

California State Archives
State Government Oral History Program

Oral History Interview

with

DEWITT A. HIGGS

Regent, University of California, 1966-1982

April 15, 16, 17, and May 13, 14, 1991
San Diego, California

By Dale E. Treleven
Oral History Program
University of California, Los Angeles

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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.

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

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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

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INTERVIEW HISTORY

Interviewer:

Dale E. Treleven, Director, UCLA Oral History Program

Interview Time and Place:

April 15, 1991

Higgs's office in San Diego, California
Session of two and one-half hours

April 16, 1991

Higgs's office in San Diego
Session of two and three-quarter hours

April 17, 1991

Higgs's office in San Diego
Session of one and three-quarter hours

May 13, 1991

Higgs's office in San Diego
Session of two hours

May 14, 1991

Higgs's office in San Diego
Session of one and one-half hours

Editing

David P. Gist, editor, checked the verbatim manuscript of the interview against the original tape recordings, edited for punctuation, paragraphing, and spellings, and with the interviewer verified proper names. Insertions by the editor are bracketed. Gist drafted the table of contents and the interviewer prepared the introductory materials.

Higgs reviewed the edited transcript and returned the transcript with only minor corrections.

Papers

There exist no private papers which the interviewer was able to consult for this interview.

Tapes and Interview Records

The original tape recordings of the interview are in the university archives at UCLA along with the records relating to the interview. Master tapes are preserved at the California State Archives.

BIOGRAPHICAL SUMMARY

DeWitt A. "Dutch" Higgs served a full sixteen-year term as a member of the Board of Regents, University of California, from 1966-1982. The first full-term regent ever appointed from the San Diego area, Higgs served two successive years as chair from 1968-1970, vice chair in 1970-1971 and again in 1974-1975, in both instances during William French Smith's chairmanship. Higgs also chaired the Committee on Educational Policy from 1975-1978. The last regental appointee during the Governor Edmund G. "Pat" Brown, Sr. administration, Higgs succeeded Donald H. McLaughlin, a regent from 1951-1966.

Higgs was born in Soldier, Idaho, on December 13, 1907. After attending primary and secondary schools in Fairfield and Boise and completing one year at the University of Idaho, he moved to San Diego. He earned his LL.B. at the Balboa Law College (now California Western School of Law) in 1934 and was admitted to the State Bar of California that same year. In 1939 Higgs entered into a law practice partnership that gradually expanded and ultimately became Higgs, Fletcher and Mack, Attorneys at Law. Since 1985 Higgs has been Of Counsel with the firm, at the time of this oral history interview the third largest law practice in San Diego. He also was city attorney for the city of Chula Vista from 1940-1942 and again from 1946-1947.

A veteran of World War II as a lieutenant commander in the United States Naval Reserve, Higgs was awarded a Bronze Star with Combat "V" for performance of duty after a Kamikaze pilot struck his ship off the coast of Okinawa.

Higgs has been extremely active in bar associations at local, state, and national levels, serving on the board of directors (1938-1940) and as president (1940) of the San Diego County Bar Association, as a member of the Board of Governors (1953-1955), as president (1955) and as a member of the Judicial Council (1961-1964) of the State Bar of California, and as a member, House of Delegates (1956-1962), as a member, Standing Committee on Aeronautical Law (1964-1970) and chair of that committee (1964-1966), of the American Bar Association. He is a Fellow of the American College of Trial Lawyers. Higgs's community activities in San Diego have included service on the board of directors, Community Hospital of Chula Vista, and on the advisory board, Scripps Memorial Hospital.

Higgs married Florence J. Fuller in 1929. They reside in Chula Vista and have two children: Barbara Lee Whelan, married to an attorney; Craig DeWitt Higgs, a full partner with Higgs, Fletcher and Mack, Attorneys at Law.

[Session 1, April 15, 1991]

[Begin Tape 1, Side A]

TRELEVEN: Well, it's April 15, 1991, and I'm here with former regent DeWitt A. Higgs this morning in San Diego. We're going to be talking the next few days mainly about the board of regents, your tenure on the regents. But to begin with I'd like a little background on you. I know from your biographical information that you were born in Soldier, Idaho, on December 13, 1907. I guess my question is how did you come to be born in Soldier, Idaho.

HIGGS: My mother was there. Soldier was then a very small town in Idaho in what is called the Camas Prairie. It was located not too far from Sun Valley. My father was a doctor, a country doctor in every sense of the word. I can remember his taking off in thirty or forty below zero weather on a pair of skis or snowshoes to set a broken leg or to deliver a child. Sometime between my

birth in 1907 and 1917, the railroad came through from Shoshone, another place in Idaho, and it missed Soldier by two miles. So Soldier picked up lock, stock, and barrel and moved down and became the new town of Fairfield. Does that answer your question, sir?

TRELEVEN: Yes. Your father was a country doctor. And your mother?

HIGGS: My mother and father were from the South originally. My father was from Kentucky, and my mother was from Virginia. Around the turn of the century there was a migration of people from the South to the West, and they tended to settle in colonies. So on the Camas Prairie there were colonies of people from Kentucky and colonies of people from Virginia. There my father and mother met. They were married. My father had not yet gone to medical school. He was a country schoolteacher at that time, [grades] one to twelve. So starting in about 1903 or 1904 he went to medical school in Chicago--what was then Bennett Medical School. He worked his way back there by riding a cattle train. While going to school, he worked as a motorman and a conductor

on the elevated railway in Chicago while attending school.

TRELEVEN: I'll be darned.

HIGGS: When he finished medical school he returned to Idaho and started the practice of medicine with his brother, who was also a doctor. The brother had graduated from a medical school in Atlanta, Georgia, and had come out and really started the Higgs family moving from Kentucky to Idaho.

TRELEVEN: Okay. Kentucky, is there a particular location in Kentucky where this is the Higgses?

HIGGS: Yes, the Higgses were born in Kentucky. As nearly as I can understand my grandfather was sort of a poor farmer near Owensboro. It was typical of those times I suppose. There were eleven brothers, some of whom died in birth. My own father left home and went to join the army during the Spanish-American War and was wounded in Cuba. The same day the infantry outfit that he belonged to was side by side with [Theodore] Roosevelt's Rough Riders moving up San Juan Hill, he was shot by a sniper in the foot--not a very serious injury. It didn't give him any trouble later.

TRELEVEN: So Owensboro, Kentucky. And in terms of your mother's. . . . What was the maiden name of your mother's family?

HIGGS: Maiden name was Reedy.

TRELEVEN: I see.

HIGGS: Yes.

TRELEVEN: And the Reedys were from . . .

HIGGS: They were from a place near the border of Carolina, I believe, North Carolina. I'm not too sure of that. My mother's mother passed away when she left four small children. The father was unable to take care of them, and so he distributed the children to various relatives, and my mother was distributed to a Perkins family. The Perkins family moved to Idaho, and that's how she happened to come . . .

TRELEVEN: Oh, I see. Okay, so your father finished medical school, joined your brother in practice in Idaho, where he met your mother.

HIGGS: That's correct.

TRELEVEN: Ah, I see. So you are one of how many other children?

HIGGS: There are four children. I had an older brother who's now deceased. I'm the second child. I

have a sister who was four years younger than I am who. . . . She's still living. She lives in San Diego. I had another sister who was six years younger than I, and she passed away within the last year.

TRELEVEN: Okay. Well, tell me a little about your early education. By early I guess we could say from grade school through high school.

HIGGS: Well, I went to grade school in Fairfield, and perhaps I started in Soldier. I'm not too sure. But after the war, World War I, and after my dad returned from the service and that, we moved to Boise. I attended the rest of the grade school in Boise--the seventh and eighth grades. Then I attended Boise High School and graduated from Boise High School. I then started at the University of Idaho, but was there less than a semester. Hard times hit Idaho. The bank in this little town in which we were living then failed. My dad was getting older and wanted to move to California, and it was obvious that he could not send me to college. There were no jobs in Moscow at the university, just no jobs. And there was no student aid at that time, so I left

there, and that was the end of my undergraduate work.

TRELEVEN: Okay, let's pick up on the dates here. When times are hard that's what we think of as the Depression of the 1930s.

HIGGS: Well, it was a little before that. It was 1927 and 1928. In 1927 things began to get tough in Idaho. Why this particular bank failed I don't know, but times began to get tough in Idaho in 1927, or at least in the area in which we lived.

TRELEVEN: Okay, well, in terms of your early schooling, what were you most interested in in terms of classes? What did you . . . ?

HIGGS: Well, I was always interested in history. I was interested in languages. I became interested in the law, because in this small town where we were living during the late twenties, a place called Council, Idaho, there was a lawyer who sort of excited my interest in the law and encouraged me to think about studying law. So during that period of time and before I'd ever enrolled at the university, I had made up my mind I wanted to be a lawyer.

So finally, say, times were tough there. I

had various jobs, construction jobs. I worked for a while in a creamery. In 1929 there were no jobs available. I heard that there was work available in Nevada, and I went down to Lovelock, Nevada, and got a job as a laborer on a construction and engineering crew. By luck the guy who was sort of the assistant superintendent didn't show up to work one morning, and the superintendent came to me and asked me if I wanted the job, and I surely did. So I was a sort of an assistant superintendent or straw boss on this job in Lovelock. We were digging wells, we were leveling ground, we were doing some surveying in the mines. So it was there that my wife came down--part of her family was there then--my wife came down. We were married, believe it or not, on Christmas Day in 1929. The reason we were married on Christmas Day, we were working seven days a week, and that was the only day I could get off . . .

TRELEVEN: Oh.

HIGGS: . . . and believe me I wasn't about to ask for any more time off.

TRELEVEN: I'll be darned. I'm somewhat interested in

agricultural history. At the time you were in Idaho was the [National] Nonpartisan League active yet? It was a farmers organization in North Dakota, Montana, Idaho, that area.

HIGGS: Well, I don't have too close a memory of that. The things I remember mostly from reading is [United States] Senator [William E.] Borah [from Idaho], before he was a senator, had defended some labor man who was charged with murder and was successful in getting only a prison term. But I don't have any definite recollection of any agricultural problems. The place on the Camas Prairie was mostly dry farming area--wheat. Farmers would help each other during the harvest season. There were sheep, a good many sheep in the area. Many of the sheepherders were Basques who came over. Now in Idaho, and even before I left, many of those Basques were very industrious people who started out as sheepherders and sooner or later became owners and were very wealthy people in Idaho. So that was from that area. From the Council area where I lived, it was mostly fruit area, mostly apples, and they were quite large orchards. It was near timber

country, and there was a sawmill there. The timber would be brought down there from the mountains. It was in cattle country, that sort of thing.

TRELEVEN: Now in terms of politics, did your father and mother or father or mother have a particular political persuasion?

HIGGS: Have what?

TRELEVEN: Were they Democrats or Republicans or . . . ?

HIGGS: Both of them were Democrats. My mother more of a Democrat than my father. My father was very moderate in everything, and I'm sure he supported, as I have, about as many Republicans as he did Democrats. My mother was typical southern Democrat and she remained that way the rest of her life. I can remember on one occasion she was after me because I was supporting some Republican for some office. She said, "Well, if you aren't a Republican, you'll do until one comes along." She was a hard-nosed Democrat.

TRELEVEN: [Laughter] Okay, you're working construction in Idaho--excuse me--in Nevada. You got married on Christmas Day, and that wasn't a very good time to get married. That was like two months after

the crash of 1929.

HIGGS: It was a very bad time economically, but I guess a good time to get married is when two persons want to get married. So we were married, and even before the marriage we had made plans that we would work there in Nevada. I had made inquiries so that there was a night law school in San Diego, and that we would come to San Diego, where my father had then located, and get a job here. She would get a job, and ultimately I would go to law school, and that's the way it worked out.

TRELEVEN: Okay, so your father was already here in San Diego.

HIGGS: That is correct. That's correct. The winters got just too tough for him up there as he got older.

TRELEVEN: Did he continue in . . . ?

HIGGS: He practiced medicine in San Diego, finished his practice time in Chula Vista near San Diego.

TRELEVEN: I see. So it would have been about 1930 then when you came to San . . .

HIGGS: Came to San Diego in 1930. I got a job luckily the day after I got here. San Diego at that time

was having the Otay tunnels--part of a water project--constructed. I caught on real lucky very quickly and got a job out there where I drove a dynamite truck. My main job was hauling steel and dynamite, and so I finished that when the tunnels were finished. Then that fall I started in night law school, and I got a job at Ingle Manufacturing Company, again as a truck driver. And for most of the time that I was in law school I drove truck there and I studied at night. The last year that I was in law school I had been around the law library so much that they decided they better hire me, so I got a job as assistant law librarian . . .

TRELEVEN: Is that right?

HIGGS: . . . the last year and took the [California] bar exam in 1934 and passed.

TRELEVEN: I'll be darned. Tell me a little more about the Balboa Law College. I know it's now called or it became California Western School of Law.

HIGGS: That's right.

TRELEVEN: But what's the background of Balboa College?

HIGGS: The background is that there was a very bright young lawyer in San Diego by the name of Leland

Stanford, Jr. He was some relation to the Leland Stanford. He started the night law school. He was janitor, dean, professor, everything for a period of time. Later, and not too much later, a number of the practicing attorneys in San Diego helped him out and became teachers. And the night law school, as night law schools go, was a very good one. There were a lot of people that should never have gone to law school that did and fell by the wayside. I think I was. . . . In fact I know I was in the first graduating class. Two of us graduated. And you know how lawyers are when you get around lawyers: "Where were you? How'd you stand in your class?" And I was always able to say, "Well, I was either first or second." [Laughter] It was a good law school. Leland Stanford was a good instructor. The other people were good instructors, and it gave a good basic background, but you had to work for it.

TRELEVEN: Did you say you were in the first graduating class?

HIGGS: That's correct.

TRELEVEN: So Balboa had not been going that long.

HIGGS: Had not been going. I was in the first graduating class. I graduated in 1934. I'm not sure when he started it, but he must have started it before 1929, because my dad wrote and told me there was a night law school here.

TRELEVEN: Ah, I see.

HIGGS: Yes, yes.

TRELEVEN: So you would have started in 1930?

HIGGS: That's correct.

TRELEVEN: It was strictly a night law school at the time you went?

HIGGS: Strictly a night law school.

TRELEVEN: So you worked during the day and went to law school at night.

HIGGS: That's correct.

TRELEVEN: How did you manage to keep up?

HIGGS: Well, I was younger. Looking back it doesn't seem that it was too tough. Nobody had anything, so we didn't feel uncomfortable. We'd never had anything, my wife and I, and nobody we knew did, so we had nothing to compare with, so it didn't seem so bad. A good time for us was to go to a movie on Saturday night, and with our friends home entertainment. We played a lot of cards.

Most of the time I was not really able to have much social activity, because I was working. My usual routine is that I would get up about 5:00 in the morning. I'd be at work by 7:00. I'd get off at 3:00. I'd go home and change clothes. Then I'd either study or. . . . Well, I would study until time to go to night classes if the night classes were held. They were held only three nights a week. So I didn't have really much time to worry about times being tough.

TRELEVEN: Okay. Just for the record, where was the Balboa Law College located?

HIGGS: It was located in what was then old San Diego High School.

TRELEVEN: Oh, I'll be darned.

HIGGS: Yes.

TRELEVEN: Which is. . . . Give me the . . .

HIGGS: It was on Twelfth [Avenue] and Park Boulevard. The "old gray castle" they called it.

TRELEVEN: And where did you and your wife live?

HIGGS: Where did we live?

TRELEVEN: Where did you live when you . . . ?

HIGGS: We lived most of the time--because she was working then--we lived most of the time in a

boarding house up on Sixth Avenue across from Balboa Park. A beautiful place to live.

TRELEVEN: Oh, yeah.

HIGGS: Boarding house. We had a two-room place to live-- board and room, two meals a day, \$50 a month for both of us.

TRELEVEN: [Laughter] Sounds wonderful. What did your wife do?

HIGGS: She came down here. One of her brothers in Idaho was a barber. I guess by reason of that she wanted to go to beauty school. She went to beauty school and became a beauty operator. And she continued to work there until about a year after I was admitted, or a year and a half.

TRELEVEN: Okay. And maybe one more question about the law school. As you're going through Balboa Law College, what did you find was particularly interesting? What aspect of law did you find was appealing?

HIGGS: Well, I was like every law student I suppose. I was primarily interested in developing the skills to become a trial lawyer. Not criminal law. I never had an interest in criminal law. So I zeroed in on torts and procedure. Those things

were the most interesting to me.

TRELEVEN: Okay. Now from your biographical information I have a little gap here I need to ask you about. You became a partner in 1939, so I guess my question is what did you do between 1934 and 1939?

HIGGS: When I graduated in 1934 times were still tough.

TRELEVEN: Yes.

HIGGS: I knew very few people in San Diego. I started at the top. I went to what was then the largest firm in San Diego: Gray, Cary, Ames, and Driscoll at that time. It's now Gray, Cary, Ames, and Frye. Now they have well over 150 lawyers. Then there were eight lawyers. Walter Ames was one of the senior partners, and I talked with him. He was very encouraging and very helpful, but he said, "We just don't have enough work for our own people," so there was no job there. I got almost the same answer from the Luce firm [in 1991 Luce, Forward, Hamilton, and Scripps], which is now the second largest firm in San Diego. They had maybe six or seven people. And the Weinberger and Miller firm. All of them were very courteous, but the fact was that I

didn't get a job. Because primarily, I suppose, primarily because they weren't hiring anyone, and next I suppose because I was a night law school graduate. I suppose they took that into consideration. So I was getting pretty discouraged. I went from office to office and finally wound up in the Granger building on Fifth [Avenue] and Broadway, which was an older building even then. I got up to the third floor and walked into an office that said, "Lawyer, Marcus Robbins, lawyer." There was nobody in the reception room. I scuffed around a little bit, and I heard a voice from an adjoining room, and it said, "Come in." I went in, and here was this figure stretched out on a davenport with a handkerchief over his face. I went into my speech, which by that time I had canned, and about halfway through it he took the handkerchief off and sat up and listened to me. Finally, he said, "Well, I can't afford to hire anyone. I'm getting old. But I do need some help. I've got an extra office here. If you want to come in I'll make you a partner." So that's. . . . I started my first job as a partner.

The firm name was Robbins and Higgs, and we had an office in the Granger building. He had a very small, small practice. He was acquainted with the labor commissioner. Marcus was pretty liberal and a supporter of the labor movement. A man by the name of Stanley Gue was labor commissioner. So I met Mr. Gue through being with Robbins, and Gue started sending me some cases from the labor commissioner's office. Anybody that needed a lawyer he would shove over to me, which he was entitled to. It was perfectly proper, because people would come in and they would have unknowingly a workman's compensation case.

TRELEVEN: Oh, I see.

HIGGS: So basically my early cases were workman's compensation cases where I represented the applicants. He also, as a matter of interest at least to me, sent over a group of B-girls that were working in a place called Mary Jane's Playhouse. He felt they weren't being paid the minimum wage, so he sent them over to me, and I filed suit. Because they were B-girls, it had attracted quite a lot of publicity. To make

matters short we won the lawsuit, and again two of the girls were clients of mine for years and years. They both of them married and they were decent gals. They were working at the job because that was the only job available. I don't know whether you know what a B-girl is or not. Do you know what a B-girl is?

TRELEVEN: Well, why don't you explain it for who will be listening to this.

HIGGS: Well, a B-girl worked in a bar, and sailors would come in, and they'd have drinks with a sailor and order drinks for themselves. They'd order champagne, and the bartender would give them ginger ale and charge the sailor for champagne. I think they got a very small percentage of the money as well as a very small salary.

TRELEVEN: I see. Now you said that the labor commissioner would refer cases. What did you mean by that?

HIGGS: Well, an individual would go see the labor commissioner.

TRELEVEN: And this is for the city or county of San Diego?

HIGGS: For the state of California.

TRELEVEN: Who had an office here?

HIGGS: He had an office here.

TRELEVEN: Okay, all right.

HIGGS: Had an office here. They would go in if they felt they had any complaint involving the conditions of employment. He would talk with them, and if they were being underpaid he would get in touch with the employer and try to get it straightened out. People would come in. . . . And I'm getting a little ahead of my story. An individual came in to see him, and he knew immediately that this individual had a workman's compensation case. So the individual came over to me. The story was that he had been working for an outfit laying concrete and he was working under some electric wires belonging to San Diego Gas and Electric [Company], and somehow the wires fell and he suffered the loss of an arm. So we had a clear workman's compensation case. But I recognized that he also might have a third-party claim as against San Diego Gas and Electric for negligence. I couldn't understand how wires, without someone being negligent, could break and fall on somebody. So I filed suit. The Gas Company's contention was that some unknown boys had been flying kites with the metallic kite

strings and that the metallic kite strings had got over these wires and caused them to short and fall. That was their story. I took their deposition, and they actually had a metallic kite string, so I managed somehow to snip off about a foot of that kite string during the deposition, because I just didn't believe the story. I took it out to a professor of engineering out at San Diego--I don't think it was San Diego State [University]; it may have been Normal School--but maybe San Diego State in any event. He did lots of tests. He said that just can't be. I said, "Are you sure?" And he said, "Absolutely, there's no way." So I knew I had a pretty good lawsuit. To bolster it up I got some of the same metallic kite string and a rubber ball, and a friend of mine went down to the place where it happened the night before the trial, threw the ball over, pulled it back until the metallic kite string made contact. It goes [smack] like that. Nothing fell except the ball.

TRELEVEN: Oh.

HIGGS: So I knew I was in good shape, but I was too young to be a good actor, and I guess I was too

cocky because I had planned it out. I was going to do that during the trial. I was going to get up in front of the jury and I was going to say that I personally would take this same kite string and throw it over the thing, and I would like to have the jury view that. I knew that I was in good shape then, because if they let me do it I could do it and get by with it. If they didn't, the jury would think that they were wrong. So I never told anybody. It never got that far. During the trial the insurance company came to me and started making offers for the settlement. I had of course to communicate them to my client, and he was a laboring man. It finally got up to the point where he just couldn't afford not to take the settlement. So we settled. So that night the insurance man invited me out to dinner, and he said, and I quote, "Now, you son of a bitch, what were you so cocky about?" I then told him the story, and he said, "Well, I'll be damned." From then on in San Diego I represented that insurance company, and that was my first defense case . . .

TRELEVEN: Oh.

HIGGS: So all that goes back to Stanley Gue.

TRELEVEN: My gosh. So Marcus Robbins, was he known as a defender of workers and laborers?

HIGGS: Yes. Yes.

TRELEVEN: Had you been a union person when you were involved in construction?

HIGGS: No, never, no connection with unions at all.

TRELEVEN: Did you then become also known as a labor lawyer?

HIGGS: No, I did not. I became known first as a workman's compensation lawyer for applicants. That developed other business, including the insurance. Then I became for several years known as an insurance defense lawyer.

TRELEVEN: During that time are you still a partner with Mr. Robbins or . . . ?

HIGGS: I was a partner of Mr. Robbins until 1936, from the time I was admitted to where he died of a heart attack. I then was in the process of finishing up what business he had and my own, and I was offered a job then by Weinberger and Miller, which was one of the leading firms then. I was offered that job, because during the time that I'd been with Robbins I had had a case against a client of Weinberger and Miller and was

successful, so I was offered a job. And I went to work for them sometime in 1936.

TRELEVEN: Okay. And there you stayed until '39.

HIGGS: I stayed until '39. In the meantime I had become acquainted with [Ferdinand T.] Ferd Fletcher, who was a younger lawyer then, as was I. He was working with Atherton, Harvey Atherton, who was a probate lawyer. Then Ferd went to work for the [San Diego] city attorney's office. While I was at Weinberger and Miller, the city attorney's office filed a complaint against a jeweler here for distributing matchbooks in front of his place of business as an advertising gimmick claiming it was in violation of a city ordinance. The jeweler was a client of Weinberger and Miller, so I wound up with the job of defending the jeweler. Ferd Fletcher was the prosecutor, and that's how we became acquainted. Through that case we became acquainted and friends and later on started playing golf together and talking about starting a firm and finally decided that we would. So we became partners on January of 1939.

TRELEVEN: This would be a general law firm or . . . ?

HIGGS: General practice. Fletcher's family was a very

well known family in San Diego. His father was one of the principal early developers of real estate and also of water. So Fletcher got some business from them. By that time I had built up a rather substantial insurance defense clientele, so from day one we made a living. We had made up our mind that we would be very careful, so we drew out \$150 a month each. That was our draw from the firm. And we had an office in the Bank of America building--two private offices, reception room. I've forgotten the amount of rent, but it was very, very low. We had a secretary who remained with us for many years. She got sixteen dollars a week. She was not only secretary to both of us, but she was receptionist, she was bookkeeper, almost everything. So we were fortunate. Things started coming our way, so from day one we made a living.

TRELEVEN: Okay. Is it Higgs and Fletcher or Fletcher and Higgs?

HIGGS: It was Higgs and Fletcher.

TRELEVEN: Okay. Did it remain that until you went to the service?

HIGGS: No, in the meantime a deputy district attorney by the name of [William] Bill Glenn. . . . He was a friend of both of us. We had talked with him about coming in originally, but Bill was a pretty conservative individual and he wasn't sure we were going to make a living, so he remained in the district attorney's office until around 1940, and then he came over. It was Higgs, Fletcher, and Glenn then. And it remained--that firm continued to do well enough--it remained that way until the war came along, and all three of us at one time or another went in the navy. And [Eugene W.] Miller, of the former firm of Weinberger and Miller, came over. In the meantime [Jacob] Weinberger, his partner, had been appointed to the federal bench and was a federal district judge. Miller was alone, so he came over and held the firm together during the war while we were gone. It was then Miller, Higgs, Fletcher, and Glenn.

TRELEVEN: Wow. Hmm. Okay, now backing up just again, would it be fair to say that you were a [Franklin D.] Roosevelt Democrat?

HIGGS: Yes, yes.

TRELEVEN: And you were pretty . . . ?

HIGGS: And a [Edmund G.] Pat Brown [Sr.] Democrat.

TRELEVEN: Later, right? And in terms of Fletcher, was he also a Democrat?

HIGGS: Strong Republican.

TRELEVEN: Well, how did you get along?

HIGGS: Fine. Fine. We were accused of playing both sides of the street. [Laughter] We had no problems. I went my way. Those days I pretty well supported most Democrats, and he very strongly supported most Republicans, but it didn't cause any friction. Bill Glenn was a Republican. He stayed with us until after . . .

[End Tape 1, Side A]

[Begin Tape 1, Side B]

TRELEVEN: Continuing our discussion about politics, I take it San Diego was a pretty Republican town at that time.

HIGGS: That is correct.

TRELEVEN: I mean, the power structure so-called is . . .

HIGGS: That is true.

TRELEVEN: Well, didn't you feel like a pretty lonesome waif being a Democrat?

HIGGS: No, I never felt that I was an outsider or never

had any feeling that I was treated as an outsider. I went my own ways, and I had a good many friends who were Republicans and who were Democrats. No pressure as far as I was concerned.

TRELEVEN: Were you involved in any way in terms of partisan politics in the city at that time?

HIGGS: In the early days . . .

TRELEVEN: Yeah, in the early days.

HIGGS: In the early days, no. It wasn't until I became acquainted with Pat Brown that I became interested and involved in politics.

TRELEVEN: Okay. We'll talk more about it later, but you first met Pat when?

HIGGS: My recollection is that Pat was then district attorney of the city and county of San Francisco. I was active in local and state bar work, and through that I met and became acquainted with Pat Brown. I am not real clear in my memory, but I think we probably served on some early state bar committees.

TRELEVEN: Would this have been before the fifties?

HIGGS: Yes. I became active in local bar work by 1938 and I was elected to the board of directors.

Then I became president of the local bar, San Diego County Bar Association, in 1940. It was during that period of time that I think that I met Pat Brown.

TRELEVEN: I see.

HIGGS: I'm not completely clear on that.

TRELEVEN: Well, despite the fact that you were a Democrat, it seems like your peers in the bar association thought very highly of you. You were elected president in 1940.

HIGGS: Well, I became interested in bar work and served first as a disciplinary officer. The local bar would hold the preliminary hearings on lawyers who were charged with some sort of unethical practice, and I was in effect a prosecutor there. As a matter of fact, I was a prosecutor on the case where Leland Stanford, the former one, was involved with the state bar. I was the prosecutor on that. So I became acquainted. It was a fairly small bar then. They weren't over In my opinion, my recollection, there were not more than 200, 250 lawyers in all of San Diego County.

TRELEVEN: Oh.

HIGGS: Pretty soon everybody got to know everybody else. There were five judges. We all got to know the judges, and other than right in the courtroom we were on a first-name basis. So it wasn't too long until everybody knew everybody. So actually it was during this time that a group of younger lawyers, including myself, felt the board of directors were old guys that weren't doing enough for the young lawyers.

TRELEVEN: Right.

HIGGS: So they decided that I. . . . We all decided that I should run for the board, so I ran for the board and was elected in 1938.

TRELEVEN: So what you were describing, it's like a peer review mechanism where some allegations are made about one of the professional attorneys and . . .

HIGGS: That is correct. That is correct.

TRELEVEN: And you look into it.

HIGGS: Then they would hold a hearing before a local committee, and the local committee would then make a recommendation to the Board of Governors of the California State Bar. And the board of governors of the state bar would either dismiss it or make a recommendation to the Supreme

Court.

TRELEVEN: Okay. Your biography shows you as being in the [United States] Naval Reserve from '42 to '45. Now how did that come about?

HIGGS: Like everybody else I was shocked on December 7 when the Japs bombed Pearl Harbor. I was then I think thirty-three years old, and I wanted to get in the service. I had an acquaintance in Chula Vista who was head of the [United States] Immigration and Naturalization Service here, and he was in the reserve. When the war came he was called up and became the second man head of naval intelligence in San Diego. So I told him I wanted to get a commission. And he said, "Okay, I'll do my best." So I applied for a commission, he recommended me, and it took several, several months for me to get the commission. In the meantime I went to work for naval intelligence as an agent in February of 1942. The reason for the delay in getting the commission was that they made a very careful investigation of people who were going into naval intelligence, and they couldn't find Soldier, Idaho, on the map at that time. [Laughter] And it took them a long time

to trace my history down to see that I wasn't an agent of some kind. In the meantime I was an agent in plain clothes working as naval intelligence. Then that fall I got a commission as a [lieutenant] j.g. [junior grade].

TRELEVEN: Okay. And you stayed in intelligence then?

HIGGS: No, I became unhappy with intelligence, because we would get reports that "Joe Bloke" was a Japanese sympathizer or a Nazi sympathizer. So we'd have to go out and make the routine checks, you know, and it just was boring as can be, just simply boring. So I asked for and got a transfer to the amphibious service and was sent down to Fort Pierce, Florida, to beach master school. So I became a beach master, and I thought, "Well, finally I'm going to get to sea." So what do they do? They sent me as a beach master back out to Camp Pendleton as their instructor in the beach master school there. So I was an instructor for a few months there, and I finally went to the captain and told him, "Jiminy, I've been in the navy all this time. I want to go to sea." So he arranged it, and I became an officer beach master and staff secretary on an amphibious division and

served the remainder of the war there.

TRELEVEN: Where were you the rest of the war?

HIGGS: The rest of the war I became an officer on the We got down at the end of the Leyte Gulf landings right at the end of them. We weren't in at the beginning. Then we made. . . . After that we trained and went and made the Okinawa landings. At Okinawa the ship was hit by a kamikazi. We came back to the States and got repaired and then went back out and went to the Philippines again. We were in the Lingayen Gulf when the [atomic] bomb was dropped, and we were staging for the big show that never came off. Our outfit was assigned to make the landings nearest Tokyo, so nobody was really unhappy when the war was over with. When the surrender ceremonies were being signed we were lying off of the outside of Tokyo Bay, a combat boat just in case things didn't go right. So then when there was the ceremony we went in on September 3 to Yokohama. We had seven ships in the division. There we picked up prisoners of war and took them back to Manila. By that time I had. . . . The war was over. I wanted to get back to the

practice of law, and so I had sufficient points that the commodore released me and made arrangements for me to come back to the States. So that was the end of that.

TRELEVEN: Right. Then you went to what they call inactive duty as lieutenant commander?

HIGGS: I went as lieutenant commander then, yes. That was . . .

TRELEVEN: And did you stay in the reserves?

HIGGS: No, I did not stay in the reserves.

TRELEVEN: You did not.

HIGGS: No, sir.

TRELEVEN: The reason I'm asking is that here you're in the middle of . . .

HIGGS: I wanted to get back to my profession. I enjoyed all the time I was in the navy, except when I was being shot at. I was very happy with the navy, but I didn't want any part of the reserve. I wanted to get back to practicing law.

TRELEVEN: Okay, so you came back, and you explained before how . . .

HIGGS: In '45. I came back in '45.

TRELEVEN: Yes, '45. Mr. Miller was . . .

HIGGS: He had held down the firm, and he stayed with us

until 1950. He was an elderly man. He passed away. In 1950 Pitts Mack became a partner of the firm and remained as such until 1971 when he passed away. Meantime, the firm was then Miller, Higgs, Fletcher, and Mack. Then when Miller passed away it became Higgs, Fletcher, and Mack. In 1965 we merged with another firm, a very good firm, and stayed merged with them until 1971. And the firm name was then Jennings, Higgs, Fletcher, and Mack. It was a very good firm, but we had entirely a different management philosophy so we de-merged then, and it went back to Higgs, Fletcher, and Mack, where it's remained ever since.

TRELEVEN: Well, if you had the power to merge and de-merge, how come [William H.] Jennings's name was first?

HIGGS: Jennings was an elderly . . .

TRELEVEN: Okay, so it was . . .

HIGGS: . . . an elderly man, a very well known lawyer, not only locally but statewide. He was one of the original, top water lawyers in the state and a very, very fine person. By that time Jennings was semiretired, and the firm name before the merge was Jennings, Engstrand, and Henrikson.

[Paul D.] Engstrand was really the managing partner and he was and is a good lawyer, but he just had a different management philosophy than did we. So we broke up in good spirits.

TRELEVEN: So more or less, except for the merger, it's been Higgs, Fletcher, and Mack since 1950.

HIGGS: That is correct.

TRELEVEN: Okay. Now when about . . ? I know you have an office in Escondido. How did that come about?

HIGGS: Because we thought it would be profitable.

TRELEVEN: Oh, sure.

HIGGS: And it is. North [County] was growing, and we just felt that we should establish a branch office there, which we did. It was a little slow getting off the ground, but it's a very important part of our organization at the present time.

TRELEVEN: Right. When about would that have started, the Escondido office? Or maybe that's something we can fill in later.

HIGGS: I can't tell you, but it was sometime between 1965 and 1970, but I don't. . . . I haven't looked up the exact date.

TRELEVEN: Okay. Right in that area. Okay. Now just to maybe round this out in terms of the firm, how

large is the firm right now?

HIGGS: The firm now has sixty-two lawyers.

TRELEVEN: Wow.

HIGGS: We are the third largest firm in San Diego. Too many lawyers.

TRELEVEN: [Laughter] Well, you hear that quite often. I'm glad you said it, not me. How would you characterize the main or the bulk of the practice of the firm right now?

HIGGS: Well, the bulk of the practice is a general practice with emphasis on corporate, real estate, personal injury defense, and personal injury plaintiff cases. There was a period of time when we did a great deal of water law. During that period of time we represented California Water and Telephone Company, who served then Chula Vista, National City, Coronado, and the whole South Bay area. I was involved in that. I then represented the city of San Bernardino in special counsel in water litigation involving the whole of the Santa Ana River. So we did a lot of water law then. But there isn't much water law now, because there isn't much water. [Laughter]

TRELEVEN: Yeah. So the water business again relates to

Jennings, I guess, to Jennings's expertise in that area.

HIGGS: Well, his expertise, but I became. . . . We were both in water law, and really that's what started the discussion of. . . . He represented several public agencies, and I represented California Water and Tel. We had many common problems. Engstrand was in doing the water, so that's what started the original discussions. Yes, yes.

TRELEVEN: I see. You are listed now as being "Of Counsel."

HIGGS: That is correct.

TRELEVEN: Since '85. Now explain what that means.

HIGGS: Well, "Of Counsel" means that you are associated with the firm as a consultant. I am no longer a partner of the firm. I am retired as partner of the firm. I do some firm work on a consulting basis as required by the firm. Independently, I do arbitration work through appointment by the courts. I try to limit my work week to two days a week. I handle arbitration, which I enjoy for a number of reasons. It keeps my mind active. It makes a few dollars. I can pick and choose the arbitration work that I want. I can settle when I want to settle. I also handle as hearing

officer county retirement matters where individuals apply to be retired from the county upon physical disability, employment connected, and I am hearing officer on that. So I work two to two and a half days a week at that sort of thing. I have tomorrow morning. . . . The reason we can't continue this tomorrow morning is that I have an arbitration hearing tomorrow morning.

TRELEVEN: Right. Right. So when we meet tomorrow afternoon, you'll be all tired out.

HIGGS: No, no.

TRELEVEN: I'm just kidding. Arbitration, does that mean management-labor disputes?

HIGGS: No, no labor. It's usually court appointed, most of my cases, because my past experience involved negligence claims, automobile accidents, medical malpractice, legal malpractice. Tomorrow morning the one that I have involves a claimed assault and battery. I do whatever the court sends me of that way. Then I do some settlement conferences in which the two attorneys will come in and just sit down and discuss with me a settlement--not binding--solicit my advice as to what the case should be settled for, if at all. So that's the

general type of work.

TRELEVEN: Okay, and it's arbitrated because that's a step to prevent it from going to something like jury trial.

HIGGS: Well, some of the arbitration, yes, that's basically right. The state law provides that in certain cases the presiding judge or arbitration judge can refer the case to arbitration with that very hope in mind that the case will be disposed of, saving time of the court. The parties, in some of the cases, they stipulate that it's binding. That means when the arbitrator finishes it's all through. There's no appeal, no hearing further.

TRELEVEN: Right.

HIGGS: Those that are not binding, the parties have a right to ask for a trial--what they call a trial de novo--and ask for a new trial, a complete new trial. That, in my experience over the past few years, I don't think I've had more than three or four that have asked for a trial de novo. They accepted my award. Whether they liked it or not I'm not sure, but they accepted it.

TRELEVEN: And finally, your son [Craig DeWitt Higgs] is now

the Higgs of the firm who is the active attorney.

HIGGS: That is right. My son is a lawyer. Upon graduation from law school he went to work in the city attorney's office to get some trial experience. He tried about fifty jury trials in a year and a half.

TRELEVEN: My gosh.

HIGGS: Then he came into the firm where he was an associate doing trial work. He worked up to where he became a partner after being with the firm for seven years, which is our normal practice. They either become partners or they leave after seven years, either at their request or at ours. He's been doing trial work. He's been very successful at it.

TRELEVEN: Seven years sounds like tenure at the University of California.

HIGGS: Yes, that's right, that's right. Well, it used to be that they could become partners in a shorter period of time, but as you grow larger seven years is about the average for most. Not only this firm, but other firms that I know of in San Diego.

TRELEVEN: Okay, to back up once again, you became city

attorney in Chula Vista. In fact, first I guess before the war and then again after the war.

HIGGS: Yes, I . . .

TRELEVEN: Does this mean you were living in Chula Vista by that time?

HIGGS: Yes, we moved to Chula Vista in 1937. My wife was no longer working. Our first child was born, and a vacancy came in the office of the city attorney in Chula Vista which was a part-time job. Meetings were held at night so then you could carry on your own private practice as well as being city attorney.

TRELEVEN: And Chula Vista at this time is pretty small.

HIGGS: Pretty small, about four thousand people.

TRELEVEN: Yes. Wow! [Laughter]

HIGGS: Now there's over a hundred I believe. The job didn't take too much time. I remained at that until I went in the service. Then when I came back in January I went back. I was on leave of absence. I went back and remained a city attorney until 1947. I left, because at that time my practice had built up to where it wasn't profitable for me to remain a city attorney.

TRELEVEN: So the city attorney is a pretty low-key

operation at that time.

HIGGS: Yes, at that time it was. That is correct. That is correct.

TRELEVEN: Okay. Later, Judicial Council of California, '61 to '64.

HIGGS: Well, let me tell you before that and how that came about. I became a member of the Board of Governors of the State Bar of California in 1953. That's a governing board of lawyers I was elected to from this district, which included San Diego County and Imperial County. There's a three-year term for all of the governors. In 1955 I was elected president of the state bar, and by reason of that I became pretty well known throughout the state. I became a state bar representative to the House of Delegates to the American Bar Association in 1956 and served until '62. The state bar then and now has a rule that no one can be a state bar delegate for more than six years. As a result of being a member of the House of Delegates, I became a member of the Committee on Aeronautical Law, which resulted from my interest in aeronautical law and the handling of a major piece of litigation in San

Diego involving all of the airlines. I ultimately became chairman of that. After that was through, or during that period of time, too, I became a member of the judicial council. The judicial council is a governing board of. . . . Makes all the rules and regulations for lawyers. The chief justice [California State Supreme Court] is the head of it. We make the rules and regulations governing the practice of law and governing trial law, that sort of thing. It's really the rule-making body.

TRELEVEN: You mean like conduct and decor?

HIGGS: Yes, yes, it covers just the. . . . There are many sections of the rules that are adopted by the state bar covering almost every activity. The rules on appeal. They have the rules on appeal. They have the administrative provisions, transfer of judges from one court to another. They have the pretrial rules. They have the rules governing motions and things of that sort, all of which are not prescribed in detail by state law.

TRELEVEN: I see.

HIGGS: But are prescribed by the judicial council,

including the ones we discussed earlier. The arbitration procedures are set forth under the rules of court.

TRELEVEN: So this is not law, but this is akin to being law? If you're a lawyer . . .

HIGGS: It's not legislative law, but it is law.

TRELEVEN: You are expected to follow this bible.

HIGGS: Yes.

TRELEVEN: What is the name of this publication that you're looking at?

HIGGS: "Rules of Court."

TRELEVEN: The book you're looking at is Deering's California Civil Practice Codes, and then . . .

HIGGS: Well, yes . . .

TRELEVEN: And then included . . .

HIGGS: It's the rules of court, and the heading there pretty well says it.

TRELEVEN: Yeah, "Analysis of California Rules of Court." Okay. Wow. I think lawyering is more complex than I thought.

HIGGS: One of the best lessons that I ever had in the practice of law resulted from being on the judicial council. There was a proposal that all opinions of the appellate court need not be

published because some of them added nothing to the basic understanding of the law. They just added to the cost. So I was on the judicial council when that rule was adopted. Roger [J.] Traynor, who was then the chief justice and a very fine man, someone then suggested that if they weren't going to be published there was no sense in the judge writing them. And Roger said he would not buy that. He said for too many times he had arrived at a conclusion in his own mind and, quote, "It wouldn't write," end of quote. And I've never forgotten that. That's so true. On these arbitration matters I never give an opinion off the cuff. I write it out for my own information, and if it will write then I can do it. But it's a very good piece of advice.

TRELEVEN: Right. Now why did you choose to become so heavily involved in county bar, district bar, state bar, judicial council? What was the motivation?

HIGGS: Well, the motivation was multiple, I would say. Number one, I was interested in it.

TRELEVEN: Sure.

HIGGS: Number two, I have a strong sense of ethics. I

wanted to be a part, and that's how I started as an examiner or a prosecutor in the state bar on matters. Another reason is a number of lawyers just encouraged me to become first a candidate for the board of governors and a candidate for president, and the same thing with the state bar. Another reason, I suppose to be honest, is just plain ego. And another reason is that it was and is a very good way of establishing a statewide reputation, which brings with it statewide cases. So the reasons were many.

TRELEVEN: Sure, sure. So is this situation competitive? Is it desirable? Do a lot of people desire to be elected to these?

HIGGS: Yes. That is correct. I was the first president of the state bar from San Diego County.

TRELEVEN: Really.

HIGGS: Since that time there have been two. Many people want to be. My own son Craig has been president of the local bar. Pretty soon there's an election coming up for the board of governors of the state bar, and he's being urged to run for it. There probably will be four or five candidates. He hasn't made up his mind yet

whether he wants to be a candidate. He realizes how much time it takes, and he's still young enough where he wants to devote his time to the practice of law, so he hasn't made up his mind. So it is very competitive. It's very desirable.

TRELEVEN: So even back in your time it took a lot of time to . . .

HIGGS: Well, yes, the . . .

TRELEVEN: Especially when you're president, I suppose.

HIGGS: That is right. When I was president it took probably 60 percent of my actual working time. I made it a point, as others did before me and afterwards, trying to appear before every bar association in the state of California so they'd have a feeling that they were part of the thing. I made talks up and down the state. Again, I enjoyed it, and it was a way of developing a statewide reputation.

TRELEVEN: Ultimately, you were elected, or chosen I should say, a fellow, and I take it not every individual is named a fellow of the American College of Trial Lawyers. So that's . . .

HIGGS: The American College of Trial Lawyers is an

independent organization. Basically, you have to have been admitted to the practice for fifteen years, you have to have tried a great number of cases for which you were principally responsible, and you have to pass first the test of the local people, who are members, and then the national people. It's a national organization. Not more than 1.5 percent of the lawyers in any community can be admitted at the same time to the American College of Trial Lawyers, so . . .

TRELEVEN: I see.

HIGGS: It's a pretty exclusive organization. Again, that resulted from state bar work and from my trial work. [Joseph] Joe Ball, who you may have heard of from Los Angeles, was one of the principle founders of it, and through trial work I met him. But it is a very exclusive deal.

TRELEVEN: Okay. All during this time you're active. You might say you're active politically in the bar association. Had you any thoughts of running for political office?

HIGGS: Never.

TRELEVEN: Never. Why not?

HIGGS: It's just not my cup of tea.

TRELEVEN: No.

HIGGS: I was just not interested. I've always been happy doing what I was doing. I was not the least interested.

TRELEVEN: Okay. A couple of other things, getting back to the community of Chula Vista. You've been a member of the American Legion. What I have here is Post 434.

HIGGS: Again, when I came back from the war, American Legion was trying to recruit new members. I knew members of the Legion in Chula Vista, so I became a member and then became the [post] commander. I found out sooner or later that in most organizations the guy that does the work finally winds up with some office of some kind. [Laughter] So I never had. . . . After I became commander I have not been an active member, of the American Legion. I still am a member, however.

TRELEVEN: Right. You were commander in '47, I guess is what my notes say. We'll get on to this later, but I'm just curious. When you were a regent and there were several episodes on the [University of California] San Diego campus, the American Legion

got a little excited about . . .

HIGGS: It was exciting. And I took a strong position against the Legion's position at that time.

TRELEVEN: Well, we're going to have fun getting into that in more detail. You've also been active with several hospitals--director of Community Hospital at Chula Vista.

HIGGS: That is correct. Again, that came from the practice of law. Because I lived in Chula Vista I became the attorney for the Chula Vista Community Hospital, which was then a proprietary organization. I represented the owners, the people who started it, as attorney and was on their board of directors. They finally sold out to a community hospital, which is a nonprofit organization, and I remained on the board of directors of that for a while. But like everything else, I didn't want to get overbooked. I still am interested in it and I'm part of the As a matter of fact, I'm part of a committee now, a fund-raising committee that is working to raise funds to build some new improvements at the Community Hospital.

TRELEVEN: So you're part of the fund-raising effort.

HIGGS: That's right.

TRELEVEN: How do you like that kind of work?

HIGGS: I don't.

TRELEVEN: I know very few people who do.

HIGGS: No, it's too. . . . You know, you feel like you're imposing upon your friends to do it. I think it ought to be, and it is mainly conducted by professional people. But my job is that I know a few people that I know can afford it and I know are interested . . .

TRELEVEN: Right.

HIGGS: I talk with them about it, low key, and tell them what is needed, and if they can help, fine, that'd be appreciated. That's about it.

TRELEVEN: You probably know from the development officers-- you've probably been told this, as I have, because I have to raise money, too--that 90 percent of the people who don't give don't give because they're never asked.

HIGGS: Yes. That's true. We make our fair share of charitable contributions, but I like to pick and choose, and I don't like to be high pressured.

TRELEVEN: Yeah, I know what you mean. You were also a member of the advisory board of Scripps Memorial

Hospital. Do you continue to be?

HIGGS: No, no. That again resulted from the practice of law. The original hospital was started in La Jolla by Ellen Browning Scripps and was located down. . . . Both the hospital and the clinic were located down in the central part of La Jolla.

TRELEVEN: Oh yeah.

HIGGS: The board of directors decided they had to have a new facility, so they started to move and were building a new hospital out on the mesa near where the University of California is now.

[End Tape 1, Side B]

[Begin Tape 2, Side A]

TRELEVEN: When we left off you were discussing the Scripps Memorial Hospital being located in a new location. Why don't you pick it up there?

HIGGS: The board of directors moved to relocate the hospital out on the area very near UCSD. About three thousand little old ladies went to the attorney general's office, attorney general of the state of California, and talked him into filing a suit to prevent the move, although the facilities were already almost completed. So the lawsuit was filed. The theory of the lawsuit is

that it was beyond the trusts of Ellen Browning Scripps, who established the hospital in La Jolla. One of the things was that this was not La Jolla. It was not in La Jolla. Oh, there was a lot of publicity about it. The hospital wrote to O'Melveny and Myers in Los Angeles and hired O'Melveny and Myers. O'Melveny and Myers then hired me, associated me to participate in the trial. So we tried the lawsuit and won it. It was a very interesting lawsuit. I had to do a lot of reading of Ellen Browning Scripps's wills and codicils. In one of them she spoke of this area where the hospital is, where the university is, where Salk is, and she said in her will that she had a vision that sometime that area would become a great educational center. Now this was written in the 1920s.

TRELEVEN: Wow!

HIGGS: What a vision. The whole thing was interpretation of what was her intention.

TRELEVEN: Yeah.

HIGGS: And we went on as much evidence as we could, and one of the Scripps's relatives was on the stand. He was kind of a hard guy to get along

with. He didn't want to become involved in a lawsuit. So he was on the stand, and through his testimony. . . . One sentence of it I think won the lawsuit for us. The attorney on the other side asked if he thought Ellen Browning Scripps would have approved of this being moved out there, and his answer was, "Aunt Ellen never built a fence around anything!" [Laughter] And that pretty well won the lawsuit. Carl Baronkay, who became general counsel for the Metropolitan Water District of Southern California, was the attorney representing the attorney general's office at that time, and he did a very excellent job, a very professional-like job in argument. I'll never forget this: he told the court, he said, "This facility is a beautiful facility." He said, "I visited it, and I think the directors have done an excellent job in relocating it out there. I think it's a benefit to the community. But once I've said that, you ask me why I'm here opposing it." And he said, "I'm here for the simple reason I think it's against the law." As good and as fair an argument as I've ever heard. So then I became on the

advisory board for a while. Again, the time comes where you have to move on to something else. Yes.

TRELEVEN: Yeah. So you were sort of kept on the advisory board for legal issues that might come up primarily?

HIGGS: No, well . . .

TRELEVEN: No?

HIGGS: Well, they had their own counsel. O'Melveny and Myers was general counsel. I was special. I was kept on the advisory board mainly I think in recognition of the fact that I had helped to win the lawsuit for them.

TRELEVEN: I see. Okay.

HIGGS: Yes.

TRELEVEN: Okay. Well, one other thing I have listed here is you've been a director of Young Properties, Incorporated.

HIGGS: Young Construction Company.

TRELEVEN: Okay, so tell me a little about that.

HIGGS: Well, the Young Construction Company was one of the large and successful local construction companies. I started out with them by doing their legal work and later not only did their

legal work--Mr. Fletcher of the firm helped in that considerably--I at the request of Mr. Young became a vice president. Mr. Young developed cancer, and during a couple of years at least the F. E. Young Construction Company was operated by an officer of the bank, the Bank of America, and Young's accountant and myself during his illness. Again, it goes back to the practice of law, and so that was about it.

TRELEVEN: Okay, so in a way your presence would help to make sure that the company stayed stable during his illness.

HIGGS: And negotiated a settlement of it. The widow had no business running a construction business. We all were agreed upon that, so we negotiated a favorable sale for her and got her out of the construction business.

TRELEVEN: Yeah, right, right. Is that a directorship that continues or no?

HIGGS: Of what?

TRELEVEN: The . . .

HIGGS: I think it's . . .

TRELEVEN: You're no longer a director of Young Properties.

HIGGS: Young Properties . . .

TRELEVEN: Young Properties doesn't exist. Okay. Is there anything I've missed up to this point?

HIGGS: I don't think so. I want to emphasize and give credit to my wife now of sixty-one years for encouraging and working and helping me getting started in the practice of law. No question without her help I'd have had a tough time of it and might not have made it. I know of nothing else that we need to cover.

TRELEVEN: It sounds like it, those rugged days back in the thirties. I'll bet you have a lot of interesting conversations about that today.

Okay, we're looking at 1966. Let me pause a minute.

[Interruption]

Okay, a little pause here and we're back on tape. Nineteen sixty-six. Somewhere along the line you got a call from Governor Brown.

HIGGS: That is correct.

TRELEVEN: Why don't you recount for me how that happened.

HIGGS: Well, at that particular time there was a loud hue and cry from the San Diego area to get a San Diego regent. San Diego, UCSD, was just coming into its own. The people in San Diego felt that

there should be a San Diego regent. In the early stages I was not the least interested. I wasn't mentioned as any possible candidate in the various newspaper articles. The first I became aware of it other than the fact that I supported the fact that there should be a San Diego regent, I got a telephone call from Pat Brown. He did not offer me the job as a regent, but he asked me if he did offer it to me would I accept it, which was typical of Brown's approach. I asked him what was involved, and he made the greatest understatement in the world. He said, "Oh, a couple of days a month."

TRELEVEN: [Laughter]

HIGGS: He said, "It's very important to the state, but it won't be too time consuming." I recognized that he was understating the amount from what little I knew, so I told him then that I'd want to talk first with my wife to see if she had any problems with it. Secondly, I wanted to talk to my partners, because they would have to contribute to my support during the time that I devoted to regent's work, and I knew it would cut down my part of the firm's income. So I did talk

with them. My partners were very supportive, as was my wife. I then telephoned Pat and told him that I had talked with them and that if it were offered I would accept it, and Pat's words were, "You are now a regent." A good many people have asked me how Pat Brown came to appoint me. I suppose it was because of our early connection in connection with state bar work. Then out of that Pat and I became friends, and for years Pat would consult with me and with others as to judicial appointments in San Diego County. He invariably called me and others. There again Pat never asked me for a recommendation. What he would say is, "Look, Dutch, I'm considering appointing Joe Bloke to the superior court. Tell me what you know about him." So that would give me the freedom of telling him exactly what I knew about it. Out of that came my support of Proposition 1,¹ which brought northern California water to southern California with the first water bill-- \$1.75 billion, which was a lot of money. Pat asked me to be cochairman of that. I agreed to.

1. Proposition 1 (November 1960).

TRELEVEN: Cochairman of . . .

HIGGS: Cochairman of the San Diego committee to bring northern California water to San Diego to support Proposition 1.

TRELEVEN: Which was part of Pat's California Water Project, what became the California Water Project.

HIGGS: That is correct. That is correct. The other cochairman was a very prominent builder here and a Republican by the name of [Roscoe] Pappy Hazard who owned the Hazard Construction Company, so he raised quite a lot of money, and I handled the mechanics of it. His water bill passed, and Pat has always said that it passed because of the votes we got from San Diego County, that that carried it over. So Pat felt friendly towards me because of that. On one of his races for governor I was one of the cochairmen of the San Diego County for reelection of Pat Brown. So I think as a combination of those things he took me into consideration. I was also told later that [James W.] Jim Archer, who had been an alumni regent from San Diego, had recommended me, and also [Senator James R.] Jim Mills, who was a senator, had recommended me. So as far as I know

that's the background of how he offered the job to me, and I accepted it.

TRELEVEN: How involved were you in Democratic party matters in San Diego County or campaign contributions to the candidates, things like that? No?

HIGGS: Like every other lawyer I solicited for campaign contributions. I made contributions to both Democrats and Republicans that I thought should be elected. I strongly supported Pat Brown and I still do. I still have a relationship with him. We talk once in a while. He comes to San Diego once in a while.

TRELEVEN: Good.

HIGGS: We play golf once in a while. We were and are good friends. I never considered myself a politician or kingmaker or anything of that kind. At the moment I am a strong supporter of [Governor Peter] Pete Wilson. I'm on Pete Wilson's committee to evaluate applicants for judicial positions in San Diego County. So I don't know how to describe myself. I'm still a registered Democrat. That's about the extent of my political activity.

TRELEVEN: So Pat really was taken with you by the kinds of

recommendations you would give for judicial appointments and your work on the Water Project, on the initiative.

HIGGS: That's right. And my support of him for governor.

TRELEVEN: Right. Well, if you can remember back to '58 when Pat first ran for governor, it was his first time out, how did you feel about him running for governor at that point?

HIGGS: Well, I supported him at that time. Again, my support came by reason of contact with him through bar activities and my knowledge of him. Pat was and is a very personable fellow. I thought he'd done a good job both as attorney in San Francisco and as [California state] attorney general. I was just impressed with him and still am.

TRELEVEN: Up to the time that he asked you to serve as a regent, how connected were you with higher education in San Diego or California?

HIGGS: Not at all.

TRELEVEN: Not at all? How familiar were you with the development of what was then a real small campus out in La Jolla?

HIGGS: Well, I was familiar only with what was published in the newspaper. I followed it closely. I was familiar generally with Scripps Institution of Oceanography. I was familiar with and had met Roger [R.] Revelle. I had I suppose the normal knowledge and support. I knew San Diego County should have a university. I had no part in getting it created. I was not a part of that committee at all.

TRELEVEN: Okay. So in terms of the University of San Diego or San Diego State and so on, you were . . .

HIGGS: Very little.

TRELEVEN: . . . a well-informed citizen . . .

HIGGS: That's right.

TRELEVEN: . . . by means of the media. At the same time, how aware were you of already some controversies at UCSD? I'm thinking specifically of . . .

HIGGS: Well, I don't really. . . . I'm not aware of any real controversies. I wasn't aware at that time, except I was aware of a controversy between John [S.] Galbraith and Clark Kerr about the university, about the university library.

TRELEVEN: That's right.

HIGGS: Only from reading the newspaper.

TRELEVEN: Oh really, you didn't . . . ?

HIGGS: No.

TRELEVEN: No conversations or . . . ?

HIGGS: That's right.

TRELEVEN: Well, that is true. There was a little dispute between Galbraith and Kerr. We did an oral history interview¹ with Galbraith some years ago, and Galbraith tells his side of the story. Now one other question I want to come back to, and that is when you said there were people in San Diego pressing for a regent. Who are you talking about specifically?

HIGGS: Well, I'm talking about Jim Archer, who was an alumni regent. I'm talking about Roger Revelle, who was. I'm talking about [Robert H.] Bob Biron, who later became vice-chancellor here.

TRELEVEN: That's right.

HIGGS: There were any number of prominent people in San Diego that were actually fighting for Jim Mills, the senator, was fighting for it. Those are the names that come readily to mind.

1. Galbraith, John S. "Academic Life and Governance in the University of California." Interviewed 1981 by Harry Tuchmayer, Oral History Program, UCLA.

TRELEVEN: Okay. Did you want to pause and look for something? Let me just put this on . . .

[Interruption]

Okay, we're back on tape. What did you find?

HIGGS: Well, what I located is my brief file on the history of UCSD. I have kept that since I was a regent, and it kind of gives me an overall view of how UCSD came about. If you're interested I can give you some of the highlights from that.

TRELEVEN: Well, I was going to focus on some of the areas of UCSD--maybe not now but a little later--because I take it as a regent that you might have a soft spot in your heart for San Diego, but you are responsible for . . .

HIGGS: That's a good comment. For quite a long time early in my tenure as a regent I was called the San Diego regent. I had to disabuse that by saying so many times that while I have a very special interest in UCSD by reason of the fact that I'm here, I can't be a San Diego regent, that I'm a trustee for all. That came up time and time again that I was a San Diego regent. Actually, I was a regent from San Diego, but I had to be a trustee for the whole system.

TRELEVEN: I think before we're done with the interview and perhaps tomorrow maybe we can focus, however, on San Diego, which is a very, very interesting development, starting off as essentially a graduate school and then becoming more an undergraduate place.

HIGGS: Fine.

TRELEVEN: But I guess for now just in general, over the sixteen-year period '66 to '82 when you left the regents, as you look back now, what are the most satisfying things about the entire tenure?

HIGGS: Well, I think the single most satisfying thing is that when I went on the board of regents I quickly learned that the students were unhappy with the regents, that the regents were unhappy with the students, that the faculty was unhappy with the regents, that the regents were unhappy with the faculty, that the students felt that the regents' sole job was to gather money--funding of the university--that that was the only real place for them. The public was unhappy with the regents because they were spending money. The legislature was unhappy. It was sort of a storm everywhere, including the storm about Clark Kerr,

which I'm sure you'll want to get to later.

TRELEVEN: That's right.

HIGGS: So I decided then that I would try to see what I could do to inform the various groups about the other. So I talked with student groups. I solicited an opportunity to talk with them. At UCSD I met regularly with the student body president and I'd talk with students singly when we met on the campus. I would make it a point to wander around the campus and just pick out any student that I could and strike up a conversation asking what he thought about what we should be doing. Same thing with the public. I made gosh knows how many talks to service clubs, various organizations explaining the work of the regents. I met with the legislature. So I think my greatest satisfaction was probably that I was at least in part successful in those efforts of trying to make one group understand what the other group was all about.

TRELEVEN: Kind of a facilitator of communication.

HIGGS: Yes.

TRELEVEN: That's what it sounds like. Does that mean that if the regents were meeting on one campus or

another that before those meetings . . . ?

HIGGS: Yes, that came later. I can't tell you the exact date, but for a period of time we tried to meet on every campus once a year, to hold meetings in there.

TRELEVEN: Yeah, yeah.

HIGGS: The theory was, and it was a good one, that it would give us a better idea of what was going on at the campus level and would give us some exposure to the campus people--the faculty and administration. It was a very good thought, but it soon became apparent as we did that that every campus rightfully felt that while there we should zero in on only their problems.

TRELEVEN: Ah.

HIGGS: That we shouldn't. . . . And that just couldn't work out. We had a lot of other campuses and various activities to take care of. But they expected more of us than we really could give towards that particular campus. That was one of the problems. The other problem is that during the student unrest period it sort of set us up as targets of the protesting groups. Sometimes the protest would make it difficult to conduct

reasoned meetings, so we finally went back to meeting in San Francisco and in Los Angeles.

TRELEVEN: Okay, but while you were meeting on the campuses this is the period in which you would seek out a student and have a discussion with a student.

HIGGS: Yes, both then and afterwards. As far as UCSD was concerned I would go out there. . . . I would meet regularly as I indicated with the president of the student body and his group. I'd meet with the chancellors. I'd make an opportunity just to wander around and keep myself informed as to everything that was going on and learn as much as I could. I'd just stop and talk with them in the hopes that I would convince them that maybe some regents were human.

TRELEVEN: What else do you look back on as being a satisfactory experience or accomplishment during that period?

HIGGS: Well, obviously, I look back on the fact that I was elected chairman of the board, chairman of the regents, after a reasonably short period of time. I look back to where I had some important committee assignments, that sort of thing. Again, of course, there's some element of ego in

all of that.

TRELEVEN: Sure, sure. How about the accomplishments of the university as measured against what was perceived in the Master Plan for Higher Education?¹

HIGGS: Well, I don't have the details of the Master Plan in mind, but I know generally what the assignments of the university was. I've always been told that the mission of a university is threefold: one is teaching, one is research, and one is public service.

TRELEVEN: Right.

HIGGS: I think the University of California has excelled in all three of those fields. I think nationwide certainly the University of California as a whole and some of the independent campuses are recognized as being among the best if not the best. Every opinion poll that's been taken of the various groups has shown the University of California is right up there at the top. I think it's a great university, probably the greatest

1. Liaison Committee of the State Board of Education and the Regents of the University of California. A Master Plan for Higher Education in California, 1960-1975. Sacramento: California State Department of Education, 1960.

one in the world.

TRELEVEN: Well, I think the record shows that in terms of growth it was the most ambitious university growth plan of any that had ever been attempted in the country. Looking back to '59, '60, moving forward with expansion and new campuses and so on.

HIGGS: And they're still looking forward, as I understand it, to at least one new campus.

TRELEVEN: Well, it may have been delayed again by the budget news, but you're right. The idea going way back to your time of a campus presumably in the San Joaquin Valley--something that had to get dropped twenty-five years ago.

HIGGS: Recently that same thing has come up again.

TRELEVEN: That's right.

HIGGS: Certainly that area is entitled to a campus. It's grown. It's made available higher education to people that otherwise would not have that made available to them. I can mark off medicine, law, agriculture, you know, just go down the line the things that are important to the people of California and important to the people of the world. The University of California has been

right out there in front.

TRELEVEN: So a lot of satisfaction there for being part of it.

HIGGS: Yes. That's right.

TRELEVEN: Well, let me turn the question around. Say, if you had to define a disappointment or two over that same period of time while you're a regent . . .

HIGGS: A discipline?

TRELEVEN: Disappointment.

HIGGS: Disappointment?

TRELEVEN: Yeah. What was most disappointing to you during that period?

HIGGS: Oh, I don't think that I can point out anything that was most disappointing except as I have already pointed out my disappointment in the lack of public support, my disappointment at not being able to get the funding that is required, disappointment in the continual controversy that the university seems to be involved in. I recognize that no university is ever necessarily a place of calmness. That just isn't in the nature of a university. It never has been. But I can't point out any single thing that I can say

I was disappointed in other than what I said.

I'm satisfied with the things that I'm satisfied with. I'm sorry that I didn't do a better job or that a better job wasn't done.

TRELEVEN: You mean especially when it comes to money?

HIGGS: Yeah, that's right. And general regard for the Again, I can't point out anything that gives me great disappointment. I can think undoubtedly of a lot of things that I wish hadn't happened that did happen, but overall it came out all right.

TRELEVEN: Good way to look at it. Well, before we turned on the tape today we were agreeing that it had been almost twenty-five years to the day that you attended your first regents' meeting. It was in April--April 24, 1966. What's the process of beginning to learn the ropes?

HIGGS: Well, in the first place Pat Brown accompanied me to the regents' meeting and presented me as the new appointed regent. The one vacant chair at the table was next to [Elinor R.] Ellie Heller. I was seated there. Ellie Heller was very helpful in pointing out as best she could who [Edward W.] Ed Carter was, who John [E.] Canaday

was, what we were discussing, what the problems were. She shared with me the agenda and the material that had been delivered to her. Without at all interfering with the meeting going on, she was extremely helpful. And so far as I know, so far as I could observe, my appointment did not particularly rankle anybody. They accepted me and everybody tried to help me out. One in particular was [Phillip L.] Phil Boyd. Phil Boyd sort of looked after not only Riverside but Irvine and the UC, because he felt that was sort of his territory. So Phil filled me in on everything that he could think of that I should know. We struck up a friendship that remained until the day he died. He was very, very helpful and taught me. . . . Gave me as much information as he could about what was going on. He explained to me what the Finance Committee did, what the Educational Policy [Committee] did, what Grounds and Buildings [Committee], what Investments [Committee] did, and who were people that were on those committees. He asked me what committee I'd like to serve on and he passed that on. I'm sure that [Theodore R.] Ted Meyer . . .

TRELEVEN: The chairman.

HIGGS: Ted Meyer was then chairman of the board. Ted Meyer, I had known him before.

TRELEVEN: Really?

HIGGS: We both were president of the state bar at different times.

TRELEVEN: Well, I'll be darned. I didn't realize that.

HIGGS: Yes, so . . .

TRELEVEN: Because he was ex officio regent as the Mechanics Institute [of San Francisco]. Is that right?

HIGGS: That is correct.

TRELEVEN: Yeah.

HIGGS: But he was chairman of the board and he was very I'm not sure he was chairman of the board when I was first appointed, but he was within the next year or so on. But he was very helpful because we had a background of work on the state bar. He helped. I began to learn the ropes. This may be getting ahead a little bit of your schedule, but I realized very quickly that there was a wide split in the regents in regard to Clark Kerr. I sensed that very quickly. I made up my mind that I was not going to be a member of either faction, which I never was. I took no

position. Clark Kerr always treated me in a friendly fashion. I thought he was knowledgeable. So I realized that, so I treaded pretty lightly in the first few months there until I had a better grasp of what went on. I studied the material that was sent to me.

[Marjorie J.] Margie Woolman [secretary of the regents] was a great help, a great help. So I gradually just tried to learn what was going on, what a regent's job was, and pretty much kept my mouth shut for quite a while. And that's an interesting thing, too.

TRELEVEN: Well, what did you think after two or three months, and you'd been getting these mailings from Margie Woolman? Did you think back to when Pat Brown said this would take a couple days a month?

HIGGS: Actually, I thought, "My god!" [Laughter] Tremendous packages would come through. In the beginning I read religiously and carefully all of the material. As I became more acquainted with it I learned to do selective reading. I could zero in on what I thought were the important things, and the matters that were just

information matters I could pass over pretty quickly the reading of them and file them away in the back of my mind. But I zeroed in on what I considered important. But it was a tremendous amount of material to try to digest every month. From the very beginning I estimate just as a regent that I spent at least 25 percent of my time.

TRELEVEN: Is that right? Wow!

HIGGS: At least 25 percent of my time. And later as I became chairman of various committees, I spent about a third of my time as chairman. Then when I was chairman of the regents as a whole, I spent at least 60 percent of my time on the thing for a full two years.

TRELEVEN: My god. Well, time to turn the tape over.

[End Tape 2, Side A]

[Begin Tape 2, Side B]

TRELEVEN: Now, what was your routine? I mean some regents have said, well, everyone would get together the night before and have dinner or something, and then the committee meetings. But in terms of you here in San Diego, what was your routine?

HIGGS: Well, my routine, normally, when we had the

meeting in San Francisco I would leave here the afternoon before the first day of the meeting. We would go in then. Most of us were staying at the Clift Hotel, and I would check in there, and usually there were a number of regents that were registered there. We would meet individually or with two or three of us and have dinner. We would discuss matters of interest, and we all had a common interest. There was never more than two or three that would get together in various groups. I would do that, and the next morning of course we'd go start with the committee meetings. Meantime I was trying to size up my fellow regents and see who I agreed with and who I didn't. Earlier I mentioned Phil Boyd. For a long period of time occasionally Phil Boyd would ride down from Riverside to Pala Mesa. I'd drive up from here to Pala Mesa and we'd have lunch maybe a day or two before the regents' meeting each month and discuss matters.

TRELEVEN: By matters you mean things that were going to be on the agenda for the . . .

HIGGS: Yes.

TRELEVEN: Because you'd gotten your materials ahead.

HIGGS: Yes, yes. And we'd discuss beyond that. He had a great interest in the university, a particular interest in Riverside. He would tell me about the Living Desert [Museum] that he was establishing over there.

TRELEVEN: That's right.

HIGGS: He invited me over to stay in his home in Palm Springs, and we went through the Living Desert and back up to the area where Riverside had some graduate students studying the mountain sheep or mountain goats. It was mostly informal, but invariably you couldn't meet without somehow talking about the university.

TRELEVEN: Yeah, sure. So would you say that Phil Boyd was closest to you of any regent that you served with?

HIGGS: I would think so.

TRELEVEN: You mentioned Mrs. Heller. Would she be another?

HIGGS: Very close, very close to Mrs. Heller. I just thought the world of her. Gravel voiced, down to earth, knowledgeable, interested in the university. There were many that I had the same feeling toward. Ed Carter. Ed Carter was very helpful. [William K.] Bill Coblentz, who was

reputably one of the liberals on the board.

TRELEVEN: What do you mean reputably?

HIGGS: Yes.

TRELEVEN: Wasn't he?

HIGGS: We became very close friends in spite of some of our differences in philosophy. I met a number of times at dinner with Bill and with Norton [W.] Simon when some matter was up, and we'd discuss their point of view and my point of view. So those were the people that at that time at the early stages that I was closest to. Later . . .

TRELEVEN: Are you saying that Simon was amongst those you were closest to?

HIGGS: No, no, not he, no.

TRELEVEN: But he would join you sometimes with Bill Coblentz?

HIGGS: Bill Coblentz, yes, yes. I was never very close to Norton. One time when I was chairman Norton was just using the meeting to express a lot of people being in the "cookie jar" sort of thing.

TRELEVEN: Ah yes, the famous "cookie jar."

HIGGS: He did it, and I. . . . He'd just come back and come back to it. So I finally checked the

Robert's Rules of Order and I finally refused him the right to speak, because he had spoken so many times on the subject and others had not spoken. The next day he came to the meeting with his own lawyer [Laughter] to check up whether I was right. His lawyer happened to be an acquaintance of mine from Los Angeles. He came to me and said, "Dutch, I don't know why I'm here."

[Laughter]

TRELEVEN: Let's see. Oh, we were talking about some of the regents that you were closest to, at least in the early years: Coblentz, Heller, Boyd. Any others come to mind, especially those who were helpful to you?

HIGGS: Well, Ted Meyer of course. Ted Meyer of course. Let me see. I've got a list of them here somewhere. Yes, I think it's in the material you. . . . Yes, later on it comes to mind I was close to William French Smith. William French Smith was a lawyer. We had that background. He was appointed by [Governor Ronald W.] Reagan, of course. He and I didn't always agree but more often than not. Dean [S.] Watkins, I was close to Dean Watkins, and I think

he's a very able fellow. [P.] Allan Grant. Perhaps I'm getting ahead of your agenda, but when Reagan first came on Reagan wasn't too warm towards me, because I had been appointed by Pat Brown and he had just beaten Pat Brown in the office for governor. He was not discourteous, but he just wasn't too warm towards me is the only way I know how to express it. Later on when he appointed Bill Smith, and [Robert O.] Bob Reynolds, Allan Grant, and that group, he began to realize that merely because I was a Pat Brown appointee I wasn't necessarily an SOB. So we got along very well after that. See, there were just so many regents over such a long period of time that I don't want to offend anyone by the . . .

TRELEVEN: No, that's the trouble with going through a list. But I think as we talk about different subjects in the days ahead we're going to. . . . There will be names coming up in various contexts. It's kind of interesting you mention that about Reagan, whose appointees seem to have struck me as being absolutely Republican, and that was something that differed from Pat Brown appointees. Like Pat had appointed Norton Simon,

a Republican; Heller, a Democrat, to succeed her husband; [William E.] Bill Forbes, a Republican; you, a Democrat. It seemed that the Reagan appointees tended to be those that he could be sure would be . . .

HIGGS: Well, that is probably a view that most people had. But the facts are that both with Pat Brown and with Reagan, those that they appointed, including myself and Bill Smith, all the rest of them, had a natural tendency in the early days as a regent to be supportive of the position of the governor that appointed them. It was just a natural thing. But it didn't take long for that to wear off. It didn't take long for that to wear off.

TRELEVEN: Why does that wear off?

HIGGS: Because all of us begin to realize that we were trustees for the university, we weren't politicians. I can not point out in detail, but I know on any number of occasions that each of us voted contrary to what the views were of our appointing authority. I also know that Bill Smith, Bob Reynolds, [William A.] Bill Wilson talked with the governor about matters and

persuaded him over to their point of view. So actually, I know I am truthful in saying that as regents began their terms they tended to support the views of the appointing authority. But before not very long, we all began to realize that they just don't get involved in politics. The university shouldn't be involved in politics. We're trustees. Let's do the best job we can for the university. And that was true of almost all--almost, not entirely, but almost all.

TRELEVEN: I think that's a tantalizing place to leave it for today--almost all. I think we're going to have a lot to come back to tomorrow afternoon after your arbitration. If you agree, maybe this is a good place to leave it for today.

HIGGS: Okay, why don't we do that?

[End Tape 2, Side B]

[Session 2, April 16, 1991]

[Begin Tape 3, Side A]

TRELEVEN: It's April 16, and I'm back with DeWitt Higgs in his law offices here at 401 A Street--West A Street or Avenue.

HIGGS: Street.

TRELEVEN: Okay. A little clarification from yesterday: Ed Carter was the chair when you went on the board . . .

HIGGS: That's my recollection.

TRELEVEN: . . . for a couple of months. Then the nominating committee came in with Ted Meyer after that. And Meyer served two terms.

HIGGS: That's true. I believe that to be true.

TRELEVEN: Right. Well, that's what my notes back in my room showed. A couple of follow-up questions from having listened to the tapes. At one point you were telling me an anecdote, and in that context somebody was addressing you and called you "Dutch." Now what's the origins of your

nickname?

HIGGS: Well, there are three or four versions. One of them is my name is DeWitt, which is a Dutch name. That's one version. The other, more believable to me, is that we were living in the small town of Soldier, and a few hundred yards down the dirt road was the blacksmith's shop. I was fascinated by the forge and what went on in the blacksmith's shop, and I'd run off and go down there every opportunity. And my mother would have to trudge down through either the dust or mud or whatever condition there was at that time and get me back. So one day one of the other kids that was equally attracted heard the blacksmith say to me, "If you don't quit coming down here, you're going to get me in dutch." And the other boy picked up the name "Dutch." And somehow it stuck, and I've had it ever since.

TRELEVEN: So Dutch goes way back.

HIGGS: That's right.

TRELEVEN: Well, just curious. In Bill McGill's book¹ I've

1. McGill, William J. The Year of the Monkey: Revolt on Campus, 1968-69. New York: McGraw-Hill Book Company, 1982.

seen you referred to as Dutch by various sources. I think he refers to you. Another follow-up I had is that, speaking of books, in another book I had read a description of you as a self-made man, and certainly in terms of what you told me yesterday that seems to be pretty true. So in many ways you're not only self-made but you're self-educated, and you obviously have acquired a lot of wisdom. I was just curious, outside of law, what did you read to acquire all of this knowledge and deeper understanding that you have?

HIGGS: Let me have the question again.

TRELEVEN: What did you read?

HIGGS: Everything.

TRELEVEN: Everything. But you were . . .

HIGGS: I read a lot of history. I read a lot of historical novels. I read a lot about the Indians. I was interested in the Indian history of Idaho, particularly that of Chief Joseph, who led the U.S. Army all over the West for a long period of time. I have read as long as I can remember newspapers. I read regularly three newspapers a day. I read Time and Newsweek. I

read a lot of paper[back] books. I like Louis L'Amour. I read mysteries. I think the honest answer is that I read almost anything I can get my hands on.

TRELEVEN: And you've done that for years and years.

HIGGS: As long as I can remember.

TRELEVEN: Because since your classroom experience was pretty slim, you must have done an awful lot of reading to pick up a lot of insight.

HIGGS: That's true. And I give my dad a lot of credit for that. He was educated far beyond his formal education. I can remember when I was very young his having books on the atom. He read a lot of scientific works. He was a writer. He wrote some medical articles. He also wrote a story that was published in Field and Stream.

TRELEVEN: Oh really?

HIGGS: So he encouraged it for all of us, all the children.

TRELEVEN: Okay. One last follow-up question. Leading up to your appointment as a regent, you'd known and you'd worked with Pat Brown for many years, and you described that yesterday. But what I didn't really ask you was from the time you met him and

then got to know him better over the years, what about him did you really like and appreciate?

HIGGS: Well, I liked Pat Brown. Pat Brown was a very open, lovable sort of a person. He would speak very frankly about any subject that came up. An incident that might illustrate it is that he was in San Diego on one occasion many years ago. He had attended a breakfast meeting of some kind. He had gone off to El Cajon to a mid-morning meeting. He then had been somewhere for a lunch meeting, and then about two o'clock he went somewhere else. About three o'clock he came into my office. We had something to discuss, and he was on his way back to Los Angeles where he had to attend a dinner meeting that night. And I said, "Pat, how in the world do you do it?" And he said, "I like it." And that pretty well explains Pat. He liked being in the public eye, and he liked people. He was just the kind of guy that anybody could relate to.

TRELEVEN: How would you say that you stood personally in terms of Brown's what we might call social philosophy or political philosophy? Or his vision for the state of California?

HIGGS: I can only answer that in two respects. I was in complete accord with his philosophy regarding judicial appointments, which by reason of my profession I was particularly interested in. Pat Brown actively sought out and appointed the best possible people for judicial appointments without regard really to whether they were Democrats or Republicans. But I would assume that like any other governor that the majority of them were Democrats. But when he'd talk with me he'd never ask whether a particular individual was a Democrat or a Republican. He may have known before he ever talked. Later on when I began to know more about him, I was impressed by his interest and understanding of the educational process. I believe that Pat Brown was certainly the greatest friend of the University of California of any governor that I can remember. Now those are the two things that stick out in my mind.

TRELEVEN: Yesterday you'd mentioned the Water Project, which you felt very strongly about.

HIGGS: That is correct. That is correct. That was a part of him. Although he was the governor of the

state of California, he had no problem of bringing water down to southern California even over the opposition of northern California, because southern California needed it. That's the type of person he was.

TRELEVEN: No small obstacle in putting that together.

HIGGS: That's true.

TRELEVEN: Well, following up a question along the same lines, you have Pat Brown as a strong governor. On the legislative side the one who really reshapes and creates the modern legislature is Jesse [M.] Unruh. Now up to the time you were appointed a regent, had you ever met Jesse or had anything to do with him?

HIGGS: No. No. I knew who Jesse Unruh was, of course, but I had had to my best recollection never met him, never talked with him, or even about him to anybody.

TRELEVEN: So your first contact with him would have been at regents' meetings later on.

HIGGS: That is correct.

TRELEVEN: Okay. On to the university and a few more follow-up questions. You made it a point to indicate that you found it satisfactory to go out

and talk to students and faculty and public service groups to convince them, in your words, that "maybe we were human too," referring to the regents. What was your way of going about in trying to humanize yourself as well as other regents to these various groups?

HIGGS: Well, let's start first with the service clubs, many of whom were not really supportive of the university during the late sixties and seventies. I would start out by telling them generally what the university was all about, how many campuses we had, how many students we had, what the budget was for that particular year, where the money came from, how much was paid by the state taxpayers, how much came from other sources. Then I would go into personalities. I would tell them about Ed Carter, for example, who Ed Carter was and what a long service he'd had with the regents and how dedicated he was. I would talk about Ellie Heller the same way, and I'd go right down the list and describe the regents individually as best I could. I would talk about Bill Forbes, for example. I would tell them that Bill Forbes was in the music

business, that while Bill Forbes was somewhat regarded as a liberal by some groups and a conservative by other groups, I thought he was a conservative insofar as finances were concerned and a liberal insofar as a good many other things. I tried to paint a human picture of each of the regents. I'd talk about Catherine [C.] Hearst, and after [Patricia] Patty [Hearst] was kidnapped I would mention that. . . . Mention her reaction to it as I could observe it as a regent. I talked about Bill Coblentz, told them he was a lawyer in San Francisco, while he was generally considered a liberal that he was in my opinion one of the best regents that I served with. So I'd try to give them a picture of the individual.

TRELEVEN: So . . .

HIGGS: As to students, my general approach first when I would talk with them individually, I would ask them, "What's your problems? What are we doing that we shouldn't do? What do we do that we should do? What do you think about Angela [Y.] Davis?" when that was out. "What do you think about Herbert Marcuse? What's your feeling about

Vietnam?" I would, again, and then sincerely try to find out just what they were thinking and what they wanted. I made some good friends that remain until this day of the students. A young man by the name of Roger Showley, to mention names, who's one of the staff writers for the San Diego Union now. He was the president of the [UCSD] student body. That's where I first met him. And he's my friend until today. So that's . . .

TRELEVEN: So would you talk just to leaders, or would you just go over to Revelle Plaza and . . . ?

HIGGS: I would talk with both leaders, but I would wander around. When we met on the campuses I would wander around during the lunch hour and pick out one or two kids who looked like they might be willing to talk to me and just talk with them for a few minutes. There wasn't too much time available.

TRELEVEN: Had you by the time you became a regent read or do you recall having read what's called the Byrne report [of the Special Forbes Committee of the Regents of the University of California] that Bill Forbes and Phil Boyd were members of?

HIGGS: No.

TRELEVEN: That was . . .

HIGGS: I don't know what it is today.

TRELEVEN: In 1965 it was a somewhat controversial report. [Jerome C.] Byrne is an attorney in Los Angeles who was brought on board to do most of the work by Forbes, who chaired the committee--Phil Boyd was vice chair, and there were some other regent members--to explore in the aftermath of the Free Speech Movement what might be done to improve things. Some said it was a propaganda device to put pressure on Kerr to decentralize his administration. Others said it was too pro-student. Your talking to students reminds me of this, because one thing the committee did is it did spend a goodly amount of time talking to students as well.

HIGGS: I do not recall that report by name now or whether I read it or not. One thing I should interject in all of this is that a lot happened during the sixteen years that I was a regent, and in some respects I do not have a clear recollection. It's just a long time ago. When I have a clear recollection I'll tell you, and if I

don't I'll tell you I don't have.

TRELEVEN: Right. And in this case we're talking about a report that came out a year before you became a regent. The L.A. Times published the whole thing.

HIGGS: I have no recollection of this.

TRELEVEN: I don't know if the San Diego papers even reproduced it, so. . . . Now were there students who were nasty to you because you were a member of the "establishment"?

HIGGS: No. I can't say they were. I can't say they were nasty, not to me personally. When I talked to groups or I talked to individuals they were as courteous as I could expect my own children to be. The only time I would use the word nasty is on some of the protests where they attempted to keep the regents from leaving the hall where we were meeting or keep Governor Reagan's car from driving out--laid down in front of it. If the word nasty is correct, I would describe that certainly as disagreeable.

TRELEVEN: There might be some stronger words used to describe that. We had talked a bit yesterday about the meeting routine. We sort of got

started and then we went off on a little track, and I can't quite remember why. You indicated that you would go up on a Wednesday and have dinner Wednesday night before the committee meetings began on Thursday. Did it end up that you were having more or less, you know, kind of constant dinner companions? I mean, is there a group that you came to . . . ?

HIGGS: No, no constant . . .

TRELEVEN: You mentioned Phil Boyd, for instance, yesterday as . . .

HIGGS: Phil Boyd, when he was available, I would have, or when I was available. I can remember having evening meals with Phil Boyd, Bill Forbes, with Ellie Heller, Bill Coblentz, once or twice with Bill Coblentz and Norton Simon. No, there was no small group that regularly got together. It just was by chance whoever was staying at the hotel. After Bill Smith was appointed he stayed regularly at the Clift Hotel. Same thing as Bob Reynolds, Bill Wilson. When they were there and we'd run across each other, we'd have dinner together. But it was nothing that was planned or regular or nothing, no particular select group.

Just we'd get together with whoever was available.

TRELEVEN: Well, how did that work? You were telling me before we turned on the recording that you changed your lodging from the Clift to the Marine Corps . . .

HIGGS: Marine Officers Club.

TRELEVEN: Marine Officers Club. How did that work after that happened? Did that mean you were a little bit distant from the . . . ?

HIGGS: No, when I changed from the Clift to the Marine Officers Club I sometimes would meet some of the regents in the Clift or some other place for dinner. I would quite often at the Marine Officers Club have dinner with Marge Woolman and her staff, because they stayed there.

TRELEVEN: Ah, I see. Because you also reminded me that Marge had been a marine.

HIGGS: That is correct. Marge--it's my understanding, and I'm sure it's correct--was a major in the [United States] Marine Corps during World War II.

TRELEVEN: Okay. Finally, you indicated that your first several months on the board you kept your mouth shut, you observed, you listened, you learned.

Generally, did it strike you that the board of regents operated differently perhaps than say a board in the private sector?

HIGGS: Oh, I don't know that I can express that I noticed any difference. It was different because it was a different type of management. That's what directors do, whether it be corporations public or private. I can remember [Harry R.] Bob Haldeman being an alumni regent.

TRELEVEN: Right.

HIGGS: I can remember, and this must have been before I was chairman. I don't know when Bob was appointed, but it must have been before. We sat down kind of at the end of a table, and we were both newcomers on it. He'd just been appointed and we'd sort of talk about the issues and what was going on. I developed then and still have a high respect for Bob Haldeman. I saw nothing in his conduct that would indicate what the press reported later.

TRELEVEN: I'm going to be talking to him sooner or later. I've talked to him by phone a couple times. As you know he later got a full appointment but resigned . . .

HIGGS: That is correct.

TRELEVEN: . . . when he received a higher calling.

[Laughter] I think about where we left off you found that the board. . . . You learned fairly quickly that the board was factionalized. What was your understanding of what had led to that split?

HIGGS: I had nothing. . . . I remember nothing specific. I could hear discussions about things that some of them felt that the president had done that he shouldn't have done. From others I would hear discussions of how well he was doing. So putting the two together, it wasn't hard to come to the conclusion that the board was split.

TRELEVEN: In those first several months on the board, do you recall though anyone being, you know, rabidly in favor of having to get rid of Kerr? As early as say when you came on the board, April/May of '66?

HIGGS: You mean actively in favor of firing him?

TRELEVEN: Yeah.

HIGGS: No, as I think I indicated yesterday, the first notice I had that his term as president was going

to be an issue was when Ted Meyers and [Dorothy Buffum] Buff Chandler reported a discussion with him. I think I indicated yesterday that I learned that a lot of people blamed then Governor Reagan for firing him, and to my knowledge that was just not true. I never heard the governor express a view about Clark Kerr until we all voted at the meeting. Now he may have expressed it to other people, but certainly never in my presence.

TRELEVEN: Were you in any position to know if there had been a cooling between Pat Brown and Clark Kerr? Less warmth than there had been at one time?

HIGGS: If there was I wasn't aware of it.

TRELEVEN: Wasn't aware of that. Okay.

HIGGS: To the best of my knowledge Pat Brown took me to the meeting and said that I had been appointed. He presided for a few minutes at that meeting, then excused himself, and I'm not sure that he ever attended a regents' meeting after that until he was defeated by Reagan for governor. He may have, but I just have no recollection of his being there. And I certainly have no recollection of any cleavage as between he and

Clark Kerr.

TRELEVEN: Well, I had my next question and I forgot it. Your association with Kerr during the time between April of '66 and the meeting in January of '67, how would you describe your personal association with Kerr?

HIGGS: He was friendly towards me. He was helpful. He welcomed me to the board. At meetings we would chat, pass the time of day, discuss maybe some issues that were before the board. He was friendly towards me. I think I was friendly towards him. As I think I told you yesterday I was aware of this split and I was very careful that I didn't show any favoritism one way or the other on the thing. So it was just a normal relationship that a chief executive officer would have with a member of the board of directors.

TRELEVEN: So come January '67, tell me what you remember about the events leading up to the vote.

HIGGS: Well, I remember Ted Meyer, chairman of the board, and Buff Chandler, vice chairman, coming to the board and reporting that they had just had a discussion with President Clark Kerr and that Clark Kerr had in effect--though I'm not sure

these words were used--but had in effect demanded a vote of confidence. He said the regents should do whatever they thought they should do. I know that those words were used by Ted Meyer. So with that I took the view that what he wanted to know was did we have confidence in him and should we keep him. I think the other regents felt the same way. But I had no conversation with him at that meeting or after that meeting.

TRELEVEN: So you personally have no idea why he would have thought that the regents were losing confidence.

HIGGS: Well, obviously Clark Kerr was an intelligent man. And any intelligent man as an executive officer has got his antennae out all the time to determine what support he has on the board of directors. Undoubtedly, his antennae picked up the same thing that mine did.

TRELEVEN: What impact did the Reagan campaign have? Didn't he rather hammer home the theme, saying, "We have to clean up the mess at the university," when he was running in that campaign against Pat Brown?

HIGGS: I remember that during the campaign that Reagan was somewhat critical, was critical of the way the university was operated. Now whether that

was pure politics because he was running against Pat Brown or not, I don't know. His criticism didn't make any great impression upon me, and I don't recall that out of that that I realized that there was any criticism of Clark Kerr at all. My recollection is--and this sort of fades over into after I was appointed--my recollection is that his criticism was at least in some large part addressed towards the conduct of the students and of the faculty. Basically, I'll say that I have a hard time distinguishing what happened before I was appointed and right after I was appointed and what happened later, so I don't know.

TRELEVEN: In terms of campus disruptions, student demonstrations.

HIGGS: Yes, he was certainly critical of the campus disruption and he should have been. When they said I think it was at University of California, Santa Cruz--if not Santa Cruz, it was University of California, Santa Barbara, but I think it was Santa Cruz--at the conclusion of either the committee meeting or the regular meeting, the open meeting of the regents, a group of students

stretched out in front of his car so that he couldn't leave. They had to be removed physically by the security people. I would be critical of that, too.

TRELEVEN: Well, let me be the devil's advocate. Why should the president be responsible for that? That's not his campus, is it?

HIGGS: I don't think he held the president responsible. Again, I've got to get back that to my knowledge, my personal knowledge, Clark Kerr was not fired because of Ronald Reagan. He was fired because of the statements that were reported to the regents by Ted Meyer and Buff Chandler.

TRELEVEN: Okay. If my recollection serves me right, I think it was [Laurence J.] Larry Kennedy who made the motion, and I think it was Bill Forbes who seconded it.

HIGGS: Is that correct?

TRELEVEN: Much to Bill's surprise when I reminded him of that. The vote was taken, and it was fourteen to eight.

HIGGS: I didn't remember.

TRELEVEN: And you I think were one of the fourteen who

voted for . . .

HIGGS: That is correct. I was one that voted for his removal.

TRELEVEN: Did you discuss this with other regents before you voted? Compare notes? Were you lobbied by anybody?

HIGGS: No. I was not lobbied by anybody. To the best of my recollection this all happened within just a very short period of time.

TRELEVEN: You're right.

HIGGS: I don't recall discussing it with anybody. I certainly don't recall anybody lobbying me one way or the other. As I've indicated throughout, the reason that I voted was that I felt then and I feel now that no chief executive can be effective unless he has support of the board. That's how I feel.

TRELEVEN: Okay. So let me understand this. Had the vote gone the other way, you think that would have been a poor situation?

HIGGS: Well, had the vote gone the other way I would have concluded that the majority of regents were in favor of him, and I would have accepted that.

TRELEVEN: Okay. But if the vote went the other way and

there was still as many as, say, eight votes against him, that's not the kind of unanimity one would look for.

HIGGS: Well, I'm not sure I understand the question, but fourteen to eight is a pretty substantial majority.

TRELEVEN: What's your recollection of what happened after the vote was announced? I'm asking that because different people have been asked this question, and we like to get each person's recollection.

HIGGS: I have no recollection of there being any great celebration on the part of the regents if you're talking about what happened immediately after. I have no recollection of there being great disapproval voiced by any particular regent. I think all of us felt a sadness, you know, that the thing had come about, just as I think any board would be saddened by a chief executive officer being fired. We're all human. It was a pretty quiet situation as far as I recall, but I don't recall discussing it personally with anyone.

TRELEVEN: The oral history program at Berkeley [Regional Oral History Office] did an interview with Harry

[Richard] Wellman some years ago.¹ Harry recalls that the vote was announced to Kerr, and he came back into the meeting and went through his presidential responsibilities for the rest of the meeting after the vote, which seems pretty amazing.

HIGGS: I don't recall whether that's. . . . I don't recall that, but if Harry Wellman said that happened. . . . I've got a high respect for Harry Wellman.

TRELEVEN: And that's who became, of course, acting president.

HIGGS: That is correct. And I should say that to my knowledge Harry Wellman was never an active, pushing candidate for president. He was highly sought because he seemed like the most logical person at that time.

TRELEVEN: He had worked right along with Kerr and certainly knew the ropes. Wellman, according to his interview, understood that this was an interim

1. Harry R. Wellman, Oral History Interview, "Teaching, Research, and Administration; University of California 1925-1968." Conducted 1972 and 1973 by Malca Chall, Regional Oral History Office, University of California, Berkeley.

appointment while there was a search committee for a new president.

HIGGS: Yes, yes.

TRELEVEN: Now in your judgment, the fourteen-to-eight vote, was it related to a philosophical difference between "liberals" on one hand and "conservatives" on the other? How do you size that up?

HIGGS: I think it was related to management other than philosophical. I can't describe it otherwise, but I do feel it was certainly more related to management than it was philosophical.

TRELEVEN: Okay. Now moving ahead, we'll be moving back and forth.

HIGGS: I'd like to back up for just a moment.

TRELEVEN: Oh, I'm sorry.

HIGGS: But in asking these questions again you'll have to realize that that was a long time ago . . .

TRELEVEN: No, I understand.

HIGGS: . . . and that I was a fairly new regent, and I might not have been attuned to whether there were real philosophical problems or management problems. I can only really know my current impressions.

TRELEVEN: Okay. Well, why don't I ask this now? I was going to move into your election in '68 as chair, but Norton Simon would claim that there were management problems, serious management problems at the regents' level at that time. For instance, he felt for years that the regents as trustees did a bad job investing university money. For instance . . .

HIGGS: I was aware of that. That was an investment philosophy which was not shared by the majority of the Investments Committee. I can remember Norton expressing his view, which he certainly had a right to do. His investment philosophy may have been in part correct or in part incorrect, but it was not shared by those who were on the Investments Committee, nor was it shared by the majority of the board.

TRELEVEN: Okay. Simon would have argued that the regents were spending too much time meddling in administration rather than setting policy.

HIGGS: I never heard him. . . . At least I have no recollection of having heard him make that argument. I think if he did that some part of it was true. In the very nature of things some of

the regents took a more active interest in the details than they perhaps should have. But that went through the whole term of my office there when [Charles J.] Charley Hitch was president. So that's just in the nature of the beast. Some of them naturally thought that that was their job. It's just like the fact--if I can quote an example--it's just like we have a management committee in this firm.

TRELEVEN: I think I better turn the tape over or we're going to miss the last part of this.

[End Tape 3, Side A]

[Begin Tape 3, Side B]

TRELEVEN: Okay, we're back on. Go ahead with your example.

HIGGS: Oh yes, on the management committee in this firm we have a good number of partners who, by virtue of their profession and their position, they're pretty much egotists. Every one of them thinks they can do a better job of management than can the management committee. And that's just par for the course.

TRELEVEN: At the same time I suppose it was true that some regents, maybe yourself--don't want to put words in your mouth--felt you had to meddle a little

bit because you had a lot of pressure on you from other quarters, including legislators, including the public at large, no?

HIGGS: I was aware not of pressure as I would define it but of criticism. But that didn't dictate that I'd do or not do anything. I think most of the regents just tried to do the best job we could. We were, of course, keenly aware of the legislative attitudes, because we were dependent upon the legislature for funds to a very large extent. We would have been foolish if we hadn't recognized that. But I have no feeling of any pressure having been put on me. I have a feeling of criticism. Perhaps this is a good time to tell that during the time that I was a regent I received voluminous mail, particularly when I was chairman of the board. Hundreds of letters, at least dozens every day, and most of them critical. I tell the story about one day Ferd Fletcher, my partner, came in; it's a true story. Every morning I separated the mail, the first thing I did, and put the stuff that went right in the wastepaper basket that didn't deserve an answer at all. Another one that did

deserve an answer, but it should come from the secretary's office. Another one that I felt deserved a personal answer, whether that was by reason of the subject matter or my acquaintance with the individual. So my partner came in and I showed him. It said, "Dear Sir: You're a bastard." The next one said, "Dear Sir: You're a traitor to our country." And the next one said, "Dear Sir: You stupid son of a bitch." My partner says, "They're getting closer now."
[Laughter] True story.

TRELEVEN: How worried though were you and other regents about such things as bills that would lead to possible constitutional changes? How great a danger was that ever, that if you regents weren't going to take care of the business of the university, by god, we're going to . . . ?

HIGGS: To me that was not a danger at all.

TRELEVEN: No.

HIGGS: No. That was not a danger, never was a threat that I can see as a threat. The only constitutional change that I recall was when they changed the length of term of the regents from sixteen to twelve [years] and required senatorial

approval of the appointed regents.¹ And I had no objection to that at all. I would have had an objection if the term had been cut down less than twelve years, because that way I felt that any two-term governor could have pretty well stacked the regents for the future if he wanted to. So I didn't think that was possible neither with either a sixteen- or a twelve-year term. And I certainly have no objection to approval by the senate.

TRELEVEN: Okay, we'll fill in the proposition number, but I'm quite sure that was the election of '74.

HIGGS: I don't remember the exact year.

TRELEVEN: I don't remember the exact month. Speaking of that though there were some legislative bills, constantly it seems, sporadically, to reduce the term of the regents to eight years. They never seemed to get anywhere. I take it you would not have been in favor of reducing a regent's term to eight years.

HIGGS: I was not and would not be today.

TRELEVEN: Because . . .

1. Proposition 4 (November 1974).

HIGGS: Because it would permit one, if he were really a politically-minded governor who served an eight-year term, to appoint too many regents so that his philosophy, right or wrong, would be extended beyond what I thought was reasonable.

TRELEVEN: Okay. You were on the board a fairly short time for someone who would be elected chairman in '68. Now how did that come about?

HIGGS: Nobody ever told me how it came about. I make the assumption that I was elected because I was regarded as not aligned with any of the particular groups that were on the board. I was neither considered as a conservative or a liberal. I was considered more as a middle-of-the-road person. I had had considerable experience in presiding over bodies such as the regents. I had presided over the board of governors of the state bar, which is not the easiest group to preside over. I had presided over the board of directors of the local bar association. Of all of that, at least some of the regents were aware of it. See, nobody ever told me, but my own feeling is that I was considered as an independent, and everybody felt

that at least they could support me a little better than anybody else.

TRELEVEN: Do you think then that part of the reason is that--and I know you have to speculate unless somebody from the nominating committee talked to you about the deliberations--that you were considered a candidate who could be elected, whereas on one hand, let's say, a [Frederick G.] Dutton over here or a Smith over here in that particular year could not have been? I mean, was there that much polarization going on?

HIGGS: No, no, there wasn't to my recollection. In my recollection there wasn't. I'm not sure of this, but I think the matter was first suggested to me by Ted Meyer, which was natural, because Ted and I had both been presidents of the state bar. He knew of my experience on the state board. I believe that he was accompanied by Phil Boyd. I believe that those two first asked me if I would accept it if I were elected. I was reluctant to for the very reason that you just mentioned: I hadn't been on there very long. I was reluctant to do it and I can't say that they twisted my arm, but they at least convinced me that I should

allow my name to be presented. I was not and am not now aware of any other person that was really a candidate for it. I have been told that John Canaday was disappointed because he was not elected, but I was not aware of it at that time. That's about all I can say in answer to your question.

TRELEVEN: Why would you want to be chair on the heels of Governor Reagan's administration having just gone through a whole budget mess? Because I can't quite remember the figures. I think the university felt it needed \$268 million, and that got pared considerably by the Department of Administration. It was a tough battle and a tough battle in the regents' meetings leading up to your election as chair.

HIGGS: The direct answer to your question is I didn't want to be.

TRELEVEN: You didn't want to be.

HIGGS: I didn't want to be. I had no desire. I had no desire to be chairman of the board. I had no thought of being chairman of the board. But the fact of controversy was never a consideration of mine now. That's my business. [Laughter] I've

been a lawyer and involved in controversy all my life, so that didn't worry me any.

TRELEVEN: Okay. How about the potential contentiousness though amongst the regents, not all of them certainly but those who tended to take more ideological positions than others? I'm talking about a Dutton or perhaps a Simon. You had to preside over that.

HIGGS: That is correct. I had to, again, as any presiding officer did, had to stick pretty close to the middle of the road. I familiarized myself with Robert's Rules of Order and I still have the volume here in my office that I had as a regent. I studied that it seems like night and day. I really had no real. . . . I'm not aware of any real friction. I mentioned the other day that I had to stop Norton under Robert's Rules of Order because he was speaking too many times. I had to slow down Dutton a couple of times. I had to slow down the governor a time or two. But I did it within the rules that I was guided by. And to my knowledge nobody ever made a motion to overrule the chair. I tried to do it as favorably as I could to everybody. Dutton and I

didn't really see eye to eye on a lot of problems, but he had a perfect right to his view. I didn't like the way he expressed them. Maybe it was because Dutton to me at least had a rather strident voice that seemed to antagonize people just no matter whether you agreed with him or not. So presiding over him, I didn't lay awake at night worrying about it I can tell you. I ruled as best I could.

TRELEVEN: Okay, but you stepped in, and there were certainly some pressing issues. The campuses were anything but quiet at the time you stepped in. I mean, often one thinks, well, the Free Speech Movement and a few demonstrations now and then, but really it was sort of continual on one campus or another.

HIGGS: Sure, of course, one continuing thing was financing. That was something that had. . . . That was an issue that had to be met. But then there was Vietnam, Eldridge Cleaver, Angela Davis, Herbert Marcuse, People's Park--just name it--student unrest, student demonstrations. If those were issues, I think I would call them problems more than I would issues.

TRELEVEN: Problems.

HIGGS: Yes, how do you handle a group of students that in good faith are against Vietnam? How do you handle that? You know, that's one of the problems that I had. How do you handle the Angela Davis situation? That was a problem. How do you handle Eldridge Cleaver? How do you handle the public's attitude towards all this? And I discussed that I believe a little bit yesterday. Those were real problems.

TRELEVEN: Now several of these you mentioned are problems in effect in your own backyard at the . . . I keep wanting to call it the La Jolla campus. But incidentally, you were not a regent at the time the campus was named, and that was somewhat of an issue whether it's University of California, La Jolla or University of California, San Diego.

HIGGS: I don't recall being. . . . No, I was not a regent at that time. I remember reading about it in the newspaper. But legally and practically, there is no such place as La Jolla. La Jolla is a part of the city of San Diego. It isn't a separate entity at all. It does have a separate postal . . .

TRELEVEN: ZIP code.

HIGGS: Yes. Why it does I don't know. But it's part of the city of San Diego. Had I been consulted, which I wasn't, while it was being named I would certainly have supported it being the University of California at San Diego and not at La Jolla.

TRELEVEN: Well, the counterargument was that it would be confusing, that if it is called University of California, San Diego, it's always going to get mixed up with the private institution University of San Diego and San Diego State University.

HIGGS: I suppose that would be a counterargument. Practically that hasn't happened. That just hasn't happened.

TRELEVEN: I imagine ZIP codes take care of that at least when it comes to mail. But after you joined the regents, yes, the Cleaver affair came up. Social Problems 139X I think was the UCB course. And he was speaking at various campuses. One campus he spoke at was San Diego, and there was a storm of protest in some quarters. But also the regents were concerned about who had the authority to approve a course. That typically had been left in the hands of the Academic Senate, a delegated

power. And it seemed to me that the regents were getting involved in an administrative matter but . . .

HIGGS: No, no, that wasn't the concern of the regents, and it wasn't my concern. My concern wasn't the course. My concern was of his language. My concern was of his language. I as a father and a grandfather greatly objected to the filthy language that he used in that course. I went so far as to publicly state that if he used that type of language again that I would personally swear out a warrant for his arrest. I went to Riverside when he was engaged to speak up there. I went in and I talked to Chancellor Ivan [H.] Hinderaker and I told him the same thing: why I was up there, and if he used that language that I was going to swear out a warrant for his arrest. Ivan, to his credit, and I always will respect him for it, said, "If he uses that, I'll swear out the warrant. You don't have to." That was my objection. I would have that same objection today. You don't need filthy language in order to teach anything.

TRELEVEN: Okay. So from your standpoint, if Cleaver is

criticizing the racist white establishment, that didn't bother you.

HIGGS: It bothered me, but he had a right to do it.

TRELEVEN: Okay, he had a right to do it because . . .

HIGGS: Free speech.

TRELEVEN: Okay.

HIGGS: But that didn't bother me, but free speech to me has a limit to the context of that speech. You don't to a group of young students use the language that he did, at least in my book, whether I'm right or wrong. And I feel the same way today.

TRELEVEN: In terms of how San Diego citizens felt outside of yourself, do you think that was more the objection than . . . ?

HIGGS: I don't think the San Diego citizens really reacted too much to Eldridge Cleaver. Their reaction was to Herbert Marcuse, Angela Davis, Third College. But they didn't react too much to Eldridge Cleaver. If they did I think their reaction would be substantially the same as mine. Some of them would undoubtedly have felt that his criticism was not justified and should not have been made. But not the majority. But I

think their reaction would have been the same as mine.

TRELEVEN: Okay. Well, let's move into some of those other areas. I know that you've read McGill's Year of the Monkey. You suggested it to me. I've read it since I talked to you several months ago informally. One of the episodes has to do with a table being set up at Revelle Plaza and a flag being flown that apparently was the flag of North Vietnam. Galbraith was still the chancellor at that time, and there was a storm of protest I think in large part from the American Legion, Post 4.

HIGGS: Let me say that my recollection is that the storm of protest from the American Legion came in connection with Herbert Marcuse.

TRELEVEN: It did. So that's the one you remember most clearly.

HIGGS: That's the one I remember, the appointment by Bill McGill to Herbert Marcuse, and an overage appointment.

TRELEVEN: Right.

HIGGS: That's the one that I recollect brought up the storm of the American Legion and to some extent

the local press.

TRELEVEN: Yeah, which McGill talks a bit about. But regardless of how McGill wrote it, we should lay out the background a little. Marcuse had been there several years and he was up for reappointment as an overage appointee at age sixty-five. McGill's inclination was to reappoint him.

HIGGS: That is correct.

TRELEVEN: Where did you stand?

HIGGS: I was not then nor am I now in favor of the philosophy expressed by Herbert Marcuse. But I was not against him. In fact, I was in favor of Bill McGill's reappointment, and I solicited support, local support.

TRELEVEN: I read that in McGill's book. In fact, in his footnotes they've got a facsimile of the . . . Now you're the president of the board, or you're the chairman of the board of regents, and McGill's very worried about what's going to happen at the regents' meeting.

HIGGS: Right.

TRELEVEN: That's the larger context of the regents having delegated to the chancellors decisions in that

area, in this particular area of overage appointments. Also in his book he recounts having come and talked to you. Maybe it was right here in this office. Who knows?

HIGGS: I'm not sure we were here then, but he did talk to me or I went out there and talked with him. I don't know, but we did discuss it. He never asked me to get any support for him locally. I don't recall his ever. . . . That was my own idea.

TRELEVEN: Okay. Wasn't that kind of unusual for a regent to go out and . . . ? What were you thinking when you . . . ?

HIGGS: I was thinking number one that Bill McGill was a chancellor. In the absence of something very unusual, he should be the guy that made the appointments. The public shouldn't do it. The American Legion shouldn't do it. The Copley Press shouldn't do it. The regents shouldn't do it. In absence of some great, compelling interest, which I didn't feel was there. I was supportive of Bill McGill not only in that but in many other ways. Just for the record I was on the selection committee that recommended Bill

McGill's appointment as chancellor. Bill McGill was also on that selection committee. We considered many qualified people and had reduced the names down from dozens if not hundreds down to just a few. Suddenly it occurred to me that maybe we don't have to go outside of UCSD. Here's Bill McGill. Why not Bill McGill? Again, I've got to depend upon recollection. Bill McGill to my recollection never suggested that he be considered. I think I did. I think I brought up the suggestion that Bill. . . . So I was supportive of him from the beginning. I had a great feeling of respect for him. I had a warm feeling of personal regard for him, and I still do.

TRELEVEN: So you supported him in a number of ways, that's what you began to say. Let me ask something though, just an aside here. As I may have mentioned yesterday John Galbraith has done an interview with the UCLA Oral History Program and talks about his recollections, especially of the library affair and his connection with the difference of opinion or the falling-out with Kerr--whatever we want to call it. But Galbraith

indicated that he didn't know this for sure, but he had heard from several sources that Revelle would love to have been the chancellor, but some regents didn't like him or a few regents didn't like him. Would that represent . . . ?

HIGGS: If that is true it had no consideration at all in connection with Bill McGill's appointment or Galbraith's appointment or any other chancellor. Roger Revelle . . .

TRELEVEN: Was Revelle considered is what I'm leading up to.

HIGGS: Not in that round.

TRELEVEN: Not in that round, okay.

HIGGS: Not in that round. He's a highly respected person.

TRELEVEN: He certainly is.

HIGGS: He is generally considered in groups that I know as the father of UCSD.

TRELEVEN: And the whole cluster college concept.

HIGGS: Yes. No, it was not considered.

TRELEVEN: Okay. So you, in this case, back to Marcuse leading up to the regents' meeting where the regents were going to decide whether to oppose McGill's recommendation or not, how did you go about collecting . . . ?

HIGGS: Again, well, I talked to people I knew. Jim Archer was one of them who had been an alumni regent and whose firm represented the Copley Press. I talked with [E. Robert] Anderson who was an official of the Copley Press. I talked with various people who were real solid people, and some of them who were known supporters of Reagan, some of them who were not. I told them as best I could of my support for Bill McGill and the reasons for it. I'm not sure of this, I'm not sure who prepared the letter, and I think it was a single letter signed by many people, but I think it was prepared by Jim Archer.

TRELEVEN: I've just seen the reproduction of it in McGill's book.

HIGGS: Yes. Wasn't it a multiple-signed letter?

TRELEVEN: Oh yeah, there must have been twenty, twenty-five people there.

HIGGS: Yes, yes, more than twenty.

TRELEVEN: Including your law partner, Mr. Fletcher.

HIGGS: Yes. [Laughter] I had forgotten that he . . .

TRELEVEN: Now how did you handle the Legion? You're a Legionnaire yourself. The Legion was raising hell over this. In fact, didn't they get a kind of

consensus of Legion posts all over the county?

HIGGS: I didn't attempt to handle the Legion. I never solicited to or never was asked to discuss it with them or make an appearance before them. I opposed them vocally and locally, and they knew it, and that's the only way that I know that I handled it. I just disagreed with them.

TRELEVEN: Okay, but you must have heard from them. I mean, didn't they send you a letter as the San Diego regent or as the chair?

HIGGS: I really don't think they were critical to me in letters directly to me. But they were critical in newspaper releases, and that's the way they made known their criticism of me for my stand on it. Actually, I didn't take too much heat locally. Bill McGill was the guy who was taking the heat. I really didn't, because too many of the people--you mentioned Ferd Fletcher, my partner, signing it--too many of them I was closely acquainted with and worked with. Jim Archer. I don't remember feeling any personal heat except in what I got through these letters that I described a few moments ago. And most of them came through student unrest and Angela

Davis, a few through Marcuse.

TRELEVEN: Marcuse, whose popularity by that time had increased among many student rebels. I guess that was the kind of connection he made.

HIGGS: Well, that's a natural thing if you were a teacher and you were being criticized. You like your teacher, you're going to come fighting back in support of him. That's human nature.

TRELEVEN: Sure, sure. Well, how did you handle [Assemblyman John] Jack Stull?

HIGGS: There again that involves, of course, the purchase of the La Jolla Farms.

TRELEVEN: Well, no, I mean. . . . Excuse me, I want to talk about that Farms purchase too, which was. . . . But Stull it seemed to me was a rather loud, vociferous opponent of some of the activities on campus, the flag affair, the Marcuse appointment. Did you have any connection with Stull personally?

HIGGS: I had no connection with Stull at all until the La Jolla Farms deal. I was aware of his criticism. It didn't bother me a bit, because very few people would listen to John Stull. My recollection of the difficulty between the

university and John Stull came out of the La Jolla Farms property.

TRELEVEN: Okay. By the same token, how about legislators like Pete Wilson and Jack Schrade at that time? Where did they fit into this?

HIGGS: Again, let me illustrate that by something that actually happened, and again I've got to mention the La Jolla Farms. I'm not trying to overemphasize it, but Clair [W.] Burgener, who was then an assemblyman and who is now a regent . . .

TRELEVEN: That's right.

HIGGS: . . . by the way, invited me to come up to Sacramento to discuss the regents' problems with the legislature. I did go up, and he had invited every single representative from San Diego County there. We sat around for several hours discussing the various problems. It was a very friendly discussion. We discussed what the problems were, what some answers were. There were some differences of opinion, but they were not serious like that. I would say they were generally supportive of the university. They wouldn't agree with everything, but they were

generally supportive, except Stull. Stull sat through that whole meeting, never said a word, never asked a question, nothing. Stull was more critical--that's the way I pronounce it, and I think it is--more critical than any of the rest of them. Pete Wilson was and is a friend of mine. He was a lawyer here. We ran across each other in the practice of law. He was mayor. I guess mayor came afterwards, I'm not sure. But I knew Pete Wilson. I knew Clair Burgener. You know, San Diego was a good deal smaller then. I can't even remember who all were. . . . Jim Mills was there, and he was and has been a friend of the university all of his political life.

TRELEVEN: Yes, you mentioned him yesterday. Well, what I see in this business, let's say, Stull and Wilson and so on, you really can't paint all Republicans with the same brush, can you, in San Diego?

HIGGS: No, you cannot. You certainly can't paint Pete Wilson with the same brush that you paint John Stull. John Stull was extremely critical of the university. He was issuing public statements all the time. I wrote a letter, a copy of which I still have, and I told him that I understand that

he had some criticism of the university and that he had contended that no one from the university would answer his questions. I solicited a meeting with him. In that letter I told him, "I'd be very happy to meet with you. I'll answer any question you have." I never heard a word from him, not a word. I still have that letter.

TRELEVEN: Okay. I do want to talk about the La Jolla Farms, but I don't want to lose the thread here of our Marcuse story, because you not only collected the signatures, but if McGill's account is to be believed you introduced this at a very critical moment at the regents' meeting.

HIGGS: Yes, I read what Bill said in his book, and how critical it was, you know, was a matter of judgment. The question came up of course whether the regents were going to support Bill McGill in the appointment or not, or whether they were going to take the power away from him. And at sometime along in that discussion, pretty early, before too much had been said, I presented that letter, showed them what the position of responsible people in San Diego was on it. In

that list of names were many who strongly supported Reagan for governor. Whether that slowed him down or not, I of course have no way of knowing. But the regents did not take the power away from Bill McGill.

TRELEVEN: If you can remember, did you feel at the time that Reagan was going to come into the meeting and that there was a real threat, that he and . . . ?

HIGGS: Yes. I felt that there was a real threat, not only from Reagan but from other regents that they would take the appointment power away from Bill McGill.

TRELEVEN: Okay. It's kind of critical, too, because this came after a whole evaluative mechanism that the Academic Senate had done at San Diego and recommendation, gone all through the kind of

HIGGS: Well, just some of these there's no question about that. I support the delegation of authority to the chancellors and to the academic community. That's their job, and it's only under rare circumstances would I interfere with it. I think it's a good, good way, the only way a

university can be run. Academic Senate of course has a curriculum policy, and that's theirs. What do I know about curriculum? What does any regent really know who is not from the academic community?

TRELEVEN: Yeah.

HIGGS: So that's where it belongs.

TRELEVEN: Well, that always seems to touch a sore point when the individual involved is a so-called left-winger. I mean, you can contest me on this, but I search in vain through regents' materials for any regent ever getting up and complaining about a rabid right-winger.

HIGGS: About what?

TRELEVEN: About a right-winger.

HIGGS: Yes.

TRELEVEN: It always seems to come up when the individual is a so-called lefty. Any thoughts on that?

HIGGS: Well, I can't dispute you on that except that I remember that [W.] Glenn Campbell was defeated for chairman of the board because he was a right-winger.

TRELEVEN: Oh really? Sometime later.

HIGGS: Yes. That was sometime after I left. Glenn

Campbell was of course a very conservative individual.

TRELEVEN: Yes, still is.

HIGGS: So the regents rose and defeated him for it, which hurt him very much I know. Yes.

[End Tape 3, Side B]

[Begin Tape 4, Side A]

TRELEVEN: We're back on. We're on our second tape of April 16. Reagan was somewhat unusual amongst governors in that he attended virtually every meeting, including those you chaired. There's been a lot of speculation about what the effect was on the board as a board because he came. Had he chosen to preside he could have, but he delegated that to you as chair I think so he would have an opportunity to say what he wanted when he wanted to say it.

HIGGS: A problem with chairing the meeting is that it limits your own opportunity to express your views, and he perhaps was aware of that.

TRELEVEN: Right. Was he, as the press recorded at the time--at least some of the press--did his presence change the tenor of the discussion to kind of take an issue and take it towards a

conclusion that he wanted it to? What was your sense of that as the chair?

HIGGS: Well, my sense of it was that Reagan had some different views of the university and some of the activities at the university than did other regents. Those views were expressed at the meetings. I don't think that there was ever any bloc voting in favor of something that Reagan wanted or didn't want.

TRELEVEN: At least during your chairmanship.

HIGGS: During my chairmanship. Reagan has been accused of being an enemy of the university. I just don't think that's true. I think he had some different views. I think he disagreed financially with the regents and with the administration. I think he disagreed philosophically with the regents. I know he did with the faculty and certainly with the students. But all of us have got a right to disagree.

I think there's been too much in the past, and there is now, this discussion of conservative versus liberal, regents versus faculty, all that sort of thing. I think during my whole period of

time that certainly the majority of the regents were strongly supportive of the faculty. They disagreed many times with the right of the faculty, some liberal views--not the right to express them--but the liberal views of some of the faculty members. But they never in my opinion quarrelled with the right of the faculty to express those views. What we did quarrel with and what I quarrelled with, and I'll give you an example, is I don't quarrel at all with the professor expressing his views about Vietnam. That's his perfect right to do it. What I do quarrel with is for his dismissing a class so that the students could attend a protest. I do quarrel with that, that his job is to teach that class and not to send the class out to support some of his independent views. That's the sort of thing that I disagreed with, and I think most of the regents did. Certainly none of us questioned the right of academic freedom. We questioned the language that was used to express it sometimes, as I did in the Angela Davis case. So there's just too much of a feeling on the part of maybe the faculty and the students

that the regents are all conservative old guys and don't listen to their views. That's just not right.

TRELEVEN: Yeah, well, that was certainly part of the so-called New Left student criticism at the time. You're all part of the establishment. Go right down the road, and you're all connected to big corporate America, or big business America, that sort of thing.

HIGGS: Yes, well, sure, the answer to that is, who else can afford to do it? I couldn't afford to do it unless I had a group of partners that were willing to support me.

TRELEVEN: Pick up the slack.

HIGGS: Yes. Actually, as I think I indicated, that last year I spent pretty close to 80 percent of my time when I was chairman of the board. I didn't have independent resources. My family wasn't wealthy. I had to make a living in the practice of law. And I couldn't have afforded it, I couldn't have afforded the time. That's from that angle. I think older people had demonstrated, the ones that are appointed, judgment in some other areas, and I think that's

why they were appointed. I indicated I think that was one of the reasons Pat Brown appointed me. Certainly it was one of the reasons that Reagan appointed Bill Smith. How else should regents be selected?

TRELEVEN: Well, we'll get to it a little later, not today probably, but [Edmund G.] Jerry Brown [Jr.] had a little different idea in terms of some people he selected. But we'll get to that.

HIGGS: Okay.

TRELEVEN: We don't want to get ahead of ourselves. Others have told me. . . . They've alluded to something like Reagan arriving at regents' meetings with his entourage: Alex [C.] Sherriffs, his education person, and no doubt some security people. Is that how you remember it?

HIGGS: Sure, he had people, he had staff with him. So had the president of the university. The president had staff with him there. That didn't bother me. And he had some security people. That didn't bother me. All governors have security people, not limited to Reagan. No, he didn't, at least in my opinion, didn't attempt to and certainly didn't accomplish any overwhelming

of the regents by a show of force.

TRELEVEN: And just to clarify, let's say, when it comes to a governor and bodyguard when. . . . And we're going to talk more about closed sessions later, because that becomes somewhat. . . . But when there's a closed session that means that everybody leaves the room except members of the board.

HIGGS: Yes, except the regents and a secretary, and the president is of course a regent, and those that are being heard from during a time that they are making a presentation.

TRELEVEN: Okay, and these folks that came with Reagan, they all left?

HIGGS: That's right.

TRELEVEN: During executive sessions.

HIGGS: That's right.

TRELEVEN: Okay. You've been eager to talk about the La Jolla Farms.

HIGGS: No, I haven't been, I haven't been.

TRELEVEN: Is that the so-called Black property?

HIGGS: That's the Black property.

TRELEVEN: The Black Estate.

HIGGS: Yes.

TRELEVEN: You are the best person in the world to sort of fill in the background about that. It was a controversial purchase at the time, but what's the background of the property?

HIGGS: Well, the background of the property is that two Blacks, [William] Bill Black, Sr., and Bill Black, Jr., owned quite a lot of property near the university, which the university felt it needed for expansion at that time. The plan was for a much larger student body than it was later, and they felt that they needed. . . . I'll tell you in just a minute how many acres were involved.

TRELEVEN: Okay.

[Interruption]

Okay, we're back.

HIGGS: The study of that property was accomplished before I was a regent. On the committee I remember was [Edwin W.] Pauley, Ed Pauley, and Ed Carter. They made a thorough study of the need of the university for it. Then in 1967 the matter came to a vote of the regents, and of course the material had been distributed to us and we all were aware of what was involved. It

was actually about 130 acres. The purchase price was pretty close to \$3 million: \$2.8 million. It included a bunch of lots that had been subdivided by Black. Part of it was what then they called a knoll area, and then there was a racetrack area, then there was the chancellor's house, and then the beach areas.

TRELEVEN: Okay, so this is the area that goes from the present campus towards the ocean?

HIGGS: Towards the ocean.

TRELEVEN: Okay.

HIGGS: Towards the ocean. The committee had made a report, and it certainly seemed that it was a desirable purchase for the expansion of the university. As a matter of fact, if my recollection is correct, when the report was made I either made or seconded the motion to purchase the Black property, because I thought it was a good purchase, and it's turned out to be so.

TRELEVEN: Yeah, just to fill in, at that time the idea was that there would be twelve cluster colleges, and then a few years later it was cut back to nine.

HIGGS: Yes.

TRELEVEN: But even then . . .

HIGGS: I've forgotten the number, but I was completely convinced that it was needed for the expansion, the future expansion. I was completely convinced. And I think every other regent . . .

TRELEVEN: That's a hell of a lot of money.

HIGGS: Yes, but you know what that actually has resulted in being spent? The \$2 million has been recovered many times over in the sale of the lots. Many times over. Many times over.

TRELEVEN: Okay. Purchasing at first, did you want to describe some more about the property?

HIGGS: No, no, I just felt that it was then and is now The thing had been studied by a board of overseers of the chancellor. Everybody except John Stull was in agreement with it. The people were critical of the chancellor's house, wondering why the university needed such a "Taj Mahal," but it was there, and it had to be used. It was part of the purchase price. It was certainly cheaper than going somewhere else and building a different chancellor's house. Actually, there was very little local criticism, except from John Stull and except of the size of the chancellor's house and whether or not the

university. . . . What we're going to do with those lots down there. Some of the people that had homes down there were unhappy with that.

TRELEVEN: They didn't want a university building in their backyard.

HIGGS: That is correct.

TRELEVEN: Something like that. Okay. So there's the matter of purchasing at a time when the budget is a big issue, right? In other words, Reagan tends to be inclined to want to pare things back, and in the midst of that here you are wanting to buy property for somewhere nearing \$3 million.

HIGGS: Well, the answer to that is that the regents are not going to change their judgment because Reagan or somebody else is critical of their spending money. The regents, including myself, thought it was a good purchase. That was our best judgment. That's what we were appointed for, to exercise our best judgment. And as I say, it has turned out to be that portions of it have been used, portions of it have been sold. The master plan has shrunk a good deal, so that just doesn't bother me. Because somebody, Reagan or anyone else, criticizes the regents for using their best

judgment, that doesn't bother me.

TRELEVEN: Yeah, Reagan was not exactly happy with the decision to purchase.

HIGGS: No, no, no, he wasn't, as I recall it.

TRELEVEN: Okay, so you can justify it on the basis of here's a chancellor's house. You know, if we had to build a chancellor's house it would cost a lot of money. But as for the other property, what about the allegation that the regents are speculating in property? Should the regents be speculating?

HIGGS: The regents have no business speculating. The regents have a business of determining what is reasonably needed for the future expansion of the university and they have an obligation, if their conclusion in that respect is not borne out by later events, to get rid of the property. That's their job. What did they want us to do, sit there and hold onto it? Yes, I guess I'm a little sensitive about that, because of the criticism of Stull and his total failure to even sit down and discuss it with me. That bothered me when an elected representative is critical and he won't even sit down to discuss it with someone

who's interested.

TRELEVEN: So as far as you're concerned, the La Jolla Farms purchase was a sound one. The soundness was born out over time.

HIGGS: That is right. It was sound at that time. Time has shown that overall it was sound, yes.

TRELEVEN: Okay. Well, we're not going to dwell on controversial things necessarily forever, but you brought up "Lumumba-Zapata" College, the controversy over Third College. Here again, McGill has written a whole chapter about it in his book. I guess my question to you would be how closely you were related to that whole controversy.

HIGGS: Stop this for a minute.

TRELEVEN: Okay.

[Interruption]

Okay, we're back on tape.

HIGGS: Yes. To the best of my recollection, and I've made some notes, Third College was born in 1970, and there was a storm of controversy involving the administration, the faculty, students, the public, and again some members of the legislature. The basic concept originally was

that is was to be for an education more relevant to nonwhite students. That was the basic original concept as I recall it.

TRELEVEN: This is all taking place in an overall context at various campuses, pushes for ethnic studies, centers, and departments.

HIGGS: That is correct. Earlier before that, the African-American and the Hispanic students delivered a list of demands to the administration as to what they wanted. One of those demands was an education relevant for minority youth and the study of contemporary social problems, which was fine. That demand was certainly well within the bounds of reason. But then they wanted control of the hiring of the faculty members, the hiring of the administration. They insisted in their demands that the professors and enrollment be not less than 35 percent black, not less than 35 percent Mexican-American.

TRELEVEN: You didn't like that.

HIGGS: Well, no, I didn't like that. Neither did the administration. At one time about fifty students, as I recall it, broke into the office of the administration out here and just raised

hell, because the administration wasn't taking any action on their demands. Finally, there was a concept approved generally that there should be an equal number of students and an equal number of faculty of the minorities appointed. Several plans were presented and studied by various groups and various committees and up and down. Bill McGill was right in the middle of it. There were protests all over the place. Actually, it turned out to be pretty much the same over the years as the rest of the colleges. And I've checked just recently and . . .

TRELEVEN: Third College has been pretty similar to Revelle . . .

HIGGS: Yes, to Revelle and Muir. Yes. I checked just recently to see what the makeup was. The makeup in Third College is 54 percent women, and UCSD overall is 47 percent--not too much difference. The men, Third College 46 percent, and overall UCSD 53 percent. The breakdown there now is about a little over 4 percent African-American there, 17 percent Asian, which tells you something, a little less than .5 percent American Indian, almost 9 percent Mexican-American, almost

5 percent Filipinos, 1 percent of East Indian-Pakistan, Polynesian a very small amount, and American Caucasian about 55 percent. That's the makeup now. The students are pretty generally the same makeup as they are of the other colleges. I have a very close friend who is a doctor and who has two children, one of whom is a young lady freshman and is enrolled as a student in Third College. She wanted to go to Third College. There is some emphasis still on minority, minority problems, the studies of it, which is good. It created a hell of a lot of protest among the local people in La Jolla. I made any number of appearances before groups out at La Jolla. They . . .

TRELEVEN: They were concerned about what?

HIGGS: They were concerned that this thing is going to be an African village, going to be little huts strewn around. There are going to be black natives without clothing dancing around. They imagined from the newspaper articles the worst of everything and they didn't think that that had any sort of a place.

TRELEVEN: So you're not being facetious? This is actually

what they . . .

HIGGS: Yes, actually what some of them thought.

TRELEVEN: . . . what they told you.

HIGGS: Yes, you know, this is actually what they . . .

TRELEVEN: Wow.

HIGGS: Yes. [Joseph] Joe Watson was the first permanent provost. He was and is a very fine educator. I went to talk with him. I went to the campus. I'd talk with the students. Joe made arrangements for me to speak about it to a number of minority groups. And I've forgotten his position now--he's an assistant chancellor or I've forgotten--but he was a very, very great level-headed, fine, fine soul. So with all the storm it's worked out to where it is a credit to the university.

TRELEVEN: Well, how did you respond to the concerns of the La Jollans?

HIGGS: Well, I just told them that that wasn't going to happen. I just told them basically there was going to be some emphasis on the problems of minorities, which I was in favor of, but it wasn't going to be a radical group of a bunch of natives, or the students weren't going to control

the election of the faculty or control the curriculum. It was going to go according to the rules of the university, and that their fears were just unfounded.

TRELEVEN: Okay, well, one of the at least most visible spokespersons for naming the college Lumumba-Zapata was Angela Davis.

HIGGS: Well, Angela Davis was part of this.

TRELEVEN: Did you meet her at that time?

HIGGS: I didn't meet her at that time, no. What you said reminds me of something. Originally, I think the first name they discussed was some name, and I can't remember what it was. Then Lambago Zapata or some such thing.

TRELEVEN: I think it was Lumumba . . .

HIGGS: Yes, after two . . .

TRELEVEN: I think Zapata after Emiliano Zapata, the Mexican revolutionary.

HIGGS: Yes, that was . . .

TRELEVEN: Patrice Lumumba, who was a revolutionary leader in Africa.

HIGGS: Yes, that was discussed and turned down. Finally, maybe as an escape, the campus decided to call it Third College, because it was in fact

the third college. That was probably a mistake because a good many of the opponents translated that into "Third World College." [Laughter] It's a fact. I think--in fact I'm sure--the original idea for Third College was Bill McGill's. I think it came from him. His idea was kicked around by committee after committee after committee studying it. But it was his idea, and he fought for it, and it's a credit to the university system.

TRELEVEN: With the thought being that Third College is going to be a neutral name and it's not going to offend anybody.

HIGGS: Yes, I'm not sure of this, but I think that they just couldn't decide on a name that wouldn't arouse a lot of controversy, and so it was just natural. It is third, so it is the Third College, and it's stayed that way. As I indicated a moment ago, and I've actually heard it expressed that it was originally a Third World College. I've heard that expressed.

TRELEVEN: In all of this, though, you did not recall meeting Angela Davis or . . . ?

HIGGS: No, I don't think I've ever seen Angela Davis.

TRELEVEN: She was one of Marcuse's . . .

HIGGS: That's right.

TRELEVEN: . . . graduate students.

HIGGS: I don't think I've. . . . I know I've never formally met her and I don't think I've ever seen her.

TRELEVEN: Okay. I'm kind of raising it because during your chairmanship you seemed to have all kinds of things coming up. Of course, there's the Angela Davis situation at UCLA, and I don't want to shift campuses quite so fast, but I think it's in the context of the demand for the development of studies, programs, and departments that related more closely to nonwhites. And indeed it's led up to the present day for more gender balance, more racial balance, and so on amongst the faculty as well.

HIGGS: Of which I'm all in favor of.

TRELEVEN: Right. Now in the case of Marcuse, McGill is chancellor and through his faculty senate mechanism recommends reappointment. In that case the regents abided by the chancellor's authority to reappoint. It didn't happen that way, though, at UCLA. In fact, I think Chancellor Young was a

little bit worried that he might not have a job, because all of this sort of happened after he'd been on the job for a very short time. What do you recall about the . . . ?

HIGGS: Well, I recall, number one, that I was appointed chairman of a committee of a whole of the regents to study the Angela Davis situation. I recall that the university, the regents reluctantly took that power away from Chuck Young.

TRELEVEN: Right.

HIGGS: I recall that there was a lawsuit filed by a number of people in which they sought to have declared unconstitutional some previous resolutions going way back to 1940 of the regents that a communist should not be employed as a teacher.

TRELEVEN: Right.

HIGGS: I recall the matter first came up on the question of venue, whether that should be heard in Los Angeles or whether it should be heard in San Francisco. That's my recollection. The court held that Los Angeles had venue. That went up to the appellate court, and the appellate court sustained it. Then Judge [Isaac] Pacht who I had

known through state bar work . . .

TRELEVEN: Sure.

HIGGS: Yes. Held that the regents' resolutions were unconstitutional. And certiorari was requested by the regents. Supreme Court denied certiorari. Then the appointment question came back up, and that was about that time, if my recollection is correct, that I was appointed chairman of the special committee that made a whole study of the situation. It did take a long time, and I have some of the material that relates to that. I've gone back in my own notes on it and checked to be sure that . . .

TRELEVEN: Here, your microphone is . . .

[Interruption]

Okay, we're back on. You were looking for . . .

HIGGS: Where did we pick up? Or where'd we leave?

TRELEVEN: Your chairmanship was over and you . . .

HIGGS: Bill Smith was chairman.

TRELEVEN: You were involved with a special. . . . Bill Smith was the chair, and you were appointed to a special committee that was involved with the Angela Davis matter.

HIGGS: Yes. The question presented to us was whether or

not Angela Davis was to be reemployed by the university. We were not asked to make a decision as to whether or not she should be disciplined or discharged. The sole question presented to us was whether she was to be reemployed. Her term of office according to the records furnished to us expired on June 30 of that year. Chuck Young had recommended that she be . . .

TRELEVEN: Renewed.

HIGGS: Reemployed.

TRELEVEN: Right.

HIGGS: My report--I'm reading from it just briefly--"The committee took note of the criticisms and apprehensions which have been expressed considering the action of the board of regents in reserving to itself decision-making authority in this matter." We commented that the regents had for many years entrusted this to the administration acting with the advice of faculty--authority to make nontenured faculty appointments except in special categories. We looked over a report of the ad hoc committee that had studied the thing, and that is of Davis. There were really three things that we considered: whether she had

utilized her position in the classroom for purposes of indoctrinating her students, whether her extra-community commitments and activities interfered with her duties, whether or not her public statements demonstrated her commitment to a concept of academic freedom which substantiated the first two charges. That committee considered all of those matters and in general voted in favor of the reemployment of Angela Davis. Then it went to several other committees, and we studied all of their reports, and it finally got down to the fact that we weren't concerned and didn't consider whether she was a member of the Communist party or not. That did not enter into our consideration. We wanted . . .

TRELEVEN: Well, you couldn't anymore.

HIGGS: What's that?

TRELEVEN: You couldn't. I think there'd been some court rulings in the sixties.

HIGGS: We could not. That's right.

TRELEVEN: That's right.

HIGGS: But I want to make it clear that it did not. We did not either unconsciously or consciously let that enter into our considerations. We felt--

basically, I think I can express it very clearly-- that her statements, extracurricular statements, made it clear that she was not qualified to be on the faculty of the University of California. She made some terrible statements. We went over all of those.

TRELEVEN: In public or in the classroom?

HIGGS: Public, in public.

TRELEVEN: Okay, because . . .

HIGGS: Terrible statements.

TRELEVEN: Yeah.

HIGGS: She [Pause] made statements to the effect that academic freedom was an empty concept. It certainly was contrary to everything that I knew about academic freedom. And that academic freedom is merely an effort to be free from the pressures of society. She said that academic freedom is meaningless unless it is used to espouse political meanings and to unveil the predominant oppressive acts and ideas of the country. [Pause] She just made many such similar statements. Also that it was the question of whether she was making progress towards the Ph.D. for which she was working, her

record did not indicate it. If I had to simply state my views and I think the views of the committee, her language just demonstrated everything that's contrary to what the university stands for. That was the basis for our report, and I feel it was right.

TRELEVEN: Okay. Again, Berkeley has done an interview, a short interview with William French Smith before he died. He claims he was probably responsible for the whole thing to begin with because he had been told by someone there was a communist teaching at UCLA. He went to the regents' meeting and said, "Isn't there a policy against it? Either we have a policy, or if we don't and if it's a policy, then we ought to take it up at the meeting." And that's how it all got started to begin with. What I have wondered in part about all of this was that where in the case of McGill and Marcuse the regents did not overturn a chancellor, in the case of Davis they did. Indeed, I think at that point the regents decided to pull back from its earlier position of delegating authority.

HIGGS: Well, there was a lot of difference between the

statements made by Herbert Marcuse and the statements made by Angela Davis, a lot of difference. He never made any such statements that she did that academic freedom was an empty concept.

[End Tape 4, Side A]

[Begin Tape 4, Side B]

TRELEVEN: You were saying Marcuse had never . . .

HIGGS: Never used the language that she did. He never made such statements about academic freedom and the other things that were important. Sure, he was a communist and admittedly so.

TRELEVEN: Well, he was often called a Marxist, and I don't know. . . . Yeah, yeah, anyway.

HIGGS: Maybe we're getting on a fine line, but my recollection is . . .

TRELEVEN: Yeah, yeah, yeah. But in the same case as. . . . I don't want to argue about this, but I will anyway. Some of McGill's strength in his case is that he had gone through the Academic Senate process and had found that Marcuse should be in the classroom and deserved another year's appointment. The Philosophy Department did the same thing at UCLA, and they evaluated her and

went throughout the Academic Senate.

HIGGS: That's right.

TRELEVEN: And Chuck Young respected that. As the chancellor he was backing his faculty senate and indicated that at the meeting. But the result was different.

HIGGS: Yes. There was no question about that.

TRELEVEN: And you're saying the result was different because of . . .

HIGGS: I'm saying the result was different of the special committee of which I was the chairman.

TRELEVEN: Yeah.

HIGGS: And we disagreed with those. We did not disagree with the basic philosophy of the power being delegated to the chancellor. But if an authority is delegated, that delegation can be withdrawn under proper circumstances. We just felt that it should be withdrawn in this one case by reason of the fact that she, in the opinion of the majority of the regents, was by her own admissions thoroughly disqualified from being a member of the faculty of the university.

TRELEVEN: Okay. Then there's the ticklish situation of . . .

HIGGS: Say that again, sir.

TRELEVEN: There's the ticklish situation of Hitch, who really wants to support his chancellors. In this case he wants to support Chuck Young. Wasn't that bothersome, that seemingly the regents were in the territory where that should be delegated to the president?

HIGGS: Well, I don't know that I would put it just that way. I recall that Hitch did support Chancellor Young, but I think the regents would be doing less than their job if they allowed something to be done under a delegation of authority which was as bad as it was in the Angela Davis case by her own statements.

TRELEVEN: Okay. Should we leave Angela there? I think you've stated your case well. Let me ask at this juncture, I have no idea what time it is, and you are looking at your watch.

HIGGS: It's a quarter of four. Let's go in for another half an hour.

TRELEVEN: Okay.

HIGGS: If you're up to it. Keep you out of trouble.

TRELEVEN: Right. I wanted to do a little backtracking, because I said I really didn't want to dwell on controversy necessarily and because it seems to

me that that sort of misshapes things, because these things take place in a much, much larger context. By that we just look at the physical layout of the University of California by the mid-sixties and all of the things that were going on in terms of physical development at the older campuses as well as developing the three new campuses. Now in terms of physical development as for what's going on, how did you begin to get acquainted with all of that when you first came on the board?

HIGGS: Well, number one, I got acquainted with the physical layout of UCSD by numerous visits to it. Chancellor Galbraith was chancellor when I was first appointed.

TRELEVEN: Yes.

HIGGS: And Bob Biron, who was a friend of mine, both of them were very kind and very helpful.

TRELEVEN: Right. He had gone from General Dynamics [Corporation] . . .

HIGGS: General Dynamics, yes, that is correct.

TRELEVEN: Okay.

HIGGS: And also to a manager of a heavyweight boxer.

TRELEVEN: Oh really?

HIGGS: I went out to the campus. They took me on tours of the campus. I saw the physical layout so that the rest of it I relied upon maps and I relied upon reports that were made to Grounds and Buildings. I think that that was my first appointment as a regent, as a member of Grounds and Buildings Committee.

TRELEVEN: I think you're correct. I think that's what I have: '66-'67 Grounds and Buildings. I guess that's a good way to learn.

HIGGS: So through that I began to get an idea. It wasn't until later that we met on the campuses and I had a chance to go to the campuses. But we very often had dinner on some of the campuses. I can remember in San Francisco going out to dinner and the then chancellor [Francis A. Sooy], who was an eye, nose, and ear man . . .

TRELEVEN: At the San Francisco campus?

HIGGS: At San Francisco.

TRELEVEN: We'll get his name and fill it in.

HIGGS: Yes, who took me around and showed me the building. I went through the hospital, throughout the medical facilities. We went to Davis several times. I was much impressed with

Davis. So it was a gradual experience. I guess carefully I would say that I became aware by reason of maps, by reason of discussions at Grounds and Buildings, and by reason of some personal visits.

TRELEVEN: I think you mentioned yesterday that Phil Boyd was very proud of Riverside, so I'm sure he . . .

HIGGS: That is correct.

TRELEVEN: So I'm sure he showed you Riverside. How did you feel about this cluster college design concept, which Revelle is given a lot of credit for, as a design for the San Diego campus?

HIGGS: Well, with my limited background, you know, I had to rely pretty well on what I was told about it, but basically I was in favor of it. But only because what I'd heard, because I had had no background that would enable me to have an independent judgment, so I had to rely upon other people.

TRELEVEN: It seemed to have a lot of appeal at that time because of the clusters of maybe twenty-five hundred students . . .

HIGGS: Yes, it did.

TRELEVEN: . . . in a college instead of a mammoth campus

like Berkeley or Los Angeles.

HIGGS: My recollection that it maybe was based upon the English system. I'm not sure of that.

TRELEVEN: So you met Galbraith, and Galbraith came to UCLA. He talks about this in his interview. Excuse me, he comes to UCSD with a very strong notion that there needs to be a balancing undergraduate program as well as graduate studies in the sciences. That's what his goal was, and that somewhat gets into the fact that you need a library in part to do that--a central library.

HIGGS: Right.

TRELEVEN: Did he discuss that with you?

HIGGS: Yes. I don't recall his discussing with me the library situation. I know that I read somewhere, whether then or more recently, that he and Kerr had some differences about the library and that Galbraith threatened to quit or resign . . .

TRELEVEN: And did.

HIGGS: . . . at one particular time, but I was not aware of it at that time.

TRELEVEN: Yeah. How about the plan, though? Did Galbraith talk to you about what he wanted to see in terms of the changing mix of the student body. I mean,

the student body was going to grow.

HIGGS: I don't recall his discussing it.

TRELEVEN: Yeah, yeah.

HIGGS: I do recall that there was a general feeling that there should be a change in mix and less emphasis placed on the science than had been placed earlier.

TRELEVEN: Yeah. Somewhere somebody has written that because it started with a real emphasis on graduate studies, it's a campus that was built from the top down, which was very unlike Santa Cruz. A little bit different there. But one idea that seemed to have popped up in 1972, and I was wondering whether you had anything to do with it, somewhere along the line a law school was proposed for UCSD.

HIGGS: Yes, after I had finished my term of office.

TRELEVEN: As chair?

HIGGS: Term of office.

TRELEVEN: Oh.

HIGGS: It wasn't until that I ever heard after I had finished my term in 1982, I then was elected a trustee of [California Western] Cal Western School of Law.

TRELEVEN: Okay.

HIGGS: There was considerable talk about the need of a law school at UCSD. Most of the people connected with UCSD felt and most of the people connected with the university felt that a campus should have a law school in order to be a fully rounded college. Every chancellor of every campus felt just exactly that way. There was Cal Western here. There was [University of San Diego School of Law] USD law school here.

TRELEVEN: Right.

HIGGS: They were the main ones. There were one or two others that were very small and getting started. I don't know originally where the idea came from. It did not come from me. But the idea was presented that it would be a good idea to get a law school out at UCSD. To accomplish that Cal Western was willing and offered to transfer their building and their assets and their faculty to UCSD without strings attached so that there could be a college. [Richard C.] Atkinson was in favor of it. Whether the idea was originally his or not I don't know. He appointed to the committee [Herbert F.] Herb

York, who headed the committee to study the thing. There was considerable support, because there was a feeling that University of California should have a law school south of Los Angeles. They then had one at Davis [School of Law], Boalt Hall [School of Law] at Berkeley, UCLA [School of Law]. They had an affiliation with [University of California] Hastings College of Law.

TRELEVEN: That's right.

HIGGS: But Irvine or Riverside or San Diego did not have a law school, and there was considerable feeling that geographically we should have a law school. There was considerable feeling that, "Well, wait a minute. We got a couple of good law schools here. Why should we have any more? And if Cal Western transfers to UCSD, what's that going to do to the law school at USD?" There was just a lot of talk about that. Then there was a lot of talk about the financing of it. Where is the financing going to come from? The legislative committee came to San Diego to study the thing, and I appeared before the legislative committee as did a number of other people. And at that the view was expressed of the cost of

it. "The state is hard put for money. Where are we going to get the money? Even though Cal Western is going to transfer the building, that won't do the job on down the road."

The chairman was a grumpy old guy--I've forgotten his name--a senator. He took me on about too many lawyers, anyway, and why we should turn out any more lawyers. I didn't make any friends by responding to him, "Well, there is a view that there are too many legislators, too, Senator." [Laughter] In any event the thing dragged on and dragged on and dragged on with no resolution and no real assurance that there was going to be a resolution until the Board of Trustees of Cal Western just wrote and said, "We withdraw any offer that we made. We don't want any further consideration. We want to go on about our own business," and they did. And Cal Western is now a well-recognized law school. So that's basically the history of that.

TRELEVEN: So at this point, even though you are a great University of California backer, at this point in time in San Diego, do you think that between USD and California Western that that takes care of

the need for . . . ?

HIGGS: They are both good law schools. I don't necessarily feel that that takes care of it. One has to consider more than that. One has to consider whether or not UCSD needs a law school rather than whether there are just enough of them here. I think that's the issue that's going to have to be dealt with finally, whether a law school, you know, does and should interact with the other schools there. So I would not take the position that there should never be a law school at UCSD. Although Cal Western I still strongly support. My son went to USD, but I just think the time may come.

TRELEVEN: I am going to postpone getting into medicine, because I want to talk about medicine and health facilities as a whole ball of wax. There are dissimilarities, but there are also similarities in some of the issues that relate to medical facilities and physician training and all that. What I would like to do though is to get your impression, your initial impression, of the site and the design for Santa Cruz when you first saw it.

HIGGS: My original impression, and it stayed with me throughout the years, is that the site is beautiful. The site is beautiful.

TRELEVEN: Yeah.

HIGGS: Contrary to the view of some people, taxpayers, a university is more than just bricks and mortar. It's a beautiful area. Assuming that it was geographically properly selected, certainly the area, the architecture, the general, overall design fit beautifully into that particular area, so I have no criticism of that at all.

TRELEVEN: Yeah, and at least some of it was a gift I think from the Cowell family, which helped to determine the location. It is a beautiful location. I think John Carl Warnecke was the architect or planner involved in that. Of course, today nobody in the city of Santa Cruz wants to see the campus expand, because it's going to have too big an impact on the city. So that reminds me of another thing we'll get into later, and that has to do with residence halls and the university's responsibility. How far does the university go in providing housing for students? But that's something again I'd like to look at maybe as a

ball of wax.

In terms of the newer campuses that leaves Irvine, and I'm not sure this is the right time of day to tackle that one or not, because that's another hornet's nest.

HIGGS: Why don't we put that one off for a while?

TRELEVEN: Let's put that one off, okay. Riverside, there have been some thoughts that especially with UCLA's kind of push and [Franklin D.] Murphy's push for UCLA parity with Berkeley that Riverside became a little bit of a neglected campus. Any thoughts on that?

HIGGS: Well, I don't have any feeling that it became a neglected campus. It is an important campus in the university system. Geographically, it's kind of located out of the way, and I think it's been neglected by reason of that as much as anything else. I think that that was one thing that Phil Boyd realized, and he kept pushing for the development. The students are not particularly attracted from other areas towards Riverside, whereas they are attracted towards L.A., towards San Diego, towards San Francisco. It's one of the smaller campuses. It serves a purpose it

seems to me. Maybe it has been overlooked, but I don't know what the cure for that is.

TRELEVEN: There might be a cure right now, because the population in the Inland Empire is just mushrooming because of cheaper housing and so on. So maybe that's going to be part of the solution. But what's your attitude about there being lots of land yet at Riverside and lots of area to expand on, about developing that campus as opposed to building a whole brand new campus, say, in the San Joaquin Valley?

HIGGS: Well, I think you have to take into consideration the geographical location. I think the people in the San Joaquin Valley are pretty justified in trying their best to get a campus of the university there. I think it's pretty hard to argue that the people in Fresno should come down to Riverside to go to the UC.

TRELEVEN: Yeah.

HIGGS: Geographically, population-wise, it seems to me-- and I haven't made a study of this; I know that it has been under study recently--but it just seems to me that it's justified to have one there. There was a lot of talk in the city of

Chula Vista. The city council wanted a university campus in Chula Vista.

TRELEVEN: Recently?

HIGGS: Yes, right here in Chula Vista.

TRELEVEN: My god.

HIGGS: I discouraged it. I said, "Look, we've got one right here in San Diego. There's much greater need elsewhere." And they said, "Well, we've got a lot of land out here where it could be used." Well, that's fine, but that's not the only consideration.

TRELEVEN: Yeah. Well, my gosh, San Diego State is almost next door to Chula Vista, isn't it?

HIGGS: That's right. Yes, San Diego State is almost next to it. You're correct.

TRELEVEN: Santa Barbara grew very fast up to the time you became a regent, and that somewhat continued and really hasn't developed that much in the way of professional schools. It's remained pretty much an undergraduate institution. Was Vern [Vernon I.] Cheadle there yet when . . . ?

HIGGS: Vern Cheadle was there.

TRELEVEN: Yeah, yeah.

HIGGS: That's correct, yes. Is he still up there? Is

he on the faculty, or is he living in the area?

TRELEVEN: I don't know that. We've read more about the most recent chancellor.

HIGGS: Yes.

TRELEVEN: Which we need not go into. I may be almost to the point where I'm going to have to catch my breath.

HIGGS: All right, why don't we call it off for the day, and I'll see you at nine o'clock in the morning.

TRELEVEN: Okay.

[End Tape 4, Side B]

[Session 3, April 17, 1991]

[Begin Tape 5, Side A]

TRELEVEN: It's April 17, and back for a third session with DeWitt Higgs, former regent of the University of California. We left off yesterday looking at a few of the campuses, including the new campuses. I wanted to come back to Irvine, being one of the new campuses, which involved a donation of land to begin with by the Irvine [Land] Company. Then there was a contract made for this other adjoining area between the regents and the Irvine Land Company. But my reading of the minutes is that it became somewhat controversial later on because the Irvine Land Company wanted to build a community near the university that was much larger than the original plan was. What do you recall about the Irvine campus inclusion area situation?

HIGGS: Well, first, the Irvine campus was established before I was appointed a regent. After I was

appointed a regent there was some discussion as you've indicated over the land. Norton Simon apparently felt that something was wrong with the deal. On at least one occasion, and perhaps more, he referred--and I'm using his words--that, "Someone had their hand in the cookie jar." He obviously was referring to Ed Carter and Bill Smith, who I was told both were or had been the directors of the Irvine Land Company. He, Norton Simon, apparently felt something was wrong with that deal. He never spelled it out in any meeting that I recall. I never saw or heard from any other source that there was anything at all improper with the deal. I know that in the beginning that Phil Boyd was very interested in establishing the Irvine campus and was very knowledgeable. And I know that Phil Boyd was as clean as anybody could possibly be, and that if anything had been wrong with the deal Phil Boyd would have known it and would have said something about it. So that's the extent of my recollection of it. I don't recall the details of the discussions about the building and one thing or another, but certainly there's nothing

in my memory now that indicates that there was anything wrong with it at all. I would be very surprised if there was.

TRELEVEN: As you got to know the overall plan for the campus, which was designed by William Pereira--it was called a campus community plan--what did you think about it in terms of the . . . ?

HIGGS: I approved of it. I thought it was good. I thought his plan was good. He came several times, is my recollection, before the board. Matters, architectural matters, were discussed. I thought it was fine. It was approved by the then chancellor.

TRELEVEN: At Irvine? [Daniel G.] Dan Aldrich [Jr.]?

HIGGS: Yes. Dan Aldrich, who I certainly felt was a very good chancellor. As I say, I was then and I still am in favor of the development. Each campus has had its problems, as I recall. There were some problems in connection with the establishment of the medical school.

TRELEVEN: At Irvine?

HIGGS: At Irvine.

TRELEVEN: And at Davis and at San Diego.

HIGGS: At Davis and at San Diego. But that seemed to me

to be par for the course.

TRELEVEN: Well, in a very well publicized regents' meeting in October of 1970. . . . In fact, it made huge headlines in the Los Angeles Times, and this is in the context partly of Irvine. According to the newspapers, Governor Reagan called Fred Dutton a lying son of a bitch. Do you recall that meeting?

HIGGS: I do not recall it. In the back of my mind there is some dim recollection of it, but I don't recall the details. And it wasn't of sufficient importance to me to make an imprint upon my mind. Both Reagan and Dutton had fairly short fuses. So I wouldn't be surprised. Their political philosophies were about as opposed as possible. But I dimly remember there was such a confrontation, if that can be called. . . . I don't remember what it was about.

TRELEVEN: Well, the papers reported that Reagan gave Norton Simon a little push or Dutton a little push. Different people have different recollections. You don't remember who pushed whom I guess.

HIGGS: I don't. I have no recollection.

TRELEVEN: Well, the larger issue here is a potential

conflict of interest when you're a regent and you are involved in a business that stands to gain personally perhaps from contracting with the regents. How do you draw the line as a regent in a . . . ?

HIGGS: I draw the line very strictly. In the law profession matters of conflicts of interest arise all the time, so I'm acutely aware of any possibility. I can remember one incident in which the successor to F. E. Young Construction Company was making a bid upon some University of California project. I immediately announced my relationship to the F. E. Young Construction Company and I refused to participate in any discussion or any vote concerning it. So my view on conflict of interest, if there's any possibility of a conflict of interest, get as far away from it as you possibly can. Make everyone aware. It arises all the time in the practice of law and in my current work as an arbitrator. I will get the file from the arbitration part of the superior court, and it will indicate, just for example, that the firm of Gray, Cary, Ames, and Frye is a party to the arbitration. Well, I

have a grandson and a granddaughter-in-law who are both lawyers at Gray, Cary. I immediately write a letter to everybody involved. I disclose that. I say that I do not consider that a conflict, but if any party feels that there is a conflict, then I will immediately return the file to the arbitration administrator for reassignment. I lean over backwards on that perhaps because when I was on the board of governors of the state bar, we had that problem before us--lawyers being disciplined for conflicts of interest. I have sort of been the judge of conflict of interest at this firm during my active period. In making lectures to the young people, I state a rule, and that is that if there is any doubt in your mind as to whether any particular act or statement is ethical, then it isn't. Just don't do it if you've got any doubt in your mind. So that basically is and was my attitude.

TRELEVEN: So in your own case you just get it all out on the table.

HIGGS: That's right.

TRELEVEN: And if anyone has a problem . . .

HIGGS: Immediately.

TRELEVEN: Right. This does relate to some legislation that was passed in California in the seventies, mainly the Political Reform Act of 1974,¹ which established, of course, the Fair Political Practices Commission. There seemed to be some discussion amongst the regents whether that legislation pertained to the regents. What was . . . ?

HIGGS: I don't remember any discussion as to whether it did or did not apply to the regents, but I know that we all complied with the requirement that we disclose financial matters. I recall particularly that at that time I had, through the advice of an investment counselor, bought some stock in a gold-mining company in Africa. And I disclosed that. Some student went through the records and found that, and there was some complaint on the part of the students. But I had such a small interest in it and I could see no conflict. I had some different views than did some of the other regents as to the investments in Africa.

1. Proposition 9 (June 1974).

TRELEVEN: Well, you're tantalizing me to get into that. I think I'll delay it just a minute though. As you indicated there was a point reached where all regents must fill out financial disclosure forms. You didn't have any problem with that?

HIGGS: I didn't have any problem with that at all. The problem that some of the more wealthy regents had--because I heard them discuss that either in board or privately--is they were fearful that when they passed on, people who were engaged in all sorts of improper investment practices would descend upon their wives and would make it difficult. There was a feeling that unless there's a good reason, I don't want everybody to know everything I have. I doubt if you do either.

TRELEVEN: No. I don't have that much, but. . . . Do you think that that requirement had a chilling effect on some people who would have been regents?

HIGGS: Would have been?

TRELEVEN: Yeah, in the future. In other words, do you feel that maybe some good people who might have been selected would not want to be selected because of that kind of a requirement?

HIGGS: Well, obviously I was not aware of who Reagan or Jerry Brown were considering. But I never heard that anyone had second thoughts about it or anyone had turned down an appointment for that reason. It may have been, but I never heard of it. I do know that it was one of the reasons why Phil Boyd resigned.

TRELEVEN: Over the . . .

HIGGS: Disclosure.

TRELEVEN: Disclosure.

HIGGS: Yes.

TRELEVEN: Okay. Okay. You mentioned over the last two days a persistent problem which you call finances--a continuous headache I guess for the regents. I guess to begin with you as a regent would pass on a budget proposed by the university administration.

HIGGS: That is correct.

TRELEVEN: And submit it to the governor's office.

HIGGS: That is correct.

TRELEVEN: Then that in turn produces a governor's budget. Then I guess the process is the legislative budget analyst goes through it with a fine-tooth comb. Well, the further statement I would make

is that clearly the University of California had done very well in the governor's office and in the legislature through the sixties. Bonding issues tended to be successful. But then during Reagan's first year and that '67-'68 budget there is an effort made to reduce the amount requested. Do you recall that particular budget year, especially since it was Reagan's first year as governor?

HIGGS: Well, to back up just a little bit, the regents' budget was prepared by the president of the university and his staff.

TRELEVEN: Okay.

HIGGS: It was then presented first to the Finance Committee.

TRELEVEN: Okay.

HIGGS: And the Finance Committee would then go over it with a fine-tooth comb.

TRELEVEN: You really did? That carefully? The regents' Finance Committee.

HIGGS: There is no doubt about it. Then from the Finance Committee it went to the full board.

TRELEVEN: Right.

HIGGS: And the full board usually took a less close view

than did the Finance Committee, because the Finance Committee had already done so. Then it went in my recollection to the governor and to the state people. As a matter of fact, there's never enough money to go around. Both the regents and the state, the governor's office and the legislature had to establish some sort of priorities. That's basically what the regents tried to do was establish priorities and their requirements. At the same time there were many other state agencies that were establishing their priorities, and the pressure was on. Obviously, there never was and never will be enough money to satisfy the requirements of all departments of the state: education, welfare, or whatever you say. And money was tight. I think generally it can be stated that Pat Brown was more favorable towards a generous treatment of the university in his budgets than was Reagan. But the matter insofar as the regents were concerned, the budget was thrashed out. We thought that our requirements were good. They were justified. We fought to get them. That's what regents were all about for one thing.

TRELEVEN: Right. The year before you chaired the board, you were on the Finance Committee.

HIGGS: That's correct.

TRELEVEN: I don't know if you remember that.

HIGGS: Yes, that is correct.

TRELEVEN: Tell me a little more about what you would look for in the president's proposed budget, if you can remember back. In other words you are new to the Finance Committee. You're definitely not new to numbers. You were dealing with numbers in your own business and so on. So as a new member of the Finance Committee, you get this document that must have been pretty thick. What would you look for?

HIGGS: Well, basically, I would look at. . . . For example, if the budget proposed an establishment of a new medical school which involved a lot of money, I would look at it carefully to see whether another medical school was justified on that particular campus. The same thing is true with buildings. Is a new building justified? We would have a pretty clear explanation of the reasons for all the requests. Charley Hitch was very good at that.

TRELEVEN: He was?

HIGGS: Yes. You know, it's like a budget in your own family. There are demands and calls upon the family finances, and somebody has to determine priorities.

TRELEVEN: In the midst of the attempt to reduce the budget in that particular year, several things happened. First, the state wanted the regents to make up some of the difference by kicking in regents' funds, which the regents as I understand it tended to keep as reserves, tended to keep as funds for loaning out to finance perhaps the purchase of La Jolla Farms, perhaps the purchase of some land in Santa Barbara, and so on. And it just seemed to be a tug-of-war over how much the regents themselves should take from their monies and make up the difference between what the regents wanted in the initial budget and what the director of finance felt the university needed. Were you involved in that as a member of the Finance Committee?

HIGGS: Well, I was aware of it and I was involved to the extent I was a regent. I suppose I was involved in anything that went on. Again, that goes back

to the fact that there just isn't enough money to satisfy everybody for everything. The regents felt that we should have some money in reserve. That's reasonable to me. The regents didn't want to work on a deficit budget. The regents used their funds for things that in the judgment of the regents was most important. I can't tell you now any specific matter or any specific controversy that I was involved in over the use of regents' funds.

TRELEVEN: Well, one . . .

HIGGS: You see, as I told you earlier, many things I guess by nature were reported as really being more controversial than they were. The budget is a perfectly natural thing for there to be differences of opinion as to how the money should be available. That exists in the state legislature today, involving not only the University of California but every other department. It's a perfectly natural thing. The regents in their judgment fought as hard as we could for funds that we thought were necessary. And it wasn't a matter of controversy, as far as I'm concerned. It was a matter of doing our best

to get what we thought we were entitled to.

TRELEVEN: Right. And it's a matter of--as you pointed out--it's a matter of policy decisions. The policy decision of the regents may not be the same as the policy decision of the legislature or the governor. A little bit of what we're trying to document here is the push and pull that exists between the appointed board of regents and the legislature, and in some cases the governor.

HIGGS: The push and pull was handled mostly by the president and by his staff. There was no meeting between the regents as such and the senate of the state of California to resolve it. The regents did in effect lobby for what funds they thought were available. I'm sure that Ed Carter as chairman of the Finance Committee talked to members of the legislature. I know as a fact that on one or more occasions I called legislators and told them how I felt about the funds. I thought that was perfectly proper and I don't think that was necessarily pushing and shoving. I think everybody was just trying to do the best they could.

TRELEVEN: No, I didn't say shoving. Push and pull, which

as I see it, is a very explainable kind of natural tension. Often times it's creative tension I suppose.

HIGGS: Sure.

TRELEVEN: So you had talked to legislators, San Diego legislators, those that you knew.

HIGGS: Yes. Yes.

TRELEVEN: Another ramification though was that from time to time, even before you were on the board and again in '67-'68 or '68-'69, in that period, the director of finance wanted to adjust what percentage the state got in regents' overhead funds from federal contracts. Do you remember that?

HIGGS: Yes.

TRELEVEN: With the most important being the Atomic Energy Commission or, as it later became, the Department of Energy.

HIGGS: Yes.

TRELEVEN: And the overhead rate was about 45 percent if I remember correctly.

HIGGS: I don't remember the figure, but I know there was an overhead rate.

TRELEVEN: Were you involved in any of that skirmishing over

. . ?

HIGGS: I don't know that I was involved in the skirmishing. I was at various times a member of the committee that sort of overviewed: [Committee on Oversight of Department of Energy Laboratories] Oversight. I was aware of course of the arrangements that were made. See, the funds were really, I consider, university property. The university earned them.

TRELEVEN: Right.

HIGGS: And I thought they should be spent for university purposes.

TRELEVEN: But there's a situation where there was from time to time a strong difference of opinion. As I say, a state finance director might say, "Well, really these should . . ."

HIGGS: The main controversy that I remember over the various laboratories was the feeling on the part of some regents that the university shouldn't have any connection at all . . .

TRELEVEN: Right.

HIGGS: . . . with those. Stanley [K.] Sheinbaum later was very strongly of that view, perhaps still is. I thought it was perfectly proper. If the

proper mission of the university is teaching, research, and public service, I can't imagine a greater public service than working in the defense of our nation. So that didn't give me any problem at all.

TRELEVEN: Yeah, but if I were a student objector, and you must have talked to students in the sixties who would raise this with you, a student might say, "Should the university be producing bombs?" How would you answer that?

HIGGS: My answer to that is if bombs are necessary for the defense of this country, then the university should be a part of producing them.

TRELEVEN: Okay. Another criticism might be this: at Lawrence Berkeley Laboratory there are professors there and they have joint appointments, so they're part of the faculty of the university. But if you go to Lawrence Livermore Laboratory and you go to Los Alamos Scientific Laboratory, there you have people who really are not on the faculty, and really the university has very little control over what the heck goes on there. This gets into the Special Projects Committee and, as it was renamed, the DOE

Oversight Committee. Presumably, was that a mechanism for the university to have some control, or what . . . ?

HIGGS: I would disagree . . .

TRELEVEN: Why would you disagree?

HIGGS: . . . that the university didn't know what was going on.

TRELEVEN: Okay, tell me why.

HIGGS: The university and the regents did know what was going on. Many of the matters were security matters.

TRELEVEN: Yes.

HIGGS: I couldn't then and I couldn't now discuss them.

TRELEVEN: All right.

HIGGS: But the regents surely knew what was going on. Anyone who disputes that just doesn't have the information.

TRELEVEN: Okay, but you have no control over the quality of the individuals like you would through . . .

HIGGS: Sure, oh sure, we had control over the appointment of the directors.

TRELEVEN: You did.

HIGGS: We appointed the directors, approved the appointment of the directors.

TRELEVEN: So those had to be approved by the regents.

HIGGS: That is correct.

TRELEVEN: It was not pro forma?

HIGGS: It was not pro forma.

TRELEVEN: Okay.

HIGGS: As a matter of fact, not only did we approve it, we individually sometimes discussed matters with the directors. It wasn't pro forma at all.

TRELEVEN: How often would you visit one site or another of the . . . ?

HIGGS: I cannot look back and tell you how often. It wasn't too often. I mean, it wasn't weekly and not even monthly. But we met quite often, and upon a number of occasions faculty members of the University of California accompanied us to the meetings. I've forgotten his name at the moment, the man who was sometimes called the father of the atomic bomb.

TRELEVEN: Not Edward Teller.

HIGGS: Edward Teller. I can remember on two or three occasions he was over with us and was very helpful in explaining some of the things that might be hard for the regents to understand. Other faculty members accompanied us.

TRELEVEN: But what does that have to do with education? If I were a student dissident I would ask you that.

HIGGS: It has to do with the mission of the university. One of them is public service.

TRELEVEN: Okay. Public service.

HIGGS: What does running an agricultural extension station generally have to do with education per se? It's a public service.

TRELEVEN: So you would do these site visits, but first of all you had to subject yourself to some sort of security clearance to even become a committee member.

HIGGS: That is correct. That's right.

TRELEVEN: That didn't bother you?

HIGGS: No. No. Again, you have to go back to the individual's background. I told you the other day that I was subject to check when I became an officer in naval intelligence.

TRELEVEN: And they couldn't find Soldier, Idaho.

HIGGS: And they couldn't find Soldier. Sure, I filled out form after form after form. The FBI [Federal Bureau of Investigation] did in fact make an investigation. I can recall a good friend of mine coming to me one day and sort of

embarrassedly said, "Dutch, are you in any problem, any trouble?" And I said, "No, not that I know of. Why?" And he said, "Well there's an FBI man in to see me asking all sorts of questions about you. How much you drank, whether you chased women." He said, "Well, what's the problem?" And the only answer I could give is it's a security check for the university. No, that didn't bother me.

TRELEVEN: Well, as you point out, it's still an issue. Let me rephrase that. The contracting by the university to run the labs is still an issue. It comes up recurringly. The Academic Senate tends to vote more often than not to encourage the regents to sever the connection with the Department of Energy. You don't agree with that though.

HIGGS: No, I don't believe it at all. I follow the newspaper articles currently and I know it was an issue as recent as the last year. But no, I think it's perfectly proper and I approve of its continuance.

TRELEVEN: Okay, we sort of got into that because we were talking about the overhead funds involved. The

overhead funds were a rather substantial amount of money.

HIGGS: That is correct.

TRELEVEN: I really get the sense that during the time of rapid property purchases and construction that the Nuclear Science Fund was extremely important for being able to set priorities and allocate from the fund for these purchases and construction projects.

HIGGS: I think there was also a Nuclear Science Fund, and the [University] Opportunity Fund was partially supported by the overhead, as I recall it. It was important in times of tight money. I guess all times have been times of tight money for the university. It was important.

TRELEVEN: I think you're right. There was a Nuclear Science Fund and a University Fund, and then the Opportunity Fund was a part of that University Fund. But on the state government side, Department of Finance, perhaps some legislators, they're saying you should spend more of that money for operating costs. And it seemed to me that you regents were saying, "No, we don't want to spend it. We don't want to spend too much of

it for operating, because we want to set the priorities about how that money is spent." Is that . . . ?

HIGGS: That's the job of the regents, in my opinion, to set priorities.

TRELEVEN: All right.

HIGGS: That was their job.

TRELEVEN: And to protect that money.

HIGGS: That's right.

TRELEVEN: Now, a finance issue came up in the late sixties that is connected with budgets is the matter of tuition. The university had had a long and proud tradition of not having student tuition. There were fees of various types, but not tuition. There had been bills in the legislature even before you were a regent. [Randolph] Randy Collier I think was a persistent submitter of bills to implement tuition. But the whole idea came up again in that '67-'68, '68-'69 period. Where did you stand on the issue of tuition?

HIGGS: I was chairman of the special committee that made the study as to whether the fees should be increased or not. I felt then and stated

publicly at regents' meetings that it was my feeling that the students that were able should pay some part of the expense of their education. I felt that way then, I feel that way now. And money was tight, again. I felt it was perfectly justified. My recollection is that we raised the fee by \$150. That we were talking \$150-\$200 area. Again, there was a great deal of criticism of Governor Reagan then, that Governor Reagan was responsible for it. That just wasn't true at all.

TRELEVEN: Okay, tell me why that wasn't true. That's important because . . .

HIGGS: In my recollection, Governor Reagan never attended a meeting of the committee, never made a recommendation to the committee, never put any pressure. . . . Certainly never put any pressure on me. The ones that were members of the committee were the ones that made the decision to recommend it to the regents as a whole. It was justified. Again, deciding all these questions, a person has to. . . . His background guides his judgment in many cases. I and my wife paid every bit of our education. That couldn't help but

affect my thinking. Basically, my philosophy is that it's a great asset to a student and insofar as they're able, they should pay some reasonable part of it. I also stated then and I believe it now that nobody, no qualified student, should be denied the opportunity for an education at the University of California for financial reasons.

TRELEVEN: Okay, through scholarship programs . . .

HIGGS: Scholarship programs . . .

TRELEVEN: Fellowships, loan programs.

HIGGS: There are many of them. There are many of them available of which I don't object to working.

TRELEVEN: Let me turn the tape over.

[End Tape 5, Side A]

[Begin Tape 5, Side B]

HIGGS: Before we go back on . . .

[Interruption]

TRELEVEN: Okay, we're back on and you've dug out some material pertaining to the tuition situation.

HIGGS: Yes, I've just refreshed my recollection, looked at what few notes I have about the student fees, and I am reminded that we did hold two public hearings. It gave the public an opportunity to comment upon it. One of them was held at UCLA

Faculty Center. I am reminded that Dutton was strongly opposed to it.

TRELEVEN: I believe that's correct.

HIGGS: Strongly opposed to even the appointment of a committee to consider it. Strongly opposed to anything that had to do with the possible raise. And he was joined by others. The committee consisted of myself, Phil Boyd, John Canaday, Ed Carter, and Dutton was on it. Ed Pauley, Ted Meyer, Harry Wellman, who was then acting president at that time. The matter was thoroughly discussed. My recollection is that not only was Dutton opposed to it, but Ellie Heller was, and I believe Bill Roth.

TRELEVEN: The thing that sticks in my mind is it was during your chairmanship that four regents, in keeping with the bylaws--and I think it was Coblenz, Simon, Forbes, and Dutton--called a special meeting of the regents at Los Angeles to take up the issue of tuition. Do you recall that during your . . . ?

HIGGS: No, I don't recall that specifically. I recall that Dutton was insistent that the committee not meet in executive [closed] session, because it

was a matter that should not be considered in executive session. And it wasn't. He was right on that.

TRELEVEN: But in terms of this particular . . .

HIGGS: I don't remember their calling a . . . That is not to say that they didn't. Again, as I've tried to repeat several times, a lot went on in those days.

TRELEVEN: Oh, right. Right. But you made the point, and I think it's a good one, that you do not consider the tuition issue as having sprung out of the Reagan administration.

HIGGS: It certainly did not.

TRELEVEN: Okay. Why did you and other regents feel that you had to form a committee in the first place to even look into tuition at that point? At the time you began to look into tuition, why was it an issue? I mean, there hadn't been tuition in the past. Why?

HIGGS: Financing.

TRELEVEN: Okay.

HIGGS: Financing. The feeling, as I think I've expressed, money was short. There was a feeling by some regents, including myself, that the

product of the University of California was a pretty valuable thing and that students, within the limits of their ability, should assist in the payment for it. I still feel that way.

TRELEVEN: But in a way. . . . Well, tuition is implemented. I think it is called an educational fee.

HIGGS: It was a fee. I don't think the word. . . . I don't think the report was ever called tuition. You get into semantics whether it was a fee or tuition or what.

TRELEVEN: Right.

HIGGS: It was taking money out of the students' pockets one way or the other.

TRELEVEN: Right. You go to register, you add up the columns and. . . . But in a way, the opponents of tuition are somewhat justified today in their opposition, because it's almost like once the cover was off, it just seemed like a continuing thing where tuition typically would go up-- various kinds of other fees would go up--every year and every year and every year. This year, as I'm sure you've read in the newspaper, they're talking about a 40 percent increase.

HIGGS: I'm in sympathy with that feeling, but in the real world it just isn't possible. No more is it possible in today's world for the state of California to furnish absolutely free medical attention to everybody within the state of California. Everybody within the state needs medical attention at one time or another. But realistically, it just can't be done. You've got to live with whatever problems are there, and you've got to find out what the best solutions are.

TRELEVEN: Well, you mentioned medicine, which makes me think of social welfare programs in general, and that was another area of strong concern of Pat Brown during his administration. Some people have said that there became less money available for the university because these social welfare programs had been developed during the sixties, and therefore it stood to reason that the university was going to get less money or have a less high priority than it had before. How do you remember that?

HIGGS: Well, it's a perfectly natural thing, as I've said before. There was a greater demand upon the

funds that were available. Certainly the welfare programs were and are good programs. Certainly there was a legitimate demand for that type of program for the persons that were in need. And again, it was just a matter of balancing priorities, trying to divide up the funds that were available.

TRELEVEN: The budget stringency, especially in the early Reagan years, to what extent did it represent a punishment of the university for not keeping its house clean in terms of students doing all kinds of things, in terms of People's Park, in terms of . . . ?

HIGGS: To no extent at all. That gets back to what I've talked about before. People want to turn that sort of thing, the disputes, arguments about funds into a controversial thing and to start blaming Reagan for it. Well, Reagan had a job as governor to do, just as Pete Wilson has his today. His job would not be performed by just meeting all the demands of all of the people that presented demands to him. I've heard over and over again that Reagan was an enemy of the university and an enemy of the students. That in

my opinion is just not true. And I say that being a Pat Brown appointee.

TRELEVEN: No, I understand that. Are you saying then that it's . . . ? I don't want to put words in your mouth, but I think you are talking about the media, and the media tends sometimes to grab onto spectacular issues.

HIGGS: That's a part of it, and that was not only the media but was the faculty and the students. The faculty, when they didn't get as much funds as they thought they should have, had to find someone to blame, and Reagan seemed like a likely target. And the same thing with the students. Reagan's stand on students' conduct didn't endear him to the students.

TRELEVEN: To just carry it forward through the rest of your regency in terms of gubernatorial support, how did Jerry Brown compare to Ronald Reagan as a supporter of the university?

HIGGS: That's a tough question for me to answer for any number of reasons. I have no problem in comparing Pat Brown's attitude toward funding the university to Reagan's. They were different times for one thing. I frankly never understood

and don't understand Jerry Brown today. I don't remember specifically his opposing or supporting any particular financing of the university.

Jerry in my opinion was certainly a different type of governor than was either Reagan or his father. So I have trouble trying to be specific about differences.

TRELEVEN: Well, we're talking generally about the area of finances. I wasn't in California at that time, but I understand that when Jerry won the election for governor, every supporter, every employee, or whatever of the university was glad to see Reagan gone. Here's Jerry, a new day, and things are going to get much better now. We can forget about the stringency of money during the Reagan period, and things are really going to get better. And they didn't.

HIGGS: That just didn't happen.

TRELEVEN: Why didn't they get better with Jerry when it came to the university?

HIGGS: Well, I suppose because the demands were with the same shortage of money, and there wasn't much that Jerry Brown could do about it. The demands were there, the needs were there. It's been a

constant fight, and I suppose it is right today. In fact, I know it is. And it'll be the same next year. It'll be the same with Pete Wilson as governor. Pete Wilson will be doing the best job that he can in order to support the university, but he also will have to establish priorities to the funds that are available. It's going to be a problem forever. But I don't remember with Jerry taking over that there was any great flow of additional funds to the university.

TRELEVEN: No, it seemed to be the contrary. If anything, things seemed to get tighter. Since we're on Jerry though, you had attended regents' meetings under Reagan for his eight-year stint, and then came Jerry. In terms of having a presence on the board of regents, how did Jerry compare to . . . ?

HIGGS: I think that Reagan at least in the first few years was a more regular attendant at regents' meetings than was Jerry.

TRELEVEN: How did Jerry contribute when he was there?

HIGGS: I don't know that. . . . It's too broad a question to try to answer. Every governor makes a contribution of one form or another to every

state agency. Jerry, if you're asking how he participated in the discussions, the answer is that he did participate when he was there in the discussion. He made his views known, as did Reagan, as did Pat Brown the very few if any times that he appeared. Sure, he participated in the discussions and he gave the regents the benefit of his views on whatever agenda item there was.

TRELEVEN: Okay. By the time Jerry Brown becomes governor, if one were to read the newspapers Reagan appointees were dominating the board of regents. How would you . . . ?

HIGGS: I would quarrel with the word dominating.

TRELEVEN: Okay, tell me why.

HIGGS: Well, they were perhaps in the majority, but that didn't mean that they were dominating, as I think I expressed the other day. In my experience most regents in the first, short period of time after they were appointed had a tendency to pretty well support the views of the appointing power.

TRELEVEN: Right.

HIGGS: Pretty soon most regents--and that includes myself, I think it includes Bill Smith, Bob

Reynolds, a host of others that were appointed by Reagan--began to realize that they were really trustees, and they voted as trustees. If they disagreed with the appointing authority, they said so. Now maybe the philosophy was different with those people there. Certainly the philosophy of Glenn Campbell was different than the philosophy of Fred Dutton.

TRELEVEN: Yeah.

HIGGS: Certainly the philosophy of Glenn Campbell was different than mine, as was the philosophy of Dutton different than mine. But I think that when I went on, probably the majority of the regents had been appointed by Pat Brown. Probably. I'm not even sure of that. But if that's true, they certainly didn't dominate the regents or the decisions of the regents. Again, you have to realize that unfortunately, somehow, the regents have been considered as being a political body.

TRELEVEN: That's right.

HIGGS: And it just isn't true.

TRELEVEN: Well, they're political appointees. They're political appointees, and in that sense . . .

HIGGS: Oh sure, but that doesn't mean that they're political in their handling of university affairs.

TRELEVEN: Okay, in terms of the appointed regents.

HIGGS: That is correct.

TRELEVEN: There are some political ex officios regents.

HIGGS: Oh sure. Those are our ex officios.

TRELEVEN: Constitutional officers.

HIGGS: Yes, they're politicians.

TRELEVEN: Yeah.

HIGGS: The governors were, or whoever, pure and simple; the Speaker of the Assembly is; the superintendent of education. Sure, they're all political figures.

TRELEVEN: Right. And until '74 the heads of the Mechanics Institute and the Food and Agriculture Department.

HIGGS: That is correct.

TRELEVEN: Before the constitutional change.

HIGGS: As a matter of fact, the Mechanics Institute in my opinion furnished a couple of very good regents to the board. Ted Meyer for one, [Joseph A.] Joe Moore [Jr.]. But they didn't come on representing the Mechanics Institute. In fact, I

don't ever recall a Mechanics Institute as such ever being mentioned in a regents' meeting other than when there was a change in the constitution. We had to add on. . . . Hennessey, I believe his name was, who was a laborer executive.

TRELEVEN: Yeah, [John F.] Jack Henning.

HIGGS: Yes, Henning. That's correct. He, too, while by reason of his background, he was favorably inclined toward those things which would beneficially affect labor, just as I would be favorably inclined toward those things involving lawyers, I suppose.

TRELEVEN: Yeah.

HIGGS: But he just didn't stand up and fight for labor. Another example of change is the . . .
[Interruption]

TRELEVEN: Okay, we're back on.

HIGGS: As a matter of fact, when Vilma [S.] Martínez was first appointed, her principle interest was in getting minority representatives on the faculty, minority representatives among the chancellors. Her principle interest was minorities. But Vilma gradually, like the rest of the regents, her

horizon broadened and she became more interested in the university as such and more conscious of her responsibility as a trustee. And I'm told that she made an excellent chairman or chairwoman of the board.

TRELEVEN: Yeah, her term just expired not long ago, I think in '88. I seem to hear you saying again and again that the media, especially the press, has really overstated this so-called political division of the conservative philosophy of Reagan appointees holding sway over the board and so on. You keep coming back to that and emphasizing that. Is that what I hear you saying, that that's . . . ?

HIGGS: Sure, I think not only did the press overstate it or overemphasize it, but the faculty did, and the students did, and some regents did.

TRELEVEN: You mentioned Vilma Martínez. There are other Jerry Brown appointees that were significant in the sense that outside of I believe it's two individuals up to seventy-six or so--Mrs. Heller and Mrs. Hearst--there were all white males on the board of regents, and it had more or less been that way since the turn of the century. A

few instances here and there where a woman would be appointed. And Jerry seemed to make a conscious effort to diversify the membership of the board: Yvonne [Brathwaite] Burke, [Yoritada] Yori Wada, Stanley Sheinbaum.

HIGGS: Yvonne Burke I think he appointed at one time, or there was a black that he did appoint, and she was only on for a short period of time.

TRELEVEN: Yeah. That's correct. As that happened--you, as a veteran board member, by that time you'd been on about close to ten years--did that make a difference in the way the board did things?

HIGGS: Well, let me answer your question this way. I was all in favor of diversification. I think that the broader spectrum that you can get on the regents, the better job will be done. From the very moment that I went on, Ellie Heller was an important regent. Catherine Hearst was there. Catherine Hearst made a contribution. I suppose, to directly answer your question, it didn't make any difference that I know in the way the regents handled their business. Both Ellie and Vilma were later elected chair of the regents. They both made a contribution. Again, because Ellie

and Catherine Hearst were on they weren't treated any different than any other regent, so I don't think it made a difference, except as pointing out Vilma, Stanley Sheinbaum, they put people on there that had a different perspective perhaps, which is good.

TRELEVEN: An example being that I don't think both of them were comfortable with, say, investments in South Africa. If I'm not mistaken, they were maybe more strident in opposing investments than some of their predecessors. Where did you stand on that issue?

HIGGS: I stood on that that the regents had no business at all considering anything other than their duty.

TRELEVEN: Okay.

HIGGS: And their duty as trustees handling the investments was to make investments that a prudent man would make. A prudent man at that point in time would have to consider the return, the stability of the investments, and all those things; and necessarily pure social considerations should not enter into it.

TRELEVEN: So you do not agree with the ultimate solution

that the regents have reached after you left the board, which was gradual divestment of companies doing business in South Africa.

HIGGS: No, from a strict standpoint of the duty of trustees, I wouldn't agree with it. From a standpoint of expediency, I might.

TRELEVEN: Expediency? You mean . . . ?

HIGGS: Yes, the whole world was against it. I'm against the conditions that exist in South Africa. I'm not sure today I've read and heard a thousand different ways whether the withdrawal of the investments would make any difference one way or the other. I've heard that it would make things tougher, because there wouldn't be the employment. So I'm sure I'm wholeheartedly against the conditions that have existed in South Africa, and I'm all in favor of anything that would better the conditions. But I don't think that necessarily that regents withdrawing their investments there would accomplish that.

TRELEVEN: So I guess what you're saying, there's not necessarily a one-to-one relationship between the stock in IBM [International Business Machines, Inc.] that the regents have and bettering

conditions in South Africa.

HIGGS: That is correct.

TRELEVEN: Yeah. But that is one area where some of the newer regents did tend to oppose those kinds of investments more than . . .

HIGGS: Sure, sure, and they did in good faith and for good reasons. But as I indicated before, those investments were handled by the regents as trustees, and their duty as trustees is to handle them as a reasonably prudent man would.

TRELEVEN: Okay. I think I'm going to pause for a minute.

[Interruption]

Okay, we're back on. We were talking about investments in South Africa. You were on the Finance Committee a number of times. Does that mean you were also on the Investments Committee as well?

HIGGS: No, I never was on it.

TRELEVEN: Never on Investments?

HIGGS: I was never on the Investments Committee. I never felt qualified to be on the Investments Committee. It's not my background or my experience. People such as Norton Simon, Ed Carter, and others were far better qualified than

I, so I never was on it.

TRELEVEN: When Simon agreed to be on a committee, right?

HIGGS: Yes.

TRELEVEN: He was not exactly known for committee work. But let me get this straight. There's an Investments Committee. Now, is that part of the Finance Committee?

HIGGS: No, it was a separate committee.

TRELEVEN: Okay, and Investments Committee then would have its own committee meeting and a regents' meeting and come to the full board probably in closed session with recommendations. Or how did that work?

HIGGS: Well, the way it happened is first the treasurer and his staff were primarily responsible for investments. They would come to the Investments Committee and recommend that certain stock be bought or certain stock be sold. They were in day-to-day touch with the financial condition of the various companies. They would come to the Investments Committee and make recommendations as to the voting of proxys. And most generally they would support management of the companies, because the treasurer had investigated: it's a

good company, so the thing to do was stick with management. There were cases in which some board members--and that also involved the South Africa situation--would want to oppose management on it because management did have investments. But the matter was generally thoroughly studied by the treasurer and his staff, then reported to the Investments Committee. The Investments Committee would then consider it and then make a report to the Finance Committee, which ultimately would wind up for the full approval by the full board.

TRELEVEN: Okay, so the Investments Committee does in effect go through the Finance Committee in submitting its . . .

HIGGS: Yes, I suppose, but the Finance Committee has no control over the . . .

TRELEVEN: Recommendations.

HIGGS: . . . investment policy.

TRELEVEN: Okay. Right.

HIGGS: I shouldn't say that. That's an overstatement. They had no definite control over matters that were purely within the province of the Investment Committee--what companies we should invest in. Of course, then it gets into the gray area when

we get into the South African deal. Everybody got into the act.

TRELEVEN: Yeah. Were you close enough to the Investments Committee to be able to really assess Simon's criticisms that the university--I think he stated at one point in the late sixties or early seventies--was losing \$5 million to \$6 million a year because of its conservative investment policy? I think it has to do with the mix of stocks, bonds, blue chips, and so on.

HIGGS: As I indicated a few minutes ago, that is not one of my fields of expertise, and so I went along with the recommendations of the Investments Committee, primarily because I had confidence in Phil Boyd, who was on it. Phil Boyd, Ed Carter, others, they were successes within their field. They knew a lot more about investments than I did or I do now.

TRELEVEN: Well, it seems like from start to finish Simon was critical. I think in his last meeting of the regents he . . .

HIGGS: Simon was very critical, and I disagreed with him on many things, but Norton Simon made a contribution merely by being critical. He made a

contribution that made people perhaps take a second thought about it. So a critic has a place. I'd hate to see all of the regents being of one mind about everything. It just would not be good.

TRELEVEN: A large proportion of regents' money comes to be spent for medical education and health sciences. I wanted you to give me a few of your thoughts on your experience with medical education, the health sciences, the cost of it, perhaps the cost-benefit of the university being involved in this in the first place. But maybe I'll just start with a question: what's the chief motivating factor for the University of California to be involved in medical education and health sciences?

HIGGS: There again I'm not and I don't pretend to be an expert in that field, but traditionally that has been one of the responsibilities of universities since time immemorial: Harvard Medical School, University of Heidelberg. It's been a recognized responsibility of higher education of universities. I have no quarrel with that at all. The quarrel--I don't believe anybody

quarrels with that--but the quarrel comes with the expense of it, the administration of it. What does a university do about service to those who otherwise are unable to have medical treatment. Supposing someone shows up at UCSD Hospital here in San Diego, an indigent. What's the responsibility of the hospital in that connection? What's the role of the university hospitals, teaching versus health care? Those are important problems. I was on one hospital committee, and that is when we negotiated the purchase of San Diego County Hospital by the university. Bill Wilson, Bob Reynolds, and I were on it. I've forgotten the actual details, but we had a . . .

TRELEVEN: Yeah, this came after there had been a lease arrangement up till then.

HIGGS: That is correct. That is correct. And we dealt pretty hard, as hard as we could. I can remember being with Roger Hedgecock, who was then chairman of the board of supervisors and Bates, [Congressman] Jim Bates, who was later a congressman. They both were on the board of supervisors. They dealt just as hard as they

could and tried to get as much money out of the university, as many conditions that were favorable to the county. And we dealt just as hard, particularly Bill Wilson. Bill Wilson was a very knowledgeable person in that respect. He took a great interest. So I can recall the problems that came up about malpractice claims. All of those were involved. Davis had considerable problems, so it was and is a headache, I'm sure. But it is an important one. I don't know what else you can do. Who else would establish medical schools?

TRELEVEN: In training physicians you have to have training facilities, and that I think in the case of San Diego led to the lease in the first place. Well, there's another option: that is to build a hospital.

HIGGS: That is correct. The talk was to build a hospital on the campus.

TRELEVEN: What happened to that?

HIGGS: Well, at that particular time it just seemed prudent to take over an already built facility which was in a location that could readily serve the population in the area and not spend the

money. I'm not sure in my own mind just when the Veterans [Administration] Hospital came in, but whenever that was, that was a great help to the University of California medical school. It offered a training facility.

TRELEVEN: Right.

HIGGS: The San Diego County Medical Services offers a training facility, and there again that's one of the problems. It's more expensive to run a hospital in connection with a medical school than it is to run a hospital just purely for patient treatment. But the university hospitals are not the only ones that had financial problems. Right today Scripps [Memorial] Hospital has got a massive fund-raising program going on. The community hospital at Chula Vista has a fund-raising problem. The Sharp Memorial Hospital has a fund-raising problem. It's expensive to run hospitals, let me tell you.

TRELEVEN: Yeah.

HIGGS: I tell you it's expensive for anyone who goes to a hospital, too. [Laughter]

[End Tape 5, Side B]

[Begin Tape 6, Side A]

TRELEVEN: Okay, we're back on. As one person explained the hospital expense problem, you just get a new portion of facility modernized with new equipment and then something new comes along. It just seems like there's a constant upgrading that is necessary because of technological advances.

HIGGS: I'm sure that's absolutely true. And the CAT [computerized axial tomography] scan, for instance, has been developed in recent years. The MRI [magnetic resonance imaging] has been developed in recent years. The many diagnostic and treating facilities or equipment have been developed, and believe me they are expensive. But if you're going to do the job, you have to have them. And one solution is--which is being partially put into effect certainly in San Diego County; I'm not sure whether the university is participating in it--is the joint use of these tremendous, expensive, facilities. Right now mergers are going on between Scripps Clinic and Scripps Memorial Hospital, between Sharp and Grossmont [Hospital], just to cut down the expense so they don't each individually have to have this terribly expensive equipment. I'm

against the expense, but I'm also in favor of the advance it makes in medical treatment.

TRELEVEN: Yeah. Getting back to the university facilities at Sacramento, at Davis, Los Angeles, San Francisco, San Diego, Irvine--ultimately, the regents established a Committee of Hospital Governance. Why was that necessary?

HIGGS: Because, well, just because it was necessary. There were so many problems involved. We've discussed some of them. Malpractice problems involved, cost problems involved, equipment problems involved, questions of what our obligation was--teaching school versus health care. Just a multitude of problems.

TRELEVEN: I take it it had to do with serious deficits the hospitals were running in some cases.

HIGGS: Sure, sure, right.

TRELEVEN: Meantime, in the legislature there's a lot of pressure. . . . Pressure's not quite the right word. There are a lot of legislators who are very interested in responding to their constituents by getting more doctors trained. And it seems that often the legislature would get impatient with the slowness with which this began

to unwind, first of all; and secondly, impatient with these kinds of administrative problems that would pop up in hospitals. Did the regents feel that kind of legislative pressure when it came to . . . ?

HIGGS: Not to my knowledge. Again, I want to go back to this a little bit. There again you had to take into consideration my own background. Medical science has grown by leaps and bounds since my dad was a country doctor in Idaho with no diagnostic facilities, no x-ray, no laboratory. He was a general practitioner. He had to be psychiatrist, orthopedist, the whole gamut of things. The medical knowledge became such that no one individual could do all those things, so the tendency was and is toward specialty. All of which contributes to the change in the expense, all of which are good, most of all of which are necessary. So things just change. They talk about turning out doctors. I have been hopeful that more doctors would be trained as general practitioners and go back to the communities as general practitioners. Then they could refer matters which were beyond their expertise to the

expert. I think the balance is wrong. I think there should be more general practitioners and fewer specialists.

TRELEVEN: Well, there was in the early seventies. In fact, legislative money provided to begin like a three-year residency for the new specialty of family practice, as they called it. Do you recall that?

HIGGS: Yes.

TRELEVEN: And that was an effort.

HIGGS: It was an effort. You know, here in San Diego County, down in the southeast San Diego, they don't need a specialist down there. What they really need is general practitioners to take care of the run of the mill--little kid that stubs his toe, and all that sort of thing. And that's not to downgrade the necessity of specialists.

TRELEVEN: Same thing true in law?

HIGGS: Yes, the same thing is true in law. Again, just as an example, I would no more touch a patent problem than I would brain surgery. I don't know anything about it. I would no more touch estate planning than I would touch criminal law. It takes special training. It's necessary.

TRELEVEN: So, you as a generalist would have some options

for a person to go to a specialist?

HIGGS: Well, this office is built around that sort of thing. We have specialists . . .

TRELEVEN: Ah, I see.

HIGGS: . . . in probate, specialists in estate planning, specialists in corporate [law], specialists in real estate, specialists in trial work, sure. But many of us have enough knowledge about a particular subject to refer the people to the right people, and if we don't have the right one in this office, we have no hesitancy to refer them out of the office. But specialties are good, but so are generalities--general practice.

TRELEVEN: Right. Well, whether it's a medical facility or another building on a university campus, I guess it goes from the ground up as they say. I noticed in the regents' minutes that there seemed to be a fair amount of discussion all the time about architects--about in some cases their design concepts, in some cases criticism of the building after it was finally put together. John Galbraith in his interview says people either love or hate the Pereira-built library at UCSD, for instance. What's your recollection of the

process by which architects were selected?

HIGGS: Well, I was on the Grounds and Buildings Committee early in my term as a regent. That responsibility was, in the first instance insofar as the regents are concerned, the responsibility of Grounds and Buildings.

TRELEVEN: Right.

HIGGS: The hiring of a particular architect would begin as I recall it with a recommendation from the chancellor of the particular facility. He would make a recommendation to the president. The president would make a recommendation to the Grounds and Buildings Committee. Grounds and Buildings Committee would take into consideration obviously the experience of the individual in the construction of the type of facility that was involved. Obviously, in building a hospital we would look for someone that had some experience in that area. We wouldn't hire a man that built dual-unit homes, one thing or another.

TRELEVEN: Yes, sure.

HIGGS: We'd look for someone who had experience in that area. Then we would advance to design. We would look to see whether the design fitted in with the

overall design of the particular campus, because the design on different campuses are different.

TRELEVEN: They sure are.

HIGGS: Some were more interested in design than others. Buff Chandler was very much interested and very knowledgable . . .

TRELEVEN: Yes.

HIGGS: . . . on that.

TRELEVEN: And quite critical at times.

HIGGS: That is correct. As a regent, what I would do, I would try to consider the various factors that were involved: knowledge, experience, recommendations. I'd lean pretty heavily on the recommendation of the chancellors. They knew what they wanted on their particular campus. So we would discuss it. It wasn't just a rubber-stamp job. They were selected on the basis of their ability to do the particular job.

TRELEVEN: Now, for each structure would architects give a presentation to Grounds and Buildings?

HIGGS: As I recall, yes.

TRELEVEN: They did?

HIGGS: Yes, as I recall. Yes. They'd bring drawings and all that sort of thing so we could see what

it's going to look like when it's built. Yes, I can't say for sure all, but certainly most of them.

TRELEVEN: How did you react to a fellow regent's criticism sometimes that, oh, it might be, Emmons and Jones are doing too much work at UCLA, or Pereira's doing too much work at Irvine, or [Charles] Luckman's [Luckman Associates] doing too much work at Santa Barbara, that we ought to spread out the work.

HIGGS: I reacted to that. I wanted to be sure that we weren't selecting architects just because of some person's favoritism towards a particular architect or architectural firm. I wanted somebody that was able to do the job. I never heard of anyone that was selected purely because of some relationship with some campus department or some university. Obviously, the chancellors had preferences. Obviously, I did. If a building was to be built on the San Diego campus, getting a San Diego architect versus a San Francisco architect, obviously, I'm going to start out with a view a little more favorable towards the San Diego man, because that's just

the way life is. But my vote wouldn't be solely on that basis. I was happy when Frank [W.] Hope, Jr., was appointed to the board of regents, because Frank Hope is an architect and a very good one. And he did go on the Grounds and Buildings Committee, as I understand it, and was chairman of Grounds and Buildings Committee. I think that's good to have somebody who really knows what the architecture's all about. The basic test applied was their qualification to do the job. Then there's design. There's a thousand different views as to how a building should be designed. Generally, I personally would take the recommendation of the architect and of the campus, because I felt they knew more about it than I did. On the other hand I'd listen to Buff Chandler. She had some valid criticisms, and many times I would accept her views on the thing. See, that's one advantage of the regents. Usually, you'll have some one or more people that are more knowledgable about architecture, investments, finances, educational policy, than others, and we listen to those people.

TRELEVEN: Well, which side of the fence are you on when it comes to the library at UCSD, or don't you care to say?

HIGGS: I was not involved at all in that. I know that Galbraith had some problems with Clark Kerr.

TRELEVEN: I mean the design of the library, excuse me.

HIGGS: You mean the design?

TRELEVEN: Yeah.

HIGGS: Sure, I think it's a beautiful design. I've read just recently that they're going to add to it among other things a tremendous underground parking lot, or parking and use of other. . . . Sure, I think it's unusual, but it certainly gives me no problem.

TRELEVEN: Okay, the building is designed. Then there's a whole mechanism by which people build the building from the ground up. At some point there appeared an initiative¹ on the ballot to force the University of California to use bidding procedures.

HIGGS: To use what?

TRELEVEN: Bidding. To bid out contracts. And I just

1. Proposition 4 (November 1976).

wondered if you could tell me what was behind that initiative.

HIGGS: Well, I suppose what was behind it is that a bidding process normally results in a lower cost. That must have been what was behind it. Then there was--and I can't remember the title of it--where a contractor was retained, only they'd have to make a bid, and I've forgotten the technical title that covered everything on it. I can't remember the title of the thing, but that was an effort to save money on the thing.

TRELEVEN: Yeah, I get the idea that the initiative came about through legislation,¹ and apparently that means to me that some legislators weren't happy about the way contracting work was being assigned within the University of California. That's what I make of that initiative.

HIGGS: I have no recollection of any legislative interference. That's not to say that there wasn't. Sure, the legislators also have to have in mind their constituents. They've got to try

1. S.C.A. 14, 1975-1976 Reg. Sess., Cal. Stat., r. ch. 35 (1976).

to please enough of them, and if there's enough pressure put upon a particular legislator he's going to introduce a bill on the thing, which is the way government is accomplished. Okay, I think we're getting to the end of the road.

TRELEVEN: This is the end of the road, the end of our three-day road.

HIGGS: Yes.

TRELEVEN: Let me say before I turn the recorder off that I thank you for all of your time up till now, and I hope you can make a little more time available in the not too distant future and we can continue and wrap up in some other areas that I'd like to discuss with you.

HIGGS: Fine. Well, I'd be happy to participate in it to the extent that my recollection enables me to do it, sure. If after we conclude you think there are other areas that should be covered, I will be happy to make myself available. I hope that both you and I have an opportunity to go over the transcript of what's been said. I don't intend to edit it at all, but undoubtedly there will be some errors, and we could make it more clear. I've seen too many of my own court transcripts

that do not exactly come out as I intended.

TRELEVEN: Right.

HIGGS: Sure.

TRELEVEN: Okay.

HIGGS: Well, I've enjoyed working with you, and again, all of this and the other people will sometime be used in some form or another. Some Ph.D. will be working on it. The thing I want to make clear is that in judging what was said and done by anybody you have to take into account the background of that particular individual.

TRELEVEN: That's right.

HIGGS: For example, I am by nature a conciliator. I am. I'd much rather have my clients settle a lawsuit on a favorable basis than I would to run down to court and litigate the thing. That's just my nature. And that was what I tried to do as a chairman of the board. I tried to keep the lid on.

TRELEVEN: So that was your guiding principle when you were on the board.

HIGGS: That's right. That's correct.

TRELEVEN: Well, it seems to have worked overall pretty well. But anyway, again, thank you for your time

today and for the last three days. I look forward to getting together again.

HIGGS: Okay, sir.

TRELEVEN: Okay.

[End Tape 6, Side A]

[Session 4, May 13, 1991]

[Begin Tape 7, Side A]

TRELEVEN: It's May 13, and I'm back with DeWitt Higgs in his law office in San Diego. I listened to the tapes we made before, and they all came out wonderfully--good, clear sound, and we're well into transcribing those right now. But after listening to them again, I had a couple follow-up questions. One is in regard to President Kerr, and I don't want to dwell on Kerr, but it was rather a momentous event when he received the vote of no confidence. You had indicated that you sensed a split amongst various regents over Kerr--some favorable towards, some others not. Can you tell me any more specifically the reasons that you heard or overheard of regents who were critical of Kerr? I mean, were the complaints over his philosophy or his management or his having problems with several campus chancellors or what?

HIGGS: I cannot be more specific than I have been. It was more a matter of sensing a lack of support. Speaking of that, I think that the university people have forever tried to put the blame on somebody else.

TRELEVEN: Yes.

HIGGS: As I explained before I get a little tired of people continually talking about how wrong it was that Clark Kerr was fired. In my opinion, it wasn't wrong at all. He just did not have the support of the board. I've been around the practice of law in corporations for a long period of time, and I know that no leader can be effective without the support of his board. I don't know why the university or people in the university keep coming back to that to try to put the blame on Reagan, and that's basically what they've been trying to do throughout the years. And it's just dead wrong in my opinion.

TRELEVEN: Well, in this project we're not only hearing that from you but from others, and we're getting evidence accumulated that the regents voted no confidence, not Ronald Reagan. That's coming up again and again. So what you said kind of

enforces that. What about support or lack of support from subordinates? In other words, you indicated that you knew a bit about Chancellor Galbraith's disagreement with Kerr over the UCSD library. Were you also aware when you became a regent of the really strained relationship between Franklin Murphy at UCLA and Kerr?

HIGGS: No, I was not. I was not aware before I became a regent or after I became a regent.

TRELEVEN: Okay, so in later '66 after you became a regent, you don't recall ever being told that Murphy was threatening to resign at UCLA?

HIGGS: No.

TRELEVEN: Yeah, okay. At another point in our April interview, you perceived that service on the regents in the seventies was "different times" than service in the sixties. Could you elaborate on what you meant by that phrase "different times in the seventies"?

HIGGS: Well, again I'm not sure what I've indicated previously. Say that again.

TRELEVEN: Well, that compared to service on the regents in the sixties, that in the seventies you said "different times." I imagine you were saying

that the times were different, and I don't know if you meant because international and national events were changing, that the business of the regents shifted, or what. That's what I'm looking for.

HIGGS: Well, in the sixties we had Vietnam, we had People's Park, we had Eldridge Cleaver, we had Angela Davis. We didn't have any of those in the seventies. It was a quieter time. The regents were then devoting their attention to the things that they should have. There was just not the turmoil in the university that there was during the sixties. Even before I was there, of course, purely hearsay and from reading, they had Mario Savio and that sort at Berkeley.

TRELEVEN: Yeah, and the Free Speech Movement, and the so-called "filthy speech movement," and so on. So in addition to that then the tuition battle had been sort of fought out, and that was taken care of.

HIGGS: I can't remember just exactly when the tuition matter was, but I was chairman of the special committee that investigated that and made a recommendation to the board. I can't recall now

whether that was in the sixties or the seventies.

TRELEVEN: That was in the late sixties.

HIGGS: Yes.

TRELEVEN: Right. Came up during Reagan's first year as governor, and then that was the context. Did you mean, too, that the business of the regents became a little more routine, routinized, or that in that . . . ?

HIGGS: Well, I can't say it became more routine, but we didn't have the disturbances that got all the publicity that we got from those things. So we went about our business doing our job as regents without so much attention from the media, or I guess from a public generally. It just was a quieter time.

TRELEVEN: Okay. Does that also mean that consensus was more easily obtained? That the board was not so badly "split"?

HIGGS: Well, always on the important issues there were differences of opinion. Up till the time that I was last on the regents they were legitimate differences of opinion. I can't remember having any difficulty or noticing any difficulty getting a consensus of opinion. Matters would come

before the board. Each of us would use our own judgment and take whatever stand our judgment told us to. Of course, each of us would try to prevail upon other people to agree with us. If that's what you meant by attaining a consensus, sure, that's true in any sort of an organization.

TRELEVEN: Last time you also said that after the first several years, Governor Reagan would attend regularly, but then it kind of tapered off. He didn't attend so regularly in succeeding years, the last several years of his administration. Did that make a difference in the tenor of the regents' meetings that he wasn't there?

HIGGS: No. No. Factually, when any governor is there it makes a difference.

TRELEVEN: Yeah.

HIGGS: Just factually. The few times that Pat Brown was there it made a difference. Here he is the governor. The same thing was true with Reagan. The same thing was true with Jerry Brown.

TRELEVEN: Then in Reagan's case, though, when he wasn't there, would he send Alex Sherriffs, his educational person in his place, or do you

recall?

HIGGS: I don't have any. . . . You mean Alex Sherriffs? Was that his name?

TRELEVEN: That was the name of Reagan's educational advisor.

HIGGS: Yes, I can't remember, although I'm sure he must have been, but I can't remember seeing him at a regents' meeting. Certainly he never spoke at a regents' meeting to the best of my knowledge.

TRELEVEN: Okay.

HIGGS: Now if the question is did Reagan continue to try to exercise an unreasonable control over the regents, the answer is absolutely no.

TRELEVEN: Right. Well, you seemed to indicate last time that the story of Reagan's exerting undue influence on the board was not accurate.

HIGGS: That's correct.

TRELEVEN: And you emphasize that.

HIGGS: Yes. That's the reason why I wonder why we're going back to it, because I stated it as strongly as I could. I don't think he was an enemy of the university.

TRELEVEN: Right.

HIGGS: I think he did his job as governor. I disagreed

with him in some cases and I agreed with him in some cases, just as I have with the other governors.

TRELEVEN: Okay. Finally, then, in terms of follow-up questions, we had looked at several aspects of what we could call the student rebellion and the faculty dissidence. And much of it really stemmed from the war in Vietnam and sentiments related to that. But how did you personally size up the Vietnam War?

HIGGS: Well, again you have to understand my background. My background is that in times of war I'm a strong supporter of the government. I did not go into at that time the question of whether we had any right to be there or not. We were there. We were there. Just like we have been in the Persian Gulf recently. I strongly supported our people in the Persian Gulf and also in Vietnam. Aftersight, we all know that surely a lot of mistakes were made, but I didn't see them then. I saw no reason why I should not have supported the government. I had a strong feeling that much of the nonsupport at that time came from students who didn't want to serve. And that

was my gut reaction.

TRELEVEN: Did you remain as strongly in support of the U.S. government through the years up through the bombing of Cambodia? That was [President Richard M.] Nixon, 1970.

HIGGS: Yes, yes. Along with everybody else I began to have some concerns about it.

TRELEVEN: Kind of mired down.

HIGGS: But I still supported the government. As a matter of fact, since that time I have become very well acquainted with Admiral [Ulysses S. Grant] Sharp.

TRELEVEN: Oh sure. U. S. Sharp I think his name is.

HIGGS: Yes. U. S. Sharp was CINCPAC [commander-in-chief, Pacific] during that period of time. I've talked with him, and he was very critical of Washington for not giving the military leave to go ahead and do what they should have done. As a matter of fact, he wrote a book about it.¹ So all of that for me is hindsight.

TRELEVEN: Yeah, sure. Well, I just raised it because

1. Sharp, Ulysses S. Grant. Strategy for Defeat: Vietnam in Retrospect. San Rafael: Presidio Press, 1978.

clearly if there was an issue on the campuses that resulted in turmoil it was the war.

HIGGS: Sure, it was an issue on the campus, and I think I said before I certainly had no objection to students or anyone else having a different view than I did. My objection was some of the faculty members closing their classes in order to allow protest. Protests were fine, but these students ought to have been in my opinion attending classes. I still feel that way.

TRELEVEN: Someone else I interviewed, another former regent, was quite critical also of the Academic Senate, that the Academic Senate was not tough enough on its own faculty members, on the students. How do you feel . . . ?

HIGGS: Well, I felt that the Academic Senate was not tough enough. I felt that probably they were supportive of those faculty members who as I've mentioned before closed their classes. I felt then and I feel now that that was wrong.

TRELEVEN: And that happened here at UCSD as well.

HIGGS: Yes, sure.

TRELEVEN: And you were not very happy with that.

HIGGS: No. No, I wasn't. Nor would I think any regent

would be. The job of the faculty in my opinion is pretty clear. They're there to do research work, to instruct the students, to teach, and to do public service. And I don't think closing your class in order to have a protest fits in any one of those.

TRELEVEN: Okay. Well, to move on today then I'd like to follow a list of subjects frequently discussed by you and other regents. I sent you a reorganized list since the last time we met. One major area, and I don't. . . . There's some kind of overlapping in these categories here. I think that some of them may overlap into others, but if you'll forgive me for those little blunders, if they are. One thing relating to planning is the Coordinating Council for Higher Education. I know that you represented the university. You were one representative in '68 and '69 to the CCHE. Tell me a little about that experience on the Coordinating Committee.

HIGGS: Well, I have no recollection other than the regents who were appointed to attend those meetings and to represent the regents did their job with whatever came up. I don't recall any

antagonism between the Coordinating Council. As a matter of fact, Roger Pettitt, who was an alumni regent, was later on the Coordinating Council and a very strong member. I can't recall any conflict on that.

TRELEVEN: But you actually went to the meetings '68-'69.

HIGGS: Yes, yes, yes, I went. See, I can't specifically tell you any particular incident, but we went to the meetings and we voiced whatever views we had on whatever matter was under discussion. Yes, it was a good relationship.

TRELEVEN: Right. Just overall how do you feel about the CCHE, or, as it later became, the Council for Postsecondary Education?¹ How did you feel it worked as a coordinating device for higher education?

HIGGS: Well, I felt they had a job to do and they were doing it to the best of their ability. I can't recall at this moment their having done anything that brought any protest from the regents. We disagreed on some things. We'd make our views

1. A.B. 770, 1973-1974 Reg. Sess., Cal. Stat., ch. 1187 (1973).

known. Sure, I think that the Coordinating Council for Postsecondary Education is a good arm of education in California.

TRELEVEN: Well, the whole thing evolved back before you were a regent, and the state colleges were building campuses like mad and the university. And it was like everyone was. . . . That led up to the Donahoe Higher Education Act¹ and setting up the CCHE to try and coordinate this to preserve the scarce resources, as I understand it.

HIGGS: Sure, sure. But what you've said of course is true. When you've got competing groups you've got to have some independent body that helps to resolve the differences between them--between the state colleges, the university, the community colleges, and all that, sure. You know, education--I'm sure you know even better than I do--education is a pretty big subject in California and has been for a long period of time.

TRELEVEN: That's right.

1. S.B. 33, 1960 Reg. Sess., Cal Stat., ch. 49.

HIGGS: Yes.

TRELEVEN: And this body it seems to me was designed to foreplan growth and make use of scarce resources and all of that. In '69 there was a report prepared called "Meeting the Enrollment Demand for Public Higher Education in California Through 1977 [The Need for Additional Colleges and University Campuses--A staff report to the Council for presentation of February 3-4, 1969]." And under the section dealing with the University of California campuses, of course, the issue of another campus was always kind of in the background. But there were some recommendations made: one for instance, greater use of existing facilities by scheduling classes in evening hours and on Saturdays; greater utilization of the summer term under year-round operations than is presently planned; increasing annual growth and present planned maximum enrollment ceilings where physical site permits and cost and benefits warrant; and continuing present redirection policies. And by redirection they mean if a student applies to UCLA and it's full, that the student would be redirected to Irvine or

Riverside--that kind of thing. But it seemed that in terms of year-round operations and evenings and Saturdays that that always seemed to be an obstacle--something to which there was a great amount of resistance from faculty. Do you recall these kinds of proposals?

HIGGS: Sure. Generally, yes.

TRELEVEN: And I take it they were made as options to continuing to build. In other words, making more efficient use of your existing physical plant.

HIGGS: Sure, what you're talking about now and what was talked about is a greater use, more efficient use of support monies available. Of course, that was part of the job of the postsecondary education, part of the job of the regents. The faculty did oppose year-round operations, as I recall it, and some of their objections had some merit.

TRELEVEN: Okay, again this is '69 and San Joaquin Valley. We hear talk about it again in 1991. But the recommendation of the council was, "The regents of the University of California and the trustees of California State Colleges are advised that approval by the council of any proposal for specialized university programs in the central

San Joaquin Valley in the health sciences and in graduate study and agriculture, or for joint university-state college participation is premature." Do you recall this?

HIGGS: I don't recall that at all. You have to remember that what you're talking about is a good many years ago.

TRELEVEN: No, I understand that.

HIGGS: A lot of water has gone under the bridge since then. In addition to being a regent then, afterwards I carried on an active law practice, so many of these details I cannot recall.

TRELEVEN: Well, I'll probably be bringing up a few more things you don't recall. And I think you said when we met the first time that if you remember, fine, if you don't remember you'll tell me you don't remember. If you're patient with me. . . .
Oh, we're going to pause.

[Interruption]

Okay, we're back on. We were looking at a boat coming into the harbor. It's a terrific view.

In terms of planning, one area of planning relates to library operations. Do you have any recall of the special problems that libraries had

in the budget?

HIGGS: I do recall there were some problems between Galbraith and Clark Kerr about the local library. My recollection is now, and it may not be accurate, that there was some feeling on somebody's part that the library at UCLA would be sufficient for UCSD. I don't recall all the details. There was a strong feeling on the part of Galbraith that UCSD should have a very fine library of its own. I don't recall all the details, but I do know that there was that problem.

TRELEVEN: Yeah, Galbraith, who had of course taught at UCLA
. . .

HIGGS: Yes.

TRELEVEN: . . . previously. But you mentioned UCLA, UCSD. The issue was raised of possibly resource sharing, that there could be a system devised where exchanges could be made and loans and things like that. It never worked out too well. Were you involved in any of that in terms of . . . ?

HIGGS: No, not at all. I was not involved.

TRELEVEN: And I'm asking specifically, because I think

libraries probably fall under Educational Policy.

HIGGS: No, I was not involved. Although I was, as your record will show, a member of the Educational Policy Committee for quite a long period of time.

TRELEVEN: That's right.

HIGGS: Yes.

TRELEVEN: Which I want to talk about.

HIGGS: But I don't recall that specifically.

TRELEVEN: Okay. In this area of planning are there any general comments you would like to make about the effectiveness of planning, planned growth for the university during the time you served as a regent?

HIGGS: Well, you must realize planning initially was in the province of the president and of the chancellors.

TRELEVEN: Yes.

HIGGS: The regents didn't sit down and start planning what buildings were going to be built on what campus. Those things were the jobs of the president and the chancellors. The regents would then act upon the recommendations that were made. Some of them we would turn down. Most of them we would accept, because they generally were

pretty well put together. Now, an individual regent would have no idea as to what the future number of students might be. That information had to come from people who had studied it and knew. So unless there was something, and there was upon occasion some question about whether a building was needed or what sort of building, the questions were asked. Again, those are matters that the regents would act upon the recommendation of the chancellors and of the president. We had no way of making independent studies.

TRELEVEN: No, I understand that. Out of the president's office did come, well, periodically medical education plan for the next decade and the planned growth for the entire university system broken down by campuses.

HIGGS: Yes.

TRELEVEN: What you're saying is that would be prepared and then run through the regents, I suppose, beginning with Educational Policy Committee.

HIGGS: Surely, and the regents would have been misadvised to, as a policy, second-guess the chancellors and second-guess the president. See,

you've got to remember that we had some very good presidents and some very good chancellors, and they did their job conscientiously. Their job was to report to us. We didn't rubber-stamp everything they did. But generally, we listened pretty carefully to whatever advice they had as to whether or not a medical school should be established in San Diego or Davis. They gave us considerable material that supported their recommendation, in addition to the fact that just common sense indicated the need for more medical facilities, more medical schools. The population was growing.

TRELEVEN: Right.

HIGGS: The people in San Diego very strongly supported a medical school there, and rightly so.

TRELEVEN: There would be squawking from some legislators that for all the money we're beginning to dump into medical education, we're not getting results fast enough. Do you recall being approached with a complaint like that?

HIGGS: I know that there was squawking from some legislators. I don't recall personally being approached or I don't recall anyone coming before

the board to protest the additional medical facilities. Sure, the legislators too had to establish some sort of priorities. They were dealing with people's money. What they were trying to do, if they opposed it, were, in their opinion, putting the monies that were available to the best possible use. So that didn't bother me. I have no recollection of being unhappy with the legislature about that.

TRELEVEN: Well, it is a great investment in resources, buildings, equipping the facilities, beginning to phase in residents in various specialties, and it does take an enormous initial investment before something begins to happen in terms of a doctor opening up an office.

HIGGS: Yes.

TRELEVEN: So I think there was often a perception that it wasn't happening fast enough, but it takes time to build a program like that.

HIGGS: As I recall, throughout the period of time there was a perception on the part of some people that it wasn't happening fast enough, and there was the perception on the part of other people that it was happening too fast, and there was the

perception on some other people that it shouldn't happen at all.

TRELEVEN: Okay. Turning to finances, I know that you served occasionally on the Audit Committee, but rather seldom according to the record.

HIGGS: Yes.

TRELEVEN: The auditors consistently were a firm by the name of Haskins and Sells. That's what I pick up from the regents' minutes. So I guess they would be called the external auditor, is that right?

HIGGS: I believe that's the correct term.

TRELEVEN: And the process would be what? They would do their audit and submit it, and then if you were a member of the Audit Committee of the regents you would do what?

HIGGS: Well, let's go back. In the first place, see, the Audit Committee would make a recommendation to the regents as a whole as to what firm should be hired as external auditor. And at one time I recall there was a question of why should Haskins and Sells, or whatever the name was at that particular time, why should they continue? Why don't we give somebody else an opportunity? That was pretty vigorously discussed on the Audit

Committee. My recollection is that I was on the committee at that particular time and that the decision was finally made that unless there's some reason, why make a change? They're familiar with our operations. They've done a good job. There was no question about that. There was no question about their ability. They gave the university some breaks, as I recall it, on their hourly rates, whatever they were charging. They had people appear before the regents, before the Audit Committee and discuss their audits in some detail. They did a good job in my opinion. The vote as I recall was to continue with them, and I believe they're still . . .

TRELEVEN: You're right. The name of the firm has changed slightly.

HIGGS: Yes.

TRELEVEN: But I think they're still doing it in 1991, the auditing work for the university.

HIGGS: Then, of course, you know the internal audit, we didn't depend entirely on the internal or the external audit. We had both of them. The treasurer's office. So there were internal audits as well as the Haskins and Sells. So I

think we were pretty well advised.

TRELEVEN: So the internal audits were taken care of within the treasurer's office? That's where the internal audit would take place?

HIGGS: Yes, as I recall, within the treasurer's office, yes.

TRELEVEN: That's kind of a cross-check mechanism.

HIGGS: Well, actually the external audit was a cross-check on the internal.

TRELEVEN: Yeah, right. Last time you gave me a good explanation of what happens with the regents' budget and going to the governor, the legislature. You also indicated that you were not very often on the Finance Committee, that there were others who you felt were maybe stronger in that area. The question is who were the influential people when it came to Finance Committee?

HIGGS: Well, my recollection is certainly Ed Carter.

TRELEVEN: Yeah.

HIGGS: He was a very strong influence, very knowledgeable. Phil Boyd. Norton Simon, although he disagreed sometimes. He was a knowledgeable person. But I guess I would have to say without

going over the list of who did serve that at the moment at least Ed Carter stands out as the outstanding member of the Finance Committee.

TRELEVEN: Finance is the most powerful committee, influential committee on the board of regents, would you say? Or what would you say about it?

HIGGS: You know, that's a pretty hard thing to say. Within its area it was. But within Ed Policy, the Educational Policy was the strongest one. So it was an extremely important committee, because finance was an extremely important issue. Yes. Yes.

TRELEVEN: Would regents like you sort of vie for one committee assignment or another? You know, actively pursue service on a certain committee?

HIGGS: Well, the answer is yes. Beyond that, the answer was generally to have regents on committees that they had some particular expertise in and some interest in. As an example of that, after I was off the regents, Frank Hope from San Diego was a regent. He's an architect. He was immediately appointed on the Grounds and Buildings Committee. That was a good and a logical appointment. Who would know better about those

things? Generally speaking the appointments were made on the basis of the people's interest, on the basis of their knowledge of a particular subject. And sure, if someone wanted to be on a particular committee, he or she would make that known, and that desire would be considered.

TRELEVEN: And I take it you let it be known a few times that you preferred Educational Policy?

HIGGS: Yes, yes, that's true, because I thought it was a very important committee. I thought I perhaps would make a better member of that than I would have on the Investments Committee. I had an interest in it, a very, very strong interest in educational policy. I had less interest or knowledge about the work of the Investments Committee.

TRELEVEN: Yeah.

HIGGS: Yes, so there again, no regent comes on with any particular desire to be on a particular committee. After he's on for a while he begins to understand the work of it. As a matter of fact, the first committee that I was on was Grounds and Buildings.

TRELEVEN: Right.

HIGGS: And I was asked what committee, and I thought, "Well, maybe that's a pretty good place to start learning why we're building all these Taj Mahals." [Laughter]

TRELEVEN: What do you mean by that, Taj Mahals? [Laughter]

HIGGS: It was a learning experience for me.

TRELEVEN: Kind of a pun--you learn from the ground up.

HIGGS: Right.

[End Tape 7, Side A]

[Begin Tape 7, Side B]

TRELEVEN: Okay, we're back on side two. Another area I wanted to ask you about was bonds and bonding initiatives. There were periodically these measures on the ballot in part to support construction of university buildings. What are the pros and cons of taking that route in financing new construction?

HIGGS: Well, I suppose you can ask the same question about roads. It's one method of obtaining necessary funds. Whether it's by way of bonds or by way of taxes, the money all comes out of the same pocket. And bonds are a good way of raising money.

TRELEVEN: In more recent times the question has been

raised, well, how much do we indebt our grandchildren with bonding initiatives?

HIGGS: It's a very good question on every level of government, on every level of government. I personally, by reason of family training, I shy away from debt. I believe that a person ought to spend what his income is and not beyond his income. The only debt that I can remember was when my wife and I bought our first home and we took a trust deed. Sure, that's a real good question. I wish someone knew the answer to it. The budget has got to get back to be balanced somewhere along the line or we're going to just drown in debt.

TRELEVEN: But during the time you were a regent without that avenue, the university . . .

HIGGS: . . . would not have been able to furnish, build, or do some of the things that they did.

TRELEVEN: There was state bonding combined. I think especially for medicine there were federal programs that were providing construction funds and so on and so forth.

HIGGS: Yes, yes.

TRELEVEN: We touched last time on the investment of monies

by the regents. Again, you indicated that you kind of left this in the hands of regents who were more familiar with . . .

HIGGS: Yes, I generally accepted their advice. Again, there were some very strong differences of opinion as to our investments in [South] Africa.

TRELEVEN: Yes, which you talked about.

HIGGS: Yes, the direct answer is that was within the province of the Investments Committee.

TRELEVEN: I honestly can't recall if you named some people last time who were particularly. . . . I think you did. I think you talked a little about Dean Watkins and maybe Bob Reynolds.

HIGGS: Dean Watkins, Bob Reynolds, Ed Carter again.

TRELEVEN: Yeah.

HIGGS: Phil Boyd again. They were very knowledgeable in the area of investments.

TRELEVEN: Another thing possibly related to finance I want to ask you is that in '78, of course, the Howard Jarvis initiative Prop. 13 passed, the tax limitation initiative at the local level.¹ But it did have an impact on state revenues as

1. Proposition 13 (June 1978).

well. What impact did it have on the university that you remember?

HIGGS: I can't tell you specifically or even generally what impact it had. Money was tight of course by reason of that, but I can't tell you what specific impact it had.

TRELEVEN: Do you remember how you personally felt about Prop. 13?

HIGGS: Yes, I was in favor of it.

TRELEVEN: In favor of it. Why were you in favor of it?

HIGGS: Because I thought it was a good measure and that there should be some control, some limit upon the ability of the taxing authorities to tax.

TRELEVEN: And has it worked?

HIGGS: Generally, yes, I think it has. Generally, yes.

TRELEVEN: Well, you said you didn't know if it had any impact on the university. By that what I'm getting at is the available pool of money at the state level, and it's got to be parcelled . . .

HIGGS: Well, I'm sure that it had some available. I'm sure that it had some available. I can't specifically tell you what effect it had.

TRELEVEN: Okay, moving on to an area called policy, and

what I mean by this is regents' policy. In early '69 the regents passed a tough resolution calling for the immediate suspension of any student involved in violence. The regents passed that measure. You voted in favor of it with the majority. What are the reasons it was needed?

HIGGS: Is there any reason to be to be in favor of violence? [Laughter]

TRELEVEN: Okay, let me. . . . Bad question. Why was it needed at that time?

HIGGS: Well, I can't remember any specific incident, but there was violence on the campuses. There were laws being broken. As I recall it President Hitch recommended and got adopted a. . . . I'm trying to say whether it was a rule or a policy that students should not engage in unlawful activity. I have absolutely no difficulty in accepting the right of students or anybody else to meet to discuss things. I do have a strong objection to their doing that by way of violence. It's just not the way in my opinion that things should be accomplished.

TRELEVEN: Right. This was established during the time you were chair. I also noticed in 1969 the

legislature passed no less than three bills relating to student unrest and demonstrations on campuses.¹ Did the regents feel pressure from the legislature to enact this policy?

HIGGS: No.

TRELEVEN: No.

HIGGS: No. Absolutely not. Specifically, some incidents: at one time at UCLA at a meeting there the regents attempted to prevent. . . . I mean, the students attempted to prevent the regents from leaving the hall by barring the way.

TRELEVEN: Yes, I think you were in the Faculty Center.

HIGGS: Yes, that is correct.

TRELEVEN: And the students were pounding on the roof and other things.

HIGGS: Another time I believe it was at Santa Cruz or Santa Barbara (I think Santa Cruz), the students in protesting laid down in front of the governor's car. All of that didn't sit too well

1. A.B. 534, 1969 Reg. Sess., Cal. Stat., ch. 1424; A.B. 1286, 1969 Reg. Sess., Cal. Stat., ch. 1427; S.B. 496, 1969 Reg. Sess., Cal. Stat., ch. 1122; S.C.R. 25, 1969 Reg. Sess., Cal. Stat., ch. 309.

with me as a regent. I understand that from time immemorial universities have never really been places of tranquility. That's just in the nature of the beast. But when violence is used, then I'm against it.

TRELEVEN: Yeah. So this policy was not because of pressure or intimidation by the legislature.

HIGGS: No.

TRELEVEN: This is a policy so that you can let your president know that here's the policy and here's what we regents are saying.

HIGGS: Here's what we honestly thought about it.

TRELEVEN: Okay. Here's what we want you to do.

HIGGS: You talk about pressure. Regents as regents in spite of what. . . . We didn't react to anybody's pressure. We didn't. We took note of what other people thought, of what other groups thought. But pressure, we just didn't react to it. I think I mentioned before that regents before very long begin to realize that they're trustees.

TRELEVEN: Yes, we talked about that.

HIGGS: And that was their job. A trustee doesn't react to pressure. But I personally had no feeling of pressure from the legislature. I was on a first-

name basis with a good many of the legislators from San Diego County. I don't remember any of them attempting to put any pressure on me.

TRELEVEN: Okay, but when we get to this next area called closed sessions it seemed that there was such a problem with finding the criteria for holding it, ultimately, the legislature had to pass legislation including the regents to say here's when you can have closed sessions, here's when you can have open sessions.¹ Isn't legislation like that a form of pressure?

HIGGS: The only legislation I can remember is the Brown Act.²

TRELEVEN: That's right.

HIGGS: I did not feel that that was pressure. I thought that the executive sessions were entirely proper and I can't remember anything, any executive session that discussed anything that was not proper at an executive session. I'm sure you know executive sessions cover investment matters, cover litigation.

1. A.B. 3362, 1983-1984 Reg. Sess., Cal Stat., ch. 959 (1984).

2. A.B. 339, 1953 Reg. Sess., Cal Stat., ch. 1588.

TRELEVEN: Right.

HIGGS: They cover personnel matters, all of which are properly discussed. Property matters--the purchase of property and the price of it--were properly considered in executive sessions. As a matter of fact, there's a direct bylaw of the university on executive sessions.

TRELEVEN: Yeah, let me pause. I'll pause here for a minute.

[Interruption]

HIGGS: Any heat being put on? [Laughter]

TRELEVEN: Okay, we paused for a minute and you found the bylaw, the regents' bylaw. And I found a piece of legislation, well, Chapter 1284, Statutes of 1980, which addressed open and closed sessions. I'm always wondering about the push and pull of these things and which comes first. Does the legislation occur because the majority of the legislature feels there is a need to specify this to the regents, or is it simply codifying something that hasn't been clear in the past and should be made clear?

HIGGS: I don't know. I have nothing that enables me to look in the mind of the legislature.

TRELEVEN: Okay. Another policy area has to do with honorary degrees which does not seem like a terribly earthshaking matter, but the minutes seem to indicate that this was discussed again and again and again, and finally there was a moratorium placed on honorary degrees in 1972. What can you tell me about the background of that business?

HIGGS: I have some information on it here somewhere.

TRELEVEN: Let me pause again.

[Interruption]

HIGGS: I remember this discussion and I remember that there was some complaint or observation from the president that there had been communications of faculty members in disagreement, so the moratorium was adopted to better clarify who and when and how the recipients should be selected.

TRELEVEN: Did it get clarified in subsequent years that you recall, at least while you were a member of the board?

HIGGS: My recollection is that it was, but I can't tell you the details. It was people who really had done something worthwhile. It wasn't to be used in payment of some donation.

TRELEVEN: Ah, like a big donor to the university.

HIGGS: Yes, that was not the purpose of it at all.

TRELEVEN: So it's a distinguished accomplishment . . .

HIGGS: Exactly. That is correct.

TRELEVEN: . . . in a certain field or area.

HIGGS: Yes. I remember [United States] Senator [Daniel P.] Moynihan was given an honorary degree while I was on the board of regents and . . .

TRELEVEN: You mean [Robert T.] Bob Monagan?

HIGGS: No, no. He's a senator from New York.

TRELEVEN: Oh, Moynihan? Daniel Moynihan.

HIGGS: Yes, Moynihan, yes, yes. He received one. And certainly his record justified it.

TRELEVEN: Would this get somewhat political, though, I mean in terms of a particular name? Say somebody is nominated and he's a staunch Republican, would that cause a discussion amongst the regents?

HIGGS: No. No.

TRELEVEN: So it wasn't a . . .

HIGGS: It was not a political matter.

TRELEVEN: It wasn't a partisan political issue.

HIGGS: No, it was not.

TRELEVEN: Okay. It had more to do with whether someone had a distinguished accomplishment as opposed to

being maybe a big donor of money.

HIGGS: It was someone who had a distinguished record.

TRELEVEN: Yeah, okay. There was also an issue from time to time about. . . . Issue is not the right word. It seemed to be a bit of a problem from time to time in the namings of buildings and rooms and laboratories. What do you recall about that?

HIGGS: Well, again, I recall there's a specific bylaw or other action of the regents which pretty well clarifies that. I'm sure you had it before, but there was a specific bylaw.

TRELEVEN: Well, here's regents' minutes January 18, and you'll get a charge out of reading this because look whose name is there. [Laughter] And that presents at that time up to your leaving the regents I think the last amendment on the issue.

HIGGS: Hard to remember that, but I can . . .

TRELEVEN: Okay, let me pause again.

[Interruption]

Okay, we're back on.

HIGGS: Somewhere along the way I have a recollection that some action was taken in one form or another that buildings should not be named until the death of certain members. I don't know whether

that was during the lifetime of faculty members I think. But buildings, I'm not sure whether the provision was that they should be named after donors or not. I'm just not sure.

TRELEVEN: Okay. And there seemed to be some issue about whether it's a major building versus a street or a road or something.

HIGGS: You know that sort of thing to me now is just minutia. You know?

TRELEVEN: It sure took up a lot of time at some of those meetings.

HIGGS: Well, I know it, but it's stuff that would not make any particular impression that would last some twenty years on my mind. It was routine business.

TRELEVEN: Yeah. Well, in part I'm asking about these because it has something to do with incidents.

HIGGS: Yes.

TRELEVEN: Incidents that tend to be on the agenda. We talked a little a minute ago about the whole plan for maybe year-round system, and then semester versus quarter system. Again, there seemed to be a fair amount of resistance to this, especially amongst faculty. But your position on moving

towards a year-round campus was what?

HIGGS: Well, my position in my recollection is that I would have been in favor of it. I would have been in favor of it unless the faculty was able to point out to me some compelling reason why it would not be effective as an educational tool.

TRELEVEN: Do you recall at all addressing that in terms of UCSD?

HIGGS: No, no, no, no. No, I do not.

TRELEVEN: We talked last time about the laboratories. I think you made your point clear. I don't think we need to return to that. The only question I would ask you though is why did the name of the committee get changed from Special Research Projects to the Committee on Oversight of the Department of Energy Laboratories?

HIGGS: Well, I can only dig into my memory as to why I would have been in favor of it. It was truly an oversight. I mean, that was our job. Oversight from the standpoint of the regents to see that things were being done that the regents had some obligation or some right to do. I think I mentioned earlier how strongly I was in favor of the labs because I thought they were a public

service. And if that's one of the missions of the university, I can't imagine a greater public service than assisting in the defense of this country.

TRELEVEN: Right, which you made very clear last time.

Another policy has to do with fraternities and sororities. The policy states that they must practice nondiscriminatory procedures. How come the regents can tell fraternities and sororities what to do?

HIGGS: It's a pretty broad question.

TRELEVEN: Yeah, it's not a very good question, either.

[Laughter] But they are a separate organization. They belong to a national. . . . They are chapters of national organizations that are . . .

HIGGS: Well, I don't have any problem that that would be a part of governance of the university, just as whether there should or should not be fraternities upon the campus. I think that's part of the job of governance of the university. The fact that they adopted something against discrimination, that didn't offend me at all. I'm all against discrimination in any form,

so it doesn't bother me that we adopted such a resolution or whatever it was.

TRELEVEN: Well, I think one or more more fraternities or sororities, the rub came because they had national charters, and many of these were originally chartered in southern states.

HIGGS: I suppose that's true.

TRELEVEN: Sort of caught them in a . . . Do you have any feelings about fraternities and sororities?

HIGGS: I'm in favor of them. If a group wants to get together, I'd be all in favor of them.

TRELEVEN: Yeah.

HIGGS: I see no problem with fraternities and sororities as such.

TRELEVEN: Okay. The regents by '76 had to create a policy on the administration and use of a patent fund. Now, why did that come up at that particular time?

HIGGS: Well, as I recall it certain members of the university community would obtain a patent. And the work that was done to obtain that patent was done on university time. As I recall it there were agreements where the university would share in some of the proceeds of that patent. And you

say, why did it come about? I suppose it came about in the sense of entitlement.

TRELEVEN: Well, I meant at that particular point in time.

HIGGS: I don't remember any particular patent that brought it about.

TRELEVEN: Yeah. And patent policy, well, I guess General Counsel [Thomas P.] Cunningham was still there, so through his office. But would that go to Educational Policy then?

HIGGS: I think that would go probably to Finance.

TRELEVEN: Sure, it involves money.

HIGGS: Yes.

TRELEVEN: That makes sense, right. Moving on, the regents-- I don't know if this is policy or not--set up a Campus Visits Program, and this was during your chairmanship. What was behind that?

HIGGS: Well, I was very much in favor of it. There was a feeling on the part of some campuses and some people that the regents did not really know what was going on at particular campuses. The campuses never had an opportunity to express to the regents their views. That was the purpose of it: to appear on each campus to give the campus an opportunity to discuss matters with us; to

give us an opportunity to see what was on the campus--the buildings we were talking about, the buildings that were in the process of being approved or disapproved--see what property was perhaps going to be purchased; to give us an opportunity to talk with the students. All those things were very good reasons in my opinion for adopting that sort of a policy. But as a practical matter it didn't work out. And the reason it didn't work out is that we were so busy with overall university matters that the meetings were devoted to overall university matters, and the particular campus didn't have sufficient opportunity, let me say, to present the matters that they felt should be discussed at the meeting. We just were promising more than we could give.

TRELEVEN: Well, let me get this straight though. The regents would meet once a month, of course, except for two months of the year.

HIGGS: A couple of months, yes.

TRELEVEN: Was the Visits Program part of the regents' meetings schedule or was it independent of that?

HIGGS: It was part of the regents' meeting, scheduled

regents' meeting. And that was the reason why it wasn't effective, because we had all of these other matters that we had to take care of.

TRELEVEN: Okay.

HIGGS: Now before I leave that, there was encouragement of the individual regents to visit the campuses.

TRELEVEN: On their own?

HIGGS: On their own. Many of us did. That gave us an opportunity where we weren't bogged down with the university as a whole business to devote more attention to the particular matters involving that campus. Many of the regents did that on their own and informally.

TRELEVEN: I know last time you mentioned going to UCSD. Did you also go to other campuses?

HIGGS: Yes, yes, indeed I did. Indeed I did.

TRELEVEN: And what would you do when you got there?

HIGGS: I would go to the university campus. Usually, I would make a report to the commanding officer, to the chancellor so he would know that I was on the campus.

TRELEVEN: Right.

HIGGS: I would talk with the chancellor. I would have let him know in advance that I was coming, and he

generally would arrange meetings of faculty members, Academic Senate or faculty members, just an informal meeting. I would ask for an opportunity to discuss matters with the students. I'd make myself available to discuss matters with the students. It just gave me a lot of what I considered useful information.

TRELEVEN: So in addition to San Diego you went to . . .

HIGGS: I can remember spending quite a lot of time at the San Francisco campus, the medical school. I became very, very close friends with Chancellor Sooy. He was very patient with me, and I think I learned a lot. I went to Santa Barbara on more than one occasion. I went to Santa Cruz. I don't remember specifically going to UCLA or Berkeley, because we were on those campuses more often than we were on the others [for Regents' meetings]. I remember going to Davis and how impressed I was with Davis, the whole setup, the location, the attitude of the students. I was very much impressed by that.

TRELEVEN: We talked a bit last time about conflict of interest, and this has to do with financial disclosure, which gets formalized with

Proposition 9 in June of '74.

HIGGS: Yes.

TRELEVEN: Why again was that necessary in terms of covering the regents?

HIGGS: Because I would assume that some politician thought so.

TRELEVEN: [Laughter] Good answer.

HIGGS: I know I and certainly every lawyer on it and others too were keenly aware of the possibilities of conflicts of interest. Specifically, I at one time was the director and an officer of F. E. Young Construction Company.

TRELEVEN: Yeah, I think you mentioned that.

HIGGS: F. E. Young Construction Company was sold out. I no longer had anything to do with it except the new one was still paying off. Any matter involving F. E. Young Construction Company that came before, I wouldn't touch it with a ten-foot pole. Anyway, most lawyers realize that financial disclosure, that seemed reasonable to me. If I was a stockholder in a corporation and the corporation's doing business with the university, that certainly presented the possibility of a conflict of interest. I had no

objection to it except the publication, the availability to the general public of what I had. Fortunately, I didn't have enough so that wasn't a major concession with me, but it was with some who are concerned. It was with some of the regents. Yes. Sure. The thought occurred to everybody: okay, Regent Jones passes on. Some con artist can look at those and know what his wife has. And it was a worry.

TRELEVEN: Beginning about 1970 and on into the later seventies, there seemed to be attention paid by the regents to getting the word out or making a case for the educational and economic effectiveness of the university. In another case, university service to state government. How do I interpret this? Is this the beginning of kind of a positive public relations effort to convince the public however defined that the university is important? What's going on?

HIGGS: Yes, I think that's the proper characterization of it. The university was criticized by a good many people for building (a phrase I use) Taj Mahals. A good many people questioned the effectiveness of the university on the

economics. Sure, there was PR behind it. The university was dependent to a large extent upon the goodwill of the people of the state, and there was an effort to let them know why we deserved that.

TRELEVEN: And the economic importance of the university to private as well as public sectors.

HIGGS: Well, to me, sir, there can be nothing of more economic importance than turning out well-trained people who will contribute to that economy. And that's what the university does.

TRELEVEN: And that's the kind of word that had to get out.

HIGGS: Yes.

TRELEVEN: Through programs like that. Another area which has to do with policy is housing students, which means the university runs residence halls for not only undergraduates but other kinds of housing for graduate students. Were you much connected with that aspect of . . . ?

HIGGS: Not too much, although I can tell you that's certainly an important responsibility of the university. Right to this day I have friends who want to send--and I have one particular in mind--a daughter who's never been away from home to

UCSD. And he wanted to be sure that she was getting in a dormitory that was operated by UC rather than living in an apartment off of it. So, sure, I think that for kids away from home for the first time it's very good to live in that sort of thing.

TRELEVEN: Well, I think at one time there was--and I think it stems back to your early years as a regent, and even before that--the ideal I think on the smaller campuses that 50 percent of the students would be housed.

HIGGS: I don't remember the specific figure, but that's entirely probable.

TRELEVEN: And 25 percent at the larger. Maybe it's the reverse. I can't quite remember. But that really evolves into a rather enormous operation, that whole housing system.

HIGGS: And I'm sure that it was not possible. I'm sure it's not possible now.

TRELEVEN: I don't know where we are right now.

HIGGS: You see--and again I get back to this, because it seems important to me--a mother and a father who are sending their child away for the first time hope that the university will have some

supervision over the conduct and living of that daughter. I realize that the university people say they can't take the place of parents, that that's not their job.

TRELEVEN: Now you're talking about in loco parentis.

HIGGS: Yes, yes, yes, yes. But it's important to the parents. So.

TRELEVEN: Okay. We looked a little last time at the medical schools, and there's this whole area of affiliation agreements with county hospitals. I think we touched on that a little bit. And you mentioned Dean Watkins I think as one who was on the hospital governance committee.

HIGGS: And Bill Wilson.

TRELEVEN: Bill Wilson. In fact, I meant to say Bill Wilson. As a case in point though, here in San Diego County during the leasing arrangement with the county when the medical school first started, what does that leasing arrangement have to do with indigent patients?

HIGGS: I can't tell you that. I was on a three-man committee that negotiated with the county for the university to take over the county hospital, to buy it.

TRELEVEN: Yes.

HIGGS: On that committee was Bill Wilson, Bob Reynolds, and myself. I can't remember specifically whether that issue of taking over indigents, whether that was a part of the discussion or not. It seems to me that that would be more a matter of state or federal law than it would. . . . I don't know today what the obligation. . . . I suppose any hospital has an obligation in an emergency to take anybody--indigent or otherwise. But whether they're required to continue to give free services to an indigent, I would question that.

TRELEVEN: But providing that kind of service, that has a great impact on the economics of running a hospital.

HIGGS: Sure it does, sure it does. I don't know to what extent the university hospitals are required to do it now except in emergency.

TRELEVEN: Yeah.

HIGGS: Yes.

TRELEVEN: And as you say there may be state . . .

HIGGS: State, federal regulations.

TRELEVEN: . . . regulations, people covered by Medi-Cal, situations like that.

HIGGS: Yes, yes, yes.

TRELEVEN: Well, we're almost to the end of this tape, so let me pause for a minute.

[End Tape 7, Side B]

[Begin Tape 8, Side A]

TRELEVEN: Okay, we're back on with a new tape. I have listed here regents' reorganization--a Special Committee on Reorganization. It was created in July of '74, or I should say it was reactivated. Apparently, this is a committee that would be recreated from time to time. What was your role on this committee if you can remember?

HIGGS: As I remember I was on the committee, as I remember. But you say my role, I can't tell you what my role was. I don't really recall without looking at the minutes what the necessity was at that time of the Special Committee on Reorganization.

TRELEVEN: Well, the thing that occurred to me is that Prop. 4 was in the works.

HIGGS: What was Prop. 4?

TRELEVEN: Well, that was going to reorganize the board of regents.

HIGGS: Oh.

TRELEVEN: Remember the ex officios? Agriculture?
Mechanics?

HIGGS: Yes, yes, yes, I do.

TRELEVEN: The terms were shortened. And that's what came to my mind, that in the context of that initiative probably passing that the Committee was needed, because there would need to be certain kinds of reorganizing done amongst the regents. But I don't know if that is logical or not.

HIGGS: Yes. As I recall I guess it was through state action. The president of the Mechanics Institute was no longer . . .

TRELEVEN: That's right.

HIGGS: And there was one other . . .

TRELEVEN: Food and Agriculture.

HIGGS: Yes, that was no longer. I can remember that being considered. I also know that [Joseph] Joe Moore had been from the Mechanics Institute and was appointed as a regular regent.

TRELEVEN: That's correct.

HIGGS: I know that we discussed whether or not there should be a student member and whether or not there should be a faculty member. The students

were strongly in favor of having a student regent. I supported that.

TRELEVEN: You did.

HIGGS: I found that several of them--not all--but several of them were very effective regents, very knowledgeable, that they didn't come on with the sole purpose of getting whatever they could for the students. So I was then and I am now in favor. It was a temporary measure then.

TRELEVEN: At the beginning.

HIGGS: Yes. It was later made permanent. I know that the faculty did not want to have a representative, a regent. They wanted to be represented at the board and be given permission to speak with the opportunity to speak, which they were given. And they were very effective and very knowledgeable. I can remember several of them that were very good. But the faculty, my recollection is that probably the faculty didn't want a member of the faculty on the regents so that they could have a freer hand in criticizing. [Laughter] But they didn't want it anyway.

TRELEVEN: I think the official Academic Senate reason was

that there would be a conflict of interest if a faculty member was on a policy board. I think that's the reason.

HIGGS: It could be.

TRELEVEN: But you're saying you thought the faculty would consider it easier to continue to take pot shots at the regents. [Laughter]

HIGGS: It's a possibility.

TRELEVEN: Well, those are some of the policy areas that I wanted to ask you about. I have another area here called physical development. We've discussed some of these already. We talked about architects last time and their process of selection. I don't know if you want to say anything more about the various kinds of real estate the university owns and your becoming familiar with that. By that I mean we often think of the campuses, but there are all kinds of university lands and reserve system. Did you get to know those?

HIGGS: Well, most of those lands came not by way of purchase but by way of gift. By way of gift. I can't remember specifically any gifts, but I do know that large tracts of land were given to the

university by will or by gift. The university, if there were no strings attached to the gift, the university would decide what was the best use for it. Was there a university use? Or if they should be sold. And if they decided they should be sold, they were sold. But there's a whole organization that takes care of the university that has jurisdiction over those.

TRELEVEN: Yeah. Right now a fellow by the name of [J. Roger] Samuelson.

HIGGS: Yes, Samuelson, that's correct.

TRELEVEN: He's been there for some years.

HIGGS: Years and years and years. That's right. And a very effective worker, yes. In fact, before I became a regent, the attorney general filed a lawsuit against a family, the theory being that the trust established by the family wasn't really a trust. So as part of the negotiation to settle that, some property right here in San Diego County was given to the university. And I'm trying to think. One of my partners, [Vincent E.] Vince Whelan, had a client who gave quite a little land in San Diego County to it. So a good deal of land did come to the university by way of

gift or device. I can't recall the university ever purchasing any land unless they had a definite use for it.

TRELEVEN: Well, we talked about the Black property last time.

HIGGS: That's correct.

TRELEVEN: One thing I forgot last time was that tied into a legislative bill that [John] Stull introduced at one point, and that had to do with the competitive bids. Stull argued in behalf of this proposition on the ballot for competitive bidding by the university, saying that one of the Black property houses had been appraised at \$110,000 and had been sold to a provost for \$103,000, and that cannot represent the highest bidder. There's an inside situation going on here.

HIGGS: I remember Stull being critical of many things about the university. The land sale purchase leasing recommendation came first from the treasurer's office. I don't remember the specific incident of someone claiming it was sold to anybody in the university without competitive bidding or less than market value, but I know that the treasurer's office had a qualified staff

of appraisers and they knew the value of property. And the regents accepted their value of property.

TRELEVEN: I don't know if you can make any comment on parking space. Again, automobile parking seems like in the context of the entire university a pretty minor thing. But my reading of the minutes is that there is enormous concern all the time, especially in the more populated areas like San Diego, Los Angeles, that so much parking has got to be provided for.

HIGGS: Sure, that's true. The things that had to be considered: what was the public transportation? Take UCSD, very little public transportation there. That's one thing that had to be considered. In fact, the students came from quite some distances, and there had to be someplace to park. UCLA, you couldn't take them out and park them in Bel Air.

TRELEVEN: Hardly. [Laughter]

HIGGS: It was a need that had to be filled, but it's a tough one as to what the limits are.

TRELEVEN: Now at UCLA you'll recall that anytime a parking structure was going to go up, the people in Bel

Air or some other neighbors would not be very happy. And it resulted in a kind of architecture that really makes the structure not look very much like a parking structure. Was there the same concern in San Diego, that when you're going to build parking structures . . . ?

HIGGS: I don't know. No, not that I recall. As a matter of fact I'm not sure that UCSD has a parking structure.

TRELEVEN: Oh really, it's still surface?

HIGGS: Yes. Most of their parking is surface parking. It may be, but I have no recollection of any parking structure. There's a lot of parking area out there, and it's needed. But that's not one of the great things that the university had to deal with. Pretty generally, the people on the campuses would make a recommendation to the president, and the matter would be thoroughly studied. Then the president would make a recommendation to the regents. And again, when you had people like Charley Hitch and Dave Gardner making a recommendation, there has to be some compelling reason not to adopt it. And that again doesn't mean rubber-stamping it. It means

questioning, but unless some compelling reason comes out when they adopt it. . . . The regent from San Francisco, when the question comes up, what parking area are we going to have in San Diego, pretty well has to rely upon experienced people.

TRELEVEN: Yeah, sure. Well, you as the San Diego regent, as the university began to grow, more cars, more parking needed, did you get complaints from people out that way? You're growing too fast, and traffic's increasing, and the kinds of things you hear more today I suppose.

HIGGS: I did not. I did not. No, no. Maybe after I left there was, but I did not personally get any complaints.

TRELEVEN: Yeah.

HIGGS: Nor do I recall any complaints being made to the regents as a whole. They may have been made to the chancellor.

TRELEVEN: I think I'll move on to faculty and staff. I have an item here called collective bargaining for university employees. Again, this strikes me as being an area where this was possibly legislative interference in the sense that in

1978 it took a specific act of the legislature¹ to--my reading--almost force collective bargaining procedures onto the regents. Now am I reading it wrong or what? Let me pause for a minute.

[Interruption]

Okay, we're back on. We were just glancing at Chapter 744, Statutes of 1978. Go ahead.

HIGGS: I do not recall the action of the legislature. I do recall that collective bargaining was recommended to the regents by the president of the university and that it was a sound recommendation. Certainly being an employee of the University of California should not deprive a person of whatever bargaining tools are available. So I was then and am in favor of it. I'm sure Hennessey. . . . Was it Hennessey?

TRELEVEN: Jack Henning.

HIGGS: Yes. I'm sure he was in favor of it too.

TRELEVEN: What do you think about Ed Carter? Do you think he was in favor of it? [Laughter]

HIGGS: I don't know.

1. A.B. 1091, 1977-1978 Reg. Sess., Cal. Stat., ch. 744 (1978).

TRELEVEN: Well, one would argue that, you know, whether it's the aircraft factory or whether it's the university, that if you bring in a union or a bargaining agent then you drive a wedge between management and labor, and therefore a happy relationship deteriorates.

HIGGS: Well, if one can make that argument. It's certainly in my opinion not a good argument. I don't think to deprive employees of the benefit of a union, whether they're employees of the university or not, would be proper. That's part of today's life. So, sure, there may have been as in everything else some question about it, some arguments, but I certainly was and am in favor of it.

TRELEVEN: So you don't recall leading up to 1978 a lot of resistance by the regents to unionization within the university?

HIGGS: No, no. And again, there's a tendency to always think in terms of pressure or resistance. I have to go back to say that the regents did what they thought was best. Resistance wouldn't make a damn bit of difference to me or any other regent. Our job was to exercise our best

judgment. Sure, we may have made mistakes in judgment. I don't know anybody that hasn't. But I don't recall our succumbing to pressure or our feeling any pressure. Some individual regents by reason of their particular background may have. The labor representative, sure, he would be more impressed by that.

TRELEVEN: No. And part of what we hope to do in the interview is get your sense of if I can call it a dynamic.

HIGGS: Yes.

TRELEVEN: Because the regents historically have considered themselves a very independent body.

HIGGS: Right.

TRELEVEN: As IX:9 reads today, except by legislation, except for that the regents run the university. That's why I sometimes ask these questions, because it's the dynamic that is going on between the legislature and the university in some cases.

HIGGS: Yes, well, again, as I've tried to emphasize too many times probably, sure, the regents individually and as a group were aware of the feeling of the legislature. But the legislature didn't dictate or in any way control the action

of the regents. Nor did the governor.

TRELEVEN: Yeah. No, I'm not here to be critical of the regents.

HIGGS: I understand.

TRELEVEN: But I see it--and you can contest me on this--but I see it as kind of a system of checks and balances. We often think of the legislative, judiciary, executive. We learn that in civics courses. In this case it seems to me that, given the strength of the regents in California, that it's another entity that is part of the whole system of checks and balances.

HIGGS: I never considered it in that light at all . . .

TRELEVEN: It's probably not a good way of stating it. But anyway, I'm not suggesting that the regents are ever goaded into doing anything.

I had here benefits and retirements programs. Unless you were, you know, particularly involved with that . . .

HIGGS: I wasn't.

TRELEVEN: As a person who works for the university I can say what a spectacular benefits package the university has. I take it all of these come out of the treasurer's office, the president's

office. And I have a sense that the argument, as with salaries, often is that we have to be competitive with other major universities.

HIGGS: Correct. Correct. Sometimes I think we have to be more than competitive, because of the cost of housing, one thing or another. A professor at Duke University on the same dollar salary is a lot better off being at Duke than he would be at UCLA or UCSD. So the cost of living has to be built into the competitiveness of it. Sure, the job of the university is to get the best possible people, and you can't always do that by reason of things beyond the university's control. We can't control the cost of housing or the cost of living in the area. But I think the university by and large has been very competitive. I think the university has had some of the great people in the world. I think they're still coming to the University of California, in spite of the difference in the cost of living. The university's reputation to a young faculty member seeking his first job, forgetting the dollar, the University of California would be far more appealing than a state university of some of the

smaller states or southern states just because of its reputation.

TRELEVEN: Right, right, or even a state university in California in the state university system.

HIGGS: Yes, yes.

TRELEVEN: It's more prestigious. But you're certainly right. The housing pressure today is just enormous. And great concern that the university must not only provide top salary but also come up with such things as subsidized housing in order to get the topflight people. So it's very difficult, especially with someone with a family.

HIGGS: Do you suppose this is a good time to break? It's eleven forty-five.

TRELEVEN: Eleven forty-five. That would be a good time to break. I think when we meet tomorrow, and maybe you can think a little bit about this, I want to get back to the regents re delegating back to the president and the chancellors the responsibility for promotion and tenure. That came about when [David S.] Dave Saxon became the president. Maybe we can start there tomorrow.

HIGGS: Okay.

[End Tape 8, Side A]

[Session 5, May 14, 1991]

[Begin Tape 9, Side A]

TRELEVEN: It's May 14, and I'm here for my final session with Mr. DeWitt Higgs, former regent. And again we're in San Diego. We were working our way through a little listing of subject areas, and under the major heading of faculty I have an item here that relates to tenure and promotions for faculty. In April we had talked about and you had explained to me why the regents took that authority in effect away from the president and the chancellors. Thereafter, at least once, I think President Hitch asked the regents to reconsider, which they did not. Then David Saxon came as president, and shortly after his arrival he again asked the regents to consider this through the Educational Policy Committee. And you were chairing the committee at that time. For the better part of two years you were coming to the full meetings with your committee report

and you were presenting amendments to the bylaws that would restore appointive and promotion power to the presidents and the chancellors. Now why were you favorable towards doing that at that time?

HIGGS: Well, that's where I thought it belonged. It was an exceptional case where we had taken it away originally. That's where it belonged.

TRELEVEN: Okay. But why did it take so long? Why did it take four or five years for that to be restored?

HIGGS: I have no idea. I have no idea.

TRELEVEN: Okay. Now along with that, the minutes had been increased because the biographical materials all had to be sent for promotions and tenure. Again, the question would be raised--I think Mr. Carter raised it once--is there really a need for these materials to be included in the minutes? And if I recall right, Regent Campbell said, "Oh yes." In fact, Campbell was in favor of the regents retaining veto power in effect over promotions and tenure. Does any of this ring a bell in your memory?

HIGGS: A little bit, yes. Specifically, I remember

considerable discussion. I remember that finally it was given back to the president and to the chancellors. And as I remember it, I was in favor of it. I thought that's where it belonged. And exceptional cases where we took it away, the Angela Davis case.

TRELEVEN: Right, in the aftermath of that.

HIGGS: Yes.

TRELEVEN: Okay. Nothing more you can add to that at this time?

HIGGS: No, that's it.

TRELEVEN: Okay. Quickly then I want to move on to several areas relating to students. In an earlier session again you indicated how you felt about tuition, and I want to correct the record. Tuition is a term used only for out of state students. Tuition for instate students is included in something called educational fees.

HIGGS: I understand that, and cut it anyway you want. It was in effect something that the students had to pay, whether it be tuition or a fee.

TRELEVEN: Right. I can't remember what I wanted to. . . . I just wanted to make an observation that over the course of time, because of some materials you

were interested in my getting together for you and I reviewed, up until this next budget passes the students have pretty consistently been paying 7 to 8 percent. They provide 7 to 8 percent of the total revenues of the university. So the proportion hasn't grown that fast. It seems to have been pretty much in balance from when you joined the board up to the present time. What has dropped considerably is state support. The proportion of state support has gone from maybe over 50--well over 50 percent in the early sixties--to about 35 percent today. I was looking at some numbers last night. Fees keep going up. Once tuition was passed it seemed that that sort of opened a Pandora's box.

HIGGS: Well, if you're asking for my underlying philosophy, I stated then and I state now that I felt that an education was a valuable asset of the students and that within their ability to pay the students should pay for it. And again, I called upon my own experience. I also said that no student should be denied the opportunity to attend the University of California because of financial problems. I hope that that's still the

philosophy of the regents. Sure, there's nothing wrong with students paying within their ability for their education. It's a great asset.

TRELEVEN: There was another concern that seemed to. . . .
Well, let me respond to you first. Yes, the goal is still there. I think the upper 12 percent of California high school graduates will have an opportunity to go to a University of California campus.

HIGGS: Yes, 12 or 12.5.

TRELEVEN: Twelve and a half. You're right. Twelve and a half. Okay. One area that seemed to be a great concern beginning in the early seventies--I'm bringing this up with you because you were on the Educational Policy Committee--is improvement in undergraduate instruction, coming from a sense that undergraduates are kind of getting lost in the big university and that undergraduate instruction needs shoring up. Do you recall any . . . ?

HIGGS: I recall this: that again going back to what I consider the missions of the university, one of those was teaching. I wondered at that time and asked a lot of questions how much time the

professors devoted to teaching as distinguished from research and publication. I felt that a student that went to the University of California and had enrolled in a class of some distinguished professor was entitled to hear from that professor. I thought the professor should spend a reasonable amount of time in fulfilling that mission of teaching. I realized of course and I still do that research is an important part. But also so is teaching.

TRELEVEN: Yeah, and today the whole tenure system still gives greater weight I think to research and publication rather than teaching.

HIGGS: That is correct.

TRELEVEN: I was kind of interested in this area of undergraduate instruction. I think up to the present time there continues to be concern about the quality of it. In '74 though there was a special grant from the legislature¹ for improvements, pumping some money into the university in an attempt to shore up

1. A.B. 3862, 1973-1974 Reg. Sess., Cal. Stat., ch. 1528 (1974).

undergraduate . . .

HIGGS: Yes, I don't recall that.

TRELEVEN: You don't recall that, okay. Student dissent is an area that there are several things that I wanted to talk about. First, Reserve Officers Training Corps. Before you joined the regents, the university had changed participation in ROTC from mandatory to voluntary. And then while you were a regent in the sixties, amongst student dissidents I guess we could call them, they wanted ROTC off the campus totally. Where did you stand on that?

HIGGS: I wanted it on the campus.

TRELEVEN: Why do you want it on the campus?

HIGGS: Again, going to the mission of the university, public service. That certainly was one. As I think I've said before in connection with the laboratory, certainly the defense of this country is within the realm of public service. Certainly the training of the officers is within the public service. While I was in the navy I ran across many officers who had been in ROTC in the various schools, and right below the Annapolis and West Point graduates they made by far the greatest

contribution of the officers that I was in contact with.

TRELEVEN: What about the military being on campus?

HIGGS: I saw nothing wrong with it. I still don't. Why? What's wrong with it?

TRELEVEN: There's no conflict between military and academic freedom?

HIGGS: No, of course not.

TRELEVEN: No? Why not?

HIGGS: Of course not. They're ready to go side by side.

TRELEVEN: Okay.

HIGGS: Yes.

TRELEVEN: People's Park, which you'll remember very well. We certainly don't have time to go into all the ins and outs about it, but there was one critical regents' vote taken in the midst of the occupation--if we can call it that--where you voted with the majority of the regents to favor building housing on People's Park. Residential halls I take that to mean. Do you recall what your reasons were for . . . ?

HIGGS: Sure, to remove the cancer of People's Park.

TRELEVEN: The cancer. Which consisted of?

- HIGGS: Yes, which was that everything I was against was being done on People's Park. There was rioting, there was sex, open sex being conducted. It was a disgrace to the university, it was a disgrace to the community, and I thought, as I said a moment ago, that it was a cancer and that a good use of the property would be for student housing.
- TRELEVEN: Okay, which never got built.
- HIGGS: That is correct. I can't remember why, but there were a thousand and one reasons I suppose-- protests. I'm not sure that the city of Berkeley was in favor of it. I think there were a lot of problems there.
- TRELEVEN: I think there was some exploration into even selling it to the city of Berkeley, and the city of Berkeley was not interested.
- HIGGS: That strikes a memory chord, a memory.
- TRELEVEN: So People's Park, what you're saying is it represented to you everything that you did not stand for.
- HIGGS: That the university did not, that I did not stand for, and I thought the university should not stand for.

TRELEVEN: Also, there were a lot of--I have to call you a member of the establishment; that's what you were called at the time--but there were a lot of antiestablishment things going on. There was a Vietnam Commencement, for instance, in the Greek Theater [UC Berkeley].

HIGGS: Greek Theater, yes.

TRELEVEN: Do you want me to pause for a minute?

HIGGS: Well, this whole subject I knew we were going into it, so I sort of refreshed my recollection on it. During the sixties student unrest became sort of a focal point of public attention. The protests of the draft movement, Vietnam, People's Park all received daily coverage in the newspapers and on TV. All to the damage of the image of the university in my opinion. Many sections of the public were outraged, really outraged. Whether this is proper in this type of thing or not I don't know, but while I was chairman of the board I received hundreds, literally hundreds of items in the mail each week, most of them critical of the university. Some of them, the criticism was justified. They were reasonable. What I did, I followed this

policy: those things that were just completely unreasonable I put in the wastepaper basket; those things that I thought the university should consider I sent to the secretary for distribution to the president; those that I thought demanded a personal letter from me I answered personally or by telephone. My efforts were direct, and the efforts of the regents as a whole to protect the image of the university. One morning one of my partners who still is my partner, Ferd Fletcher, came in. I was opening my mail and I was discouraged, and I said, "Look, here is the first letter." The first letter started, "Dear Sir, you bastard!" Just like that. The next letter said, "Dear Sir, you're a traitor to our country." It goes on to point out why. The next letter said, "Dear Sir, you stupid son of a bitch." My partner said, "They're getting closer now." [Laughter] But that's the type of stuff of the public outrage. You didn't see any television of students in the library. You didn't see any television of students studying. You saw them out protesting, rioting. My own son was in school at Redlands University, not the

University of California at that time. So I asked him about it, and he gave me what is a pretty good answer. I said, "Craig, why would students be doing this, good students?" He said, "Dad, do you know a better way to skip a class?" And I think that for a lot of them it was just a better way to skip a class. I think that some of it was actually promoted not by students at all but actually promoted by--call them what you may--but nonstudents who would attempt to excite, if that's the correct word, the students. Surely, students then and now had a right to protest. And there's no question about that. But it was the method of protesting that was objectionable and brought down so much criticism on the university. So finally, in the back of my mind is a recollection that the president, then Charley Hitch, drafted a policy for student conduct. And the policy was that certainly protesting was reasonable, was proper, provided it was lawful. I can't remember the exact terms of it, but I think it said that unlawful protests were prohibited.

TRELEVEN: Yeah, we talked a little about how the word

violence was used. Yesterday we talked a little about that. By your reference to people off campus you mean individuals not enrolled as students who had come to campus to speak, speak at rallies, things like that?

HIGGS: Yes, that they would come to speak, and I would classify them in a sense as revolutionaries. Their job was there to stir up trouble, and they did.

TRELEVEN: Is there any way to keep those people off campus?

HIGGS: If they violate the law, yes. But it would take a police force larger than finances would permit to keep everybody off the campus. What are you going to do, set up a gate? Conduct a security check? No, you know, it's just a practical impossibility.

TRELEVEN: Right. How about off-campus people making public speeches on the campus?

HIGGS: Well, I'm not sure what you mean, but let me answer it this way.

TRELEVEN: Well, let's say [William] Kuntsler. He's an attorney from New York. Kuntsler, who defended the Chicago Seven.

HIGGS: Sure, certainly, I have no objection to that sort

of a person speaking on campus. That's what academic freedom is all about. The objection I have was Eldridge Cleaver using foul, filthy language. That I objected to. A person coming on campuses and expressing their political or moral views certainly is proper.

TRELEVEN: How about someone like Dorothy Healey, who was a leader of the Communist party in southern California for many years? Do you have any problem with that?

HIGGS: No, I have no problem with that. Sure, you can't just pick and choose and let people on the campus talk about things that you agree with. That isn't what a university is about.

TRELEVEN: So your feeling is that a person's politics should not necessarily bar them from speaking on the campus.

HIGGS: That is correct.

TRELEVEN: You have some more notes there.

HIGGS: Just very few. Well, I've already covered that. In my notes I say that many of the students shown on TV and discussed in the newspapers were really not participating, they were just observers. So you've got a thousand

people out here. A good many of those people were merely observing what was going on. They're curious. If I'd been at school I probably would have been too. Yes.

TRELEVEN: So there's like a core of activity going on in Revelle Plaza, say, maybe a hundred people, and then there are about nine hundred that are curious . . .

HIGGS: . . . that are strictly observers.

TRELEVEN: . . . onlookers.

HIGGS: Yes.

TRELEVEN: Okay. Some regents were kind of upset about some of the student newspapers at the time, too, especially I think the Berkeley campus newspaper. Were you one of those?

HIGGS: I was not upset. Again, I have to go back to the fact that the students have a right to a newspaper. The students have a right to express their views in a newspaper. The thing that I would object to again is their advocating unlawful activity or their printing material that I felt should not be available to my daughter if my daughter were there. It's a pretty fine line. It's a pretty fine line to draw. But

basically, I was then and I am now in favor of student newspapers. It's a good activity.

TRELEVEN: How about the four-letter words which began to be used?

HIGGS: Strictly against it.

TRELEVEN: Strictly against it. How about information on where students could get birth control devices, which became also an issue and publicized by campus newspapers?

HIGGS: Well, you're talking to two people, a father and a regent. As a father I would object to it. As a regent I could see no reasonable objection to it.

TRELEVEN: Okay, well, those issues did come up, partly because the dispensing of birth control devices until someone's twenty-one . . .

HIGGS: Again, as I say, you've got to realize that in talking to me and that sort of thing I'd have entirely a different view as a father and grandfather than I did as a regent. It wouldn't change my view, but it would change whatever I would do to suppress it.

TRELEVEN: Okay. Also related to students on the various campuses, as you know there are associations

called something like the Associated Students. In other words it's the official student government organization on each campus.

HIGGS: Yes.

TRELEVEN: I don't know if Associated Students matters related to that came through Educational Policy or where, but if it did, can you clarify the relationship between these Associated Students organizations and the governing structure of the university?

HIGGS: Well, the governing structure of the university, if you mean the regents, were all in favor of that sort of association. I think I mentioned earlier that I went out many times to the campus to talk to the members of the association, the officers of the association. They felt free to discuss with me any problem that they had. Sure, there's no problem with the fact that there were such associations.

TRELEVEN: Well, some regents did get upset when the Associated Students voted to use some of its money to bail out people who'd gone to jail because they were demonstrators.

HIGGS: I didn't.

TRELEVEN: That was okay?

HIGGS: Yes. No, I didn't get upset. Sure, it was their money and nothing unlawful about it.

TRELEVEN: Okay. Finally, in regard to students, there's the issue of equal opportunity and affirmative action. As I understand it in the kind of haggling that went on amongst the regents, there was on one hand the fact that we had to provide better opportunity for nonwhites to enter the university. And some of this grew out of this whole civil rights era, equal opportunity, federal legislation, and so on.

HIGGS: Yes.

TRELEVEN: And on the other side was the argument, yes, but we can't lower our standards. Which side were you on?

HIGGS: I don't think I was on either side. I was in favor of making the university available to a qualified minority. I was not in favor of lowering standards.

TRELEVEN: How do you get around that, though? If you're not a white, how do you break into the loop unless there's some method of encouraging and providing a support that . . . ?

HIGGS: The encouragement is not to lower standards. The encouragement is to start long before people get to the university and to be sure that those who want to go become qualified to go. If we're talking about a quota system of any kind, I would be completely against it.

TRELEVEN: The regents did establish an affirmative action policy, and it extended to all of the campuses in the system, including Davis. And a fellow by the name of Mr. [Allan Paul] Bakke felt that he'd been discriminated against because he was a white male and was more qualified than some minorities who had been accepted.

HIGGS: I remember the Bakke case very well.

TRELEVEN: Let me pause for a minute.

[Interruption]

HIGGS: As I recall it--my refreshing my recollection confirms it--Bakke was denied admission to the medical school at Davis for two consecutive years. Then he filed suit to compel his admission. At the Davis medical school there were only 100 places available, and they had a policy that sixteen were to be filled under a program for disadvantaged students. Bakke

claimed that he was qualified and that the only reason for his rejection was that he was of a Caucasian race. That's what he claimed. Reverse discrimination. And that all members admitted under the special program were members of racial minorities. That was his claim. He claimed that that was unconstitutional. The trial court held that the medical school could not take race into account. That was on the trial court level in making admission that the program violated state and federal constitutional provisions and the Civil Rights Act [of 1964].¹ But even so, it refused to honor Bakke's admission. They said that he failed to prove that he would have been admitted but for the existence of this special program. The Supreme Court of California affirmed the trial court. The thing went to the United States Supreme Court and on certiorari the United States Supreme Court affirmed in part and reversed in part. The United States Supreme Court was unable to agree on an opinion as to the major issue. Five members of the Court argued

1. P.L. 88-352, 78 Stat. 241.

that the California Supreme Court must be affirmed insofar as it held the medical school's special admission program was unlawful. And insofar as it directed the plaintiff must be admitted, five members of the Court agreed that the California Supreme Court judgment must be reversed, as far as it prohibited the defendant from according any consideration to race on his future admission policy. The end result was Bakke was admitted.

TRELEVEN: When did that Supreme Court decision come down?

HIGGS: Well, the U.S. Supreme Court decision came down in June of 1978. Yes, it was decided in June of 1978.

TRELEVEN: Here you are still a member of the Educational Policy Committee, which . . .

HIGGS: I'm not sure, but I assume I was. I was a member of the Ed Policy for a long period of time.

TRELEVEN: You remained a member all the way up to the time you left the regents in '82. According to my notes, you were a member of that committee. Did this mean that the Educational Policy Committee in particular on the basis of that court decision must try and figure out a way to have an

admissions program that did not ignore nonwhites but stay within the . . . ?

HIGGS: It meant just what the Supreme Court said. The Supreme Court said that the special admissions program was unlawful. It also said that the University of California could give consideration to race in its future admission policies. That's exactly what the Supreme Court said.

TRELEVEN: Yeah, I know. But how do you convert that ruling into a policy that kind of walks the tightrope, it seems to me, doesn't it?

HIGGS: Well, just offhand I'd convert it. . . . Two people otherwise equally qualified. One's a minority, one's not. I'd vote for the minority.

TRELEVEN: Okay.

HIGGS: Yes.

TRELEVEN: Okay, and that is the fundamental underpinnings of affirmative action to this day.

HIGGS: That is correct.

TRELEVEN: Right.

HIGGS: Yes.

TRELEVEN: But the qualifications must be equal to begin with.

HIGGS: Yes, yes. Equal or reasonably so. You know, nothing is equal. When you talk about admissions to the law school a lot of things have to be considered: a grade point, law school aptitude test, a person's history, what he's done, why he wants to go to law school. There's no scale that I know of other than judgment to weigh those things, so, say otherwise equal, it's a matter of judgment. I argued for a long period of time with the deans of the law school that you should personally interview these students and make some arrangements for that. See what their real promise is. Their answer was a good one: "Are you going to give us money enough to do that?"
[Laughter]

TRELEVEN: I think we've probably looked at the advent of the ethnic studies centers. I think we covered that in our last session, unless there's anything more that you'd like to add to that.

HIGGS: I think we did, yes.

TRELEVEN: When it comes to faculty, Mrs. Heller in particular seemed quite, quite interested in knowing why more women were not within the teaching ranks of the University of California.

Do you remember Mrs. Heller raising that?

HIGGS: I remember that. I remember Vilma Martínez being equally interested in why other minorities were not better represented on the faculty. I remember there was a lot of discussion and a lot of feeling about it. There again, my view was that certainly qualified women--there were many of them--should be not only on the faculty but on the administration, a part of the administration. Many times the regents--and I was part of that group--tried very hard to get a woman as a chancellor. But the problem is that most of them hadn't had enough opportunity to gain experience to qualify them for chancellor. So there was the problem, and I felt that they should be given an opportunity.

TRELEVEN: So they had not really had experience in middle-management ranks in order to acquire the experience and training to work up the ladder.

HIGGS: That is correct.

TRELEVEN: In your own law firm have you attempted to address that as well?

HIGGS: Sure, I don't know how many, but we have a great many women lawyers here in the firm. Not in

proportion to the number of men, not the same number of women, but it's going to be that way before too long. Right now the percentage of women graduating from law school has gone up, way up. When I started the practice of law in San Diego there were three women lawyers.

TRELEVEN: Is that right?

HIGGS: Three.

TRELEVEN: Wow.

HIGGS: I mean, women just didn't go to law school then. They didn't feel that there was an opportunity. There was a great feeling among the male lawyers, well, that a woman's place in law was to handle probate and to hold the hands of the widow whose husband had passed on. As a matter of fact, some of the women in San Diego and some of the women in this firm are outstanding trial lawyers, outstanding trial lawyers. Within the last eighteen months one of our women trial lawyers had been appointed to the superior court as a superior court judge. Very recently then [United States] Senator Wilson has recommended a woman for the federal district court here. Right now the chief judge of the

federal district court is a woman. The chief judge of the superior court, presiding judge is a woman. So the opportunities have grown and they will continue to grow.

TRELEVEN: So would you say in your own law firm in the last fifteen, twenty years, you have made a conscious effort to seek out sharp women?

HIGGS: Yes, yes. Yes, and at the moment we're making a conscious effort to get more minorities. A very recent example is that there was a young lady lawyer, a black in the San Diego County counsel's office who was handling retirement matters. She appeared before me any number of times. She was a top-drawer lawyer. I came to the firm and told them about her. The firm authorized me to talk to her and see if she'd be interested in leaving County Counsel's office and coming here. I got down to the court on my next matter intending to talk to her, and I found out that somebody else had the same idea, that she was qualified, and she's now a referee for the Industrial Accident Commission.

TRELEVEN: Oh. So you lost. In San Diego in particular, have you had to pay attention to bilingualism

more as well?

HIGGS: Yes.

TRELEVEN: Lawyers, attorneys who can speak both Spanish and English?

HIGGS: Well, not really. I suppose we have three or four who do speak Spanish. But we've made no effort to recruit people because they do speak Spanish. Most of the Hispanic lawyers are as qualified or better qualified in English than I am. [Laughter]

TRELEVEN: Okay. I've got to turn the tape over.

HIGGS: Okay.

[End Tape 9, Side A]

[Begin Tape 9, Side B]

TRELEVEN: Okay, we're back on. I wondered at this point if I just might read from a list of names of regents who served with you. I wanted to ask you just for your assessment of their contributions. In other words, what particularly comes to your mind as I mention them?

HIGGS: The material that you sent to me indicated that such a question was going to be asked, and it's a dangerous one to answer.

TRELEVEN: Okay.

HIGGS: Because, number one, most of the regents were very qualified, very dedicated persons. I wouldn't want to do a disservice to the many that I served with by picking out some over the others. I would have to speak very generally in that connection. The evaluation you can pretty well determine from your own notes of those who were chairmen of committees. I would not want to compare one as against the other. Obviously, I was closer to some than I was to others and that was primarily because of our interest in the work and our being thrown together. But no, I would not undertake to comment and value one as against the other.

TRELEVEN: I wasn't really asking for an assessment or a report card on each one. But at the same time I know what you're saying.

HIGGS: But to answer it you have to answer your question.

TRELEVEN: Right, and in a way you're saying I think that it wouldn't be fair to say something not nice about one and nice about all the rest.

HIGGS: Or to say something nice about some and leave others out completely.

TRELEVEN: Right. That's right. Well, I'll defer to your judgment on that. We have mentioned a lot of individuals in various contexts through the issues we've talked about. Are you going to give me the same answer if I ask you about presidents and chancellors?

HIGGS: Well, if you ask me about presidents, the ones that I served mostly with was of course Hitch and . . .

TRELEVEN: Saxon.

HIGGS: Saxon and Dave . . .

TRELEVEN: Dave Gardner.

HIGGS: They all were top-drawer, top-drawer administrators and top-drawer people. Again, to compare one as against the other, it's a dead heat.

TRELEVEN: Yeah, yeah.

HIGGS: Which is not an evaluation, but it tells you something about the individual. Dave Saxon No, Dave Gardner, when Hitch resigned.

TRELEVEN: Okay, Saxon was after Hitch.

HIGGS: Yes, yes. We were then considering Dave Gardner along with Saxon and several others. Dave Gardner was up at Utah as president of the

University of Utah. Dave Gardner sent word one way or another that he did not want to be considered at that time, that he felt he had recently taken the position of the presidency at the University of Utah and he owed it to them to stay there, which gives you some measure of the man.

TRELEVEN: Yes.

HIGGS: Because obviously, perhaps--at least obviously to me--the presidency of the University of California was a more desirable presidency than was the presidency of the University of Utah. But he felt a moral obligation and he kept it. Locally, again, when I was appointed regent, John Galbraith was the chancellor out here. He was very helpful, very instructive, and very fair. I met with him regularly during the time that he was here. We would discuss various matters. I would get his views. He never tried to pressure me on anything. If you know John at all, he's a very soft-spoken individual. It so happened at that time that Bob Biron was the assistant. I had known Bob Biron in San Diego for a long period of time, and he was very helpful. I was

very close to Bill McGill, because during his tenure, Bill McGill, most of the trouble that we had on the campus was during his time as chancellor, so . . .

TRELEVEN: And when you were the chair.

HIGGS: Yes, yes.

TRELEVEN: Chairman of the board.

HIGGS: Yes, that's right. And I was on the selection committee to select a new chancellor. Bill McGill was also on that selection committee.

TRELEVEN: That's right. I think you told me that.

HIGGS: And along the way, it became apparent that he was the one that should be considered. I can't remember now whether that thought first occurred to me or to somebody else.

But then [William D.] McElroy and I had a close relationship, so again they all were top-drawer, qualified people. I wouldn't have any way of comparing except on the basis of personal experience, personal contact such as with Galbraith, who taught me and McGill, who fought the battles of Angela Davis and Herbert Marcuse. Obviously, I felt close to them. Dick Atkinson is doing an outstanding job.

- TRELEVEN: Good. That's interesting. You say Galbraith taught you, and that means that you talked with him quite extensively then about learning more about the university.
- HIGGS: Well, you'll know from my background that I had no connection with the university, so it was a learning experience for me. I wanted to know as much about it as I could, and I would ask questions. Galbraith was here handy, so I plagued him more than anybody else. [Laughter] So that's the reason I say he taught me.
- TRELEVEN: Okay, let me ask you a few quick questions. When you joined the board, as we've discussed endlessly, Clark Kerr was there. Did your paths cross after he left the presidency, went back to teaching and the Carnegie Commission on Higher Education?
- HIGGS: No, I don't recall ever seeing or hearing from Clark Kerr after he left the presidency.
- TRELEVEN: Okay. Charles Hitch--some regents were not happy with him. The press had articles as you'll remember from time to time that especially the Reagan regents wanted to get rid of Hitch. You seemed to have been somewhat supportive of Hitch.

HIGGS: I was and I am. Really, I don't remember the articles, but I don't . . .

TRELEVEN: Right around 19 . . .

HIGGS: I don't remember any move on the regents was ever brought to my attention to get rid of Charley Hitch.

TRELEVEN: Well, again it gets into the area we've discussed in the past, and that is how the press will pick up on something sometimes. You sort of lectured me on that last time. [Laughter]

HIGGS: Well, I probably told you about my experience in Del Mar. And Isla Vista. Well, I'll repeat it, and you can delete it from the tape if it is repetition.

TRELEVEN: Oh yes, I'm sorry, you did.

HIGGS: You've got it now.

TRELEVEN: Right. Del Mar becoming another . . .

HIGGS: Another Isla Vista. Yes, yes.

TRELEVEN: Okay. So if there was any unhappiness over Hitch, you were not one of the people who were unhappy with him.

HIGGS: That is correct. I was very happy with him.

TRELEVEN: You supported him. Okay. Dave Saxon was of course a UCLA person. The one thing that comes

to mind about Saxon that I might ask, did you ever have any sense that the entrenched bureaucracy at Berkeley never quite accepted him because he was a UCLA person?

HIGGS: No, I don't know what you mean by the entrenched bureaucracy of Berkeley. If you're talking about the administration . . .

TRELEVEN: Within the president's office and the . . .

HIGGS: No. No, I have no recollection of that, of any feeling. I know that Marge Woolman, the secretary, was strongly supportive of him. And I know that the staff, I never heard of anyone on the staff who was unhappy with him. But I probably wouldn't. The staff is not going to come to a regent and start complaining about the president.

TRELEVEN: No, no, no. I don't even mean there were any complaints. But for years and years, and to some extent it carries through to this day, there's always this attitude at UCLA that Berkeley has always looked down on UCLA. You probably picked up a lot of that when you were a regent.

HIGGS: I've heard that, and I've also heard that UCLA looks down on UCSD.

TRELEVEN: You've indicated you thought Saxon was a strong president. MIT [Massachusetts Institute of Technology] thought he was strong too and took him away from us, at least for a while. Now he's back. Just a couple chancellors that I wanted to mention: Roger Heyns came under a lot of fire at Berkeley as he was the chancellor during People's Park, during other. . . . The regents were unhappy with Heyns because he wasn't managing the Berkeley campus the way he should. How did you feel?

HIGGS: Maybe some were. I wasn't. I thought that Roger Heyns did a good job under very tough circumstances. He tried very hard to smooth over any differences between the faculty and the regents. I can remember his giving at least one and I think more dinners at which members of the faculty were invited and regents were there--an informal discussion. We would get together two or three faculty members, a couple of regents, and would become better acquainted. You know, that's a great help if you can know an individual. I can remember some people there that impressed me very much. So I think Roger

did the best that anybody could do under the circumstances. He was a quiet sort of a person. He didn't go around waving the flag. It was a tough situation.

TRELEVEN: So he really tried to facilitate communication between the academic faculty . . .

HIGGS: And the regents.

TRELEVEN: And the regents. Dean McHenry at Santa Cruz, how satisfied were you with the cluster college experiment that was going on there since you were on the Educational Policy Committee all those years? Santa Cruz had this rather unique setting and this unique arrangement. How did you feel about it?

HIGGS: It was still on trial as far as I'm concerned. There's certainly historical background for that type of university. I guess I can best say that I was not completely satisfied with it, nor was I completely dissatisfied with it. Perhaps the same thing is out here in Muir, Revelle, Third College, Warren. So by and large, I'm more satisfied than I am dissatisfied with it. Yes.

TRELEVEN: Satisfied because of the smaller groupings of students?

- HIGGS: Yes, that's certainly one of the reasons. You know, I think any individual. . . . Are we about running out of tape?
- TRELEVEN: No, we're fine.
- HIGGS: Any individual somewhere in his educational process has experienced a teacher that made a great impression on him, and that's not as possible in a large university as it would be with the cluster type of thing. I think it would bring the students closer to the professors and the professors closer to the students. One of the problems, and we touched on it several times, is that I've been uncomfortable with the limited amount of teaching, actual teaching, that the professors are doing. I just think that individual exposure, whether it be by way of listening to lectures or informal discussion, freedom to go to a professor, and his time to talk to you about whatever problems are brought out. I think that's tremendously important.
- TRELEVEN: Yeah, I agree based partly on my own experience. What's the major dissatisfaction you feel towards the experiment at Santa Cruz or perhaps at San Diego with that cluster college?

- HIGGS: Speaking generally, that they tend to become too limited. Just for an example, for a long period of time Third College was sort of a thorn locally because of its interest in minorities.
- TRELEVEN: Right.
- HIGGS: And I think that all of them ought to have not only an interest in minorities and it shouldn't be all centered in one college.
- TRELEVEN: Okay, so I guess you mean they lack the kind of breadth that you would like to see.
- HIGGS: The concentration upon a particular area or a particular field.
- TRELEVEN: Okay. We discussed Chuck Young briefly in the context of the Angela Davis matter. You'll certainly recall he became the "boy chancellor," as he was called in the national media at the time. Thirty-six years old, and the Davis matter came up very early in his administration. You've described how you chaired the committee that came in with the report that came to an opposite conclusion than Hitch or Chuck. Did that mean a distance developed between you and Chancellor Young as a result of that?
- HIGGS: No, no. If it did I wasn't aware of it. I

didn't feel any distance. I think that I have the ability to disagree with an individual on even a major issue and not let that create any distance between us personally. No, I wasn't aware of it. You mentioned Chuck had to step into pretty big shoes when he replaced Franklin Murphy, and I thought that he did well. Again, the proof, he's still there.

TRELEVEN: Yeah, that's getting close to twenty-five years. It's unusual in the country that a chancellor lasts that long. So I take it you and Chuck were amiable.

HIGGS: Sure. At least as far as I know. I do like Chuck. Never had anything against him. He never to my knowledge expressed anything against me.

TRELEVEN: Okay. I have a couple others here . . .

HIGGS: I want to clear up some of these answers that may be misconstrued. I want to make it clear that I had no problem disagreeing with any of them and that didn't lessen my respect for them or didn't create a distance. If we had differences we had differences. I have differences with my wife.

TRELEVEN: [Laughter] Okay. We've talked a little about Dan Aldrich and Ivan Hinderaker in various

contexts. I don't know if you want to say anymore about either of them.

HIGGS: Well, Dan looked more like a chancellor than anybody ought to look like a chancellor--big, tall, impressive. I think he did a good job.

TRELEVEN: Another regent I've interviewed recalls the first time he saw Dan Aldrich was in back of a Quonset hut on what is now the Irvine campus. That was Aldrich's office, and he was out back playing horseshoes. [Laughter] Let me pause for a minute.

[Interruption]

Okay, we're back on and we're going to fill in the name of the chancellor from San Francisco that you've mentioned several times.

HIGGS: Frank or Francis . . .

TRELEVEN: I can get the name.

HIGGS: I should know. He was an M.D. He was a very top-drawer fellow. Sooy. Frank Sooy. Francis Sooy.

TRELEVEN: Oh yeah. You've mentioned him several times.

HIGGS: Because I was highly impressed with him. As a matter of fact, he made the first examination of my ears and recommendation that I get hearing

aids.

TRELEVEN: Oh, really.

HIGGS: There's a member of a group to which I belong who has a couple of times mentioned that Sooy operated upon his wife's eyes and what a great respect they have for him. I understand or read that he was killed sometime not too awfully long ago in an airplane accident.

TRELEVEN: I should know that. Getting near the end here, turning to the appointing authorities, governors, just one more question on Pat Brown. You continue to see him. You hold him in the highest esteem. You've told me that. On the other hand, as much as Pat Brown was the educational governor, which he wanted to be, did he have any blind spots when it came to education?

HIGGS: Biases?

TRELEVEN: Blind. Blind spots.

HIGGS: Oh, no more than the rest of us. No, Pat was tremendously interested in the university. He was tremendously supportive financially and otherwise. He didn't come to as many meetings as did Reagan or Jerry Brown. But Pat always was a strong, strong, strong supporter. I've kept

close contact with him throughout the years.

TRELEVEN: Good. He knows all about this state government program, these interviews, and the next time you talk to him tell him you were interviewed for the state government program.

HIGGS: Okay.

TRELEVEN: He'll know what it is, because it's been going three or four years--five years now--interviewing.

HIGGS: Have you interviewed him?

TRELEVEN: Pat has not been interviewed. He's been interviewed in the past numerous times, and we're trying to decide whether to go back again. He's probably been asked the same questions so many times. He has this little institute at California State University, Los Angeles [Edmund G. Brown Institute of Public Affairs].

HIGGS: Yes.

TRELEVEN: It's an institute on governmental policy or governmental affairs.

HIGGS: Yes, that's right.

TRELEVEN: Yeah, yeah. Reagan, you've dispelled for me time and again that he was an enemy of the university. You said that that is a fallacy.

Did Reagan also ultimately get the connection between an excellent university and a strong business climate in California?

HIGGS: I'm not sure. I'm not sure. I would assume so, because he had at least upon the board of regents some pretty close people who were very knowledgable--I'm thinking of Bill Smith, I'm thinking of Bill Wilson--were very, very close to him, and they understood the relationship between a great university and business. So I'm sure he did.

TRELEVEN: Well, I hope to interview one or the other or both of those in the future and be able to determine the extent to which they were able to reason . . .

HIGGS: Bill Smith you know is passed on.

TRELEVEN: Yes, excuse me. I didn't mean Smith, I meant . . .

HIGGS: Yeah, Bill Wilson so far as I know.

TRELEVEN: Right, he's . . .

HIGGS: If you see him give him my regards.

TRELEVEN: Well, he's just across the road in Bel Air.

HIGGS: Yes.

TRELEVEN: Jerry Brown--you stated in April that you never quite understood him. Can you elaborate on that

strictly from the standpoint of being a regent in the university?

HIGGS: Well, I suppose perhaps a little bit of it is pique as much as anything else. He knew that I was very close to Pat. Jerry Brown never consulted me or talked to me individually about university problems, and I couldn't understand that. He had to know of our relationship. He never at any time mentioned it.

TRELEVEN: You mean he never acknowledged that you were a close friend of his father's to you personally.

HIGGS: That's correct.

TRELEVEN: I'll be darned.

HIGGS: For that reason I never was close to him at all. As you know I'm sure from the media and from talking to other people, Jerry had some strange ideas sometimes.

TRELEVEN: So your personal association with him might be a hello and that'd be it? If you see him at a regents' meeting?

HIGGS: Well, our personal association was just that he'd come to the meeting and we'd say hello, and that's about it.

TRELEVEN: So obviously he never called you up and asked you

about possible appointments.

HIGGS: Never.

TRELEVEN: So you can not take responsibility for Rose Bird.

HIGGS: No. [Laughter] I do not take responsibility for Rose Bird.

TRELEVEN: Again, in terms of his appointments to the board of regents, as we discussed before he seemed to make an effort to diversify the membership in terms of color, gender.

HIGGS: Yes, well, as I remember he appointed Vilma Martínez.

TRELEVEN: Right.

HIGGS: And as I've indicated before, I'm sure Vilma Martínez was more concerned in the early stages with minority matters than anything else. But she developed and became an outstanding regent.

TRELEVEN: Chaired the board finally.

HIGGS: Finally, she chaired the board. Who else do your notes say that Jerry appointed?

TRELEVEN: Well, Yvonne Burke.

HIGGS: She was only on for a very short period of time.

TRELEVEN: You're correct. When you were there. Then she was appointed again later.

HIGGS: That is correct.

TRELEVEN: That's right.

HIGGS: She was on for just a very short period of time while I was there. Who else?

TRELEVEN: Yori Wada.

HIGGS: Yori Wada was again very much interested in minority matters, but he was a good regent. I was and would be in favor of the diversification, whether appointed by Jerry or anybody else.

TRELEVEN: Yeah.

HIGGS: Sure, I think that it's good. Same thing is true on a personal note in this firm. We try to hire people from different law schools. We try to hire people from different backgrounds so we can get a melting pot, and I think the regents should be that too.

TRELEVEN: Right, right. I'm not supposed to give my opinions in these interviews, but I guess my opinion is that in the sense of Jerry's appointments he did something that other governors didn't do, in a sense. Reagan certainly didn't try to appoint diverse people. Reagan appointed white males. Pat appointed Republicans as well as Democrats. But again, no

people of color. And Jerry really seemed to have changed the pattern.

HIGGS: I would share your opinion that that was good.

TRELEVEN: Okay, but he hardly talked to you. So if he was going to appoint a member of the board of regents, he would never talk to you about it.

HIGGS: I think I mentioned this before, but Pat would call me in connection with judicial appointments, and that was something that I was familiar with. I knew the people.

TRELEVEN: Let's pause for a minute.

[Interruption]

Okay, we're back on. We're getting near the end, and the record will show that your term expired in 1982. Would it be fair to say by '82 had you wanted to be reappointed--you've explained before you did not want to be--had you wanted to be, given your cool association with Jerry Brown, do you think he would have reappointed you?

HIGGS: I doubt it.

TRELEVEN: Really.

HIGGS: I doubt it. He never indicated to me one way or the other as to why he did not reappoint me. But I think it was good judgment not to reappoint

me. I'd been on there sixteen years. Time to get some new blood there.

TRELEVEN: Well, you indicated before that you felt that at your age, and you'd given sixteen years away, lots of time away from the law firm.

HIGGS: It was time I went back to it.

TRELEVEN: Yeah, right. Time to get back to it. You've characterized yourself, and I think this is correct, as a conciliator on the board. Can you elaborate on that a little more?

HIGGS: Well, I think it's established by my experience both personally and professionally. On the board of regents there were different views. I could talk very freely, very frankly on the one hand with Glenn Campbell and on the other with Bill Coblenz. I could sort of bridge the differences in their views in some cases. I think that with the faculty and with the students I tried to and I think I was at least partially successful in healing some of the wounds that were there. And I did it because I felt that way. That's just the way I grew up. I think that's borne out by the fact that now I'm selected by attorneys to arbitrate cases, by attorneys to conduct

settlement conferences, mediation, that sort of thing. I guess it's just part of me.

TRELEVEN: So you have the ability to hear opposing points of view and be mentally looking for middle ground that will bring about . . .

HIGGS: I don't know whether I would say look for a middle ground. The ability--better characterized--to make each side see the view of the other side.

TRELEVEN: To be an interpreter almost between conflicting points of view.

HIGGS: Yes, yes. Because the middle ground is not always the best ground.

TRELEVEN: Right, right. No, I understand the distinction you're making, and it's a good one. Well, here we are in 1991. How do you now look back on that experience as a regent, '66-'82?

HIGGS: As one of the greatest experiences that an individual could have. It was doing what I considered a worthwhile job. It was meeting what I considered top people. It perhaps was an ego trip, to be very frank. And I think that's true of all the regents. They talk about wearing the purple.

TRELEVEN: Yeah.

HIGGS: I look back on it since leaving, since no longer being a member, I have made a conscious effort to not become involved. I think the worst thing that can happen is to become a senior statesman-- someone who has had a job and doesn't want to turn loose of it and still wants to have something to do with it. I made up my mind that that would not happen as far as I'm concerned, that I wouldn't try to call up any regent and tell him what he or she should do or wouldn't try to second-guess him. I have been called upon occasion by some and I have expressed an opinion, but as I say I've said many times that the worst thing that can happen is for a person to try to be a senior statesman in any sort of an organization.

TRELEVEN: So since '82, if the phone rings you're available to respond to any questions that a regent may have or a chancellor or whatever, but you don't unless asked.

HIGGS: I don't volunteer.

TRELEVEN: You're not volunteering, okay. Is there a single high point of your regency?

HIGGS: Well, I'm not sure what, but what we've discussed of all the . . . It goes into what we have discussed. The single high point is that I felt that I was effective in keeping the peace.

TRELEVEN: Okay, okay, back to conciliator. How about the lowest point?

HIGGS: Oh, I suppose the lowest point was the continual criticism that I had, particularly during the time I was chairman. People that didn't understand it, close friends of mine. I suppose that was the low spot. You know, you get a little tired of receiving unfounded and unknowledgable criticism, which a lot of it was.

TRELEVEN: Yeah. So it's people dissatisfied with the university, and they sort of write you letters and blame you personally.

HIGGS: Just as an aside, during the strenuous time I received usually at dinnertime a telephone call from a woman who would say, "This is Mrs. So-and-so. I am the wife of Colonel So-and-so who served his country long and well. And the Colonel wants me to ask you. . . ." [Laughter] That got a little tiresome.

TRELEVEN: How about UCSD? Do you maintain contact with

campus officials?

HIGGS: To a limited extent. I have some good friends still out there on the faculty and in the administration. I'm invited out to any number of events. When I left the regents a group of people put up a fund called the Higgs Lecture . . .

TRELEVEN: Good!

HIGGS: . . . which is held every year at Warren College. How much they raised I don't know. But I go out to that and I see [William A.] Bill Nurenberg quite often. During the time I was a regent, Bill and I very often had lunch. Bill was of course interested in his Scripps Institution of Oceanography and he was soliciting whatever help or advice on various things. And I was asking him questions. As a matter of fact, I guess one of the regrets that I've had is that I didn't take advantage of going on one of his cruises somewhere up the Amazon.

TRELEVEN: Oh yeah.

HIGGS: They would change crews, and the opportunity was available. I could fly in with the new crew and stay there for a week or so during the changeover period and fly back with the relieved one. But

there again, I felt that that was just not proper. It wasn't contributing to anything except to my enjoyment, and I just felt I shouldn't do it. I often wondered if I didn't lean over backwards too much, but I did anyway.

TRELEVEN: Yeah, this is while you were a regent.

HIGGS: Yes. There again, it gets back to this conflict of interest sort of thing.

TRELEVEN: Yes. You didn't want to leave yourself open to the charge that you were boondoggling somewhere at the taxpayers' expense or something like that.

HIGGS: That is correct.

TRELEVEN: I'm going to turn this over and I'll put a new tape on.

[End Tape 9, Side B]

[Begin Tape 10, Side A]

TRELEVEN: Okay, we're back on, and I want to make sure I have this clear. Is it called DeWitt A. Higgs Lecture Series?

HIGGS: It's called just DeWitt Higgs Lecture.

TRELEVEN: DeWitt Higgs Lecture series [UCSD Earl Warren Symposium].

HIGGS: When we finish here I'll see if my secretary has one of the announcements.

TRELEVEN: Oh good.

HIGGS: Yes.

TRELEVEN: And that's given at Warren College?

HIGGS: Yes.

TRELEVEN: Annually?

HIGGS: Annually.

TRELEVEN: I see. That's wonderful. That's a perpetual recognition of the service you provided.

HIGGS: Well, there again, during the time that we were considering a law school the local newspapers came out strongly recommending a law school for UCSD and recommending that it be named Higgs Law School. [Laughter] So, as I say, we all have some ego.

TRELEVEN: Right. Well, before we wrap this up I want to know something from you. We do these interviews as a serious research effort now in the University of California, at least on some of the campuses. We seldom ask someone on tape, so I'm going to ask you. What are your thoughts about this whole oral history interview experience that we've had?

HIGGS: Well, number one, I assume it is a good thing. It makes a record.

TRELEVEN: Yep.

HIGGS: By interviewing different regents, you're going to get different versions . . .

TRELEVEN: That's right.

HIGGS: . . . of what happened or what didn't happen or why. And I'm sure you're going to get any number of regents who are close friends of mine having some different versions than I do. So by and large, I think it's good. I think by and large your questions have been good.

TRELEVEN: By and large. [Laughter]

HIGGS: Well, I say with that that there was a tendency, as I mentioned before, to look for more controversy than there really was.

TRELEVEN: Okay.

HIGGS: But perhaps that's perfectly normal. But you certainly have been fair with me, and I hope it comes out the way we both want it to.

TRELEVEN: Well, I thank you for saying that you think I've been fair. I think I have. I probably haven't been tough enough, but I'm not a lawyer. I'm an oral historian.

HIGGS: Well, if you'd been tough you would have got a lot less out of me.

TRELEVEN: [Laughter] Well, I'm really sorry to see this come to an end. You've been generous with your time and you've been patient with me as I've stumbled around with a few questions. These insights are an invaluable contribution to what we call the historical record, and I'm very grateful. I've only got one more question though, and that is, before we end, is there anything else you'd like to add to conclude the interview?

HIGGS: No, I don't think so. I think we've pretty well covered the field. I have one question myself. Will whoever's transcribing this edit out the ah's and uh's and that sort of thing?

TRELEVEN: Yes. Yes.

HIGGS: I've read too many transcripts of my own examination of witnesses and arguments to the court to realize that it's anything but perfect.

TRELEVEN: Right.

HIGGS: It doesn't come out on tape the way that I hoped or intended that it would, so substance, certainly no editing at all; grammatically, yes, that sort of thing.

TRELEVEN: Right. Well, the transcriber will do it

verbatim, and the editor will re-listen to it and get rid of those extraneous um's and er's and ah's, more mine than yours probably, and a draft transcript will come to you for review. That should be happening. . . . I'd better not put a date on tape, but I'd like to say the end of June or July. But on behalf of the California State Archives and UCLA, thanks again for participating in this interview, Mr. Higgs.

HIGGS: You're welcome. I enjoyed it.

[End Tape 10, Side A]