planned on running.

DOUGLASS: Was there anybody on the Democratic side geared up, particularly, then? Was anybody thinking of running?

COBEY: I think there were a few people who would like to run, but nobody wanted to challenge me because I had been in for so long.

DOUGLASS: In other words, the Republicans had gotten their act together sooner. You had Inyo, Madera, Mariposa, Merced, Mono, Tulare, and Fresno.

COBEY: We had a little sliver of Fresno. What they did was, Hugh was the senator from Fresno, so they were not going to touch him.

DOUGLASS: Yes. Right.

COBEY: So they just went around Fresno. And that took in the mountain counties.

DOUGLASS: Was Way the only incumbent senator in . . .

COBEY: From Tulare County. There was an incumbent who represented the mountain counties.

DOUGLASS: Who was that? He got beaten in the Republican primary?

COBEY: No. He withdrew in favor of Way.

DOUGLASS: But you started the situation with two Republican incumbents.

COBEY: That would have been better, split the vote. I thought I could get into that. What is his name? [William Symons, Jr. from Alpine, Inyo, Mono, 1963-1966] He wasn't in very long. He really griped me because I used to help him out in the senate. How to draft resolutions and that sort of thing. The son of a gun turned

against me completely on a strictly party basis. One of the guys in my group was [Alvin C.] Al Weingand from Santa Barbara.

DOUGLASS: I remember reading that there were two Republican incumbents.

COBEY: I should remember.

DOUGLASS: So, in other words, Way's group was better organized earlier.

COBEY: Much better organized. And they got the support of all the media. I forget what I was attacking Way on, but his answer was that all the newspapers were supporting him. And that was true. They were supporting him, of course, not on the merits of that issue or any issue but simply because he was the Republican candidate and I was the Democrat.

DOUGLASS: And the neutrality of the McClatchy papers didn't help you?

COBEY: Right. I didn't have anything to counteract.

DOUGLASS: In fact, I copied the breakdown in the November election of how the votes came in. This is just in my writing. It is interesting. By counties.

COBEY: I barely carried Madera County that time. That was quite a shock.

DOUGLASS: Yes. That would have been your strength.

COBEY: I was surprised that I didn't carry Mariposa because I practiced law there for years. He gave me a respectable race in Merced and then

slaughtered me in Tulare, where I did a lot of campaigning. But I sure didn't make any impression.

DOUGLASS: That sounds like a lot of territory to cover.

COBEY: Oh, it is. It is a big one. I had to fly over the damn Sierras [Mountains]; otherwise, you had an impossible drive getting from Fresno to Bishop.

DOUGLASS: You and Way had always gotten along I gather?

COBEY: Oh, yes. We used to play tennis together all the time. The son of a gun beat me in tennis, but I didn't expect him to beat me [in the race].

DOUGLASS: I guess the both of you were surprised that you ended up in the same district.

COBEY: Oh, yes. It was deliberate. They did it deliberately. Both of us were persona non grata to the ruling coalition. So, they said, "One sure way to get rid of one of these bastards is to have them run against each other."

DOUGLASS: So, the two troublemakers were thrown in together to kill off each other. Wonderful.

COBEY: Yes.

DOUGLASS: Were you concerned about this in the summer, about how it was going to come out?

COBEY: Yes. I knew I was in trouble right from the start. Because of the fact, as I say, Way's county was bigger populationwise than my two

counties. I knew it was going to be an uphill fight, but I really didn't expect him to beat me as bad as he did. I didn't expect to win, but I expected to run a better race. Howard and I are still friends. Always have been. He is a very decent guy. I am trying to think of the right word. His avocation was penology. He headed the prison system under [Governor Edmund G.] Jerry Brown [Jr.] Now he is one of the lay governors of the state bar in California. They have to have six.

DOUGLASS: Lay people on the board.

COBEY: Yes. It is a bad deal. I don't think any of them should be there. Howard is on that, too. Howard is just a very nice guy and clean.

DOUGLASS: So it was not a dirty campaign.

COBEY: No. He was a farmer from Exeter. He does not look like a farmer.

Appointment to Judgeship

DOUGLASS: I think we did cover the judgeship appointment. When the returns came in, you knew what was uppermost in your mind.

COBEY: Yes. But I didn't know whether I would be able to pull it off.

DOUGLASS: Then Clement Shinn . . .

COBEY: Made the offer. The intermediary was my friend [Morris] Pete Pfaelzer. We had been debating partners in prep school. So he acted as the

intermediary between Brown and Shinn. He was a man they could trust.

DOUGLASS: But Brown did deliver.

COBEY: Yes. Brown did deliver.

DOUGLASS: When did you hear of the appointment.

COBEY: I don't know. All I can say is I was profoundly relieved. [Laughter]

DOUGLASS: Early December?

COBEY: Yes. Something like that.

DOUGLASS: That meant a move to southern California.

COBEY: Yes. From Merced.

DOUGLASS: Where did you settle down here?

COBEY: We were in San Marino. Partially, because Clem was in South Pasadena, and I wanted to be close to him. Otherwise, we might have gone to Westwood. We liked Westwood because of the university. Did I say San Marino?

DOUGLASS: Yes.

COBEY: I lived in San Marino before World War II. When we went back down, we went to Pasadena.

DOUGLASS: Did you live near here in Pasadena?

COBEY: Where I am now?

DOUGLASS: Yes.

COBEY: Yes. I lived up there on Orange Grove? If you know where the Valley Hunt Club is, I was very close to the Valley Hunt Club.

DOUGLASS: Yes. Pretty. Well, then you commuted the

Pasadena Freeway into Los Angeles.

COBEY: Yes.

DOUGLASS: How did you like being a judge?

COBEY: I loved it.

DOUGLASS: Did you like it right away?

COBEY: Well, basically, Enid, I am a wordsmith. Whether they are spoken or written, it is still the same thing. I like writing. So I enjoyed very much being an appellate judge.

DOUGLASS: That always was very satisfying to you?

COBEY: Yes. I told you that Dick Richards gave me the best advice on that. He said, "Never tell Pat you will take a superior court judgeship." Well, for once I kept my mouth shut.

DOUGLASS: I am trying to remember. Did he actually offer you that first?

COBEY: No. All I told him was that I wanted to be on the court of appeal.

DOUGLASS: Did Brown actually speak to you directly about this right after the election?

COBEY: Well, no. He just talked to me when he was going to announce it. The local bar was outraged.

DOUGLASS: Oh, were they?

COBEY: Oh, yes. They had an editorial, I think, in the [Los Angeles] Times on it. The idea of picking an outsider when they had all those lawyers down here.

- DOUGLASS: You were a foreigner.
- COBEY: I think Pat spelled out the terms of the deal publicly in the sense that the seat would not be open except for Judge Shinn's retirement.
- DOUGLASS: I suppose people forgot about that after a while.
- COBEY: A judge does not have any political activity. And I always adhered to that. My political career was over.
- DOUGLASS: Was it hard to remove yourself from the political life?
- COBEY: No. It is just a price you pay and that's it. I follow it with a great interest, but I am not a part of it.
- DOUGLASS: When you went off the bench, you started teaching at Southwestern [Law School].
- COBEY: Yes. At that point, I started teaching at Southwestern.
- DOUGLASS: Is that a full-time position?
- COBEY: It is a full professorship and full time. That's where I spend most of my time. I am also a mandatory judicial referee in the Pasadena superior court. I enjoy that. I generally sit over there on Friday. Then I sit as a rent-a-judge as well.
- DOUGLASS: That's interesting.
- COBEY: I made a lot of money on one case. I purchased

one car on that. That was a good deal.

DOUGLASS: Yes. The rent-a-judge is just in the last couple of years they have been doing that.

COBEY: Probably ten.

DOUGLASS: It is has been that long. The mandatory referee
. . .

COBEY: That's to try to reduce the congestion of the civil courts and is required in all civil cases, except in family law, it is not required, to go through the process.

DOUGLASS: Before they'll take it as a case.

COBEY: Well, the loser, in the arbitration, has the option of refusing to agree to the award and putting the case on civil trial some time later. They don't notify me what finally happens. I like it, though, because I have had no experience in the trial courts as a judge. So, this gave me the experience in the trial court. My friend, Gordon Files, down here, turned it down. He would have none of it. I like to see the people to whom I am doing something.

DOUGLASS: Yes. Right. What are you teaching at Southwestern?

COBEY: State and local government, which they imposed on me. I am fairly familiar with water law, which I love, and legislation, which I love.

DOUGLASS: That is a full plate, isn't it?

COBEY: I only teach two of them a semester. I should

have four courses. I always have one easy
semester. I only teach one course.

[End Tape 3, Side B]

[End Session 2]

IX. LEGISLATION CARRIED
[Session 3, July 8, 1988]

[Begin Tape 4, Side A]

Code of Civil Procedure

DOUGLASS: Senator Cobey, we had done most of the legislation you introduced in 1957. That is, legislation which became law. But there was one that you mentioned in an aside that you thought was important. That was S.B. 1253, which had to do with instructions to a jury in a courtroom. That was an amendment to the Code of Civil
1
Procedure.

COBEY: That bill grew out of my experience. In arguing the case, often the opposing counsel would claim I was misstating the law. That sounds like an indictment, doesn't it? It is an old ruse that is often employed. So to get rid of that, I introduced this bill which required that the instructions on what the law is are given before oral argument. So everybody knows what the law is. Nobody can claim that I didn't argue the law as given by the court.

DOUGLASS: Yes. So that eliminates that little exercise a lot of lawyers use to deflect. I suppose this is one of the advantages of someone being in the

1. S.B. 1253, 1957 Leg. Sess., Cal. Stat. 1698 (1957).

legislature who has been practicing either law or any profession because your experience highlights the problems.

COBEY: Yes. It does.

DOUGLASS: Through the years you worked on the Code of Civil Procedure quite a bit. In fact, if I move to 1959, one of the bills that you introduced which had to do with procedure that the intention to file for a new trial had to be filed within thirty days.

COBEY: Yes. That was based on experience. You always have a limited time in a civil suit after a judgment within which to move for a new trial. Of course, it is limited to specific grounds. I wanted to tie it down to the period within which you have to make your motion for a new trial. That is why I introduced that bill to change the law so that the judgment had to be entered and the time, as I recall, began to run from the entry into the court minutes.

DOUGLASS: That's right. You said that the time was not determined until the order was entered into the court minutes and the date or signed by the judge.

COBEY: Yes.

DOUGLASS: So that gives an official starting time for that window in which a motion for a new trial

could be filed.

COBEY: Yes. That's right. There would not be any argument over when it begins and when it runs out.

DOUGLASS: Actually, there were two bills. And together they did that. The second bill, S.B. 164, went ahead to say that you must file within thirty¹ days after judgment.

COBEY: That was already the law, but you had to hook it on to what was the required start of the period.

DOUGLASS: So it was your experience that there was a vague time line drawn on that?

COBEY: Yes.

DOUGLASS: Another bill that caught me eye was S.B. 165, which pertained to the right of nonresident² aliens to inherit property in California.

COBEY: I don't know where I got that bill.

DOUGLASS: I wondered if there had been some problem.

COBEY: No. I don't know where I got it. I worked closely with a lobbyist for the state bar, so I carried state bar bills. But I don't remember where that came from.

DOUGLASS: OK. Then S.B. 566 had more to do with

1. S.B. 164, 1959 Leg. Sess., Cal. Stat. 460 (1959).
2. S.B. 165, 1959 Leg. Sess., Cal. Stat. 470 (1959).

nomenclature.¹ But I think it was an interesting commentary on what was going on in elections. And, that is, you changed the name of the body controlling state elections from the State Commission on Voting Machines to the State Commission on Vote Tabulating Devices and described procedures for that.

COBEY: There was a little argument between George Miller and myself.

DOUGLASS: What was that?

COBEY: I think that was the time that he claimed we had to go to voting machines. My suspicions might have been completely unfounded, but his interest in me made me suspicious that he was getting a payoff from the manufacturers of the voting machines. This was to go to voting machines.

DOUGLASS: To all voting machines.

COBEY: Yes. That was an attempt to slow that down.

DOUGLASS: So, a vote tabulating device would be a more encompassing term.

COBEY: Yes. Right.

DOUGLASS: I see. You are expanding possibilities rather than narrowing them.

COBEY: George and I had a lot of battles.

1. S.B. 566, 1959 Leg. Sess., Cal. Stat. 1585 (1959).

DOUGLASS: I can tell. Was there anything you agreed on?

COBEY: Yes.

DOUGLASS: How did you get along personally?

COBEY: Fine. George was a very smooth operator. He made sure, as all politicians do, that you have as few enemies as possibly. So, George and I had a good personal relationship. We were never close after I turned him down. I think he had his suspicions of me. Fair enough.

DOUGLASS: The substantive issues which you disagreed on were water and things like this?

COBEY: Yes. He was from Contra Costa County, and he should. It was one of the crucial locations as far as water was concerned.

DOUGLASS: Then it got into more detailed things?

COBEY: We were probably equally suspicious of each other.

DOUGLASS: You were suspicious of the motivations.

COBEY: Yes.

DOUGLASS: Well, that makes it interesting. Were there any others in the senate you had that particular feeling about?

COBEY: I always felt that Hugh Burns was completely in the pocket of the lobbyists. You wanted to watch very carefully what he was doing.

DOUGLASS: What the motivations behind the legislation were?

COBEY: You could guess at the motivations for the various actions. He gave some very good advice to [Joseph A.] Joe Rattigan, which Joe followed, and I didn't. I was foolish not to. He said, "Learn the rules." He was an expert at legislative procedure. I never became that, and there was no excuse for it. The one thing that is dull about being a legislator is attending floor sessions.

DOUGLASS: People think that is exciting.

COBEY: Normally, it was all happening in committee. I would get utterly bored, and I would sit down and read the rule book. I was very stupid. I would start from the first and always lose interest at the same point each time. So, I really never learned the rules. I make no excuse for that. Know the rules above everything else. I try to drive this home to my law school students.

DOUGLASS: Floor maneuvering is important, isn't it?

COBEY: It is awfully important.

DOUGLASS: It is interesting because Gordon Winton mentioned that when he first went to the assembly someone who was helping him as a freshman said, "Learn the rules." I guess he got to be pretty good on points of order and things like that. He said it put in him in good stead. But it does not sound too appealing, at

first.

COBEY: The assembly has always been, of course, much more formal than the senate because the assembly is twice as large.

Trucking

DOUGLASS: Right. It had to be. Well, it sounds like good advice. Let me go through a few more. Here we have S.B. 997 and 998, where you were addressing a subject which you addressed earlier.¹ The length of vehicles such as semitrailers and combinations of semitrailers.

COBEY: That all arose out of the fact that one of my principal supporters in Merced had been president of the state trucking association. And had a trucking line itself. All of those bills were bills that he wanted, and I cleared with the DMV [Department of Motor Vehicles] or the highway patrol, or both to make sure there were no problems. Clearance for big equipment. We worked out those problems. Clearance for big equipment.

DOUGLASS: What were the problems? The rules had been restrictive on the length that he felt it was a problem?

1. S.B. 997, 1959 Leg. Sess., Cal. Stat. 1156 (1959); S.B. 998, 1959 Leg. Sess., Cal. Stat. 1601 (1959).

COBEY: Yes.

DOUGLASS: I see that S.B. 998 eliminated length
restriction on semitrailers and combinations of
vehicles.¹

COBEY: He was a very successful trucker who had a great
career until he got dissatisfied about with the
small amount of money, comparatively speaking,
he made in trucking. Then he decided to be a
highway builder. Then he ran into the Mafia.
They didn't wipe him out physically, they wiped
him out financially. That's the tough thing
about competing with the Mafia is that they
demand a certain return on their money.

DOUGLASS: And he would not knuckle under?

COBEY: Well, I don't know what happened. I never got
back to him, but they really wiped him out. As
I recall, I was going to say he had a breakdown.
I don't know what happened to him, but that is
the way he ended up.

DOUGLASS: This is highway construction in California?

COBEY: Yes. Down in Imperial Valley. The guy's name
is [] Frattiano, or something like that. He
is a well-known mobster.

DOUGLASS: They had moved in on that business.

1. S.B. 998, 1959 Leg. Sess., Cal. Stat. 1601
(1959).

COBEY: Yes. On highway construction.

DOUGLASS: And he was an innocent maybe?

COBEY: Yes. I don't think he engaged in any skullduggery. They wiped him out. They didn't want him in the field. I don't know what happened.

DOUGLASS: And he was one of your constituents up in the Merced area.

COBEY: Yes. He was from Merced. He built up this trucking line.

DOUGLASS: What was his name?

COBEY: Pat Nolet. N-O-L-E-T.

DOUGLASS: Was it Pat for Patrick?

COBEY: Yes. He had been adopted. He was a very successful businessman.

DOUGLASS: What kind of trucking was he doing? Just trucking in general?

COBEY: Yes. Trucking in general. I don't know if he specialized in milk trucking in particular. There were a couple of brothers, the Peters brothers, in Castine, and they had a milk trucking line.

DOUGLASS: I gather from the tone of the legislation, he needed a little more liberal standards for the length of the semi-trailers.

COBEY: Yes. That's right.

DOUGLASS: Well, that is an interesting statewide problem

for truckers, I expect. That probably gave you the goodwill of all the truckers.

COBEY: The trucking association never contributed anything.

DOUGLASS: They never did?

COBEY: I don't know. They might have disguised it.

DOUGLASS: You knew him personally, in particular?

Relationship to Constituency

COBEY: Yes. A legislator tries to take care of his friend's problems, as long as he can do it without damage to the state interest. I have taken the position that a legislator's primary responsibility is to his constituents. I always looked at statewide problems on the basis of what the effect of any proposed solution would be on my constituents. I have been criticized for that because they say, like the CDC people, "Why don't you have a broad view of the impact on the state? This is state legislation." I said, "Look, these are the people who put me in office, and these are the people who keep me in office. If I don't represent them, there is nobody else to represent them in the senate."

DOUGLASS: Were there many times when that was a real conflict for you?

COBEY: Well, I was bothered during the [President John F.] Kennedy administration. Kennedy was more liberal than I felt my constituency was. So, I

tended to drag my feet on some of the Kennedy proposals.

DOUGLASS: As they affected California.

COBEY: Yes. In that respect, I think Gordon Winton was far more courageous than I was. He was, I think, one of the founders of the rural assistance programs. I would not touch it with a ten-foot pole.

DOUGLASS: That is a hard decision when you have your own personal view of what is in the best interest of the state . . .

COBEY: Yes. I always said publicly that I am not a robot. I insist on the right to use my own judgment. If my constituents think I misinterpreted what is good for the district, they have the right to throw me out. I tried, which I am sure all legislators do, to avoid putting myself in the position where my district concern was against that of the state. Or, certainly, where I was against what I felt was the majority view of my district. Of course, in those days, we didn't have a the money to do polling. Also, people don't make up their minds on things until really the crunch has come. I solicited all sorts of advice. I used to write a weekly column.

DOUGLASS: Oh, you did.

COBEY: On legislative matters. You could always insert

it in the weeklies because they were desperate to fill up the space. We begged for an expression of sentiment on certain issues, and you would not hear a word. You cast your vote and then all hell would break loose. It would drive me crazy. But, actually, people don't think about public problems unless they are on top of them, that is, they are right next to them. There is nothing in a democracy that you can do that would insist they be thinking about it.

DOUGLASS: What did you use as your . . .

COBEY: Yardstick?

DOUGLASS: Yes.

COBEY: Basically, what I thought was good for the district. For example, as I told you, since Merced was the fourth county in the country in milk production, I was interested in milk regulation and working on that. Working on that, I never accomplished, as I told you, what Joe Gonsalves did when he got rid of the whole lousy system. He was a dairyman from down here.

DOUGLASS: You mean the whole pricing system.

COBEY: Yes. I was concerned with agricultural problems. The problems that I thought had a direct and substantial effect on the agricultural economy that I represented. I was trying to improve the position of the milk

industry because we were at the end of the line for both the L. A. area and the Bay area, and we had the worst contracts, by and large.

Basically, I was concerned always about what the effect of any proposed legislation would be on the farmers I represented. Notice, I said farmers. I did not say farm workers. Farm workers were not organized. I met Cesar Chavez early in my career in '55. He was a community organizer, paid by the Rosenwald Foundation, helping us out on a registration, a Democratic registration in my district. He gave one of the best rejoinders I ever heard in my legislative history. In subsequent years, towards the end of my career, I was pushing him pretty hard in a legislative hearing.

DOUGLASS: About what he was wanting for the farm workers?

COBEY: Yes. I was on the side of the farmer. He looked up and said, "Senator, you didn't talk to me that way when we were working together in 1955." He shut me up completely. I had no response.

DOUGLASS: I suppose as they got increasingly organized that became a more difficult problem to cope with.

COBEY: Yes. But it was not really difficult in my time. He had a very attractive woman, I

thought, Dolores Huerta, who had eight children. She was his major legislative lieutenant. So I saw much more of her because she was contacting legislators.

DOUGLASS: As you were in the legislature, about what years did they start showing up more and more in an organized form?

Interim Committee on Labor and Welfare

COBEY: I wrote a report and that is something we ought to discuss. I think the Interim Committee function is terribly important. We don't have it any more. That is one of the things that Unruh accomplished that I think is bad. The legislature is practically in continuous session. So, you don't have the time back in your district. But, more important, you don't have the time to make what we used to call an interim investigation. An interim committee report. I am very proud of the fact that the first interim committee I headed up won the award from the legislative leaders as the best-- it was not phrased exactly that way--the best committee report in the United States.

DOUGLASS: Really?

COBEY: That was on what was then called aid to needy children, the administration of that program.

DOUGLASS: Was this the Interim Committee on Institutions and Welfare? What was the name of your area?

COBEY: On labor and welfare.

DOUGLASS: What year was that, Senator Cobey?

COBEY: The year? I think it was '59.

DOUGLASS: That explains this bunch of legislation that you introduced.

COBEY: That's right. The legislation from that committee investigation.

DOUGLASS: Who else was on that committee? Offhand. The key participants. Do you remember?

COBEY: I don't remember.

DOUGLASS: You chaired it.

COBEY: I chaired it. Remember, they had given that to me when I complained about the absence of a labor and welfare committee among the interim committees. They thought they would silence me with that. None of those subjects were particularly appealing to my constituents, at least, the ones I represented. The farmers.

DOUGLASS: Was that meeting about a year before you issued the report?

COBEY: I forget how long we worked on it. There was a very good young man on it, Andy Oppmann.

DOUGLASS: Andrew Oppman? Was he your staffer?

COBEY: He was a staffer for that committee. As I recall, I took over that committee from John Murdy about that time. John Murdy had headed up something in that field, but he had not done

anything. [Laughter] That comes to mind. I never forgave him. One of the things I had insisted on was field toilets. Toilets in the field. When it got before, I think, the Finance Committee rather than the senate, John and others ridiculed it to death. I didn't have a sense of humor on that. And now it is accepted practice. It just took more time. I essentially represented the farmers and not the farm workers.

DOUGLASS: This report, we will get into the legislation that came out of that in a minute.

COBEY: The report was very well organized. What we did, and I think that is what won us the award, we would set forth the problem and then a proposed solution. The report had numerous parts because of the way it was set up and all the subjects we covered. It was very logically organized. And, I might say, my decision to investigate the administration of the aid-to-needy children was not a nonpolitical decision. At that time, the old age pensioners had a very formidable lobbyist of their own. His name was McClain.

DOUGLASS: George McClain.

COBEY: I didn't want to take him on. So I left that program alone.

DOUGLASS: I see. You went for the children.

COBEY: I went toward the children instead. Even there, my coverage was not comprehensive in the sense that I knew my farmers did not want any increase in the money spent for welfare. So I deliberately gave my staff instructions that they were not to recommend any financial increase.

DOUGLASS: It is interesting. I have here the 1961 listing on page three. There were a series of bills that you carried which were amendments and additions to the Welfare and Institutions Code with reference to needy children.

COBEY: They were all tied to that investigation.

DOUGLASS: One was for establishing responsibility in the administration to see that it was well done. One was making case workers available. A lot on responsibility for support payments.

COBEY: The county welfare departments in certain agricultural counties were tremendously understaffed. Understaffed and overworked. I always resented that. Although, I guess, it is legitimate. I would argue that we fought over the policy of the matter when we were battling as to whether this law should be enacted. But every law that is on the books should be adequately funded. No. Most of the legislators took a more common sense viewpoint. If you

can't beat it on the enactment, why, beat it on the funding.

DOUGLASS: Underfund it. Well, there was a whole series of bills, twelve of them.

COBEY: I intended to have them here today. I have them in my office down at the law school, but I forgot to bring them. I have my printed committee reports. There are not a great many of them because the next thing we looked into was farm labor. There is a report on farm labor.

DOUGLASS: Was that another or the same interim committee?

COBEY: It is the same interim committee but a different two-year period. Later, in '61, as I recall. There, of course, we were defending what was then known as the bracero program. The importation of Mexicans to handle the heavy labor requirements at critical times such as harvest. Basically, that took care of that. Organized labor would fight against it because the presence of this labor supply from abroad when they were needed depressed farm labor wages. There wasn't any question about it. I spent some time arguing with the leaders of organized labor about whether we could work out an accommodation. But they did not accommodate, and I don't blame them.

DOUGLASS: What was your notion of accommodation? What

kinds of things would you propose?

COBEY: Oh, I don't know that we got that far.
Basically, I was trying to feel them out to see whether they would take something less.

DOUGLASS: They'd live with it a little bit?

COBEY: And the bracero program was an economic necessity to the California farmer. They would not. They played hardball on that and won.

DOUGLASS: So that brought you more in contact with Cesar Chavez, I assume?

COBEY: I guess. I don't remember particularly dealing with Cesar in the legislature. They ignored the legislature. But, basically, it was organized labor that was insisting on it.

DOUGLASS: I see.

COBEY: I can remember one time where for some reason I was off the floor. C. J. Haggarty, who represented was the the A.F. of L., I found at the start of one day's session--the senate convened in the afternoon--I found out that he was intercepting every senator who came to the floor to tell him to kill one of my bills that was up that afternoon.

As soon as I found out about it, I went to the conference room he was using, right off the floor of the senate. I said, "Why do you want to kill this bill? This bill is important to my

district. Forget it. Why don't you leave it alone in the senate because you can kill it in the assembly. That is where the city people have the votes. Let me get it through the senate. Then you can kill it in the assembly. I'll see to it that you can account for your actions."

DOUGLASS: He accepted that?

COBEY: He accepted that. He killed it in the assembly.

DOUGLASS: How interesting. Back scene stuff. Were you heading this interim committee for a number of years?

COBEY: I think I had it for about four or five years.

DOUGLASS: What are the things you investigated that you found the most challenging or most interesting?

COBEY: I only had those two subjects for investigation. Farm labor and the aid-to-needy children welfare program. Then it stopped. I was not so successful on the farm labor law. I think my effort in that area sunk without a trace.

COBEY: You commented about the time for investigative study on part of the legislature. Do you think it would be a good idea to at least set aside some period within a year?

COBEY: There is no reason for the legislature to be in session all year. As you know, when I went up there, every other year was the long session. January to June. You had the rest of the year

off. Then the next year you had the budget session. You had a lot of free time. That's when you could look into subjects. The bane of the legislature is that the legislator is supposed to know everything about everything. As a matter of commonsense, he can't. He has to specialize. He has to depend on the views of his fellow legislators who do specialize in a particular field.

I think you can make far better laws if you really have an exhaustive investigation, as long as it is fair and impartial. One old legislative consultant used to call me judge long before I ever became a judge because of the fact that I looked at everything on its merits. That viewpoint was unknown to some of my colleagues. They could hear the axes they had to grind.

DOUGLASS: How did you apply this to, say, the farm labor cases, on which you did have a viewpoint?

COBEY: I made it certain that Chavez' view was heard. I was not going to cut anybody off.

DOUGLASS: They had a forum.

COBEY: They had a forum. In fact, when my constituents started to complain about that to farm leaders, I said, "Well, we will hold a hearing in Merced." They said, "Oh, no. Sacramento is as

close as we want to be to it." I thought every hearing ought to be conducted fairly, and that required that everybody with significant support should be heard.

DOUGLASS: Were there some instances in which the interim committee was abused by people? Well, various things. As a way to collect some per diem. The way to ride some kind of an issue.

Bill Origin and Handling

COBEY: Sometimes things come up in a suprising fashion. One thing of which I am very proud is the work furlough plan for county jail prisoners, which since that time has been extended to state prisons.¹ Well, they have not had as much success because there the people have committed more serious crimes. That all grew out of the fact that my seatmate, Bob McCarthy, was trying to ingratiate himself with the Hearst papers, the Herald-Examiner in San Francisco.

I put the bill in and really neither one of us expected it to pass because the guy who was then governor (Knight) said he might like to take it on. Much to our surprise, it passed. One of my hallmarks, frankly, was that I would never agree to take a bill and then just sit on

1. S.B. 580, 1959 Leg. Sess., Cal. Stat. 1580 (1959).

it. Everybody knew rather quickly that if I took a bill, I would not give up until there was no chance of that bill getting passed.

DOUGLASS: You saw it through one way or another.

COBEY: I saw it through. That is one reason why I had so many bills offered me because they knew at least they would have a decent run, and I would not lie down on them. I certainly would not double cross them.

You know, within the legislature so much is done by word of mouth. Not by written record or anything of the sort. So, I was happy to develop that reputation because, of course, I loved the work of the legislature. I loved the committees, not particularly on the floor. George and I had one floor debate. I enjoyed floor debates because I was very confident. I have always been a wordsmith, and that was down my alley. I was my class debator. I did a lot of debate.

DOUGLASS: You liked that. But you'd rather do it in a committee setting.

COBEY: Well, more gets accomplished in committee. Those people who have to depend on floor passage are down to the last resort. Normally, it is a tradition, again, you didn't reverse committees. Because if you reversed committees, what did you

have? Rarely did you try to reverse a committee.

DOUGLASS: We might get into this whole thing you mentioned earlier. The dependence on what we might call a gentleman's agreement in the way the senate operated. One, is the given that you don't reverse a committee recommendation unless it is an extremely sore point with you. What are some of the others?

COBEY: As a matter of fact, early in my legislative career, I found a bill in trouble. It was not my bill. I forget whether the members had not been properly notified or what it was. But I intervened and held up a meeting in consideration of that bill to make sure that all views were heard. We passed that bill on the floor.

DOUGLASS: So, all interested parties had the opportunity.

COBEY: Yes.

DOUGLASS: You did that out of courtesy?

COBEY: Out of a concern for fairness.

DOUGLASS: What are some of the other examples of that kind of thing? Unspoken, unwritten rules of the road.

COBEY: Well, I can't think of any except for the rules I mentioned to you. A bill would not be taken up in its author's absence.

DOUGLASS: That was true for you and you applied that to

others?

COBEY: That was a senate tradition. You could rest assured that nobody would either try to put a bill through or kill a bill in the absence of the interested senator.

DOUGLASS: So you didn't have to be nervous about that.

COBEY: No.

DOUGLASS: Any others that come to mind?

COBEY: Not immediately.

DOUGLASS: Well, to go back to legislation, let me ask a general question. If you generalized about the bills you authored, how would you divide up the source of those bills? Obviously, one is an interested peripheral and/or a lobbying group would ask you to carry something. Some came out of your own knowledge of problems.

COBEY: Yes. Some of my own. Basically, the bills in the legislature, the bulk of them, are the product of outside interests. You offered bills. Of course, that first session they offered me all the old turkeys and chestnuts. Some of that had been around for years. They would not tell you that.

DOUGLASS: Now, who would they be?

COBEY: The lobbyists. Because most legislators are looking for bills. They don't have enough bills to carry that they have thought of themselves.

DOUGLASS: Would this be whole gamut of lobbyists from liquor to trucking?

COBEY: I dealt primarily with agricultural lobbyists. The Farm Bureau and the Agricultural Council. The state bar because I was a lawyer. I was just trying to think, any lobbyist walking down the hall would try to see whether he could get his bill identified with a member.

DOUGLASS: What would be your measure, again, of whether you take it or not?

COBEY: Well, I read it over. I would decide whether or not what he was telling me was accurate. As I said, if I thought it was in the interest of the people of California and did no harm to my constituents' interest, I would take it.

DOUGLASS: Did you have enough staff to back that up? Obviously, some of these were probably technical.

COBEY: Well, I generally depended on my own reading. No, we did not, direct staff, I had a very good secretary. But, basically, you depended upon your own evaluation. I don't think I ever consulted with anybody as to whether I would take a bill.

DOUGLASS: You did your own research?

COBEY: I did my own research in the sense I read the bill and looked at what the people said who were offering it. Generally, you did not hear from

the other side until the committee hearing on the bill. Although, you might hear from both sides, as you know, testifying before a legislative committee, the witness has to deal with the fact that often the bulk of the committee has already made up their minds by the lobbyists having seen them before the hearings. I think that was another thing. I don't know want to be laudatory, but I think most of the lobbyists knew, since I did my homework they just could not just mislead me quite as easily as they did some others.

DOUGLASS: Did you ever find yourself in the position of having to sponsor a bill and changing your mind as it worked its way through?

COBEY: I don't think so. I had always been over it pretty thoroughly. I told my class: why do you trust lobbyists? I trust lobbyists because they only have to mislead you once. If you feel that you have been deliberately misled, they haven't any more credence with you from that point forward. A lobbyist knew a lot about the probable workings of a bill or a statute that a person outside of that particular industry would not know. So they were very educational. So a competent and expert lobbyist, I had a lot of respect for.

DOUGLASS: You could get information from him that was essential to you.

COBEY: Right. You want to have more information. They have information now because the legislature is much better staffed. You don't need that anymore. One of the things that the legislature was blessed with was an excellent group of lawyers. The Legislative Counsel, who drafted the bill and, also, of course, rendered letter opinions to us on anything you wanted to inquire about. You had an excellent backup on that. And then Alan Post's office, the Legislative Analyst, did a terrific job of analyzing the state budget item by item.

[End of Tape 4, Side A]

[Begin Tape 4, Side B]

Most of these have to be done awfully fast. Lots of times, I was asking him for predetermined results. In other words, I was trying to get justification for a position. But they did not always give me that. I can remember one case where, representing an agricultural area, I was convinced that any study of cost versus benefits of water projects that were beneficial primarily to agricultural would come out way ahead of those beneficial primarily to recreation. When they made a study for me, much to my consternation, I found out

that was not true. I could not claim that.

DOUGLASS: It was the reverse.

COBEY: Right. So that was highly educational. That is one of the best things about being a legislator. You get educated. You learn about people's problems. It is fascinating because there is continual change. Of course, there is a pattern and a fashion. The worst thing about being a judge is that a judge hears only what is before him. But a legislator, within the limits of looking out for his own district first, can take up anything.

DOUGLASS: A much wider vista.

COBEY: A much wider spectrum of activity. That is one of the fascinating things about it. Learning, at least if only a little, about so many things.

DOUGLASS: Let's see. We were doing 1959. Do you have anything in particular you might want to talk about, in terms of bills you carried?

COBEY: The work furlough plan was a 1958 bill. The origin of that bill is interesting. One of my constituents brought me a Saturday Evening Post article on the Huber plan, and I decided it was a good idea.

DOUGLASS: Are we on '59?

COBEY: At this point, that was '57. I was checking on things earlier.

DOUGLASS: Right. The work furlough. We talked about that earlier.

COBEY: [Laughter] One bill in '57 of interest was [S.B.] 1826, which made the recovery of damages for personal injury separate property rather than community property.¹ And the origin of that bill was Judge Shinn.

DOUGLASS: He thought that was a problem.

COBEY: He felt that is the way they should be classified legally. Of course, subsequently, that statute was reversed by the California Law Revision Commission's recommendation when I was a member of the commission.

DOUGLASS: Oh, was it? So it is community property.

COBEY: Yes. I didn't oppose it because they had good reasons for their position. Now, let's see, we are in '59.

DOUGLASS: Yes. Take a glance. We have done some bills in '59.

COBEY: There was one funny one. S.B. 232.²

DOUGLASS: Oh, yes. I had that one marked. What was that one about?

COBEY: That originated on the suggestion of an optometrist of my district. He was sort of a

(1957). 1. S.B. 1826, 1957 Leg. Sess., Cal. Stat. 2334

2. S.B. 232, 1959 Leg. Sess., Cal. Stat. 531 (1959).

harebrained character, but I thought it made sense. That is, do you know what the temple to an eyeglass is?

DOUGLASS: Yes.

COBEY: These sidebars. They were being made too wide so that they were interfering with side vision, lateral vision.

DOUGLASS: The design.

COBEY: Yes. He brought that bill to me, and I thought it was a good idea. So, I put it in.

DOUGLASS: I noticed that you had several things on optometry over the years.

COBEY: He was not the optometrist who I was close to. The other one was the state president, Dr. George Dean. He was a very responsible individual. He lost his place on the Republican County Central Committee because of his cooperation with me. He was a very able guy. This other guy was sort of a scatterbrain, generally speaking. He did have a good idea there. Although I remember one of the things we fought about was nun's wimples because they also blocked side vision. We decided that we didn't want to take on the Catholic Church.

DOUGLASS: It can get complicated. [Laughter] I was intrigued with some of your agricultural ones. S.B. 600, in which there was a redesignation of

whipped cream topping and whipped cream.¹

COBEY: I can't even remember the reason for that. A lot of these is just keeping the law up to date. Statutory law. Most of the bills--maybe that is an overstatement--but I think most of the bills originate with the government departments.

DOUGLASS: Yes. That was the other source I was going to ask you about. Housekeeping bills.

COBEY: Well, they run into problems in the administration and implementation required of statutes. There were previously enacted statutes that they wanted to change in some particular. If what they say makes sense, why not do it?

1961 Bills

COBEY: In '61, S.B. 23 had an interesting background.²

DOUGLASS: Oh, yes. Acala cotton.

COBEY: San Joaquin Valley cotton, and, as I recall, we were the leading cotton area of California. There was some down in Imperial County, but we were the leading area for long-fiber cotton. Therefore, it commanded premium prices in the marketplace. They had been very smart when they started growing this Acala cotton to make it the

1. S.B. 600, 1959 Leg. Sess., Cal. Stat. 129 (1959).
2. S.B. 23, 1961 Leg. Sess., Cal. Stat. 18 (1961).

one variety which was permitted. This was to further that advantageous competitive position against out-of-state cotton. Of course, now it has completely disappeared because of the development of a new carding machine which works just as well on short-fiber cotton as as on long-fiber cotton.

DOUGLASS: The advantage, of course, would be the long fiber would be easier to card.

COBEY: Yes.

DOUGLASS: So, the essence of this bill was that it declared a designated area in which this kind of cotton would be grown?

COBEY: This was the protection of that one variety approach and of that particular variety.

DOUGLASS: The next bill interested me because of your concern with the yellow-billed magpie in a number of bills.

COBEY: [Laughter] Yes.

DOUGLASS: I guess they were a real pain to the farmer.

COBEY: Yes. That's right. They were all at the request of the farmers in my area.

There is one bill in '61 which we ought to mention. My S.B. 161.¹ I figured that because

1. S.B. 161, 1961 Leg. Sess., Cal. Stat. 96 (1961).

of the natural inversion of air that lies over the entire Central Valley of California that we had better get started on meaningful monitoring of air quality before it got worse. Air quality is essentially a function of how many people you've got. We were comparatively sparsely populated.

I put this bill in to establish a San Joaquin Valley Air Pollution District with a very low tax ceiling, deliberately, so I would not get a lot of static on that ground. Its function was, essentially, a monitoring function. Well, I never understood what happened there. The McClatchy newspapers supported it up to a week or two before it was coming to a vote, and then they switched their position. As I recall, ultimately, we had to incorporate a formation election in there because some of the legislators, Senator Regan, for instance, would not vote for it. They would not vote for it unless the people first had a chance to vote for it. So we did.

DOUGLASS: To vote whether they wanted to oppose the air pollution [district].

COBEY: When the McClatchy newspapers changed their stance, the oil companies had been fighting it from the start; so this gave them the allies they needed. All I had was the women's garden

clubs. They were not well enough organized or big enough at that time, and I think we got beat about six to one.

DOUGLASS: Now when was that bill?

COBEY: That was 1961, or something. I have forgotten. Anyway, after it was defeated, the implementing legislation had, so to speak, been destroyed, why then Burt DeLotto, then the assemblyman from Fresno, said he didn't like this repeal. He thought it should be left on the books for future opportunities. I said, "No. The people have spoken. I am not going to leave it on the books." That is why I introduced a bill to repeal it.

DOUGLASS: All right. Let me get this clear. You had earlier introduced a bill, it may have been in '61 or another year.

COBEY: I think it was probably in 1959 or so.

DOUGLASS: It would have created the air pollution district. Then the point was made that it should not be created until the people voted on it. It was defeated at the vote.

COBEY: By a popular vote. I didn't want to leave it on the books after that. I said the people had spoken, but DeLotto wanted to keep it on the books.

DOUGLASS: So you repealed it in S.B. 161. Ahead of your

time, maybe, on that?

COBEY: Yes. I think so because I think they were very shortsighted. As I say, all you have to do is to fly over the Central Valley and see the problem for yourself.

DOUGLASS: I want to ask you about S.B. 202, which is on the Civil Code, having to do with the causes of action after death.¹

COBEY: That is a very technical bill. That is probably a state bar bill, a survival of causes of action.

DOUGLASS: The essence being if a person died the basis for action . . .

COBEY: The lawsuit wouldn't go away.

DOUGLASS: OK. We are at S.B. 300, having to do with the Election Code and the selection of delegates to a national party convention at the presidential primary.²

COBEY: I don't even remember what that bill was about.

DOUGLASS: I did note in doing the research that yours was a reflection of what had been introduced on the assembly side.

COBEY: I don't remember, frankly.

DOUGLASS: It had something to do with the extent of

1. S.B. 202, 1961 Leg. Sess., Cal. Stat. 657 (1961),
2. S.B. 300, 1961 Leg. Sess., Cal. Stat. 542 (1961).

commitment to vote. Anything else as we go through '61?

COBEY: No. All of those bills on changing the administration of aid-to-needy children were a product of my interim committee.

DOUGLASS: Could I back up to 1960, not that you have anything [notes] on this, but there were two extraordinary sessions. The first one was to finance the Squaw Valley Olympics. Do you have any comments on that?

COBEY: No. That was quite a windfall for [Alexander] Alex Cushing who owns Squaw Valley. I didn't have much interest in that, basically.

DOUGLASS: The state had to come up with some additional money at that point. Did you have any problem with that?

COBEY: No. Not really. I thought it was a good promotion for the state.

DOUGLASS: The Second Extraordinary Session was Brown's death penalty session in which your friend, Fred Farr, carried the bill for Brown. You were on the Judiciary Committee.

COBEY: That's right. I always took the position on the death penalty that I didn't think the evidence was conclusive either way. Whether or not it actually deterred capital crimes or not. So I took the position that before I had more

evidence, I would not change the status quo.

DOUGLASS: Which would leave the death penalty intact. Do you recall anything about those committee hearings at that time? They must have been rather lively.

COBEY: Oh, yes. One of them lasted all day and into the night. Yes, they were lively. I was carefully staying out of that. I thought that was a cause that would only lose me votes.

DOUGLASS: Well, did you think that either then or later that Brown had made a mistake by hanging in on that problem?

COBEY: No. This was a personal feeling of Pat's. He was genuinely and sincerely opposed to the death penalty, even though as the district attorney in San Francisco, he, I suppose, as I recall, had recommended it. He thought it was barbaric and should be gotten rid of. Probably, I thought, on the merits that he had the better case. But I just decided that it would be a politically costly vote, and I wasn't going to get into it.

1963 Bills

DOUGLASS: All right. We can move to '63. You did, in '63, carry a number of departmental bills having to do . . .

COBEY: I noticed that you have a lot of notations down here about departmental [bills]. What do you mean by departmental?

DOUGLASS: Departmental was the listing I found in the final summaries. I only put it down as being helpful to you.

COBEY: For example, S.B. 42 was not a departmental bill.¹ It was a bill of the Law Revision Commission. It was the basic bill changing the claims procedure. No department had anything to do with that. That was the basic change we were proposing for governmental tort liability.

DOUGLASS: What was the change?

COBEY: Originally, for years, for California as well as many other places, "the king can do no wrong." So the change was from immunity to liability in limited situations.

DOUGLASS: And this had been a study of the Law Revision [Commission]?

COBEY: This had been a study of the Law Revision Commission and developed by them. I was merely the bill carrier. That is why I took offense when I saw it was a departmental thing. They didn't have a damned thing to do with it. In fact, our problem was that Pat Brown, having been attorney general, was opposed to this bill. Any change at all from it. In fact, I think he

1. S.B. 42, 1963 Leg. Sess., Cal. Stat. 1681 (1963).

blocked it once.

DOUGLASS: What do you think led to this change in the basic stand?

COBEY: Liability?

DOUGLASS: Yes.

COBEY: We made a very careful study. We had a study made of the experience in New York. It showed that adopting this limited liability in place of state immunity would not be a substantial raid on the state treasury. Basically, simple justice, I forget who originated it or where it started or whatnot.

DOUGLASS: Accountability . . .

COBEY: To me it made a lot of sense. I didn't think government should enjoy this immunity. Why shouldn't they be responsible for their wrongs as well as everybody else.

DOUGLASS: All of these bills, S.B. 42, 43, 44, 45, were they all having to do with that?¹

COBEY: Yes. They were all Law Revision Commission bills.

DOUGLASS: They provided for the situation in which the state was liable and suable.

 1. S.B. 43, 1961 Leg. Sess., Cal. Stat. 1715 (1961); S.B. 44, 1961 Leg. Sess., Cal. Stat. 1682 (1961); S.B. 45, 1961 Leg. Sess., Cal. Stat. 1683 (1961).

- COBEY: Yes.
- DOUGLASS: I wonder if they put that in because it was the Revision Commission and that is not a good word.
- COBEY: Yes. Maybe it was departmental in the sense that the Law Revision Commission is a state agency.
- DOUGLASS: I really thought I ought to include it in case some department had suggested it. I can see it had a reverse effect. OK.
- COBEY: You know that from time to time I carried bills which were strictly district bills. An eight million dollar loan for the Merced Irrigation District. For a new dam.
- DOUGLASS: That was to build a new dam. S.B. 55.¹
- COBEY: A smaller dam. Earlier you noticed that we got a DMV branch office in Los Banos.
- DOUGLASS: Well, how far did they have to go if they didn't get one?
- COBEY: To Merced. A few bills were strictly district bills. How I got into all these revenue and taxation bills, I can't tell you because this is about the time I was serving on the Revenue and Taxation Committee. So, they were probably brought to me by the [Franchise] Tax Board which

1. S.B. 55, 1963 Leg. Sess., Cal. Stat. 1435 (1963).

administers our tax system.

DOUGLASS: The Franchise Tax Board. It had to do with definitions and gross income.

COBEY: Yes. They used me to carry them. I was always intrigued because, if you pardon the term, I was a half-assed tax lawyer, a country lawyer. I have always liked tax law.

DOUGLASS: I'll have to check the definition of departmental. I wonder if it just refers to some vague source.

COBEY: Now some of these bills are strictly local matters. Like S.B. 479 and S.B. 480.¹ These are a couple of local dam projects.

DOUGLASS: The Hidden Reservoir project.

COBEY: The Buchanga [Water Project]. They were both in the district.

DOUGLASS: [S.B.] 479 and 480. Again, 481 includes Buchanga and Hidden Reservoir.² I want to go to 338, on the compensation of prisoners.³ If I read the summary correctly, that indicated to me that the prisoner would be able to take some of the money he earned without having it all

 1. S.B. 479, 1963 Leg. Sess., Cal. Stat. 1202 (1963); S.B. 480, Cal. Stat. 1203 (1963).
 2. S.B. 481, 1963 Leg. Sess., Cal. Stat. 1438 (1963).
 3. S.B. 338, 1963 Leg. Sess., Cal. Stat. 1200 (1963).

coopted before . . . Was that the essence of that?

COBEY: That's right. To have a little money in his pocket when he left.

DOUGLASS: So they could not deduct everything out. Again, that was a follow-up on your interest, I suppose, in the county jail.

COBEY: Yes.

DOUGLASS: Then there was more needy children legislation. [S.B.] 1533, which increased the membership of the State Board of Agriculture.¹ Was there any particular reason? They went from nine to thirteen.

COBEY: I saw that, but I don't know.

DOUGLASS: And certain designated slots.

COBEY: There is always a battle between the university and the state college system. The university didn't like the creation of the system in the first place. Then, of course, the university insisted on a monopoly on all research. They didn't want the state college system. Of course, they hated the idea of a state university system other than the university, the University of California.

1. S.B. 1533, 1963 Leg. Sess., Cal. Stat. 1387 (1963).

DOUGLASS: The war still goes on.

COBEY: Oh, yes.

DOUGLASS: The state college people were included. Like
[California State University] San Luis Obispo.

COBEY: Right.

1965 Bills

DOUGLASS: All right. We can go to '65.

COBEY: Well, the first one, of course, I was critical
of the Davis-Grunsky law. I see we got six and
a half million [dollars] out of it.

DOUGLASS: S.B. 54.¹ Here you are not a fisherman, and it
was for fish, wildlife, and recreation.

COBEY: There are a lot of other people who do fish in
my area.

DOUGLASS: So this is the benefit of the recreational use
of water. Again, you carried some revenue and
taxation things.

COBEY: Yes. I forget the name of the lobbyist from the
Franchise Tax Board. We were very friendly
because of my interest in tax law.

DOUGLASS: You liked carrying some of that?

COBEY: Yes.

DOUGLASS: I noticed in S.B. 144, you are addressing

1. S.B. 54, 1965 Leg. Sess., Cal. Stat. 143 (1965).

personal income tax problems.¹ This old-new resident thing. I suppose it has to do with selling a house and getting a new house.

COBEY: I have forgotten everything about it. I don't know anything about it.

DOUGLASS: A topic that is a recurring one, of course.

COBEY: Yes.

DOUGLASS: Then you had a number of Water Code . . .

COBEY: Well, one of the interesting ones I checked was S.B. 942 because that was an attempt at securing immortality, by authorizing a study of saline water conversion.² I thought that might be a wave of the future, and I might get credit for that. But it didn't amount to anything.

Then we come down to the bottom of the page to S.B. 967, Evidence Code.³ Special rules of evidence. I have already told you that the Evidence Code was the product of the Law Revision Commission. But this bill is just a small part of the Evidence Code. This part was of particular interest to me.

As a trial lawyer, for me, the most interesting cases were in eminent domain. Of

1. S.B. 144, 1965 Leg. Sess., Cal. Stat. 303 (1965).
2. S.B. 942, 1965 Leg. Sess., Cal. Stat. 991 (1965).
3. S.B. 967, 1965 Leg. Sess., Cal. Stat. 1151 (1965).

course, I was always representing property owners. I represented one side of the case. It was only at the end of my career, I finally got a case for the condemnor, the public entity. But I never got a chance to try it because I went on the bench. I was very much interested in the rules of evidence in those cases. As I say, that is the one form of civil trial that I particularly liked. Because it all depended on expert testimony. So, I thought it was a fascinating part of the law.

DOUGLASS: So here you were laying out the guidelines for the evidence permissible in an eminent domain suit.

COBEY: Yes. That was the one branch of trial practice that I felt I was somewhat an expert. Otherwise, I knew nothing about the law of evidence. It is only in recent years that I have understood it, that the law of evidence should be very simple. All that is involved is that you have to be familiar with the exceptions to what is called the hearsay rule. That is, allowing evidence in that has not been previously taken to court. And the privileges. That is what the law is all about. Nothing else matters, nothing of great consequence. But that light didn't dawn until the last few years.

Actually, when I was working on the Evidence Code on the Law Revision Commission, I really didn't understand it.

DOUGLASS: If you didn't understand it, why, I suspect a lot of people didn't.

COBEY: No. We had two really crack lawyers on there. Herman Selvin, probably the ablest lawyer I have ever known in my life. And Joe Ball. They were both experts in it. I had confidence in their judgment. But me, no.

DOUGLASS: Well, you said, the two elements were hearsay and the other was privilege?

COBEY: Privilege. That is all the law of evidence amounts to, that plus exceptions to the hearsay rules.

DOUGLASS: Privilege means exceptions?

COBEY: Well, like spouses can't testify against each other.

DOUGLASS: I see. Exceptions. Just one final one. S.B. 1307 was where you had to file a bid copy if you were bidding for a milk sale to a U.S. agency.¹ Was there some problem with that?

COBEY: I don't know. To answer your question.

DOUGLASS: That's a long time ago.

1. S.B. 1307, 1965 Leg. Sess., Cal. Stat. 1884 (1965).

COBEY: I assume there was.

DOUGLASS: The only other thing was that at the end of '65 there was a Second Extraordinary Session on senate reapportionment. Of course, this affected you. Do you remember anything particularly about it?

COBEY: Except we were successful in beating down all attempts at change. Personally, I disagreed with the leadership. I thought that we ought to offer them something by way of concession. I was in favor of giving Los Angeles County maybe six or eight additional people, something like that, to quiet them down.

DOUGLASS: Through these years, you mean.

COBEY: So they would not take everything from us. Of course, what I didn't anticipate was Baker v. Carr and the U.S. Supreme Court doing the job.

DOUGLASS: So those earlier proposals, even like the [William] Bonelli plan, that go way back, all the different things . . .

COBEY: I have forgotten what the Bonelli plan even did.

DOUGLASS: That failed at the state polls. He had a different way of dividing up the state.

COBEY: Bonelli himself was a tremendous lightweight. It still irks me that he has managed to establish his name in California history because there was nothing to the man. That's the way the ball bounces.

in the western states. It recognizes not only an appropriative right, which is the right recognized in the rest of the West, but also riparian rights, which are not recognized in much of the West. Except for California, the seventeen western states are equally divided between the two schools of thought.

But the riparian right, anybody can understand. That is where you get a right to use the water from the juxtaposition of your land with the water source, which is the prevailing notion in the East and was in England, both water-rich areas. The appropriative deal originated out here in the mining camps. That is, the first right to use the water should be to those who initially developed it. It makes a lot more sense in the semiarid west.

DOUGLASS: Because development is so costly.

COBEY: And it is so essential.

DOUGLASS: Water is limited.

COBEY: What I neglected to say, and you put your finger on what I omitted. One of the attributes of riparian water law is that, normally, you can only use water on the riparian land. Of course, that means land that is a strip next to the river. But that does not work. It didn't work in gold mining. You have to have water

rights attached to land which is not connected to a water source. So, I did my best to try to simplify and strengthen that appropriate system. In a semi-arid state like California it was of the utmost importance.

DOUGLASS: In other words, these Water Code amendments are dealing with facilitating the person who needs to have appropriative water rights.

COBEY: Yes. And their administration generally. You know, they are state administered.

DOUGLASS: All right. Anything else then to continue?

COBEY: I think you know there is one bill in there which increases the salaries of various county officials.

DOUGLASS: Yes.

COBEY: That is always done at the request of the board of supervisors of the county.

DOUGLASS: Yes. Early on you did one. That is the one hold you have over the county supervisors I guess, isn't it?

COBEY: Well, you try to work with the county supervisors because what is to be gained by fighting them? You certainly let them have their way on those salary deals because the constituents can't say that you, and you alone, are responsible for increasing the salaries of county officials.

DOUGLASS: They are asking for it.

COBEY: Yes. They are asking us to do this.

DOUGLASS: Which reminds me, if you look at the budget session bills, you carried a bill in '58, S.B. 58 in 1958, at the First Extraordinary Session, to amend the Government Code for the compensation of legislators.¹

COBEY: Undoubtedly, it increased the compensation because we only received \$500 a month. An attempt to get around it. Change it.

DOUGLASS: You were willing to carry that without feeling you were carrying the onus for being the one doing it?

COBEY: Obviously, I must have.

DOUGLASS: [Laughter] Well, isn't that a question people consider?

COBEY: Oh, yes. Right. I have talked to legislators who are scared of it.

DOUGLASS: You don't want to be the one who is [responsible for it].

[Interruption]

X COMMENTS ON SENATORS

Joseph A. Rattigan

DOUGLASS: Senator Cobey, I would like to ask you about a

1. S.B. 58, 1958 Leg. Sess., Cal. Stat. 83 (1958).

few of the people you either knew well or had particular opinions about in the state senate. Why don't we start off with Joseph Rattigan, whom you have indicated you thought a great deal of.

COBEY: Joe and I worked together on milk legislation because his county of Sonoma, had many dairymen. Basically, I had tremendous admiration for Joe as a person. During World War II, when I was at the motor torpedo boat, the PT-boat training center in Rhode Island, we did a publicity short for Warner Brothers. I was the liaison between the training center and Warner Brothers on that. And we had to use a student officer's boat, and we happened to choose Joe Rattigan. And so we met. And Joe had a very distinguished record, as I mentioned, thereafter when he took the boats into combat.

So, I met him again at the '56 Democratic convention, that was before he was elected to the senate in '58. Joe struck me as a very straight and very intelligent legislator. He was a damned good lawyer. He knew what he was doing, and you could trust what he was doing. He was my idea of what a legislator should be like. I remember at the end of the '58 session, I tried to bluff him down a little by saying to

him that he had done a really good job, condescending. But he was a good sport on that. Actually, he had more legislative support than I did. He was a good man.

DOUGLASS: Why? Just because of the way he functioned?

COBEY: When he ran for reelection, the Republicans made an all-out effort to get his seat back. It was held by a Republican before he held it. So, he had to turn to Hugh Burns to save him. And Burns raised the money from the Third House, which did save him. From then on, of course, he owed a debt to the Third House. But since I was aware of it, it didn't particularly bother me. I looked at his bills with that in mind, but I never saw anything that was bad that he put across. He put across the [Clark L.] Bradley-Burns sales tax. He was just a joy to work with.

DOUGLASS: I noticed that he was on Agriculture and Judiciary.

COBEY: Yes. So, I would say that Joe was very definitely the sort of person a state legislator ought to be.

DOUGLASS: It was interesting because he was the person who . . .

COBEY: He did a lot of work in the field of education.

DOUGLASS: Right. He was the one who carried the school finance bill that became such a cause of the

lockup. That was 1963. Apparently, he was the one who offered to go and explain to the Republicans what was in the bill.

COBEY: Yes. He appeared before them.

DOUGLASS: Did he ever talk to you about that?

COBEY: No, because I didn't work in the field of education.

DOUGLASS: He got quite a bit of attention for that. So your point is that he was effective.

COBEY: He was effective. He was extremely able and completely honest.

DOUGLASS: He lost in '66.

COBEY: He lost to reapportionment. He was reapportioned out. He was then appointed, thanks to [Eugene J.] Gene McAteer, the senator from San Francisco,--they were going to only give him a superior court judgeship--but McAteer was interested in keeping San Francisco on a par with L. A., at least in the government, insisted on the formation of a new appellate district. A division rather than a new district of the first district, which is San Francisco's district, so that put Joe on the appellate court.

DOUGLASS: This is Governor Brown making the appointment but with these machinations going on as to what level.

COBEY: Yes.

DOUGLASS: Well, anything else about Joseph Rattigan that you would particularly like to say?

COBEY: No. Except that he was a tower of strength and a real leader. And absolutely honest, even though he had close ties by that time to the Third House, due to the fact that they rescued him.

Walter W. Stiern

DOUGLASS: Why don't I ask you to comment about Walter Stiern. He recently died but went out as the dean of the senate. You overlapped some. He came in later than you. Of course, he was very active in education, but you were involved in agricultural matters.

COBEY: I think I broke Walt in to a large degree. As you know, he was a veterinarian and didn't have the legislative experience. He was completely green.

[End Tape 4, Side B]

[Begin Tape 5, Side A]

DOUGLASS: He was a freshman, and you had been in a bit.

COBEY: One term. He came in with Joe Rattigan.

DOUGLASS: Would you and he talk about the agricultural bills? He being new.

COBEY: Yes. Mainly, I would talk about legislative procedures. He was completely honest, but I never considered him the force that Rattigan was. Although, he was a darned good man.

DOUGLASS: Normally, it takes a while in the senate to establish your reputation.

COBEY: Yes. You have to grow a few whiskers. Right now, for example, we have an annual dinner of the Pat Brown era of Democratic senators, arranged by Rattigan and Rodda. Rodda, of course, ultimately, was the senator from Sacramento County. I admired Walt, and I considered him completely honest. I used to give him small contributions to his senate campaigns, but I didn't consider him to be the outstanding senator that I considered Joe Rattigan to be.

Randolph Collier

DOUGLASS: Well, let's talk about Randolph Collier.

COBEY: [Laughter] Well, that is speaking of the devil himself. Randy represented the group that controlled the senate before I got there. He was just an old-line politician from stem to

stern. As you know, he had a title business in little Yreka. But he had been around a long time by the time I arrived. As I said, he ruled through fear rather than love. All the assemblymen hated to appear before his Transportation Committee, that was his field, because they knew he had the thing wired. It didn't matter much what they said or what they did. The only way they were going to get a bill out of his committee was on his terms.

DOUGLASS: He was a great believer in the voice vote.

COBEY: Oh, yes. Then nobody could know what the true sentiment was. He knew all the tricks.

DOUGLASS: I even heard stories that sometimes he might be the only one in the room, or maybe one or two others, and he would declare the decision of the committee.

COBEY: He was used to just ruling in a roughhanded way, and people were afraid of him. Because they knew that Randy was always a formidable opponent. One of the funny things that happened in the senate was that the seat next to him on the floor became vacant. So, Al Weingand got that seat. Al Weingand was the senator from Santa Barbara, and his approach to government was vastly different from Collier's. He was horrified to find out the way that Weingand was

voting because Weingand was an honest-to-god, liberal Democrat. He voted the way he saw it. Collier thought he was completely out of line because Collier thought that the newer senators should take their lead from the old group, which was a bipartisan group that controlled the senate.

DOUGLASS: So, it was more seniority in status than it was party.

COBEY: And also to keep that group in control.

DOUGLASS: Which was Burns. . . .

COBEY: Yes. It was Burns and Collier, they were the leading members. It was strictly an inside operation. And he did not look kindly on people who were not willing to accept the operation.

DOUGLASS: He was on all the important committees. It is incredible. Year after year on Finance, Insurance and Financial Institutions, Governmental Efficiency, and Revenue and Taxation.

COBEY: Yes. He had the choice committees.

DOUGLASS: The power of those committees is incredible.

COBEY: Yes. Right.

DOUGLASS: I suppose you had heard about him before you went to the senate?

COBEY: No. Not really. I heard about him and felt him when I got up there.

DOUGLASS: Did you have any bills of interest to your

district that ran into problems?

COBEY: No. I don't think Randy ever killed any bills that were of interest to my district. But I was always watching him.

DOUGLASS: What would people do if they had the problem of needing a bill to get through and they were very nervous about where he was coming from?

COBEY: They would go see Randy privately and find out what he would take to alter his position.

DOUGLASS: That might cost them a vote for something else?

COBEY: Yes. Randy was one of the few guys who I thought was possibly corrupt.

DOUGLASS: So it might have taken more. Is that what you are intimating?

COBEY: Yes. But that may be unfair to Randy or to Randy's memory now that Randy is dead.

DOUGLASS: I know that highways were his key thing, but what were some of the other issues?

COBEY: Basically, highways and highway patrol were his fields.

DOUGLASS: The California Highway Patrol.

COBEY: Yes.

DOUGLASS: Of course, he was death on the idea that anything would be spent out of that money for anything other than highway construction.

COBEY: Yes. He was very proud of the appellation that he was the "father of the freeway system." He

knew that in that field you just didn't take him on unless you had no other choice. If you did take him on, you would probably lose.

DOUGLASS: He, basically, I assume, was coming from the viewpoint that the northern, more rural counties should get their share of the highway funding.

COBEY: Yes. That is a nice way to put it.

DOUGLASS: [Laughter] You put it your way.

COBEY: I don't know if he was necessarily satisfied with his share. Well, I don't know what he did on highway financing, so I should not talk about it.

Others

DOUGLASS: I have a '56 listing, if you can read what is on the bottom, of names of people who you would have considered at least secondary maybe to Burns and Collier. They seem to be the key people.

COBEY: Yes. They were the key people. [Harold T.] Bizz Johnson was a good senator. He went on to congress fairly early in my career.

DOUGLASS: Yes. But who would have been of that old guard group?

COBEY: [James J.] McBride, who was a senator from Ventura. He was part of it. And [John F.] Jack McCarthy joined it. And George Miller, of course, was a key player. [Robert I.] Montgomery didn't really know much about which

end was up. He was one of those school administrators from Kings County.

DOUGLASS: [Harry L.] Parkman?

COBEY: He was part of that group. He was the senator from San Mateo. And Murdy joined them. I guess Sutton was part of that because he voted with them. [John F.] Jack Thompson from Santa Clara was a little more independent. Howard Way was the name of the senator. And Williams was part of that whole school but not a big part. They gave him the joint committee on water, and that kept him happy. Alan Short, of course, was a maverick. Ed Regan was a part of that, but he was more up front in posture than actual. They let him have Judiciary, and he pretty well ran Judiciary under Burns.

I think Steve Teale came in about the same time I did. A little before. He became Miller's chief lieutenant. [Fred H.] Kraft was a former pharmacist's mate in the navy. His greatest claim to fame was--in the days when they were not so well known--he delivered condoms into all of our soup plates. [Laughter]

DOUGLASS: What about Desmond?

COBEY: Desmond was part of that old-line group. He was a trial lawyer from Sacramento. He was the one who I had told you about knocking me on the

head very gently one night, while riding back on the bus, "You are not another Weinberger, Cobey, are you?" Weinberger had straightened out the liquor industry.

I don't see anyone else.

DOUGLASS: Well, that is helpful. Well, one person that I didn't get you to respond to was Carlos Bee.

COBEY: Well, Carlos, I didn't have any dealings with. Carlos and I were elected at the same time. We both were elected from San Marino. The San Marino paper had an account that we both had been elected. Neither one was living in San Marino at the time.

DOUGLASS: Because you had lived there and Carlos had a mother and sister living there.

COBEY: That's right. I knew his sister. I liked Carlos, but I had no dealings with him as a legislator at all.

DOUGLASS: Anybody else from the assembly? We talked about Unruh.

COBEY: Well, [Nicholas C.] Nick Petris is still there. In the senate. I knew Nick well. I am just trying to remember. I told you that I worked for Weinberger. I can't find that damned report that he signed. He gave me a bound volume of his report on water when we worked on it.

DOUGLASS: The Department of Water Resources.

COBEY: Inscribed with a lengthy inscription. Cap and I were good friends. He is an able guy. He had graduated from Harvard College, Harvard Law School. He was quite a few cuts above the average legislator. I don't know any others.

XI SENATOR COBEY'S OFFICE OPERATIONS

DOUGLASS: That's all right. I think mainly we should focus on the senate. We have covered that pretty well. I guess, in conclusion, one thing I might ask you about is how you handled your staffing for your operation, both in Sacramento and in the field.

COBEY: I didn't have a real problem because Jane Collins, my secretary, was practically my neighbor.

DOUGLASS: She stayed with you the whole time?

COBEY: Yes. She stayed with me the whole time.

DOUGLASS: She went to Sacramento with you?

COBEY: Yes.

DOUGLASS: Who did you have in the field?

COBEY: In those days, we didn't have any field office.

DOUGLASS: But before you went out of office, didn't you have a field office?

COBEY: Well, what happened was, I did something that was quite suspect and properly so. I used my associate in my law office also as a part-time field man. I remember George Murphy, he was

either Legislative Counsel or the number two man in the office, and I asked him his opinion when I was attacked. George just looked at me, smiled and said, "Jim, you really don't want me to give an opinion." I said, "No." [Laughter]

DOUGLASS: I think somebody said, maybe it was Walter Stiern, that you had had a woman as an administrative assistant which was not all that common then.

COBEY: Well, Jane was an administrative assistant. Later I had another secretary. Jane is a beautiful example of the Irish and Irish all the way through. So, that makes her very combative. Number two, she is extremely loyal.

DOUGLASS: So, you worked well together?

COBEY: Yes. I tried to stay out of a few fights that she started. She was very loyal. Then Kay Coleman became my secretary. She was from Sacramento. She had six kids. A very nice person. She became secretary to one of our honorable justices on the court of appeal in Sacramento. And I had a lady who is still around. She is a secretary in a leading law firm in Sacramento. Mene Wulzan. She was a pretty girl and also very loyal. She and Jane worked well together.

DOUGLASS: So you didn't have many people at a time.

- COBEY: I didn't deserve very many. One hundred and forty-five thousand people is a drop in the bucket in this state. That is one good thing, and that is one reason why reapportionment didn't occur earlier than it did. They always gave the senator from Los Angeles County a tremendous staff. He did represent seven million people even in those days. They took care of him.
- DOUGLASS: Compared to what he had to do, say, a small, sparsely populated northern county.
- COBEY: Yes. Right. I had a big day if I had twenty-four letters a day.
- DOUGLASS: There would be quite a differentiation in the amount of workloads.
- COBEY: And you developed what were essentially form letters. You didn't have to inform them very much. If you stayed up there longer, you informed them less and less.
- DOUGLASS: [Laughter] You mean sort of a smokescreen?
- COBEY: I think I mentioned, my predecessor one day saw one of these letters. Somebody had written in support of a particular measure, and he wrote back and said that he had the pleasure of sending that bill to an interim committee. The guy didn't know that meant death to the bill. He could say that, because the guy didn't know anything about the way the legislature operated.

He thought the senator was helping him. He was killing the bill.

DOUGLASS: It is all in knowing the vocabulary.

COBEY: Yes, right.

[I failed to mention that each regular session I carried in number two to three times as many bills as the average senator and got about one-half of them passed. Which was also better than the senate average.]*

[End Session 3]

[End Tape 5, Side A]

*Senator Cobey added the preceding bracketed material during his review of the draft transcript.

NAMES IN JAMES A. COBEY INTERVIEW

<u>Name</u>	<u>Page</u>
Adams, William	47-50
Anderson, Glenn M.	123-124
Arnold, Stanley	148
Babbage, John D.	113
Backstrand, L.M.	139
Ball, Joe	112, 217
Beard, William J.	126
Bee, Carlos	233
Bell, J. Glenn	17
Bell, Rex (George F. Bedlam)	122
Bonelli, William G.	64
Bow, Clara	122
Bradley, Clark L.	224
Bradley, Don	81
Brown, Edmund G., Sr.	24-25, 32-33, 35, 77, 89, 113, 145-153, 156- 157, 166, 207-208
Brown, Edmund G., Jr.	165
Burns, Hugh	34-35, 69, 72, 74-75, 92, 124, 131-134, 136- 137, 155, 224
Busch, Burt W.	71
Busch, James E.	71
Cameron, Ronald G.	148
Chavez, Cesar	183, 189
Christensen, Carl L., Jr.	141
Cleary, Donald	105-106
Cobey, Milton Carpenter	4
Cobey, William Earle	4
Coleman, Kay	235
Collier, Randolph	132-133, 227-231
Collins, Jane	67, 234-235
Cushing, Alexander	207
Davis, Pauline L.	143
Dean, George	201
DeLotto, Burt	205
Desmond, Earl	74, 232
Donnelly, Hugh P.	79-80
Dorsey, Jesse R.	109, 111-112
Douglas, William O.	8, 10-12
Dutton, Frederick	78, 151
Emerson, Thomas	8-9, 14
Farr, Fred S.	71, 149, 207
Files, Gordon	169
Fisher, Hugo	77, 146

Fortas, Abe	7-8, 11, 14
Fortas, Carolyn	11
Gonsalves, Joe A.	104, 182
Grunsky, Donald L.	50
Haggarty, C. J.	189
Hatfield, George J.	52, 123
Henderson, Esther	66
Henderson, Wallace D.	66
Hollister, John J., Jr.	148
Holmdahl, John W.	34, 148
Hubers, Samuel	119
Huerta, Dolores	184
Hulse, Ben	68-69, 73
Johnson, Harold T.	213
Johnson, Hiram W.	125
Kaiser, Henry	147
Kefauver, Estes	43
Kennedy, Harold	38, 42
Kent, Frank R.	15
Kent, Roger	129
Knight, Goodwin J.	100, 152-153
Knowland, William F.	158
Kraft, Fred H.	232
Leshner, Dean S.	55, 61-62
MacArthur, Douglas	20
Mayes, Don C.	55
McAteer, Eugene J.	225
McBride, James J.	231
McCarthy, John F.	231
McCarthy, Robert I.	70, 80, 119, 192
McClain, George	186
Miller, George, Jr.	34-35, 72, 79, 86, 88, 135- 136, 138-139, 142, 174- 175, 231
Montgomery, Robert I.	231
Morley, Kenneth E.	56, 60
Munnell, William A.	83, 88
Murdy, John A., Jr.	139, 185
Murphy, George	98, 234-235
Newman, Frank	89
Nixon, Richard M.	23-25, 157-158
Nolet, Patrick	179
O'Connell, William	136
Olson, Culbert L.	131
O'Neill, Jack	154-155
Oppman, Andrew	185
O'Sullivan, Virgil	148

Parkman, Harry L.	232
Petris, Nicholas C.	233
Pfaelzer, Morris	165
Powers, Harold J.	122
Porter, Carley V.	135
Rattigan, Joseph A.	176, 223-226
Reagan, Ronald	63
Regan, Edwin J.	72, 140, 204
Reiman, Milton	54, 62
Richards, Richard	33, 70, 72, 83, 100, 101, 127
Robinson, C. Ray	38-39, 43-44, 46, 47, 49, 53, 59, 146
Rodda, Albert S.	34, 148, 227
Samish, Arthur H.	52
Schrade, Jack	140
Sedgwick, Harold T.	140
Selvin, Herman	112, 217
Shaw, Stanford C.	113
Shinn, Clement	27-33, 39-40, 166, 200
Short, Alan	140, 232
Smith, A. Curtis	37-38
Smith, Howling	27
Stevenson, Adlai	43
Stiern, Walter W.	34, 101, 148, 226-227
Sutton, Louis G.	133, 232
Symons, William, Jr.	162
Teale, Stephen P.	135, 141-142, 232
Thompson, John F.	232
Unruh, Jesse M.	73, 83-88
Voorhis, H. Jeremiah	23
Wakefield, George	37
Wapner, Joe	110
Ward, Clarence C.	68-69
Warren, Earl	30, 52, 153
Way, Harold,	140, 160-161, 163-164, 232
Weinberger, Caspar W.	65, 75, 89, 101, 233
Weingand, Alvin C.	163, 228-229
Williams, J. Howard	141, 232
Winton, Gordon H.	42, 54, 56, 58, 61, 82, 109, 126, 176
Wulzan, Mene	235