

California State Archives
State Government Oral History Program

Oral History Interview

with

HON. JAMES D. GARIBALDI

California State Assemblyman, 1935-1938
Legislative Representative, 1946 to present

January 11 and 16, 1989
Sacramento, California

By Carole Hicke
Regional Oral History Office
University of California, Berkeley

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None.

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PREFACE

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

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

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

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

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University of California, Los Angeles

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

John F. Burns
State Archivist

July 27, 1988

This interview is printed on acid-free paper.

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INTERVIEW HISTORY

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Interview Time and Place:

January 11, 1989: session of one hour
January 16, 1989: session of three hours
Both sessions took place in Judge Garibaldi's office in Sacramento, California.

Editing:

Hicke checked the verbatim manuscript of the interview against the original tape recordings, edited for punctuation, paragraphing, and spelling, and verified proper names. Insertions by the editor are bracketed. The interviewer also prepared the introductory materials.

Judge Garibaldi reviewed the transcript and approved it with extensive corrections and deletions.

Papers:

No papers were available to the interviewer.

Tapes and Interview Records:

The original tape recordings of the interviews are in the Bancroft Library at the University of California at Berkeley along with the records relating to the interview. Master tapes are preserved at the California State Archives in Sacramento.

BIOGRAPHICAL SUMMARY

James Donald Garibaldi was born in Merced, California on July 27, 1906. He attended Merced Public School, Stanford University, and Boalt Hall Law School at the University of California, Berkeley. He practiced law in Los Angeles and Sacramento, served as state assemblyman 1935-1939, was elected superior court judge, and has been a legislative advocate and attorney since 1945. He served in the U.S. Army Air Corps 1942-1945 and was discharged as a lieutenant colonel. He also served as special assistant to the U.S. Attorney General in 1953.

Judge Garibaldi is a Democrat and member of Elks, Fraternal Order of Eagles, Native Sons of Golden West, and 20-30 Club.

[Session 1, January 11, 1989]

[Begin Tape 1, Side A]

HICKE: Well, why don't we start this morning, Judge Garibaldi, with some background information about you--when and where you were born?

GARIBALDI: Born in Merced, California, July 27, 1906. I was educated in the Merced public schools, went to Stanford University, graduated from Stanford, took my law degree at [University of California at Berkeley] Boalt Hall.

HICKE: Let's stop there for just a minute. How did you get interested in the law?

GARIBALDI: Originally I had considered becoming a lawyer, but other than having done preliminary legal work at Stanford, I had never definitely made up my mind to be a lawyer. I thought maybe I might get interested in trust work in banking, but I was advised in discussions with Mr. [Amadeo Peter] A.P. Giannini, who was a family friend, that a person should have a legal background to do trust work.

HICKE: Did you say A.P. Giannini of the Bank of America?

GARIBALDI: Yes, that's right. He advised me to go back to law school and I did. Mr. Giannini was a family friend. My grandfather had been on bank boards of the Giannini family. I had an uncle who worked for the bank, and the families had known each other for a long, long time.

HICKE: Were there any other lawyers in your family?

GARIBALDI: No.

HICKE: Did your family stress professions or education?

- GARIBALDI: No. My grandfather came over during the gold rush.
- HICKE: From where?
- GARIBALDI: From Genoa, Italy. He came over with another Italian by the name of Olcese. The two of them came around the Horn [Cape Horn]. When they got to San Francisco they went to the gold country and mined for a short time, like a month or so. They decided they were not miners. They came back and started a large store in Merced. They ran these big wagons all up through the mining area. Grandfather said you could buy anything from their store from a toothpick to a cannon. The families were merchants and property owners in Merced County. Later, after my father had retired, he became the tax collector of Merced County; he was tax collector there for years. When I came home and ran for the assembly, it was the first year he had not run. He was not on the ticket but I think everybody in Merced County thought they were voting for him when they were voting for me. I attribute the reason I got elected to the assembly was they thought they were voting for my dad.
- HICKE: That's a good story. [Laughter]
- GARIBALDI: Well, there's quite a bit of truth to it, I think, because he was very well known and they voted for the name. As we'd say nowadays, I had great name identification in Merced County.
- HICKE: Right. So you grew up in Merced County and went through public education in schools there and then went to Stanford. Why did you go to Boalt Hall then?
- GARIBALDI: There were a number of reasons. It was the time of the Depression and Stanford Law School was much more expensive than [University of] California. I had been in athletics and on the baseball team while I was at school. I thought maybe if I could get away from the general undergraduate activities I'd become more in the nature of a graduate student.
- HICKE: Was this about 1933 or so?

- GARIBALDI: I believe so. I'm very, very bad at dates, but I was admitted to the bar in '32. I could be off a year or so either way. I'm not sure about that. I think around '32.
- HICKE: Do you recall any of your professors at Boalt Hall?
- GARIBALDI: Oh sure, I remember some of them very well. I was a very good friend of Professor McBaine, James McBaine, who taught evidence. He was interested in baseball, and I was playing baseball then for the Olympic Club and various other teams. We used to go to the games together, and we would discuss legal problems and matters of evidence. McBaine had a great deal of influence on my curriculum, my study habits. Then [Justice Roger] Traynor, who came on the supreme court, was a friend and also he was one of my professors.
- HICKE: Did you say you knew Turner McBaine also?
- GARIBALDI: I didn't know Turner at that time.
- HICKE: We're back to Professor McBaine?
- GARIBALDI: Yes. He was a just a wonderful, well-rounded man. We had a great staff on the faculty at Boalt, when I was there. [George Purcell] Costigan [Jr.] taught contracts. Henry Winthrop Ballantine also taught there.
- HICKE: [Alexander M.] "Captain" Kidd?
- GARIBALDI: "Captain" Kidd was there, yes.
- HICKE: Did you have him?
- GARIBALDI: Yes. Had him in torts.
- HICKE: Let's see. You started to say something about Roger Traynor.
- GARIBALDI: Well, I took bills and notes from Roger, I think during a summer session, but later on I knew Roger very well. I first met him during a summer session. Whether he was a full professor at that time, I'm not sure.
- HICKE: He was quite a person, I gather.
- GARIBALDI: Yes. I liked the judge very much.
- HICKE: What were you particularly interested in? What kind of law?

- GARIBALDI: Nothing specialized at that time. When I got out, I went to work with [Assemblyman C.] Ray Robinson in Merced. We did general law. We did everything.
- HICKE: That's C. Ray Robinson?
- GARIBALDI: Yes. C. Ray Robinson.
- HICKE: Was your practice mostly in Merced County?
- GARIBALDI: Yes.
- HICKE: You started to tell me earlier that in 1933, it was your first time in Sacramento visiting.
- GARIBALDI: Well, Ray Robinson was the assemblyman from Merced County in '31 and '33, and I used to come up to Sacramento with him. That was where I first had the opportunity to meet [James] Jim Rolph from San Francisco, who was governor. I knew him and was around Sacramento during the time he was governor, but I was not in the legislature at that time.
- HICKE: Were you involved at all in that campaign then? I think Upton Sinclair ran on that "End Poverty in California" slogan.
- GARIBALDI: Well, the year that I was elected, the '35 session, they had all that "End Poverty" slogan. "Chicken in every pot." "Money every Thursday." There were a million slogans. I had no participation in any of that business.
- HICKE: What made you decide to run for the assembly?
- GARIBALDI: Well, like a lot of the younger people in those days, it was a good idea to get around and have an opportunity to meet the people in the district. It gave you insight into the way the state government ran, and I was interested in things of that sort. Robinson had been the assemblyman and so I thought it would be a good opportunity for a young man. I'm glad. I think I did the smart thing.
- HICKE: Now did he decide not to run again?
- GARIBALDI: Yes.
- HICKE: And so he encouraged you?
- GARIBALDI: Oh, yes. He endorsed me and I followed in his footsteps. We were practicing law together.

- HICKE: Why did he not run?
- GARIBALDI: Oh, he'd been here for two terms. He'd had enough.
- HICKE: What was the campaign like?
- GARIBALDI: The campaign was unlike campaigns nowadays. In the first place, you had cross-filing. You ran on both tickets and could win in the primary if you got the nomination of the party for which you were registered and a majority of the votes of the other party. I got my party nomination, Democrat, and a majority of the Republican votes; so I was elected in the primary. I am trying to think what my campaign cost, but I'm sure it wasn't over one thousand dollars.
- HICKE: That was going to be my next question. How did you raise the money?
- GARIBALDI: I had a few people, just friends of my father's and myself. There was no finance chairman, no general manager or anything. Our biggest expense . . .
- [Interruption]
- GARIBALDI: They had weekly papers in those days in the towns of Los Banos, Gustine, Los Palos. Madera was in my district. All the different towns had weekly papers and ten dollars put the notice in the paper. That was the big cost. There was no television at that time and not too much radio.
- HICKE: Did you ever go on the radio?
- GARIBALDI: Yes, but in those days they were looking for somebody to fill up time more than they were looking for somebody to pay for advertising. So I really have no definite recollection of that cost. Gasoline was cheap. I drove myself for the most part. Went house to house and town to town. Of course, a thousand dollars went a long way in those days.
- HICKE: You spoke before groups?
- GARIBALDI: We spoke before the American Legion, the teachers association, the Farm Bureau, the Grange, chambers of commerce, all the agricultural groups. You'd go to graduations of high schools and things of that sort. It's sort of a funny thing. I met an

assemblyman by the name of Rusty Oreas. I met him when he first came up. He was telling me that he knew I was from Merced and had represented that district at one time. He said, "When my father comes up here, he wants to meet you." And I said, "That's fine. Why?" And he said, "Well, you gave him his diploma when he graduated from grammar school."

HICKE: Oh, how nice.

GARIBALDI: That sort of thing. That was the way you campaigned.

HICKE: Were there any issues that you discussed?

GARIBALDI: Well, it was a farming community. We didn't have a great deal of labor. At that particular time, the Merced Irrigation District had been formed and in its formative stages had some financial problems. As I recall there was a lot of property where taxes hadn't been paid and there were problems about what were we going to do with the bondholders. I'm a little rusty on the exact details of that, but I remember we were always hoping for some sort of a moratorium on bond payments so that the delinquency of the Merced Irrigation District could be cut down. That was the other issue, of course. All the problems of the milk industry, the questions of how much you were going to have in the way of controls, the question of an oleomargarine and whether it should be taxed.

HICKE: Water?

GARIBALDI: Well, yes. That was the irrigation district. That was the foundation of the whole problem. The water problems that we have now, like the Peripheral Canal and the Central Valley Water Project, those were years away. At that particular time they weren't an issue.

HICKE: Were the farmers getting enough water?

GARIBALDI: There was a lot of dry farming in those days. The situation was different than it is now. You see, when we went from dry farming of the wheat, that's when we established the irrigation district. It was the savior of the area, but it was awfully tough sledding in the

original start of the district and there were a lot of tax delinquencies. For the old time landowner it was a tough period, and this question of what they were going to do about our bonded indebtedness was very important. Actually we didn't have all that much control over it, really, from the legislative standpoint, but we talked a lot about what we'd be able to do, or would try to do.

HICKE: How do you mean the irrigation district saved the area?

GARIBALDI: Oh, I mean the theory of getting irrigation, of having lands irrigated and having water available. We didn't have to rely on rainfall and dry farming.

HICKE: And that was not profitable?

GARIBALDI: Well, it was profitable, but it was obviously not nearly as profitable as irrigated property, and it restricted your farming to certain crops. For instance, irrigated crops can bring you peaches--your orchards and all that. Anything that takes a lot of water.

HICKE: Obviously dry farming is not very good in the California summer.

GARIBALDI: No. Frankly, I can't recall if that was any great part of the campaign. I mean we touched on it--it was an issue--but it was just generally that we talked about the farming problem, the farming community, period.

HICKE: This poster is 1934: primary election, August 28, 1934.

GARIBALDI: Yes, that was the '35 session.

HICKE: "Candidate for assemblyman, 33rd District, Merced and Madera counties," and a picture of a very handsome young man.

GARIBALDI: Obviously old and not clear.

HICKE: So that was your first run. And then you went to Sacramento in 1935. What were your first impressions when you got there?

GARIBALDI: My first impression was being brought into a caucus. We were going to vote as one, the way the majority voted. There were those of us who thought that was a little tough. There were all those people from southern California. And it looked to us that we were giving up our vote to be a rubber stamp for the south. There were four of us that decided we'd make our own choice. These four

turned out to be people that ultimately became very well known in Sacramento. Senator [Earl D.] Desmond from Sacramento, [Senator James] Jim McBride from Ventura, [Assemblyman Clinton] Fulcher, who passed away during his assembly term, and myself.

HICKE: And was it Senator Olson, Culbert Olson, who called the caucus?

GARIBALDI: Culbert Olson was senator at that time.

HICKE: And he was the one who tried to . . .

GARIBALDI: . . . put the caucus together and tell us who to vote for.

HICKE: And what happened when you didn't go along? Anything?

GARIBALDI: We elected [Assemblyman Edward] Ted Craig speaker, who was a Republican.

HICKE: And you voted for him?

GARIBALDI: About five of us, I guess. And the man, the Democrat we didn't vote for, [Assemblyman William] Moseley Jones, became a close friend of all of us. Next year we elected him speaker. If Mr. Olson had left well enough alone we probably would have elected him that first time. But Ted Craig was a very high-class man, a good speaker. He didn't run the next year for the assembly; he retired. Then Moseley came on in and was our speaker. He was also a fine man.

HICKE: I want to get back to that in a minute. But I also want to get to the story of John Pelletier.

GARIBALDI: Oh, the first week in the legislature, there were a lot of problems in regard to the commercial fishermen in San Francisco. Assemblymen [William] Bill Hornblower and [Thomas] Tom Maloney were introducing bills having to do with the numbers of the catch and what they could do with it and whatnot. After about the first two or three days, Pelletier gets up and says, "Mr. Speaker, I want to ask a question." The speaker says, "What is it, John?" "Well," he says, "I've been here for three days now. All I hear is 'feesh, feesh, feesh.' When are we going to talk about the people?"

HICKE: That's wonderful. Well, Tom Maloney was a rather famous person, was he not?

GARIBALDI: Tom Maloney had been a state senator from San Francisco at one time. Then his senate district was abolished and he became an assemblyman. A very fine man. Bill Hornblower was very well known too.

HICKE: What kind of leadership did these two speakers you mentioned exert?

GARIBALDI: When you speak about what leadership speakers exert, leadership is always exercised by speakers. Actually the accent on leadership was always present. But it really got to be of major proportions after Speaker Jesse [M.] Unruh.

[End Tape 1, Side A]

[Begin Tape 1, Side B]

GARIBALDI: They presided over the assembly. They were very important in the selection of the committees. They were the leading factor of the operation of the house but were not nearly as aggressive or as active as the present, as later speakers were.

HICKE: Not as powerful?

GARIBALDI: Well, that depends on what you mean by the word "powerful." They never attempted to exert the same type of influence over the members that speakers do at the present time. I think the power was probably always there if they had tried to use it, but it just wasn't the game in those days. You must remember, '37 was the last year I was in the legislature; so there was an awful lot of change. You're talking about fifty years.

HICKE: You were there about one term?

GARIBALDI: Two terms. I was there in '35 and '37. In '39 I ran for the judgeship and was elected to the judgeship.

HICKE: OK. Well, back to '35 and '37, what kind of relationships did the speakers have with the governor?

GARIBALDI: Well, in my first year, '35, the governor at that time was [Frank F.] Merriam, who was a Republican. He came after Rolph. He was a Republican from Long Beach, and Craig was a Republican. And in the legislature, I think there were around four or five more Democrats that particular year than there were Republicans. I can recall no great problems that the governor had with the legislature or the legislature with the governor. As far as Merriam was concerned--he was from the Midwest--I wouldn't call him a very dynamic personality. I wouldn't consider him aggressive particularly.

I don't know; I can think of no confrontations between the governor and the legislature during that first period of '35. I think things went smoothly. If there were any, they didn't impress me to the extent that fifty years later I remember them.

HICKE: Olson was the next governor. Was he elected in 1939?

GARIBALDI: I'm not sure. Culbert Olson was the next governor after Merriam. He was a Democrat. And someone said on the floor of the senate --in fact, I remember who it was. It was Senator [Jerrold L.] Jerry Seawell. He said Olson looked more like a senator and acted less like one than anybody he ever knew. Olson was a handsome man. Curly white hair. I never heard anybody disagree with Jerry's opinion. He got no better when he became governor.

HICKE: Why didn't he?

GARIBALDI: Well, I just didn't think he did. It's just one person's opinion. Jerry is the one that made the statement. I don't know why he thought so. But I agreed with him.

HICKE: He didn't act dignified?

GARIBALDI: Well, he was dignified enough. But I just never cared for him. They said at the time that he would set the Democratic party back twenty years. Well, he almost did.

HICKE: OK. Well, back to the assembly. That was during the Depression years. Was that an issue?

- GARIBALDI: I can remember that one of the big issues at the time was in regard to the building and loans first, now called savings and loans. There was also a lot of legislation on small loans. Questions of what banks and savings and loans could do.
- HICKE: Things haven't changed much, have they?
- GARIBALDI: Not too much, no. In those days there was a little bit more of a quorum. That was the start of when the savings and loans made inroads into the banks. The banks had had it pretty much their own way for a long time. Now the savings and loans were coming into certain prominence and they were having their problems as they're having them now. It was a time of unrest, as far as I recall.
- HICKE: OK. We started this in a hurry without much chance to look up the issues, but maybe I can do some research there.
- GARIBALDI: Yes. That might perk up my memory.
- HICKE: Yes, sure. And then we talked about water. When you got into the assembly were there other controversies about water?
- GARIBALDI: You know, when you talk about water you're talking about something close to me. Of all the bills I've had and all the legislation I've been interested in as a lobbyist and as a legislator, I considered the most important thing that I'd ever done or accomplished in connection with public service was in the question of water and it was a decision that I rendered in a water case involving Hetch Hetchy and the city of San Francisco.
- HICKE: Since we're on that, can you tell me about that?
- GARIBALDI: It was *Williams versus City and County of San Francisco*.
- HICKE: Was it reported?
- GARIBALDI: Yes. It's 56 Cal App 2d 374 [1942]. Williams was a landowner, a riparian owner, on the river.
- HICKE: And he was questioning San Francisco's rights?
- GARIBALDI: Yes. The case had gone to the supreme court either two or three times before and was reversed each time. I was always kidded about my decision, as both sides appealed. The supreme court, however, sustained my opinion and the decision became law.

- HICKE: What was the decision?
- GARIBALDI: Oversimplified the decision held that the riparian right was the primary right in California. But if the riparian right could show no beneficial use and the adverse users could show beneficial use then they could use the water.
- HICKE: Certainly water is an important issue in California.
- GARIBALDI: It's one of the biggest issues in California. We've got to work out some way where all the state has water, not just the north, or for the complete benefit of the south. There are no magic solutions to anything.
- HICKE: Well, let's see. Tell me about partisanship in the assembly at that time.
- GARIBALDI: Partisanship was never as big a factor in early days as now. There were Republicans and Democrats, and there were conservatives and liberals. It was always there, but it was never the complete motivator.
- HICKE: How and when did that change?
- GARIBALDI: I think that there has been a gradual change as the state gets bigger. You know, where a state is small and voters know most candidates, probably no one knew or cared very much whether the candidates were Republican or Democrat. But when the state gets as big as it is now, the only thing the public can identify with is the party, partisanship.
- HICKE: What kind of responsibilities to your constituents did you have?
- GARIBALDI: We had the same as we have now. A person who knows his district knows his responsibilities. Mine was a dairy district. You vote to protect their problems. We had a lot of beef cattle. The question of taxes, water, and all the community problems had to be dealt with by the representative. We had little or no labor in those days, so it was not a particular factor.
- HICKE: And most of the issues you talked about relating to land and water, as you said, were important.
[Discussions deleted]

HICKE: Was your second campaign in 1937 any different from your first?
GARIBALDI: No. Maybe a little more difficult. I had a district attorney by the name of [] Mays who ran against me. He was a little better candidate, but I'd been in office for a couple of years; so it wasn't too tough a fight.

[End Tape 1, Side B]

[Session 2, January 16, 1989]

[Begin Tape 2, Side A]

HICKE: There are some things you had in mind to tell me.

GARIBALDI: Yes. After talking with you the last time, it would seem to me that the matters of the early days that would be interesting to you would not necessarily be legislation itself--which is a matter of record--but the first experiences I had when I arrived in Sacramento. The most drastic changes I have seen in Sacramento are the circumstances under which the legislators worked when I first arrived here. We had no offices. Our only office was our desk.

HICKE: Your desk on the floor?

GARIBALDI: Our desk on the floor of the assembly was our office. We had no private offices. The speaker had a private office and that was the only one. We kept our work in our desk. The desk had a flimsy lock that anybody could open. If we had anything of any importance, why, we would never leave it overnight. We'd just take it with us. The next day the bills and whatnot would be on our desk, but that was our whole office.

HICKE: Did you carry a lot around with you?

GARIBALDI: No. We didn't carry so much around. We carried around our personal notes. In those days anybody could walk around on that floor, particularly the press. They had access to the desks at all times. They thought nothing of taking a little look through your desk to see what they could find. In the early days lobbyists could come on the floors and were around the desks.

We had absolutely no privacy. That desk was our office and anybody had access to it. The sergeant-at-arms kept order and gave us a certain amount of privacy and protection, but we certainly never had anything like an office. We certainly never had a situation like they have now, where they have offices with five or six rooms and a staff of many people and stenographers and receptionists. We had nothing like that.

HICKE: What did you do for secretarial help?

GARIBALDI: Secretarial help? There was a secretarial pool and we would make a request at the desk to have them send us a secretary. A secretary would come down.

HICKE: Down to your desk?

GARIBALDI: Down to the desk. And any dictation or anything like that would be done there at the desk. We never got the same person, and it didn't matter if you got somebody one day that was good; you might ask for her the next day but there was a very good chance you wouldn't get her. Because like everything else, pretty soon the good ones were known and they were taken; so we'd just get whoever they sent us to do our secretarial work.

HICKE: What about files?

GARIBALDI: The files as they pertained to the histories and the journals were taken every night and brought up to date and brought back to our desks the following morning. Our own files we kept at that desk; so if there was anything you didn't want somebody to be looking through--which was a lot of it--you took it with you.

HICKE: Do you recall any incidents?

GARIBALDI: No. I don't recall any particular circumstance where something of a security matter was ever stolen or taken. That was more or less because the members protected themselves in that regard. Not because of any facility they had.

HICKE: What about telephone calls?

- GARIBALDI: We had a bank of telephones outside the chambers. The telephones, as I recall, were pretty much where the present speaker's office is, on the L Street side.
- HICKE: I see. And you could make long-distance calls?
- GARIBALDI: Yes.
- HICKE: What did the chamber actually look like then?
- GARIBALDI: Just exactly the way it looks now.
- HICKE: Because of the restoration?
- GARIBALDI: Well, just exactly the way it looks now. We were the first to get the electric voting machines. The first use was really haphazard. Everybody was voting everybody else. It was never completely done away with, but in the early days there was an awful lot of. . . . One member would vote usually at the request of a seatmate or somebody else, but. . . . [Pause]
- HICKE: But not always as requested, I understand. Sometimes if a person wasn't there they just went and voted for him?
- GARIBALDI: They voted for him, yes. That wouldn't happen in a matter of great importance. The member more than likely would be there himself. But if he wasn't, it wasn't beyond the possibility that somebody would vote him.
- HICKE: So this was quite a change then, was it?
- GARIBALDI: The first year I was there we had microphones. But they didn't have microphones the way they have them now at the members' desks. The aisles would have maybe two microphones and you'd go up to the microphone to speak.
- HICKE: To vote?
- GARIBALDI: No, not to vote; to talk, to speak. To give your points and positions. To talk on your bills. There wasn't so much live entertainment.
[Discussions deleted]
- HICKE: Did you stay at the Hotel Senator?
- GARIBALDI: I stayed at the Hotel Senator, where many of the legislators stayed.
[Discussions deleted]

- HICKE: You had sort of a living room and bedroom?
- GARIBALDI: It was all one room.
- HICKE: Oh, it was all one big room. I see.
- GARIBALDI: I don't remember what we paid for it. But I'm sure it was very, very little. Other legislators stayed in the Sacramento Hotel, or the California, and the Elks Club.
- HICKE: And then you were just saying that besides the Sacramento Hotel, people lived in other hotels?
- GARIBALDI: There were few families at this time and we got to know each other very well. In the evenings we'd go to the various places to eat or we'd go to the hotel. All of us knew each other a lot better than they know each other now.
- HICKE: And would you say that was a good thing?
- GARIBALDI: I think it was a very good thing. I think it's one of the things that has been the worst development of the passage of time in activities in Sacramento. They've lost so much of the camaraderie that they had. Even later before [Proposition] 9 we had many clubs where people would get together.¹
[Discussions deleted]
- GARIBALDI: Then mostly in those days, too, it was a time when a younger group was coming into the legislature than there had been before.
- HICKE: Who were your closest colleagues?
- GARIBALDI: You mean personally?
- HICKE: Right.
- GARIBALDI: Well, of course, Hugh Burns, who was the assemblyman from Fresno. Oh, we were all pretty close friends. [Assemblyman Jefferson] Jeff Peyser from San Francisco, from Pleasant Woods; he became advisor to [Assemblyman] Walter Little, later became a lobbyist for the railroads. Nearly all of them were from San Francisco--Tommy Maloney, Bill Hornblower--almost everybody in the assembly, I would say, I knew quite well. I would consider them friends, close friends. People that I really knew.

1. Proposition 9 (June 1974). See appendix for more information.

[Discussions deleted]

HICKE: Well, could you just describe your day-to-day routine?

GARIBALDI: Well, I'd get up and go down to the coffee shop in the Senator Hotel, which would be filled with all the legislators, lobbyists, clerks, staff. And then I'd go to the session. The sessions would be in the morning, where we would take up our bills and vote on them.

We would go to lunch someplace, come back, then in the evenings we'd go someplace, maybe play cards or go to a movie. Went to a lot of movies. You had baseball here at that time and those of us who were interested in baseball would go to the baseball games. Of course, they had no professional basketball then. They had no professional sports here then except baseball. Stay at the room, read. . . . [Pause]

HICKE: Social life? Parties? That sort of thing?

GARIBALDI: Well, yes, there were parties. From time to time someone would give a party. The people from San Francisco used to give fish feeds at the old Sacramento Hotel once a year.

HICKE: Did the lobbyists have the lunches and things like that?

GARIBALDI: Lobbyists had lunch, often. Some of the lobbyists used to have weekly dinners that were very well known and very well attended. They would have clam feeds and so forth.¹

HICKE: Did you depend on the lobbyists for information at various times?

GARIBALDI: Yes. There's just no way in the world. . . . A member would not be familiar with all the technical problems on oil, mining, insurance, banking. There's no one in the world that would have expertise on all those subjects. You've got to rely on somebody to help you.

HICKE: One of the things that happened in 1935 was that the legislature enacted for the first time state income tax.² Do you recall anything about that?

1. See appendix.

2. A.B. 1182, 1935 Reg. Sess., Cal. Stat., ch. 329.

GARIBALDI: Yes.

[End Tape 2, Side A]

[Begin Tape 2, Side B]

HICKE: I'm not after details about the legislation but just if there were discussions about it.

GARIBALDI: I recall a lot of discussion, not response.

HICKE: It was 25 percent of the federal, so it wasn't very much I'm sure. In '35 you were on the Financial Institutions Committee, and then in '37 you were the chairman of the Building and Loan Associations Committee, so you probably had a lot of hearings.

GARIBALDI: You mean to tell me I was on those committees?

HICKE: Yes. Here are your committees.¹ In '35, you were on Public Morals: you were the chairman. You told me about that.

GARIBALDI: That's the present G.O. [Governmental Organization] Committee.

HICKE: Yes.

GARIBALDI: That was a very important committee.

HICKE: Why is that?

GARIBALDI: Well, it handled practically all the wide scope of how the committee handles men. The same type of committee then as now.

HICKE: It was a money committee even then?

GARIBALDI: In those days there wasn't any such thing as a money committee. Nobody was putting anything in political campaigns. If they were, I was from Merced, and I was probably too naive to know about it.

HICKE: And you were on Agriculture.

GARIBALDI: Let me ask you a question. Does it show who the chairman of Agriculture was that year? Was it a man named [Assemblyman James E.] Thorpe?

1. Garibaldi served on the following committees: In 1935, chairman of the Public Morals; member of Agriculture, Constitutional Amendments, Financial Institutions, Insurance, Irrigation, Livestock and Dairies, Mileage. In 1937, he was chairman of Building and Loan Associations; member of Agriculture, Insurance, Irrigation, Judiciary, General, Livestock and Dairies, Motor Vehicles, Public Morals.

HICKE: It's in the handbook but I could check that out.

GARIBALDI: Oh, I was just interested to see how good my memory was.

HICKE: I can look it up.¹

GARIBALDI: No, I don't care.

HICKE: Financial Institutions. You were on that committee. As you said, you heard a lot about savings and loans.

GARIBALDI: I heard a lot about that.

HICKE: Constitutional Amendments? Does that ring a bell?

GARIBALDI: I'm sure we had a lot of them.

HICKE: Insurance?

GARIBALDI: There was lots on insurance.

HICKE: And Irrigation. We talked about that last time. Livestock and Dairies: that was also your constituency, right?

GARIBALDI: That's right.

HICKE: And Mileage.

GARIBALDI: Maybe they paid us for mileage; however, I don't remember any such thing.

HICKE: That was a committee that had something to do with mileage, I guess. Then in '37 you were chairman of Building and Loan Associations and you were again on Agriculture, Insurance, Irrigation and Judiciary. You were on Judiciary in 1937.

GARIBALDI: You know, isn't that strange? I don't even recall serving on a Judiciary Committee.

HICKE: And "General"; do you know what that was? General?

GARIBALDI: No.

HICKE: Livestock and Dairy, Public Morals again, and Motor Vehicles.

GARIBALDI: Motor Vehicles was a very important committee. We were getting into the question of the classes of gasoline. There was a lot of talk about ethyl. The committee also discussed the weight of trucks and the weight charge.

HICKE: So building highways was starting?

1. Assemblyman John H. O'Donnell was chairman of Agriculture Committee, 1937.

- GARIBALDI: Very important. And in those early days it was a question of the asphalt or concrete. They called it the black and white fight. Those were big issues in '37. Yes.
- HICKE: And there were several, probably lots of oil and gas controversies. One was the tidelands oil controversy.
- GARIBALDI: Tidelands oil. It was just starting in '37.
- HICKE: And you probably didn't have too much to do with it. It was out of your area.
- GARIBALDI: I don't recall that we did at that time. Later on when I was back here as a lobbyist, it became an important part of my operation.
- HICKE: OK. Let's talk about it when we get to that point then. Frank Merriam, as you said, was governor then. And in 1936, he called an extraordinary session because of the depletion of the state's unemployment funds. Obviously, that was in the midst of the Depression. What would happen when there was an extraordinary session? There was one in '37 too.
- GARIBALDI: There were extraordinary sessions in both years of my regular sessions.
- HICKE: In '38 too, there was another extra session. Would that be right after?
- GARIBALDI: Shortly afterwards.
- HICKE: Did you get extra pay for that?
- GARIBALDI: You know, I don't know whether we did or not. I would assume that we did.
- HICKE: I would think so.
- GARIBALDI: But I have no recollection one way or the other whether we did or didn't.
- HICKE: What would that do to your lawyering business?
- GARIBALDI: It interfered with business, of course. We obviously felt that the publicity of the office and the name would create some legal business and compensate for the loss.
- HICKE: There were some strikes, too, in '36. In the Salinas area, a lettuce strike. Merriam brought in the Highway Patrol.

- GARIBALDI: As I said, labor was not a great power in my district.
- HICKE: Well, I want to hear as much about Hugh Burns as you can recall. Maybe you could tell me a little bit about how you got acquainted with him and your first impressions.
- GARIBALDI: That is an interesting story. Hugh Burns was originally from San Francisco. When I first knew Hugh he was passing through Merced coming from San Francisco to Fresno. Hugh Burns's father worked for my father in the store in Merced.
- HICKE: Is that right?
- GARIBALDI: Yes.
- HICKE: On their way from the Midwest?
- GARIBALDI: No. From San Francisco. They'd been in San Francisco; they had been there for a number of years.
- HICKE: And where were they going?
- GARIBALDI: They were going to Fresno. The next occasion Hugh and I became acquainted was when we both belonged to the 20-30 Club. There has always been Kiwanis, Lions, and Rotary. Young people started what was called the 20-30. That was a service club for young people between the ages of twenty and thirty. And I was in the 20-30 from Merced and Hugh was 20-30 from Fresno.
- We got to know a lot of people up and down the state. We got to know the man who later became speaker of the assembly from Modesto: Ralph Brown. Quite a few of us became acquainted through this organization; it was a pretty viable group.
- I went to the legislature first in '35. Hugh, at that time, had an undertaking business that was called "Sullivan and Burns," in Fresno. Hugh was a self-educated man. His formal education was not extensive. But he was a prodigious reader. In history of the United States, political science, California constitution, he was an authority. I traveled with him on occasion; we went through the Vatican Museum in Rome and his knowledge of the history of the church--he was a Catholic--was amazing.

He was also recognized as one of the finest embalmers in the state of California, although he was only the owner of a small mortuary in Fresno.

When Hugh decided he'd run for the assembly, we talked it over and I became his campaign and finance manager. I think we raised about \$1,500. We weren't flooded with money, I'll tell you that. But he worked hard, and so he was elected in '37. We were very close friends to the day he died.

- HICKE: Why did he have this interest in government and politics?
- GARIBALDI: He just had; it was something that intrigued him. He always had it. He was a student of the early Continental Congress, a student of all the early presidents. We were great railroad buffs. He knew the history of the railroad over the entire country, particularly the Union Pacific, Southern Pacific, and the Santa Fe. We would take trips just to ride the train.
- HICKE: Just for the train ride?
- GARIBALDI: Just for the train ride. There were no airplanes at first, but even when there were, we would take the train wherever we possibly could.
- [Laughter]
- HICKE: I don't know when the Railroad Museum got started here in Sacramento, but did you and he get in on that?
- GARIBALDI: That is quite a museum and we went there a number of times.
- HICKE: It's wonderful.
- GARIBALDI: It's fabulous. It's one of the finest things any place in the United States.
- HICKE: I quite agree. Well, when Hugh Burns came to the assembly, did he have anything in particular that he wanted to do?
- GARIBALDI: His first campaign brochure said he was a friend of labor, for tax reduction, old age security--a Democrat supporting [President Franklin D.] Roosevelt policies. As he grew older he became much more conservative.
- HICKE: I think that happens to a lot of people.

- GARIBALDI: He was a great guy.
- HICKE: A little more idealistic when he came, would you say?
- GARIBALDI: I think so. Yes. Weren't we all?
- HICKE: Any stories that you can recall about him?
- GARIBALDI: Those stories I'll preserve for my book.
- HICKE: OK. You know you can put them down here and use them for your book, too.
- [Laughter]
- HICKE: Well, if anything comes to mind as we're talking that illustrates the way people did things, the way Burns got things done, those are the kinds of anecdotes that I like to hear. So just keep that in mind.
- I don't know if there's anything more that we can say about the legislature or not. Olson was elected, but you were not in the legislature during his term, right?
- GARIBALDI: I was in the legislature at the very start of his term. It was during his term that I took a leave from the bench and went into service.
- HICKE: Well, let me ask just one thing about Olson. Do you recall his pardoning of [Thomas] Tom Mooney? That was the first thing he did when he took office I think. I recall the pardoning and it was certainly the end of a great controversy.
- GARIBALDI: I went through many pardon hearings on Mooney in the legislature. Every year they had a bill to pardon Mooney, but it wasn't until Olson got in that he was finally pardoned.
- HICKE: Why did it take so long?
- GARIBALDI: Probably because there was so much money involved in the Mooney defense fund. I don't have as much time, but I read that Mooney trial from one end to the other. Did you ever read it?
- HICKE: I've read quite a lot about it. I've read several books about it. And I've talked to his lawyer.
- GARIBALDI: Then you know that there was considerable perjured testimony by both the prosecution and defense.
- HICKE: Yes, that's right. I was just wondering if you could add anything to the record about the controversy that went on in the legislature.

- GARIBALDI: I came from a district where three people had been killed in the bombing. There was never any way in the world I was going to see my way clear to vote to pardon him. Mayor [James] Jimmy Walker of New York came to the legislature on behalf of the committee to free Mooney. I was told by a San Francisco legislator, "They're making an awful lot of this pardon now. I think he should be pardoned. He won't last six months after he's pardoned. He would leave his wife who has been his biggest support. And labor, who was never all that crazy about him because he was a problem to them will not help him." The legislator said he assisted in the prosecution and believed he was guilty but that he should now be pardoned. Well, I never voted to pardon, but everything he said was going to happen, happened when he was pardoned. Do you think he did it?
- HICKE: It's really hard to tell at this distance. It seems unlikely, but I don't know. What do you think?
- GARIBALDI: I thought he was guilty after I read the transcript of the trial. Who knows?
- HICKE: Well, the trial doesn't seem to have been too fair to him, although, as you said, it may have worked both ways. Is there anything more that you can tell me about Culbert Olson?
- GARIBALDI: No. I may have been unfair as far as he's concerned. It was just one of those things. I personally didn't like him from the first day I ever saw him.
- HICKE: OK then. So much for Mr. Olson. And the legislature? Have we pretty well covered your years in the legislature?
- GARIBALDI: I think so. I'm glad you told me of all those good committees I was on.
- HICKE: How did you get on all those good committees then? You were even chairman both years, and that's pretty unusual for a freshman, isn't it? To be a chairman of Public Morals?
- GARIBALDI: I don't know. I guess it was. I have no idea. I think you always get where you are because of the good friends you have.

Undoubtedly, someplace along the line I had a good friend. Usually you're just about as good as the people around you who are helping you. Nobody ever does it by himself.

- HICKE: Was the speaker making the appointments to the chairmanships? Do you recall?
- GARIBALDI: He had a very big part in it.
- HICKE: Well, maybe the fact that you voted for Ted Craig had some bearing on your appointment.
- GARIBALDI: I would assume that it didn't hurt me any. But then the next year it was Moseley Jones.
- HICKE: But then you voted for him, too, didn't you?
- GARIBALDI: Yes, I voted for him. Well, what you're saying then, is that maybe to get on good committees you should vote for the speaker.
- HICKE: Well, it was rather unusual that a freshman Democrat voted for the Republican speaker, so maybe that did get his attention.
- GARIBALDI: Not really, under the circumstances. Ted Craig and I became very good friends.
- HICKE: So after '37 and the extraordinary session of '38, you decided to run for a judgeship.
- GARIBALDI: I ran for a judgeship, yes.
- HICKE: And you were elected?
- GARIBALDI: Elected.
- HICKE: Is that unusual to run and be elected rather than to be appointed the first time?
- GARIBALDI: Well, I think it was extremely unusual at that time. Particularly at my age. But the man I ran against was a very old man and had been in for a long time and had not been really able to do the job.
- HICKE: They needed a young judge?
- GARIBALDI: Well, Hal wasn't all that young but they needed somebody who was more physically able than Judge [E.N.] Rector was.
- HICKE: The old man was Judge Rector?
- GARIBALDI: Judge Rector. He'd been there for years and years. It got to the point where we had cases that hadn't been decided for over a year.

HICKE: Why did you decide to run for this?

GARIBALDI: Well, there wasn't any way I was going to get appointed. That's for sure. Olson wouldn't appoint me. Of course, he wouldn't quit either. You had to run against him, that's the only way you were going to get him out of there. So I decided to take a shot and run against him.

HICKE: You wanted to be a judge?

GARIBALDI: Well, I think maybe at that time I did.

[End Tape 2, Side B]

[Begin Tape 3, Side A]

HICKE: You were just saying you wouldn't want to be a judge again.

GARIBALDI: No, I don't think so.

HICKE: I ran across an article on you saying that you had been a city judge in 1931 and 1932. We didn't ever talk about that.

GARIBALDI: Why, I don't think I was even a lawyer then. I was just at home in Merced. I don't know. I don't think it was worth mentioning.

HICKE: OK. Well, anyway, why wouldn't you want to be a judge again?

GARIBALDI: I think it's too confining.

HICKE: Do you recall anything particularly about your. . . . I think you were on the bench for two years.

GARIBALDI: A little more, yes.

HICKE: Maybe even four? Three or four?

GARIBALDI: No, it was a short time.

HICKE: Until '42. Did anything particular happen that you recall?

GARIBALDI: I had some very interesting cases. The one that I cited to you was the most interesting.

HICKE: The Hetch Hetchy.

GARIBALDI: Yes.

HICKE: Then in '42, I think it was--I have it here somewhere--you went in the service.

GARIBALDI: I went in the service, yes.

HICKE: How did that go?

- GARIBALDI: Oh, I enjoyed it. That was something else I'm very happy I did. I wouldn't want to do it over again.
- HICKE: What did you do?
- GARIBALDI: Well, I went into the air corps. There was an airfield in Merced. I got to know the people there very well, and it made me sort of conscious of the service and made me think that I'd like to get into it. So I went in.
- HICKE: You were thirty-eight then.
- GARIBALDI: Yes, I wasn't very old.
- HICKE: Over the draft age.
- GARIBALDI: Oh, I was a superior court judge. I had a complete. . . . I didn't have to go. I never was with the judge advocate department. I was always air corps, but I was usually on assignment on judicial matters.
- HICKE: So they made good use of your experience.
[Discussions deleted]
- GARIBALDI: The first case that I ever served on was a mid-air collision between an air force pilot flying a military aircraft and his buddy, a United Airlines pilot. The commercial plane was downed, killing over thirty people. I was put on the court to protect both the airline and military interest.
- HICKE: Did you stay in California, for the most part?
- GARIBALDI: No. As a matter of fact, I was sent to Hobbs, New Mexico. That was the place where they claimed the cowards went overseas. I stayed at Hobbs, New Mexico until right near the end, when I was transferred to Santa Ana, the headquarters. I saw no service overseas.
- HICKE: So you did get a lot of good experience in the air corps, is that correct?
- GARIBALDI: Oh, yes, I think so. Sure.
- HICKE: You got out in 1946, I think. What did you do then?
- GARIBALDI: I started practicing law in Los Angeles.
- HICKE: In your own firm?

- GARIBALDI: Just by myself, yes.
- HICKE: What kind of law were you practicing?
- GARIBALDI: Everything. Just general practice. I had done a lot of trial work before and I'd represented. . . . I told you Mr. Giannini had been a friend of the family and advised me in the law school and whatnot. I represented some of their firms, like Pepsi-Cola and First [National] of Cal[ifornia] and they put me on certain boards, and I represented a number of insurance companies: Industrial Indemnity, Argonaut. Just had a general practice, a good practice.
- HICKE: What made you decide to return to Sacramento?
- GARIBALDI: Well, I was a great friend of Mr. [] Mosher, who was the head of the Signal Oil Company. I knew most of the people in the Signal organization, and they used me to come up here and talk to one of the people in the controller's office. That was the first time that I'd come up here. There I'd been up a couple of times to visit Hugh, just socially. And then the Hollywood Park [Race Track] had a problem, along with the other race tracks, having to do with the state's take from the gambling, and I was hired by Hollywood to represent them on that matter. That's how I started.
- HICKE: OK. So going back to Signal Oil Company, you were retained by them as a lawyer?
- GARIBALDI: Yes.
- HICKE: And was that involved with the tidelands controversy?
- GARIBALDI: It wasn't at that time. Later on we became involved with them, yes.
- HICKE: What was the first problem?
- GARIBALDI: I really don't remember. It was some administrative matter. It just escapes me. I don't really remember what it was.
- HICKE: OK. Then your first real, shall we say, lobbying effort was on behalf of the race track?
- GARIBALDI: I think so. I think that would be fair to say that, yes.
- HICKE: And how did you go about this?

GARIBALDI: Oh, just about the same way you would go about anything else. I presented, as far as our track was concerned, our case. The other tracks were represented; I can't remember who. I think [Senator] Ralph Swing, who was a former state senator. . . . I could be wrong about this, but I think he represented Santa Anita. Bill Hornblower represented Bay Meadows. I was one of many.

HICKE: What legislators did you deal with?

GARIBALDI: On that first committee, Senator Harold Powers, who became lieutenant governor. Jerry Seawell was on the committee. I think Jim McBride was on the committee.

HICKE: Well, we can check that. Which committee?

GARIBALDI: I think they called it G.E. [Governmental Efficiency]. But I'm not at all sure about that.

HICKE: OK. We can find out about that too. Governmental Efficiency.

GARIBALDI: I think those were some of the members. I don't remember the others. That's a long time ago.

HICKE: Yes. Well, the ones that you remember are the ones you saw the most, probably.

GARIBALDI: No, I knew most of those people pretty well. Most of them had been in the legislature; [Assemblyman] Hugh Donnelly had been an assemblyman, and there were others up there. [Assemblyman] Nelson Dilworth had been in the assembly. There were an awful lot of people whom I had served with but I don't just recall if they were on that committee or not.

HICKE: How did you go about persuading members?

GARIBALDI: Well, it's the same old story in lobbying. You've got certain facts. If, for instance, they say that a tax should be a certain amount, you've got to present your figures and what your return on your investment is at that figure, how that amount figures with what is being taken from other states. And you put it together.

Lobbying is, you know, not all the glamor that everybody thinks it is. It's presenting the facts of your case. It's just like a lawyer presenting a brief. He gets all his facts. What does it do to

the economy? What does it do for the state? What does it do for your client? What does it do so far as the public generally is concerned? You just try to present a situation where a person who is reasonable would think, "Well this is right. This is the way it should be." This business about you going in and saying, "vote yes" or "vote no," doesn't happen.

HICKE: A lot of research, it sounds like.

GARIBALDI: Yes, it's a lot of research, and some of this can come to you from your own experience. For instance, for years I represented the court reporters. I had known the court reporters and their activities because as a superior judge, I appointed one to my court.

The problem as to whether they should be replaced by electronic equipment was always at the legislature. We, of course, always opposed being replaced.

[Discussions deleted]

GARIBALDI: One thing bothers me about people who talk about special interests. Even newspapermen who use the term think it's a terrible expression. They will say, "You think of some other word that I can use instead."

Everybody is a special interest. In your work, right at this present time, your special interest is doing what you're doing. My special interest. . . . When I'm hired by somebody, if it's by Leslie Salt or whoever it is, that becomes my special interest.

Environmentalists. That's their special interest. We've become a society of special interests. Everybody's got an interest.

Everybody's got a lobbyist. The garlic growers have a lobbyist, a registered lobbyist here in California.

HICKE: I guess the problem comes because some special interests have more power and money than others.

GARIBALDI: Now there's another thing when we start talking about that. Most of the big fights are fights between the industries themselves: oil people; banks; savings and loans; racing, harness, thoroughbreds.

You name it. Those are big fights now. What is the common cause? All the people have representatives.

The poor teacher. The biggest lobby up here are the teachers. They spent more money than anybody else and their results could have been better, but that's not the system's fault. It's their productive part that hasn't held up in the system. They've had everything to do it with. They've had the grass roots; they've had the money; they've had everything. The preacher. They work their heads off. They talk about the question of how they don't have money to spend. Oh, but they've got pulpits; they've got everything else that they can go to the people with.

The press. The biggest lobbyists there are and the most effective are the press. Whatever happened to the day when there was no printing anything except the news? Everything is an editorial in the press now. It's our life. But I don't think we're ever going to change it.

HICKE: That's very good. It certainly answers the question I brought up.

GARIBALDI: It's kind of a long answer.

HICKE: Well, actually I want to get into that a little bit more, but let me back up. You've had something like fifty-four years of observing the situation here in Sacramento, so I'm expecting quite a bit. Let's back up just a minute. When you were in the service, Governor Earl Warren became governor. I wonder if you could tell me about him and your relationship with him.

GARIBALDI: Your feeling about people is always influenced by your experiences personally with the person. I was very fond of Earl Warren. I thought that he was really a fine governor who knew what he was doing and was as honest as the day is long, understanding, and just a high-class man. A lot of it was influenced by the fact that I used to go duck hunting with him all the time.

HICKE: How did you get to know him?

- GARIBALDI: I knew him because Ray Robinson had a duck pond in Merced, and he would invite Warren and a lot of the people he knew down there, and I was from Merced. So because of that contact and friendship I knew Warren. I'll guarantee you, right was right with Earl Warren, and it wouldn't make any difference about friendship or whether you could shoot ducks good or bad. He called it as he saw it, and he was an honor to the governorship. I would have to give him the top grade, I think. And we didn't always see eye to eye on what I was sponsoring, but anyway I thought he was a fine governor.
- HICKE: What was his relationship with the legislature?
- GARIBALDI: Warren was in the very good times of cross-filing. He had as much Democratic support as he had Republican. I would say he had a good rapport with the legislature.
- HICKE: He got support when he needed it?
- GARIBALDI: I thought so. I thought he handled the legislature very well. Of course, you understand, I wasn't up here all of the time he was here. I didn't come back until '46.
- HICKE: OK. So once you came up here to Sacramento for the Hollywood Park, then did you acquire clients?
- GARIBALDI: Yes. For a long time I just came up here on special occasions, and I always went back on the weekend. I just don't recall when I started staying most of my time here.
- HICKE: Did the other clients come to you as a legislator or as a lawyer? Or because of your success with the race tracks?
- GARIBALDI: My other clients were probably influenced by my experience as a legislator.
- HICKE: When you first started this new relationship with the legislature, you were now part of the so-called Third House, and you had looked at the legislature from the inside before. What were your impressions of how it had changed in the ten years since you had been there?

GARIBALDI: There were, of course, many changes. I mentioned some of them, particularly office and staff.

HICKE: In the late forties had it changed very much?

GARIBALDI: Yes. When I came back in '46 they had all this office and staff.

[End Tape 3, Side A]

[Begin Tape 3, Side B]

GARIBALDI: The mode of operation was the same. The same requirements were there for lobbyists. The same things had to be done. The operation, as far as technique is concerned, has not changed much. It's the circumstances within which we work that have changed. This is largely due to the state becoming so large.

HICKE: How did the increase in legislative staff change the way you and other lobbyists did things?

GARIBALDI: It didn't change my lobbying any. I lobbied just the same way as I always did.

HICKE: You indicated that it changed the atmosphere you worked in.

GARIBALDI: Oh, yes, sure. It was maybe more complicated. You had to spend more time with the staff and there were more bills. There were more subjects, bigger problems. That sort of thing.

HICKE: Did you have to have a little more staff yourself?

GARIBALDI: No. I have no staff. I have a secretary.

[Laughter]

HICKE: And you have a desk.

GARIBALDI: Yes, and I have an office.

HICKE: Oh, yes, you have an office. So you did this on your own pretty much, all through these years?

GARIBALDI: With a lot of help from friends.

HICKE: What about campaign funds? How was that handled? And how has it changed over the years?

GARIBALDI: Well, when we started out we had very little. There became a change in that regard.

HICKE: When was that?

- GARIBALDI: Oh, I don't know. It seemed to be sort of a gradual thing. We had clubs. We've had good reporting laws for quite a while.¹
- HICKE: When you say "quite a while," what do you mean?
- GARIBALDI: Our reporting acts go back quite a while. We were pretty far in advance in that regard from other states. [Proposition] 9 passed. I assume there will be some stop to it, but we've had all these requests for contributions, campaigns. It started out, people would have a dinner at fifty dollars a ticket. It was a big amount. Then they stopped having dinners at fifty dollars and they had a dinner that got up to a thousand dollars. And then they would have cocktail parties. When they started out, they would be a hundred dollars. Now they are all five hundred dollars. It's become ludicrous. You know all that: this is a present-day problem. We're living with that.
- HICKE: Yes. What I wondered is if you could tell me about changes in attitudes from the forties through the fifties and sixties and then on.
- GARIBALDI: Well, gradually more money was acquired. The whole operation has changed. The requests have gone up. The number of requests have gone up. Of course, these people who are running for office have a tremendous expense. Their costs have increased. Advertising particularly has gone up. You've got more people requesting help. Television is very expensive. We are living in a different time. It isn't just the candidate that causes the power. It's the demands on the candidate. Some districts have more people now than in some states. This has become a big state with lots of people, which means that it has become very expensive to campaign.
- HICKE: Let me ask you this. [Speaker of the Assembly] Jesse Unruh tried to increase the professionalization of the legislature as we know.
- GARIBALDI: Right. He made it a full-time legislature.

1. A.B. 703, 1973 Reg. Sess., Cal. Stat. 2472, ch. 1186.

- HICKE: With higher pay and staff and so forth. And was there any change in this attitude during that time?
- GARIBALDI: You mean the attitude about political contributions?
- HICKE: Did it in fact decrease their need for . . .
- GARIBALDI: Well, that wouldn't decrease the need for anything. No. The need was because of the amount of people. No, I don't think that Jesse's operation necessarily had triggered the result. He just professionalized it more. Of course, he made the speaker's job a lot more important. He made organization a lot more important. Jesse was a great organizer. He may not have been such a great state campaigner himself, but as far as being an organizer, he was a master in this field. Jesse was in a class by himself.
- HICKE: Wasn't one of his ideas to decrease the dependence on the Third House for information, so that legislators could get information from their staff rather than depending on so-called special interests?
- GARIBALDI: I did not consider that Jesse did not seek information from the lobbyists.
- HICKE: Would you say, then, that it didn't change your way of doing things?
- GARIBALDI: I don't think it materially changed my method of operation.
- HICKE: That's very interesting. As well as knowing a lot of governors, you've known a lot of speakers.
- GARIBALDI: A few.
- HICKE: Actually, I think before I ask you about some speakers, let's go back to [Arthur] Artie Samish. Did you know him?
- GARIBALDI: Yes.
- HICKE: And he did not do too much for the good name of lobbyists, right?
- GARIBALDI: No.
- HICKE: Can you tell me anything about him?
- GARIBALDI: Yes. I knew Artie quite well. And I liked Artie. The thought that during the time Artie was here, he was the only lobbyist and that he was the single lobbying factor in Sacramento was not true.

There were other very, very good lobbyists here. A man by the name of [] Stephens, who represented the oil companies, and [] Agnew had all the insurance companies. Walter Little represented the railroads. There were lots of good lobbyists around at the time who were very good at getting the necessary information to the legislature or their clients and who did a very good job doing that.

Earl Warren said that in matters pertaining to Samish's clients, he did a very good job, which is true. But there were others. Art was an ultimate promoter. If his operation would slow up, Art would get publicity.

HICKE: Well, he did have a certain amount of power.

GARIBALDI: He had the ability to put his clients in the best light possible. He worked at this. There's a lot of misunderstanding about what Art achieved, what he did and what he didn't do. As far as liquor was concerned, the majority of those laws occurred when liquor was taken from the Board of Equalization and put in the Alcoholic Beverage Control Board. The architect for that was [Assemblyman] Caspar Weinberger. And there hasn't been any problem of any sort, any kind really, since the establishment of the Alcoholic Beverage Control department.

HICKE: What other misconceptions have there been?

GARIBALDI: All the other problems were before that time, but most of the present laws Samish had nothing to do with.

HICKE: I'd like to ask you about some of the speakers. Did you know [Speaker] James Silliman?

GARIBALDI: No. I didn't know him very well at all.

HICKE: Any of the speakers before Unruh? [Assemblyman] Luther Lincoln?

GARIBALDI: I knew him but not very well.

HICKE: [Speaker] Ralph Brown?

GARIBALDI: Ralph Brown was a good friend of mine who was from Modesto. I knew him along with the younger people in the valley in 20-30

[Club]. As a matter of fact, I talked to Ralph about running two years before he ran for the assembly--I thought he had a good chance to get to the assembly--and he said well, he thought it would be a tough race. Donnelly was the assemblyman for the district at the time. He had been there for a number of years and was a nice fellow. Ralph didn't want to run. But the next year Donnelly went to the senate and Ralph did run. But I was never here during the time Ralph was speaker. Nice fellow, but I didn't know him very well.

[Discussions deleted]

- HICKE: Well, when Unruh was thinking of running for the speakership, you already had a relationship with him. Is that correct? You already knew him?
- GARIBALDI: No, I don't think I did. I may have met him, but I don't remember Jesse before he became speaker.
- HICKE: Oh, so you didn't know anything about his election as speakership?
- GARIBALDI: No, I didn't have anything to do with it. I wasn't in that fight at all.
- HICKE: OK. Then let's start with when you got to know him. Maybe you can tell me about that.
- GARIBALDI: Well, there's not very much to tell. I'm not just clear on the dates of when he was speaker.
- HICKE: Well, let's go back to [Governor Goodwin J.] Goodie Knight. Did you know him?
- GARIBALDI: Oh, yes, I knew Goodie very well.
- HICKE: What were your impressions of him?
- GARIBALDI: I liked him very much. I thought he was a very nice fellow.
- HICKE: Did he make any significant contributions?
- GARIBALDI: I don't recall anything of great importance just offhand.
- HICKE: And then [Governor Edmund G.] Pat Brown, Sr. was elected. Did you know him?
- GARIBALDI: Very well. I'd known Pat when he was in San Francisco. We had mutual friends when he was attorney general and when he was governor.

- HICKE: Did you have a relationship with him as part of your work?
- GARIBALDI: Sure. I was lobbying at the time and I had bills that had to be signed or vetoed. I used to see Pat and talk to him all the time. I still do.
- HICKE: And what were your impressions of him?
- GARIBALDI: I liked Pat. I thought he had a great heart. A very kindly, nice man. He was smart. He had two good people around him when he was governor, which was a classic example of what a person could do with good assistants. I assume you read that book of [Assemblyman James] Mills's. [*A Disorderly House*, 1987]
- HICKE: Yes.
- GARIBALDI: I never thought that their differences were that great or that it was particularly indicative of what I remember about the situation. But I always thought that Pat worked hard; he tried hard.
I think he'll always be remembered for his significant. . . . We talked about water, earlier. He really had significant input on the water problems of California. And he did as much as anybody I know for the water problem in this state. He liked to help everybody.
- HICKE: What kind of leadership did he exert? Was he effective?
- GARIBALDI: Yes. He had his problems with the legislature. There was no question about that. It was always a fight for him. But I thought that he made a real effort towards leadership, and I don't think he was too far off the point.
- HICKE: OK. Now let's go to Unruh. Did you get to know him in Los Angeles?
- GARIBALDI: No. I didn't know Jesse before he came to Sacramento.
- HICKE: You met him in the course of your work?
- GARIBALDI: In Sacramento, yes.
- HICKE: What were your impressions of his leadership?
- GARIBALDI: I thought Jesse was a good leader.
- HICKE: How did he get things done?

- GARIBALDI: He got them done mostly by organization. He was smart and a hard worker. What more could you want than that?
- HICKE: Well, he seemed to have something more than that.
- GARIBALDI: Well, you mean there's something about a person's personality that sets him up a little above.
- HICKE: Maybe he had a special drive, a strong drive perhaps?
- GARIBALDI: A strong drive. A very strong drive.
- HICKE: Why do you think he had this?
- GARIBALDI: Oh, I think probably a little bit of his background maybe. He grew up being poor, having to work for everything he got in life. Nothing was ever handed to him. I think that had a lot to do with it. It has a lot to do with lots of people with drive.
- HICKE: Do you recall any anecdotes about him or anything about your work together?
- GARIBALDI: No, not particularly. Somebody from the university, I think it was, interviewed me on just Jesse some few years back.
- HICKE: OK. Well, I have a list of some of your more important clients. And I also have a statement from [Senator] Joseph Ratigan in his oral history that you were the most persuasive, knowledgeable, and honorable lobbyist in Sacramento.
- GARIBALDI: Well, Joe Ratigan is without a doubt very perceptive. [Laughter] Joe Ratigan is, of course, a very close friend and, irrespective of what he may have said about me, I have the highest regard in the world for Joe Ratigan. I think he was a real brain. And a real man. And a real friend. Everybody liked Joe. I see him all the time now.
- HICKE: Well, what I want to ask is how you go about doing these things and being these things and being so successful.
- GARIBALDI: In what?
- HICKE: Knowledgeable and honorable and all those good things.
- GARIBALDI: Well, we just grew up that way.
- HICKE: You were also very successful in your lobbying career.

GARIBALDI: That's because I had good friends like Joe Ratigan and Hugh Burns and Jesse Unruh. [Laughter]

[End Tape 3, Side B]

[Begin Tape 4, Side A]

GARIBALDI: Joe and I were great baseball fans. Baseball buffs. Joe claims he caught Walter Johnson bare-handed, which I seriously doubt. But anyway, we followed baseball. You probably never heard of this, but there was a scandal in baseball in which it was alleged that the [Chicago] White Sox team had thrown the World Series. Did you ever hear about that?

HICKE: I've heard something about that.

GARIBALDI: One of the big stars of the White Sox, first name was Joe, a cartoonist, won a huge prize. There was a picture of this ball player coming down the steps of the courthouse, obviously after the trial. A little urchin with his hat turned to one side and the tears streaming down his face, says, "Say it isn't so, Joe. Say it isn't so."

Now we have a bill up and Joe Ratigan voted "no." He voted against me, so I cut that picture out and circled it with red ink and said, "Say it isn't so, Joe. Say it isn't so." Well, he's got a tremendous sense of humor. He couldn't get over that and kept the clipping for years. [Laughter]

We had a lot of laughs. He was really a wonderful man. Great talker. He was asked one time to introduce [President] John F. Kennedy. He and Kennedy had served during the war in the navy. He started the introduction by saying that he was glad to get back together with some of his old mates, "particularly you, Jack, because I always liked you so much." And he said, "You know, I wondered what had been happening to you through all these years." This was right after Kennedy had been elected president.

[Laughter]

[Discussions deleted]

- HICKE: Let's go back to your clients. You talked about the racetrack, Hollywood Park. Do you have some other racetrack clients like that?
- GARIBALDI: Earlier I represented Del Mar for a while.
- HICKE: Del Mar Race Club? Is there anything you can tell me about what has happened to the racing industry, if you want to call it that, in California?
- GARIBALDI: That would take a week to go into all of the different ramifications and what has occurred in night racing, harness racing, fair racing, satellite racing, different types of exotic wagering. That's a four-volume book by itself.
- HICKE: Do you have to take into account all of these viewpoints? Do you represent just one or two viewpoints?
- GARIBALDI: Well, I represent a track now that has thoroughbreds primarily, but we own another track that has some harness and quarter horse, so I watch that too. Originally, it was strictly thoroughbreds.
- HICKE: You represented also the California Association of Highway Patrolmen.
- GARIBALDI: I represented them for a long time. Now they have a full-time lobbyist and I'm a dollar-a-year man with them. I still represent them where they think I can help.
- HICKE: What have you helped them with?
- GARIBALDI: Oh, nothing much. But sometimes a problem will come up about uniforms.
- HICKE: Did you get involved with the highway patrolmen's pay and benefits.
- GARIBALDI: Yes. Their pay, the question of whether they could keep their pistols when they retire, whether they get extra pay for motorcycles.
- HICKE: Can they?
- GARIBALDI: You know, they've been fighting about it. I don't know that they can. They've always wanted to. But I'm not sure.

- HICKE: OK. What about the Blue Chip Stamp Company?
- GARIBALDI: For years I represented them. They haven't done anything lately. They are practically out of the blue-chip stamp business.
[Discussions deleted]
- HICKE: Why are the stamp companies regulated by the state legislature?
- GARIBALDI: If you had fly-by-night stamp companies, they'd sell these stamps, and then the person would try to redeem them and there wouldn't be the stuff to be redeemed. That was in the early going of the thing. Oh, they had a lot of regulations. It was very highly regulated.
- HICKE: They probably had fraud in the early days?
- GARIBALDI: They had a lot of it. The good companies were trying to keep it clean and the fly-by-nights were trying to loosen it up.
- HICKE: Leslie Salt was another client. That's an old California standby, isn't it?
- GARIBALDI: Yes. I first started representing them years ago. They had their problems with the BCDC.
- HICKE: Yes, Bay Conservation and Development [Commission].
- GARIBALDI: They owned thousands and thousands of acres. It became a question of what they could do with some of them. They still have lots of legislation.
- HICKE: They do. And the liquor industry?
- GARIBALDI: Same problems: pricing, licensing. All the problems we've always had.
- HICKE: Did you take over some of the problems that Samish was dealing with?
- GARIBALDI: Samish's big account was the beer people. I never represented beer people.
- HICKE: I have [on my list] the wine and spirits wholesale organizations.
- GARIBALDI: Well, wine and spirits, that's the wholesalers entirely. The wine people were represented by Paul Leonardy, but the beer people are now represented by Paul Didio, and I represented the largest

wholesale liquor dealers. At one time, a fellow named [] Flynn had that account.

HICKE: Then there are some people I wanted to ask you about. Al Shults?

GARIBALDI: Al Shults was a lawyer with Pillsbury, Madison & Sutro. When he came up here, it was for the association of the major oil companies. Finally, the lobbying was no longer done by the firm, Pillsbury, Madison & Sutro. They [oil companies] established in Sacramento their own association offices and lobbyists, and that was Al Shults. Shults recently retired.

HICKE: What exactly did he do?

GARIBALDI: Well, he was just a lobbyist for the oil industry. Of course, now there are so many interests. You've got different types of oil companies: you've got the majors; you've got independents. Nearly all the oil companies have their own lobbyists now. Shell [Oil Company] will have their own man. Standard [Oil Company of California] their own man.

HICKE: There's too much . . .

GARIBALDI: Too much conflict. There were too many instances where the one person could not represent them all.

[Discussions deleted]

HICKE: OK. Let's go back to Hugh Burns. What was he doing all these years?

GARIBALDI: He was president pro tem for the senate there for fourteen-odd years. He had great influence on the legislature.

HICKE: He sounds like a marvelous person.

GARIBALDI: He was. He really was. He was full of fun, jolly, took no guff from anybody. [Governor Ronald] Reagan thought the world of Hugh. Hugh could have anything he wanted from him. If Hugh would have been in good health and available when Reagan was president, there wasn't anything he wouldn't have given Hugh.

HICKE: How did this close relationship develop?

GARIBALDI: I don't know. I think probably Reagan was smart enough to see that here was somebody that might not be completely and entirely

party-dominated, and that he might have a chance of getting better consideration than he might ordinarily have with a Democrat.

HICKE: You were telling me earlier that Reagan had this enormous ability to charm people.

GARIBALDI: He really has.
[Discussions deleted]

[End Tape 4, Side A]

[Begin Tape 4, Side B]

HICKE: Let me ask you a little bit about the seventies. Reagan was governor, and then there were quite a few changes in president pro tem, and there were several speakers: [Assemblyman Leo] McCarthy and [Assemblyman Robert] Moretti and [Assemblyman Robert] Monagan. Is there anything that comes to mind that you can tell me about those times?

GARIBALDI: Nothing particularly.

HICKE: It was just "business as usual" for you?

GARIBALDI: Well, obviously we felt very much more comfortable with Hugh there, but it was the same. Hugh was not well. He'd had an operation or two and it was well that he got out. You can have everything else, but if you don't have your health, you don't have anything. And when that starts to go, it's just best to get out from under the burden, and he got out. And that was fine.

[Discussions deleted]

HICKE: How has the relationship between the Third House and the legislature changed in the seventies and eighties?

GARIBALDI: Mine?

HICKE: Yours and the Third House's in general.

GARIBALDI: I don't think it's changed very much.

HICKE: Has the legislature itself changed in ways of doing things?

GARIBALDI: Well, I think it operates more along party lines than it did, but that's almost a necessity when you get so many people involved. It's pretty hard to retain individualism when you get hundreds of

thousands of people that are running for a public office. You just have to rely on partisanship. That's just the result of size. There's a lot more of that now than there used to be.

[Discussions deleted]

HICKE: I found this article which says you were the most powerful lobbyist and the highest paid and all that. You've seen this one, I take it?
[Hands over article]¹

GARIBALDI: I guess so. Let's see.

HICKE: It's an article from *New West*, but the interest of that is in how you were so much more effective than other lobbyists.

GARIBALDI: I don't believe that. I don't think that's true. I think effectiveness is determined first of all in the particular problems which you're working on. One year I might have a big problem in some field. And if I do a job and I'm effective, that's fine. Maybe the same year, another lobbyist does a great job and he would have a banner year. I think circumstances determine how great a performance is. The fellow who plays in the World Series, that year he's big. The next year, their positions are reversed. It's the same guy, but it's a different look at him.

I think that the vast majority of the lobbyists are very knowledgeable at their job. I don't think that I'm any smarter than the rest of them or they are any smarter than I am. I think there are a lot of us who do our job well. But I'm certainly the last person in the world to think that there's anything about my operation or my personality that's any better or any different than the other people.

And people that try to give the impression that they have the power, that they have the juice, that they can make the payoffs, that they can make the buys, those people have got an ego that's urging them on to make money, and sooner or later it will kill them. Personally, I can't live that way. Sure, everybody likes to

1. Jeff Gillenkirk, "Who's Looking Out for Our Interests?" *New West*, June 16, 1980, p. 79.

have somebody say they're the best. Sure, I'm the oldest now. I've lived longer. I'm the best at living longer. They can't take that away from me now.

HICKE: That's indeed an honor.

GARIBALDI: Sure. The good Lord has let me live this long.

HICKE: Not only lived longer but still working successfully.

GARIBALDI: I hope that never changes. But it's no magic. If you treat people fair, I think people will treat you fair. I have never asked anybody to do anything that I knew was going to hurt them or is not to their interest, because in the long run, all you're doing is destroying the person and hurting yourself.

HICKE: Where do you see that we're heading?

GARIBALDI: I don't think it's going to change very much. I think the day of the individual sole lobbyist like myself is numbered. I don't think that you're going to have too much of that anymore. I think you're going to have large firms or firms connected with law firms. All these law businesses are getting into a lobbying department. You cannot, however, keep conflict of interest out of that kind of an operation.

We're headed into a morass that's going to have nothing but conflict of interest. And that's why people should be worried. Not because of what the legislature is going to do to their positions, but what the person they think is representing him is going to do to him with somebody else also having a finger in the problem.

HICKE: Well, it occurs to me that there are two governors that we haven't talked about. [Governor Edmund G.] Jerry Brown [Jr.] and Governor [George] Deukmejian.

GARIBALDI: Jerry was exactly the opposite from his father from a personality standpoint. But Jerry Brown really knew what was going on. Jerry Brown is a smart man. He knew the bills, he knew the problems, and in lots of respects was a very good governor. Don't ask me to explain what the "Governor Moonbeam" syndrome was, but it was there. I don't know what he was trying to prove. The fact that he'd

make a bad appointment on the bench--and he made them--and the fellow would be defeated. Jerry would turn right around and appoint him again.

HICKE: Did you know him also?

GARIBALDI: I knew him when he was just a boy. I've known Pat and Bernice [Brown] and Bernice's sister. It's a terrific family.

HICKE: How about Governor Deukmejian? What's your impression of him?

GARIBALDI: Well, he is very honest. God-fearing. Very nice personal man. Oh, I think Duke is all right. He sure means well, I know that.

HICKE: You told me your most important contribution to state government was the Hetch Hetchy case, but in your career as lobbyist, what would you say?

GARIBALDI: Oh, I don't know. I've been asked that so many times. I just can't pick out one thing. Today's big crisis is yesterday's newspapers.

HICKE: I would like to thank you very much for the time you've spent.

GARIBALDI: Could I just look at it in the rough? Just let me look it over and I'll send it right back.

HICKE: Absolutely.

[End Tape 4, Side B]

Appendix A

MEMORANDUM: HISTORY OF THE LEGISLATURE

Having spent over fifty years in Sacramento as a member and lobbyist, requests have been made of me to note changes in the legislature during that period.

There have been nine governors during the period of my service in Sacramento. James Rolph (Rep.) whom I was acquainted with for a short time prior to my becoming a member; Merriman (Rep.); Olson (Dem.); Warren (Rep.); Knight (Rep.); Pat Brown (Dem.); Reagan (Rep.); Jerry Brown (Dem.); and Deukmejian (Rep.). Culbert Olson was the first Democrat in many years, and it was said at the time that he looked more like a governor and acted less like one than anyone who had been in the office. It was predicted that it would be another twenty years before another Democrat became elected. This prediction became literally true, for after Olson, we had Warren and Knight--both Republicans. If the Republican party had not elected to run Good E. Knight for congress and picked Senator Knowland to run for governor, the Republican domination of the office of governor would probably have continued. However, as it turned out, Pat Brown beat Knowland during the "right to work" issue and Good E. Knight was defeated as senator. Pat Brown, Democrat, who was elected in that campaign, would probably not have run against Goodwin Knight.

Warren was elected during the time we had cross-filing in California. This allowed him to be elected in the primary if he received the nomination of his registered party and the opposing party. To me, Warren was an excellent governor. His political philosophies became decidedly more liberal after he became chief justice of the Supreme Court.

Pat Brown was very popular and he also had a very fine staff. Mesple was one secretary who had great rapport with the public and the lobbyists and was a great example of how much help a secretary could really be. There were many great stories about Pat Brown. One of the best, as told by Mesple, was when Brown asked him to lobby Senator Carroll on a particular bill. Carroll emphatically told Mesple he thought it was a terrible bill, he was not for it, was going to act against it, and was also going to lead the opposition to the bill on the floor. Mesple gave all this information

to Pat and when they came to Carroll's name on the role call, Pat said, "Mark him doubtful."

Jerry Brown was a much better governor than people give him credit for, but he did not have Pat's charisma.

Over the fifty-year period there has been a decided change in the average age of the members. In the early '30s, when the legislature was part-time, there were many more retired members and the average age was much older. This was particularly true in the senate. Nineteen-thirty-five, my first year in the legislature, was also the first year of Gus Hawkins, now a congressman. At that time, we were in our very early twenties and were the youngest legislators of that period. When the state became so large and we had to go to a full-time legislature, there were many younger men coming to Sacramento.

Occupations differed in the early days and the present time. Lawyers predominated in the thirties and a survey now shows a low percentage of attorneys serving. There are presently many members who were trained in the legislature as staff members of members of both houses. There are also many more educators now.

There were no private offices for members of the assembly or the senate with the exception of a speaker and president pro tem. Our offices were our desks; we would keep all our files, correspondence, et cetera in these desks and lock them in the evening. The locks were flimsy and we soon found out if you wanted to keep anything private, you had better keep it with you.

During those days, the press and lobbyists could wander around the floor at will and the press particularly had no reluctance about opening your desk to see what they could find and use in their papers. Fortunately, again, as the full-time legislator developed, the fine offices we presently have at the Capitol evolved.

With the advent of the offices also came a major change in the development of the staff. Presently a member has the benefit of trained personnel that can brief the members relative to the measures which will be presented for his or her consideration. When you consider that in the year '87 approximately 2,692 bills were introduced in the assembly and 1,697 bills in the senate, members can use all the help they can get in trying to understand these measures.

Probably the greatest change over the last fifty years is the cost of campaigns for election or reelection. In the early thirties, in the majority of the assembly and senate

ances, the budget would not exceed \$50,000. In some of the smaller counties \$1,500 would do the job. When Senator Burns ran for the assembly in the late thirties, I was his financial manager and our budget did not exceed \$700. In those days, about all you did was to run your announcement once in the local weeklies and take out a few ads in the daily paper. There was no television and very little radio advertising.

Everyone is familiar with the cost of campaigning today. Since districts are large, constituents must be reached through newspaper, radio, and television, and we are all aware of the astronomical figures involved.

The role of the lobbyist, as far as the fundamental, everyday work is concerned, has not changed dramatically. However, the make-up of the lobby corps and the rules under which they operate have changed drastically.

The first significant change came with the passage of a number of acts which required lobbyists to list their expenditures and to list campaign contributions. The first significant legislation to establish rules and regulations for officeholders as well as lobbyists was Proposition 9, which sought to monitor and control the activity of lobbyists. As so often is the case, the initiative was drafted by parties who had no real understanding of the basic problem. It was sponsored by Jerry Brown, then treasurer, and was the springboard for his campaign and election to the governorship. The timing of Jerry Brown's measure probably guaranteed his success in that it came at the time of the Watergate scandal in the Nixon administration. It was often said that if it had not been for that, in about two weeks' time the Brown crusade would have been forgotten.

The act did accomplish a number of things, however: It marked the death toll of large party entertainment and with the exception of the Derby Club, the two largest weekly luncheons for legislative entertainment, the Clam and Coral, which was started by Ben Reed, of the CMA, held once a week; and Moose Milk, which was sponsored by a group of lobbyists, held once every week. The number of Moose Milk sponsors varied from seven to nine and was made up of lobbyists representing beer, wine and spirits, racing, public utilities, and the insurance and oil industries. The meeting was given its name by Senator Begovich, and to this date, no one knows where it came from or what it alludes to. There was a buffet lunch which started a little before 12:00 p.m. and ended later depending on the length of time a member had available and their propensity for food and perhaps drink.

Contrary to all published stories regarding the method of invitation to the lunch or that only the friends and those who were supportive to the issues of the sponsors were invited, the fact was that every member of the assembly and every member of the senate was invited every week. It made no difference whether they were Republican or Democrat, liberal or conservative.

Senator Tom Reese, who later became a congressman and who under no stretch of the imagination could be called a tool of the lobbyist, said it best in a letter to those of us who started Moose Milk. He said after he had left and it was discontinued that it was more benefit to the members of the assembly and senate and did more for him in the way of becoming better acquainted with the members of his own house and gave him the only opportunity of meeting and understanding assembly members. He stated that the benefit to the members far outweighed any benefit to the lobbyists sponsoring the lunch. We allowed very few guests and the only restriction we had to impose was that no staff members could join the members because our facilities would not accommodate the numbers.

Governors and nearly all executive officers, including lieutenant governors, treasurers, controllers, attorneys general--all came to the luncheons. Lobbying as performed by us lobbyists was really forbidden, but it did give us a chance each year to meet and get to know the new members who came to Sacramento and to renew contact with the older members. This all stopped, as far as we were concerned, with the passage of Proposition 9.

The Derby Club is the one club that survived Prop 9. This club, which started with fifteen members, gets its name from the fact that all the members wear a derby hat at the Tuesday meetings and at the annual dinner. The members, regardless of whether they are legislators, lobbyists, public officials, or general public, pay their own luncheon check. The club is an example of an absolute monarchy. The king and prime minister preside and theirs is the law. The first king was Senator Randolph Collier, and the first prime minister was Luther Gibson. His successor and the present king is Senator Alquist, and the prime minister is Ralph Dills. The name of the king is the "Grand Plick" which name was obviously given the king prior to the time women were admitted to the club. Membership and rules are decided by the secret committee. There are absolutely no restrictions to membership because of sex, color, or religion. There are *even* some Italian members.

Proposition 9 also provided a limit of \$10 expenditures for a lunch or dinner to a legislator. Prices what they are today, of course, make it impossible for a lobbyist to become acquainted with a member through this means. Personally, I never objected to the \$10 limit because it materially reduced the average entertainment expense which had become rather large over the period of years. The rule became ridiculous when you consider the fact that a lobbyist who could not exceed \$10 for a lunch could, on the other hand, offer an honorarium of \$1000 or more for a five-minute speech at a client's convention. The lobbyist could also contribute to their campaign funds in the thousands of dollars.

Proposition 9 was one of the increasing numbers of initiatives that gained favor over the passage of years. As the respect for the legislature became less and less, the initiative measures became more popular. When this form of legislation was first started, the opinion was the 25 percent of votes on initiative were "No," but as legislative action became less popular, it later was felt that 25 percent of those who really did not understand the measure voted "Yes."

The initiative law came into effect during the time Hiram Johnson was governor of California. The measure was hotly debated in the legislature and the argument against its passage put its finger on the real weakness of the initiative in that it was impossible to really educate the public satisfactorily on the issue. The final wording of the initiative measure provided that in order to reduce the latter, it would provide that the measure could only cover one subject. It was felt with this provision in the law there would be protection against a measure being voted upon that the public was totally unable to understand. Unfortunately, the courts, until just recently, never gave a great deal of credence to this language.

The passage of Proposition 9 created such a furor among the ranks of the lobbyists that the Institute of Governmental Advocates was formed. There had been discussions over the years regarding the feasibility of a lobbyist association, but no positive action was taken. The many restrictions and requirements imposed on us by 65 led to the founding of IGA. The original founders consisted of nine lobbyists representing all the activities in Sacramento. They included labor, doctors, dentists, insurance, banks, liquor, racing, and oil. As of February 1988, there were 200 members of the association.

The association has tried to present the opinions of their association to the FPPC [Fair Political Practices Commission] to offer to assist the commission and endeavor to bring a modicum of reason to the commission. The IGA has never taken any steps against the \$10 limitation rule or campaign reform, or presented any general hostility to the act. One lawsuit was filed by the IGA to hold unconstitutional the rule passed by the commission that a lobbyist could not discuss or counsel with his client with reference to various legislators' records as to issues of vital importance to the client. This case went to the California and the Supreme Court, and the IGA prevailed.

Appendix B

ROLE OF THE LEGISLATIVE REPRESENTATION

Many questions are asked as to what services a legislative advocate should perform to properly serve a client. Based on my years as a lobbyist, I consider the following services necessary for proper representation.

In 1987 there were 2,692 bills introduced in the assembly and 1,697 bills in the senate.

The office of the legislative representative should first monitor all the bills introduced. There are bill services which supply print-outs of the bills in digest form as they are introduced. From these digests it can be determined if a particular bill affects the interests of the client. For instance, Henley is affected by bills dealing with taxes (including real, payroll, unitary, business, etc.); insurance (covering tort liability, product liability, general liability, etc.); land use (including acquisition, title, environment, etc.); labor (including bargaining, strikes, plant closures, etc.); waste-to-energy if the company should continue this activity.

Bills in the above category are put in an office computer for daily and weekly report. We carried approximately 105 bills for Henley on the computer last year.

There are many bills introduced on subjects which normally do not specifically affect the client. These include crime and punishment, education, liquor, racing, general sports, religion, etc. These categories will not be placed on the computer, but will be filed and maintained in the office.

Computer Service/Bill Tracking

The computer provides daily reports on the status of the bills entered into the computer and the amendments thereto:

1. The computer report prints out what committee the bill is assigned, the date set for hearing, and the result of the hearing. If the measure is defeated, ordinarily that is the end of it. If passed, the computer will show the date of the next hearing and the committee to which the bill is assigned will be reported. The client can then appear at these hearings and have their witness present if it is deemed necessary.

The computer will also report when the bill is on the assembly or senate floor and the number of the bill on file.

2. Often bills are amended many times before final passage. They may become entirely different in thrust from the bill as first introduced. These amendments must be carefully followed. Years back a bill which started out to license undertakers ended up extending the runway at the Alameda Airport. Reports on those changes give the client the ability to discuss the changes with their experts and to act on the amended bill.

Campaign Contributions

Probably the most valuable service a legislative representative can perform for a client is the advice and direction on the matter of campaign contributions and the participation in the members' campaign fund raisers. Experience probably provides the only answer as to how this problem can be handled. There is probably more money foolishly spent on contributions and fund raisers than on any other activity at the Capitol.

From the modest beginning twenty years ago expenditures have ballooned into the millions. The average campaign contribution at one time was \$250 to \$1,000 per candidate. Now the large contributors--the insurance and oil companies, medical and dental associations, teachers and school associations, labor, banking, and savings and loans--contribute in some cases as high as \$5,000 to \$25,000 per individual. There are now fund raisers both in election and nonelection years. There are as many as from one to six per night. There were at least two legislators that had eight fund raisers in one year. Tickets that were once \$100 apiece now go as high as \$1,000 with tables going from \$5,000 to \$10,000.

We do not recommend participation in this wild contest. In my opinion the legislators are inherently honest, and I do not believe this spending buys votes. Many competing interests are spending the same kind of money in an effort to compete in the market to see the effort is counterproductive. Ex-Governor Pat Brown is reported to have said that he would consider a contribution up to \$10,000 as one for good government, but anything over \$10,000 was probably a bribe.

The sixty-four-dollar question is then, why does anyone engage in the practice and what should be done in its place? Some perhaps feel this is now a part of the Capitol syndrome and feel it necessary to preserve their position. Some may believe the money payments are easier and can take the place of hard work and education with the members.

There is no question that campaigns are becoming increasingly expensive, media time is exorbitant, and California districts are large, so support of candidates at election are necessary. First, wherever possible, a grass roots survey of the districts where the client has factories, plants or business should be made. The representative from those districts should be made aware of the local impact on the client as practical support given.

The business of the legislature is primarily conducted through committees. An advocate and his experts spend many hours with the committee chairman and consultants to the committee. When the staff has been generous with their time on the problems of the advocate, it is only fair the chairman and the staff should receive help at reelection. The contribution should be made whether they ultimately see eye-to-eye with the advocates position.

There is considerable difference in the amount of work expended to kill a bill or the energy used to get the passage of a measure. Senate Bill 1517 (Bergeson), a bill to create a conservation district for the Signal Landmark Bolsa Chica Harbor and environs, is the perfect example of the amount of time which must be spent on a highly controversial measure. When you consider every one of the appearances listed meant time also spent with the author, committee chairmen, and staff, you will understand at election time some consideration should be given to their problems.