

California State Archives
State Government Oral History Program

Oral History Interview

with

HON. GARDINER JOHNSON

California State Assemblyman, 1935-1946
Republican State Central Committee, 1934-1946, 1950-1982
Republican National Committee, 1964-1970

May 16, June 12, June 20, June 27, 1973, March 18, 1983
San Francisco, California

By Gabrielle Morris
University of California, Berkeley

For the Ronald Reagan Gubernatorial Era Governmental History Project
Regional Oral History Office
The Bancroft Library
University of California, Berkeley

and

State Government Oral History Program

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PREFACE

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

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

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

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



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

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

John F. Burns
State Archivist

July 27, 1988

This interview is printed on acid-free paper.

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INTERVIEW HISTORY

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Interview Time and Place:

May 16, 1973, session of one and a half hours
June 12, 1973, session of two hours
June 20, 1973, session of one and a half hours
June 27, 1973, session of two hours
March 18, 1983, session of two hours

All sessions were recorded in Mr. Johnson's law office in San Francisco for the University of California at Berkeley Gubernatorial Eras Project units on Governors Earl Warren and Ronald Reagan.

Editing:

This interview was recorded for the Regional Oral History Office Ronald Reagan Gubernatorial Era Project and was completed under the auspices of the State Archives State Government Oral History Program.

Morris checked the verbatim manuscript of the interview against the original tape recordings, edited for punctuation, paragraphing, and spelling, and verified proper names. The interviewer also prepared the introductory materials.

On June 21, 1983, Mr. Johnson was forwarded a copy of the edited transcript for his approval. He reviewed the first forty pages of the manuscript carefully and added clarifying details in a sweeping hand. The press of business and failing health delayed the return of the transcript for final processing until January 1989.

At a meeting at his home in Piedmont, California on January 25, Mr. Johnson supplied additional information in response to questions from the interviewer about the narrative. This information is in brackets in the transcript.

Papers:

Mr. Johnson has collected materials on Republican party activities for some years.

Tapes and Interview Records:

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

BIOGRAPHICAL SUMMARY

Gardiner Johnson, and his twin Gordon, were born on August 10, 1905 in San Jose, California to George and Izora Carter Johnson, then soon returned to San Francisco. The brothers attended San Francisco public schools, Berkeley High School, and graduated from the University of California, Berkeley in 1926, receiving juris doctor degrees in 1928.

In 1934, Gardiner Johnson was elected to the California Assembly from the old Nineteenth District, where he served until 1947, when he returned to the private practice of law. As an assemblyman, he was active in legislation concerning penal reform, working conditions in wartime, and postwar employment and public works programs.

Mr. Johnson has been active in the county, state, and national Republican party, serving on the state central committee from 1934 to 1946 and from 1950 to 1982 and on the Republican National Committee, 1964-68. In 1959 he was president of the California Republican Assembly and in 1965 helped to found Citizens for Constructive Action.

The list of Mr. Johnson's community activities is equally lengthy: chairmanship of the California delegation to the 1955 White House Conference on Education; director of the Florence Crittenden Association, 1969-1975; University of California Hospital Auxiliary, 1960-1970; Child Welfare League of America, 1976-1983; as well as service with the American Bar Association, American Trial Lawyers Association, California Historical Society, Save the Redwoods, and Phi Beta Kappa.

In September 1935, Mr. Johnson married Doris Louise Miller. They have two children, Jacqueline Ann Johnson and Stephen Miller Johnson. On March 6, 1990, Mr. Johnson died at his home in Piedmont, California.

[Session 1, May 16, 1973]

[Begin Tape 1, Side A]

MORRIS: Could you tell us something of your boyhood? You were born here in California, weren't you?

JOHNSON: Actually, I usually say I was born in San Francisco when people ask me. That is not quite accurate. At the time of my birth, and my twin brother [Gordon Johnson] Gordon's birth, my family lived on California Street at 1417 California. That was right around the corner from the old cable car barns at California and Hyde. My mother, whose maiden name was Izora Carter, had lived there before her marriage in 1903.

My mother went to a hospital in San Jose for the occasion of our birth. We were actually born in San Jose and then returned to my parents' home in San Francisco as soon as she was able to bring us there with safety. That was August the tenth, 1905, when we were born.

We were still living in the home on California Street on April 18, 1906, the day of the fire and earthquake. As the fire came up the hill, of course, that whole block was burned to the ground. My father, [George W. Johnson], according to what I heard a thousand times when I was a small boy, took a pole and put it over across his shoulders, with ropes tied on each end and a basket tied to the ropes. In the style of the old Chinese peddlers who used to be all throughout San Francisco, he carried us, a boy in each basket, out California from Hyde to California and Presidio where they camped all night in a cemetery.

The next day, I've been told, people with infant children were given preferred attention. My mother was taken, and my father, by some good people by boat to Mill Valley, where they stayed for a short time. Eventually they went to Berkeley, where they lived on Dwight Way, right across from the old McKinley School--at 2428 Dwight Way.

We lived there for a while, and then eventually came back to San Francisco where my father continued to work in the cabinetmaking business for the firm of A.J. Forbes and Son at 1530 Filbert Street. The firm is still in business in San Francisco. They make very fancy bank and office fittings and very elaborate showcases for stores. I can remember when I was a small boy, my father worked with them in preparing for the opening of the White House, after the fire, at Sutter and Grant Avenues.

My family came back to San Francisco sometime around 1908. Starting about 1912, I went to school in San Francisco at the old Emerson School out on Pine Street near Divisadero. We then lived across the street from the school at 2683 Pine. Incidentally, one of our classmates--because my brother was in the same class with me--was a boy named Albert Shumate, who lived in the big old-style white mansion that still stands on the corner of Pine and Scott Streets.

He still lives there; he's now Dr. Albert Shumate, the famous historian of San Francisco, and was president of the California Historical Society several years before I held that same position. As I said, Albert was one of my primary school classmates. That was about 1914 or '15, just before and during the famous Panama-Pacific International Exposition.

In the summer of 1916, my mother took us to Berkeley, on the theory that we should eventually go to college, and it would be a good idea to live near the University and begin to absorb the college atmosphere. So, we moved to Berkeley in the early

summer of '16, and I went for one term to the old McKinley School on Dwight Way which we had lived across the street from in 1906.

Then I went to the Frances E. Willard Junior High School on Telegraph at Ward. I think my brother and I went there the second term it was open; that would have been in January of 1917. We spent the war years--the late war years--'17 and '18 there. Then we went to Berkeley High and spent three years there. We graduated in May of 1922.

I think a very interesting facet in our lives, with reference to The Bancroft Library, is that while we were in our senior term at Berkeley High, a representative of the circulation department from the university library came down to the high school seeking prospective graduates who might be interested in working during the summer at the library.

My brother and I both applied, and four days after we graduated from Berkeley High, we started working at the university library. Our first job, which was carried on in the morning, was moving the old newspaper files of The Bancroft Library from the cage on the first floor up to the then new quarters on the fourth floor.

These were newspapers that had been stored for years, wrapped in heavy brown wrapping paper. As I recall, each package had issues for a month or three months. They were just absolutely covered with dust. We would have to walk to our home at 2207 Ellsworth Street, near Allston Way, and take a bath at noon, then change our clothes, before we could go back and do the regular library work in the afternoon.

As I said, we started there four days after we graduated from high school, and we quit at the university library the week after we finished the [California] Bar Examination in 1928. We worked in the university library for more than six years.

MORRIS: It's interesting that you decided to go into law rather than library studies, since you'd had that much experience.

JOHNSON: As a matter of fact, it was the work in the library, I'm sure, which caused both of us eventually to go into Boalt Hall [University of California at Berkeley School of Law]. We found after we started working there--even in the first summer--that there were quite a few fellows working in the library who were students in Boalt Hall. We became friends with many of the young men who were ahead of us in college, but who were in the various classes in law school. That was our first and almost our only early contact with anyone in the legal profession.

An interesting thing, though, about the library is that I think that I learned more working in the library than I did in my courses in the University, the reason being that when you work in the library you have laid out before you the whole range of culture and civilization. You have all of literature, you have all of the great political works and economics, history, and the various languages.

I have learned, for instance, the sequence of the various authors, not because I took a course in English or Russian or French literature, but because I knew the call numbers--the library call numbers, through the old Rowell system of classification established by Mr. [Joseph Cummings] J.C. Rowell, an early librarian, who was still there when I was. In addition to his authorship of the Rowell system, Mr. J.C. Rowell was responsible for starting the University Archives as part of the library.

At that time, English literature and the literatures of foreign languages were still classified on the old Rowell system. I know, for instance, that *Beowulf* came before [Geoffrey] Chaucer and Chaucer came before [William] Shakespeare, and Shakespeare came before [John] Dryden, chronologically. I don't know that because I took a literature course; I know it by the sequence of the library call numbers. *Beowulf*, incidentally, was 923; Chaucer was 926; Shakespeare was 931; and Dryden was 937.

It was through the work in the library that I first met many of the great figures in The Bancroft Library. One of my assignments

in the library was to attempt to obtain the return of books taken out by professors and not returned on schedule. We had certain habitual offenders, among whom were some of the great scholars in The Bancroft Library.

I used to have to go up to their personal offices on the fourth floor and try to convince them to bring books back when someone else was requesting or demanding them.

Either through that activity, or merely by being in the library and seeing them there, I became very friendly with Herbert Ingram Priestly, Herbert Eugene Bolton and Charles E. Chapman, and I knew the younger people who worked in The Bancroft Library.

Professor Bolton, as you may know, was a great recruiter. He had available at his disposition, or at the committee's disposition, rather generous scholarships. I remember there were several Native Sons scholarships provided by the Native Sons of the Golden West, a fraternal organization. These scholarships were naturally for study and research in the Spanish-American History.

These young men, some of whom were colleagues or friends of mine--such as Joseph Ellison, Lawrence Kinnaird, Abraham Nasatir, and others--accepted scholarships that took them to Spain, or to Portugal, or to Mexico, or to various parts in the southwest United States for the purpose of carrying on research in the official archives and libraries where they examined and translated original documents in the field of Spanish-American history.

I had known the Bolton girls in the Berkeley Schools. Eugenie Bolton, who was a daughter of Herbert Bolton, was a classmate of mine both in grammar school and high school. I also knew his daughter, Gertrude. Incidentally, Eugenie is still alive and I think is now married to a man named Paul Johnson, who used to be with the Sunset Book Publishing Company. I think he's now working with the California Historical Society.

Because of having known them, and because he was by nature a friendly soul, I became very well acquainted with Professor

JOHNSON: Bolton. He used to talk to us when we of the library staff would meet him in a men's room up on the fourth floor of the library. It had a small balcony looking out over the [San Francisco] Bay; and we used to spend a little time there at the end of the day when we were tired, sitting out on the top wall looking out over the Bay and recounting the events of the day.

He would come out and talk with us. He was persistently talking to us about what courses we took. When he found out we were taking his courses, then he would talk to us about becoming teaching fellows and applying for those scholarships.

I did take his courses. I took the famous History 8AB--the undergraduate course--which he entitled not American History but the History of the Americas--plural; in other words, North, Central and South America. I also took the upper-division course, History 181A-B, also the History of the Americas--sort of the advanced section of it.

If I had not gone into law school, I think I would have seriously considered, and probably would have accepted his invitation to apply for a scholarship and gone into the study and teaching of history. Incidentally, some of my very good friends did so.

When I was taking History 8, one of the section leaders was Abe Nasatir. He is now the distinguished Abraham Nasatir, I think now of San Diego State [University]. My section leader was a short little man named Joseph Ellison. He became a professor of history, I think at one of the Oregon colleges.

[Theodore] Ted Treutlein who, as a high school and college student, was very friendly with the Bolton girls and their close friends, the Gosling girls, married one of the Gosling girls, Charlotte Gosling. Ted became a professor of history, and for some years now has been, I think, at San Francisco State [University]. He has written a number of scholarly treatises and books, including at least one which we published at the California

Historical Society when I was president. His was one of the three books published by the society in connection with the bicentennial of the Spanish discovery of California.

MORRIS: With all of that interest in history around you and your own interest in it, it must have been a hard choice to decide on going to Boalt.

JOHNSON: I'm not sure that I remember exactly how it came about. It was kind of a gradual thing. Many of my close friends in the library, who were a year or two ahead of me, went on to Boalt Hall; it just seemed to be a natural thing to move along with them.

When I was at the university, you could enter Boalt Hall in your senior year and your first year of law counted as your senior year of undergraduate work.

MORRIS: That would be a very heavy schedule.

JOHNSON: It was. So, we were not able to take anything but so-called jurisprudence courses in our senior year. The result was that my connection with history courses terminated very rapidly at the end of my junior year.

MORRIS: Your brother went to law school with you; was this a joint decision?

JOHNSON: No. It was an individual decision, but the decision was the same. We went right along in the same classes in Boalt Hall. Undergraduate, of course, we took different courses in some cases, because you had more options. At Boalt Hall we had very few options.

We both graduated in the class of 1926 from the College of Letters and Science, as they then called it, receiving the Bachelor of Arts degree, and then we both received the degree of Juris Doctor in 1928 from Boalt Hall.

You may be interested to know that just before we went to Boalt Hall--to show how law school procedures have changed--in the early twenties they had two plans. You could go in as we did, as a senior, and have your whole first year of law (or jurisprudence) counted or credited as your senior year for the A.B. degree. Just a few years before we were admitted to Boalt there was an alternate

plan by which you could spread your first year of law through your junior and senior year of undergraduate work. In that way, you took some jurisprudence courses and some of your other courses in the various departments which you had to have for the A.B. degree. That, however, had been eliminated by our time--that system of going in as a junior. We all had to go in as seniors. The second and third year of law were graduate years.

Another thing that they changed right while we were graduating: Boalt Hall had always given, I think since its origin, the degree of Juris Doctor. It required three years of the study of law and a thesis. All the graduates of Boalt Hall used to have to write a legal thesis in order to qualify for the Juris Doctor degree.

Our class--the graduating class of '28--from Boalt Hall was the first one where they began to eliminate the J.D. degree. The way it worked was that, whereas all of the people who graduated in the preceding classes received J.D. degrees, when we came along they had changed the rules; only those of us in the upper one third, I think, were allowed to qualify for the J.D. degree, and we had to write the usual thesis.

There was one exception--the fellows who were on the law review staff and who wrote law notes could submit their law notes as a thesis, and they didn't have to write one. The rest of us who qualified for the J.D. degree did have to write the thesis.

The lower two-thirds of the class, as I recall it, received--I am uncertain only as to the percentage; I think it was about two-thirds--they in the lower group received not the J.D. but the Ll.B. degree. Then, beginning the next year, '29, there were no J.D. degrees; everyone received the Ll.B. degree.

As you know, the Ll.B. became the prevailing law degree throughout America. Strangely, just about five or six years ago, they reinstated the J.D. degree. Thousands of lawyers throughout America, who really had never received anything but an Ll.B. were allowed to obtain a J.D. degree by paying ten or fifteen dollars.

They could buy a certificate and become overnight the holder of the J.D. degree.

MORRIS: By virtue of having practiced successfully over the years?

JOHNSON: No, no. The change was made retroactive, or what the lawyers like to call *nunc pro tunc*--now for then. I'm told by lawyers that the reason for this sudden and very late change was that the men who had graduated in the years between '29 and '65 had found that academically, when they became law professors, promotion and pay was dependent upon the degree you held in many instances.

These very highly qualified men did not hold a doctor's degree; they only held a bachelor's degree, namely the LL.B. The result was they were not getting preferred treatment, or even fair treatment salary-wise. I'm told that the law professors prevailed upon the American Bar Association and the law school group to support the change, and were largely responsible for bringing about this change.

The average practicing lawyer really had no interest in what degree he had. I rather assume that this explanation that I've heard is accurate. At any rate, regardless of the explanation, that's the history of what happened to my contemporaries and their degree.

MORRIS: So you and your brother went through law school together.

JOHNSON: And we graduated in either May or June of 1928. One thing that I may not have pointed out is that when we came to Berkeley in 1916, we lived down on Ellsworth Street, where the university running track now is. We lived on the northern end of the block, at 2207 Ellsworth Street, within two residences of the old university boundary, which used to be on Allston Way.

MORRIS: In other words, the part of Ellsworth Street that you lived on is no longer a street; it's been absorbed by the university.

JOHNSON: That's right. We had to move from Ellsworth Street because the university was beginning to condemn these homes for athletic purposes and the like. My family acquired a small home up on

Haste Street--2623 Haste--between Bowditch and College. We rented it out to a family until the university actually gave us notice that we had to get out, which was in the spring of '24 as I recall it.

Then, when we had to get out of the property taken by the university on Ellsworth Street, we moved to Haste Street, where we were living at the time we attended Boalt Hall.

I mention that because this is the answer to one of the questions you asked me as to why--as a lawyer practicing in San Francisco--I did not become involved in San Francisco politics. The answer is that I lived on Haste Street in Berkeley. At that time, as now, eligibility for a legislative seat is dependent upon your residence. From what I read in the papers occasionally, there are a few people that abuse that requirement by maintaining fictional residences only and try to qualify for political purposes where they do not actually live. I lived in Berkeley; therefore, when I came to run for the assembly, I ran from a Berkeley district.

MORRIS: As a law student, were you active in campus politics at all, or the [Governor Clement Calhoun] C.C. Young campaign of 1926?

JOHNSON: Only to a moderate degree. Both my brother and I had become interested in--particularly from about the time we were juniors on--we did become interested in helping some of our friends run for campus offices.

We were working for a living; we spent practically all of our non-class hours working in the library. The idea I'm attempting to convey is that we might come up to the library at 8:00 or 9:00 in the morning and work an hour or two; then we'd go across to Wheeler Hall and take a history course for an hour, and then maybe a political science course, but then we'd be back at the library and work an hour or two.

MORRIS: You were living at home?

JOHNSON: Living at home.

MORRIS: And contributing to the family budget?

JOHNSON: Only in a moderate way. When we started working at the university library, we were paid thirty-five cents an hour; it was 1922. When I left in 1928, I was earning, as I recall it, fifty-five cents an hour. The sums involved were not great, but expenses were considerably less than they are now.

We graduated from Boalt Hall, of course, before the Depression started; we never were exposed to that in college. When we left, it was just before the Depression started. While I was pounding the streets of San Francisco trying to locate a legal opening, people were beginning to jump out of windows as the bank stocks crashed. It was '28 and '29. I think that, as I recall it, the Big Bank, as they used to call it--the Bank of Italy [later Bank of America]--stock had its great tumble sometime in August, September or October of '29.

MORRIS: How did that affect job possibilities here in San Francisco?

JOHNSON: I think inevitably tightened economic. . . . Or unfavorable economic times affect all types of employment, at least the rates of compensation. When we were looking for work, the salaries for beginning lawyers, particularly those who had not yet been admitted to practice law--in other words, hadn't passed the Bar--ran somewhere between \$75 and \$150 a month.

Within two weeks after I had been admitted to practice law, I had located a job and I started on the twentieth of October, 1928. My starting salary was \$75 a month.

MORRIS: So that it was the actual passing of the Bar that made it possible to find a job, even though people knew you were going to take the Bar exam?

JOHNSON: No. I had been working part-time for Oscar T. Barber, a lawyer in the Russ Building, who was a prominent Berkeley resident. I had been working part-time for him while looking for a permanent job. He was simply good enough to let me hang my hat and have a little desk in a small office that he had, where I could make a headquarters while I looked for a permanent job, which I found in

October. On October 20, 1928 I started working for the firm of Manson and Allan in the Kohl Building. I stayed with them until November 1941.

MORRIS: To answer one of your questions, I have practiced law in San Francisco continuously since the day I was admitted, which was October 3, 1928. I have never practiced or operated an office in Alameda County. That was one of the problems when I ran for office. There would always be some candidate who had his office right in Berkeley and who would urge that, therefore, he not only was available, but he also was close to and understood the problems of Berkeley better than a foreigner from San Francisco. That was what I meant; I was thinking of politics in the sense of supporting causes and working on campaigns and being part of the political life of San Francisco, since your business life was there.

JOHNSON: One thing that this question of yours raises: while we were not eligible to run for office in San Francisco, we did know and mixed with many young lawyers and other friends who practiced law or worked in San Francisco; we were not inactive in getting into the activities of various groups, clubs, and other organizations in San Francisco that were interested in what we thought were the constructive phases of political activity.

For instance, by 1931, my brother Gordon had joined the Commonwealth Club of California. One of the principal reasons or motivating forces for his joining it was that he was then employed by the law firm of Thelen and Marrin as it was then called. Max Thelen, Sr., was a past president of the Commonwealth Club. Through his activity, my brother became interested and joined the club in 1931. I joined in 1934. We are both now life members of the Commonwealth Club of California.

Then there were various organizations of so-called "young men" who were interested in pro bono publico activities. One of them that we became affiliated with sometime around 1931 or '32 was an organization called The New Guard. I have here a sample

ballot that they put out in 1934, and which they distributed widely among their friends. This sample ballot is for the general election on Tuesday, November 6, 1934.

This recommended, as you'll notice, statewide offices (that is, governor and lieutenant governor), congressional, state senate and members of the assembly. Of course, I'm interested in it because my name appears; they endorsed me for the 19th Assembly District. They also set forth the twenty-three state ballot propositions at that time.

MORRIS: That's really startling.

JOHNSON: That's right. The public, as usual, was confused and concerned; so the fellows put out this ballot with recommendations on the various propositions, as well as the candidates. They used to distribute these on the ferry boats, going back and forth on the ferry boats, and in their neighborhoods; some of them went from door to door handing them out. Generally, it was given a very good reception.

Many of these people in this New Guard were San Francisco people. They had other forms of this sample ballot for San Francisco; the one I have happens to be for the East Bay because that's where I was running and where I lived.

There were various volunteer groups of people who were interested in national, state and local politics who operated out of San Francisco. Some lived here in San Francisco, others lived in Alameda County and many in San Mateo.

MORRIS: Who were the ones you particularly admired--maybe of the established leaders? You refer to The New Guard as the younger men just getting started.

JOHNSON: It isn't possible to speak with precision on a question of that kind without thinking it over. Naturally, there were many lawyers whom I had heard of, through their activity in the political field. To pick out one--I didn't know him so well then, although I went and talked to him one day when I was looking for a job, simply because I'd

seen his name in the paper as a prominent lawyer--that was Francis V. Keesling, Sr.

I was looking in my basement just a day or two ago for one of these files that you asked me about, and I happened to find a long letter that he had written to me. Actually, I think he had written the principal letter to [Governor] Earl Warren and he sent a copy to me. The letter was written when Earl Warren was just elected governor.

Francis V. Keesling had been the chairman of a blue ribbon citizens' committee appointed by Governor [Frank F.] Merriam sometime along about 1935 or '36. The purpose of the committee was to take a citizen's look at the reorganization of the state government setup.

But to make my original point, I went in and talked to Frank Keesling when I was looking for a job. I must say, he was very gracious and very helpful. He didn't have a job available, but he talked to me understandingly and encouraged me. I know his two sons today very well--Francis Keesling, Jr., and [William] Bill Keesling; on many occasions, I remind them how gracious their father was to me. He was a very well-known and very successful lawyer; the idea that he would take time to talk to me made a great impression on me.

Some years later, when my friend and contemporary in the legislature, [Assemblyman Frederick] Fred F. Houser, was running for lieutenant governor, Frank Keesling was his state chairman, and I came to know him better there and worked closely with him. That was why he sent me a copy of his letter to Earl Warren--because we had established a very friendly working relationship.

Along the line, either after I was in the assembly or had started running for it, of course I got to know the political leaders of California. For instance, I knew [Governor] Hiram Johnson; I knew Governor [James] Rolph, [Jr.].

In my lifetime, I have personally known every governor of California beginning with Hiram Johnson down through the present incumbent, except for one: I never knew Governor William D. Stephens, who was Hiram Johnson's lieutenant governor, and who succeeded him when Hiram became a United States Senator.

I break even in numbers though, because one of my constituents, when I was the assemblyman from Berkeley, was [Governor James N.] Jim Gillette, who had been governor before Hiram Johnson. He used to ride on the ferryboat, along with a group of us, and he used to give me good advice.

MORRIS: How marvellous. What a very fine experience for a young legislator to have.

JOHNSON: One of the happiest things about the legal profession is that even though you are a very young lawyer, when you go to Bar Association meetings or Bar Association committees or--better yet --Bar Association cocktail parties or dinners, the senior and more experienced lawyers are not at all stuffy about accepting the young people on an equal basis.

And so, when I became involved in Bar Association activities, then I knew them all on a lawyer-to-lawyer basis. I've attended State Bar conventions all over the state for forty years. I've been active in The Bar Association of San Francisco since 1929. I have had an unusual opportunity to know these people and to know them on an entirely intimate and informal basis.

MORRIS: What was it that made you decide to plunge into being a candidate yourself?

JOHNSON: As I've indicated, my brother and I had been going to some of the meetings of groups of young men interested in political activity. Through that, we became interested in this sort of thing. Then I met a lawyer from Berkeley for whom I did part-time work for a number of years in order to get supplemental income when salaries weren't so big.

His name was Louis Bartlett. He had been mayor of Berkeley. I forget just who recommended me to him, but I became very friendly with Mayor Bartlett and his wife. Incidentally, she was Mary Olney; her brother was Warren Olney, Jr.--not the present Warren Olney III. Her father was the original Warren Olney, who put out or edited the first, 1872 Code [of Civil Procedure] of California, of which I happen to have a prized copy.

You know I am a collector, both of Californiana and of American political history books--and I have here in my office library the memorial to Warren Olney, Jr., put out, I assume, by his firm when he died in 1939. This elaborately bound little book contains the remarks which lawyers made to the various courts in tribute to his memory.

This Warren Olney, Jr., as you know, was born in 1870 and died in 1939. He was Mrs. Bartlett's brother.

[End Tape 1, Side A]

[Begin Tape 1, Side B]

JOHNSON: Louis Bartlett was interested in political activity; he was always urging me and my brother to become involved in political activity. Eventually I decided I would run for the assembly in 1932.

I had learned that there had been a reapportionment at the '31 session of the legislature; there was going to be a new district in Berkeley. I decided to look into it.

At that time, "looking into it" consisted of my brother and me taking the statutes of 1931, getting them out on the desk, and reading out the block by block description of the area in our assembly district.

We drew it out. We traced it out on a map and marked out where our district was going to be--the district we lived in, is what it amounted to. Then, I decided to run.

There was no established organization that controlled such matters in Berkeley. In other words, there were no signs of what

you might call organization politics. The result was there wasn't an organized leader or a head of the party to whom you could go.

MORRIS: Was there a county committee?

JOHNSON: There was a county committee, of course; under the law, there has to be. But county committees, at that time, as far as we could find out, were dormant. In other words, they organized as they had to, after the primary; they didn't maintain headquarters or a staff. There was no machine politics; organization is a polite word. There was no machine politics, at least in Berkeley.

As you probably know, Berkeley has always been, or was in those days, a problem to anyone who even thought about machine politics; they didn't dare try to reach in to Berkeley. Some of the politicians thought Berkeley people were long hairs, intellectuals; a more complimentary term is they knew Berkeley people couldn't be handled, so they left them alone. The result was there were many outstanding people in Berkeley who knew about politics--I don't mean to convey a different impression--but there was not an organization in the sense of machine or boss-run politics.

To back up my statement that people interested in politics lived in Berkeley, at the time two ex-governors lived in my assembly district--at least they did eventually when the district lines were changed by reapportionment.

I think in 1932, when I ran the first time, ex-Governor Friend W. Richardson lived in my district on Arlington Avenue. At that time, C.C. Young did not because he was then in the other Berkeley district. The dividing line then ran up and down Dwight Way. Friend Richardson was in the north Berkeley, or Nineteenth [Assembly] District, which I ran in, and C.C. Young was then in the other Berkeley, or Eighteenth, District.

Supreme Court Chief Justice William H. Waste lived in my district. There were many experienced political and legal figures, but there was no political machine.

MORRIS: Did you go to ex-Governor Richardson for advice or support?

JOHNSON: Well, this is an interesting question. When I ran first, in 1932, some of the old-timers in the political field were backing another candidate. My brother and I found, when we checked the statutes and the map, that our home was in what was then the Nineteenth District. This district was bordered by the Bay on the west, the Berkeley hills on the east, the county line on the north and Dwight Way on the south. The boundary line ran all the way up and down Dwight Way; everything north of it in Berkeley, and all of Albany, was our assembly district.

I announced fairly early that I was going to file. Several other lawyers and some other people had become interested because of the new district. When the filing was over there were nine of us who had filed for the Republican nomination.

MORRIS: This is of all political persuasions?

JOHNSON: No, this is Republicans. There were nine Republicans.

MORRIS: Good heavens. It sounds just like some of today's elections.

JOHNSON: At that time, under the law of California, you could also file for the nomination of other parties; in other words, the cross-filing system was prevalent then. I filed for both the Republican and the Democratic ticket. I did it rather innocently, thinking that if I could get both nominations I wouldn't have to run in the final. I was severely castigated by some of the long-time Republicans for so much as putting my name on a Democratic ballot.

MORRIS: In other words, it was not the custom always to cross-file.

JOHNSON: It was not the accepted custom in Berkeley. In other areas--for instance, in San Francisco--it was the prevailing custom; everyone did it. It was not the prevailing custom in Berkeley, and I was very severely criticized for having done it.

As it turned out, nine Republicans filed, including myself, and two Democrats filed. I was the third one on the Democratic ticket, having cross-filed.

A man who had been in the legislature before, and who had withdrawn, named [Assemblyman] Albert H. Morgan, won the

Republican nomination. I ran second. I ran first on the Democratic ticket, but I was eliminated because of my failure to receive my own party's nomination. I eliminated the other Democrats; I eliminated two registered Democrats, but I was eliminated.

MORRIS: So that gave the election to Mr. Morgan.

JOHNSON: The Democratic County Central Committee had the right to put someone up against him. They did not put up anyone against him. He was elected.

You have to keep in context that 1932 was the year Franklin [Delano] D. Roosevelt first ran for president. You asked me about whether or not Governor Richardson, who then lived in my assembly district, supported me. He did not, because he had known the man who beat me, Albert Morgan; he and many of the old-time Republican leaders went along with Morgan.

Incidentally, Morgan received 3622 votes; I received 2053, plus the 1878 Democratic votes which didn't count.

MORRIS: You actually got more votes than he did.

JOHNSON: The Democratic votes didn't count. He beat me by 1600 votes on the Republican ticket. The next man, Ralph Brock, was 1748 votes. Then there was [Assemblyman] George Gelder, who'd been an assemblyman many years before and had offended the establishment. He ran and was used as a threat to everyone's campaign. He ran fourth; he got 1652 votes. Then a local attorney practicing in Berkeley, named Arthur Bellman, received 1557 votes. The rest were pretty well scattered.

What happened was that Albert Morgan decided during the 1933 legislative session that he'd had enough of the legislature; he decided not to run again. He called me one day out of a clear sky and told me he was not going to run. He said he and Mrs. Morgan had talked it over, and he was not going to run again, and he wondered if I was thinking of running. I said yes, I was if he wasn't going to. He said to me, "Well, as you remember, you and your

brother went from door to door campaigning in 1932; whether you knew it or not, you came to the doors of the homes of many of my friends. They all told me that you never said any harsh things about me." I think he had George Gelder in mind when he said this. [Laughter] At any rate, he said, "You fellows never blasted me to my friends; I've never forgotten it. If you would like to run, I would like to help you." So, I thought I had everything all well organized.

MORRIS: It certainly would be a great boost to have the incumbent's support. Did he endorse you?

JOHNSON: Indeed he did, and he helped me very loyally. What happened was that a man who had been in the legislature previously for four terms, and who'd withdrawn to run for supervisor and was defeated--he ran for supervisor in 1932 and was defeated--decided to come back when he learned that Morgan wasn't going to run. Suddenly, instead of having a clear field, I find myself with a very substantial opponent.

MORRIS: That was Mr. [Harold C.] Cloudman?

JOHNSON: That was Harold Cloudman. It was Harold Cloudman that we defeated in the primary in '34 by 4 votes. Incidentally, Friend Richardson had a monetary or proprietary interest, I always thought, in the *Berkeley Daily Gazette*. At least if he didn't have it at that time, he was a very good friend of [Charles] Charlie Dunscomb, who owned and ran the *Gazette*. Friend Richardson and Charlie Dunscomb usually went along together on anything of this sort.

MORRIS: Richardson had been a newspaperman himself, hadn't he?

JOHNSON: Oh, yes. Very actively. That was the bulwark of his support for governor. He had organized an independent association that they called the California Press Association--not the California Newspaper Publishers Association, but the California Press Association. He had organized the publishers of all the small county seat papers up and down California. That's where he got

the framework for his campaign for governor, although he'd also been state printer and state treasurer previously.

Governor Richardson also supported Cloudman.

MORRIS: That's pretty potent opposition.

JOHNSON: Right. But those fellows were very open and very fair about it. I remember the night of the primary. My brother and I and some friends were standing out in front of the *Berkeley Gazette* office down on Center Street. As they used to in those days, they were flashing returns on a screen across the street.

Cloudman was running ahead of me at the time. Charlie Dunscomb told me that if I beat Cloudman in the absentees, that he would support me in the final. Governor Richardson eventually told me the same thing. Eventually, I became a very close friend of both.

I was a friend already of C.C. Young, whom I admired greatly. Let me say one of the reasons that I admired him: as you know, he was an educator; when I was in school, we studied from *Principles of English Poetry* by Gayley and Young, Gayley being Charles Mills Gayley, the great professor of English at the University, and Young being C.C. Young who had been a high school teacher. So I knew Young as an educator as well as a political figure.

MORRIS: Yes. He taught high school, if I'm correct.

JOHNSON: In San Francisco, at Lowell High for about fifteen years.

MORRIS: Yes. That's a long road from public school teacher to the governor's chair.

JOHNSON: Governor Young, as you probably know, was a very precise, disciplined, very exact thinker; he always spoke with measured words. Friend Richardson was a different sort of personality; he was more of a rough-and-tumble sort of character. But as was typical of all those men, if they gave you their word, that was it; both Charlie Dunscomb and Friend Richardson told me that if I

won, they would support me in the final--and they did. They always did so after that.

MORRIS: With that kind of statesmanship on their part, what was the reason that Mr. Cloudman went to court on the decision?

JOHNSON: You're speaking now of the recount that Cloudman sought after I finally defeated him by four votes as a result of the absentees in 1934. Under the law, to obtain a recount, you had to file a petition with the superior court in which you stated or charged that there were errors in the counting of the votes in certain areas.

We had a decided advantage when it came to a court contest, because my brother and I were both lawyers, and we had time to do exacting legal research and preparation.

MORRIS: Did your brother represent you in this matter?

JOHNSON: He surely did. The minute we knew that there was a possibility of our winning, we would go up to Boalt Hall at night; we had a box of three-by-five cards, and we ran down every election recount case in the country. We had them all listed on cards, so that we were ready to throw together a petition or an answer, whatever we had to do. We did a pretty thorough job of it, because we thought we had quite a bit at stake.

The result was, when the time actually came, we were on the winning side; the other fellow, Cloudman, had to file a petition for a recount. I doubt that his lawyer did very much in the way of research, as we had done. The appearance and the substance of his papers tended to indicate there had been no research at all. Incidentally, I'm not just being nasty in saying that; the judge held that eventually. The judge threw the recount out of court on the grounds that he failed to state a proper cause.

What he failed to do was to charge specific errors. There was one precinct that they eventually picked on, where they claimed that there must have been an error. They didn't say there was an error; they said there must have been one. Of course, what they didn't know was that one of my high school and college classmates

lived in that precinct, and he had worked every house. He had produced the kind of result that good precinct work produces.

It differed from the surrounding areas. Cloudman's lawyer thought--because it stuck out like a sore thumb--that there must have been a mistake. Well there wasn't; it was just that a friend of mine named [Herbert] Herb Hughes had really worked the district.

Other than that, I don't think they had any specific grounds for seeking a recount. He was backed by some financial or legislative lobby groups; I guess they put up a little money to hire this lawyer for him. We never knew that, of course; we just suspected that.

Judge [Frederick] Fred Wood--not the Fred Wood who was later the legislative counsel, but the former Superior Court Judge Fred Wood--threw the case out. He ruled along about noon that the petition was defective. We were attacking it for lack of specificity, and we had legal authorities to support us. Fred Wood listened to him and eventually said that he was going to throw it out in the afternoon. He said, "I should do it now, but I'm going to give you till this afternoon. You can file an amendment; be back at 2:00 with your amendment if you want to."

When he came back, he did have an amendment, but it was worse than the original. We attacked it again and on the same grounds. Along about 3:00, Fred Wood just got irritable. He said he had heard all he was going to hear, and he threw it out.

Of course, we had learned from reading the decisions that part of the process was to get a proper minute order or entry on record. We wrote out a very careful one the next day, got it into just apple pie order and made all of the findings against him. We took it over to Oakland and Fred Wood signed it.

We also were helped by some friends of ours who said, "If he's asked for a recount and he's been thrown out, he's going to go to the appellate court. What you'd better do is get a certified copy of Judge Wood's order and take one to the clerk of the appellate

court and one to the supreme court; just ask them to keep it there in case he comes in with a petition."

Each time he came, he found an order there ahead of him. Both the district court of appeals and the supreme court denied his petitions right on the spot. That ended that.

MORRIS: It sounds as if you put your campaign together from people that you already knew--people you'd been to school with.

JOHNSON: We were very fortunate in having a group of young men, most of whom, as I recall it, were single at the time, who were interested in some of these groups that we had been active in; they helped us. Some of them went door-to-door campaigning. My brother and I took our vacations, and we campaigned every day door-to-door.

I had delivered papers in Berkeley. I delivered the old *San Francisco Call*, and I had to collect. I got part of it, but I had to collect. I had learned that if you want to save your time on door-to-door work, always do it during the dinner hour; start about five and run until it gets dark; after dark, people don't like you ringing the doorbells. We knew, from that experience, that to be effective, to be efficient, door-to-door work had to be done between five and seven.

MORRIS: Is that because people are home?

JOHNSON: People are home. Not only are they home, but when they're at the dinner table, you catch the family. We had also learned that the success of door-to-door work is quick getaway. Never become involved in personal arguments or heated political arguments; if the people are against you, politely thank them and get away. While you're arguing with one who is obstinate and argumentative, you can make five or six houses that are open-minded. We had decided this ourselves and asked our friends not to get into arguments.

When you would catch the family at home around the dinner table, it would not be one vote; it would be three or four, or maybe

more if they had them. We had concentrated on that. It was strictly a homemade campaign.

MORRIS: What did you use for money?

JOHNSON: We used our own. I have the records downstairs; I didn't bring them up. I don't think we spent over \$300 in the primary campaign. That was spent for cards to hand out door-to-door, a few cards to go in windows, letters. I happened to have these in my basket. That's the first campaign.

Assembly campaigns, in those years, were usually not the expensive activity that they've become in recent years. At any rate, I recall that in the first one, I don't think we spent over \$300.

MORRIS: So it wasn't a matter of a lot of time and effort talking to people to raise money.

JOHNSON: No. We would have happily spent some time talking if someone had money, but I don't think it was available at that time. That was really in the Depression--1932. Even at the end--I ran until 1944--our campaign expenses were very nominal.

Actually, in 1934, I didn't run on both tickets, having been criticized for doing it in '32. After I was successful in '34 and finally eliminated Harold Cloudman at the primary, and then beat Stanley Bolton, the druggist who was nominated as a Democrat against me When I defeated him in the November '34 election, I thought that we would have a good chance of winning at the primary the next time.

After that, I got back on the cross-filing bandwagon. In 1936, 1938, 1940, and 1942, I won both nominations at the primary.

MORRIS: That makes it much simpler.

JOHNSON: You didn't have to put on a second campaign. In '44, which was the last time I ran, I did not win the Democratic primary; I had to run in the final against Jeffrey Cohelan, who later became a congressman. I was able to defeat him rather handily in the final; but I had to spend more money and more time because he put on a fairly active campaign. As I recall it, his was not an active personal

campaign. He had by that time some very active supporters--the CIO [Congress of Industrial Organizations] group and what we called radicals--who picked up his campaign and took it over.

MORRIS: He was a union officer?

JOHNSON: He had been, and I guess he still was at that time, the secretary of the Milkwagon Drivers Union.

MORRIS: Was the Upton Sinclair presence a notable part of that first campaign that you ran? In the textbooks, it's considered pretty remarkable; what did it look like at the time?

JOHNSON: Upton Sinclair, as a candidate, concentrated of course in southern California and in the big cities. I happen to have here a copy of his book, written after the election, called *I, Candidate for Governor*.

I don't recall Upton Sinclair actually coming into Berkeley; he might have, but I don't recall that. He probably came to Oakland. He was not a forceful personality in the local district, but EPIC [End Poverty in California] did endorse Democratic candidates in various districts. As I indicated to you from this scrapbook of mine, they put out statewide what was know as the *EPIC News*.

They had, as political newspapers frequently do, special editions for the various districts. They had one called the Nineteenth Assembly District edition. They put out one issue which they called Volume I, Number 13, and they called it the Special August 28th Primary Edition.

They endorsed Upton Sinclair for governor, [U.S. Senator] Sheridan Downey for lieutenant governor, and then they went on and endorsed legislative candidates in the local districts. For instance, in our Berkeley district, they endorsed Kenneth Morle for state senator, and they endorsed Stanley Bolton for the assembly.

Stanley Bolton was a druggist on Solano Avenue and a fairly well-known, very reputable gentleman. I never could quite believe that Stanley Bolton was wholeheartedly a Sinclair candidate. I think that the Sinclair people figured he was going to be the winner

among the Democrats and they sort of latched on to him. I'm sure he was not part of the EPIC movement, as were some of the assembly candidates in southern California.

MORRIS: That was the same year that there were the propositions on the November statewide ballot that we've talked about, which did quite a lot to change the structure and influence of the attorney general's office.

JOHNSON: Yes. Among the twenty-three ballot measures on the November 6, 1934, ballot, there were Propositions 3, 4, 5 and 6, all of which were widely termed "administration of justice amendments."

Proposition 3 related to the selection of judges; Proposition 4 was a general revision of the powers of the attorney general's office; Proposition 5 permitted the trial judge to comment on the evidence in a criminal trial; and Proposition 6 allowed a defendant to plead guilty before a committing magistrate. Those four measures were widely discussed at that time, and there was a great deal of interest in them.

For instance, as I pointed out to you earlier, on this little sample ballot that my friends in The New Guard put out, they listed their recommendations on all of the ballot measures; they endorsed each one of Propositions 3, 4, 5 and 6.

I pulled out from my records some of the 1934 election material which I have; I note that the California Junior Chamber of Commerce, which at that time made recommendations on measures, also recommended "Yes" on Proposition 3, relative to judges; they recommended "No" on Proposition 4, relative to the attorney general; they recommended "Yes" on Proposition 5, giving the court and the district attorney power to comment on the defendant's failure to testify; and they recommended "No" on Proposition 6, relative to allowing a defendant to plead guilty before a committing magistrate.

Then the Commonwealth Club of California. . . . I have their material here. In their usual way, they conducted open discussions

on all of the ballot proposals, including the four that we've referred to. I also have a pamphlet here which I obtained at the time, in 1934, put out by what's called the California Committee on Better Administration of Law.

MORRIS: Was that the committee that you were a part of?

JOHNSON: No. It was a committee obviously specially thrown together--an ad hoc committee for this specific purpose--of so-called state leaders, women's club, American Legion, law professors, district attorneys, and so forth. For instance, Evan Haynes--known as "Pete" Haynes--who was a professor of law at Boalt Hall, was on the committee; Earl Warren, district attorney of Alameda, was on the committee; Joseph R. Knowland, then the president of the California State Chamber of Commerce was on the committee. On the advisory committee, there were some very prominent lawyers, including [] O.K. Cushing of San Francisco, Albert Rosenshine of San Francisco, and Norman Sterry of Los Angeles.

I have here the official Statement of the Vote going back to 1932--those measures all carried. Proposition 3, on the selection of judges, carried; Proposition 4, on the revision of the attorney general's authority in office, carried; Proposition 5, permitting comment on the defendant's failure to testify, carried; and Proposition 6, relative to pleading guilty before a magistrate, carried.

The efforts of the California Committee on Better Administration of Law were completely successful.

MORRIS: Had you had any contact with Warren while he was district attorney?

JOHNSON: Yes. I knew Earl Warren as a lawyer within a relatively short time after I started to practice in 1928. I think my first personal contact with him was in connection with some State Bar Association matter.

Actually, my first participation in politics with Earl Warren was when I went to Sacramento for the first state central committee

meeting after my nomination in 1934. As I told you our campaign in '34 went on for an extra thirty days [Laughter] because of the recount problem. During the period that the recount problem was on appeal, the meeting of the state central committee was held. With the help of some of my friends, I made sure that the county clerk in Alameda County certified my name to Frank Jordan, the secretary of state, as the nominee once the absentee ballots had been counted.

MORRIS: Even though there was this court procedure.

JOHNSON: Yes. A recount petition does not involve any kind of a restraining order, or writ of prohibition or anything of that sort; there is no order issued against either the secretary of state or the county clerk. All that we had to do was to go down and point that out to the county clerk. I suppose he would have acted anyway, but we didn't take a chance; we went down and pointed out to him that the ballots were all counted, which he knew. He very rapidly sent my name on to Sacramento as a nominee.

In due time, I received the papers from Secretary of State Frank Jordan--the original Frank C. Jordan--inviting me to come as a delegate to the state central committee meeting. My brother and I went up.

MORRIS: That must have been quite an occasion.

JOHNSON: It was, believe me. That was a big day in our household. We both lived at home with our mother at that time. We started off in the morning in my little Packard coupe and we drove to Sacramento.

The interesting thing was that when we got there, the Republican State Central Committee was already meeting in one of the chambers; I think it was the senate chamber but it could have been the assembly. As we came down the hall, we found a delegation from Alameda County standing out in the hall. They stopped us; they didn't want us to go into the chamber. Naturally, we were curious; we'd never been to anything like this, and we wouldn't let anything prevent us from getting in and taking part.

It turned out that the reason they wanted to stop us was that Earl Warren was being nominated for chairman of the Republican State Central Committee, and these were his opponents from Alameda County, led by the Young Republican Friends of [] Mike Kelly. They didn't want any part of Warren, and they didn't want anyone from Alameda County to vote for Warren.

We kept right on going, and we walked in. These people simply didn't want to give even token support to Warren. I went in and I voted for Warren; he was elected without opposition. He became the chairman of the Republican State Central Committee that day. That was his first formal entrance into statewide Republican politics. He had been active, of course, in the District Attorneys' Association statewide and law enforcement officers' groups and that sort of thing; this was his first official statewide Republican position, as I recall it. I'm sure I'm right on that.

From then on, he was in the statewide Republican field.

MORRIS: On these proposition that made such major changes in the attorney general's office, there'd been some feeling that Warren was very much interested in their passage, because he felt that would upgrade the job and then it would be a job he'd like to run for. Do you feel that there's any merit to that?

JOHNSON: I can't answer that, of course. I don't know definitely, because I was not a close friend of his, and I never discussed it with him then or since. Some of his biographers have made that point, claiming that in his capacity as chairman of the District Attorneys' Association, he was preparing greener fields for his subsequent activity. I don't know.

It's interesting to note that he did sign--I have here the official voters' pamphlet as put out by the secretary of state to every voter in California for Tuesday, November 6, 1934, which lists all of these measures that we're talking about. On Proposition 4, which is the measure relative to making the state attorney general the chief law officer of the state and empowering him to prosecute with

the powers of the district attorney in local counties, and--this is the controversial one that the biographers point to--making his salary the same as supreme court associate justices', the two people who signed the official argument in the voters' pamphlet in favor of that measure were Earl Warren, signing as District Attorney of Alameda County and secretary of the District Attorneys' Association of California, and secondly, [] W.C. Rhodes, as sheriff of Madera County, California. Incidentally, there was no opposition argument in the voters' pamphlet on that issue.

MORRIS: Would that indicate that the legal profession felt that these were satisfactory changes?

JOHNSON: I don't think so. As a matter of fact, there were no opposition . . .

[End Tape 1, Side B]

[Begin Tape 2, Side A]

JOHNSON: . . . arguments in the official voters' pamphlet to either Propositions 3, 4, 5 or 6. You asked me if I thought that indicated the legal profession was satisfied with the measures. I don't think that's a reasonable implication from the failure to have negative arguments. The startling thing is that at that particular time very few of the measures had any opposition arguments.

For instance--now I'm just looking through this pamphlet-- Proposition 2, related to intoxicating liquors, was an effort to legalize liquor sales in California; naturally, the "drys" filed an opposition to that. Except for that, and a chiropractic measure on which you'd always find people on both sides, and Proposition 11, making the state Board of Education elective, and a few others--when I say a few others, I'm looking at another liquor measure--except for a very few, there were no opposition arguments.

Incidentally, as related to the question you asked me about: whether or not the fact that Earl Warren signed the argument on Proposition 4--whether that had any relevance to his thinking ahead and wanting to make a more comfortable nest for himself in

his future activity, I note that he also signed as one of the three sponsors or proponents of Proposition 7 relative to the state civil service. That measure also carried.

Of course, I suppose one could say that maybe he was looking ahead again and wanted the state civil service to be favorable to him; that would seem to me to be rather a far-fetched argument. At any rate, he did also sign there as one of the sponsors of Proposition 7.

MORRIS: That's not one that's been referred to, I think, generally, although . . .

JOHNSON: No. The biographers refer to Proposition 4, because it had direct relation to his field of activity. He became the attorney general within a very few years after that, in 1938.

MORRIS: That's true. But the civil service proposal is interesting because, as governor, he did apparently support efforts to have the civil service improved and to apply to all the government employees. That's one of the questions I wanted to ask about when we came to it.

JOHNSON: Under that initiative measure, which carried, civil service became effective through all of state government. He didn't have to do anything; it was a constitutional matter from then on.

MORRIS: Prior to his coming into statewide office.

JOHNSON: Prior to his being either attorney general or governor. The state civil service amendment became effective in November of 1934.

MORRIS: Since we have just a few minutes more this afternoon, would you give us an idea of what you felt the strengths and the weaknesses of the legislature were when you went to Sacramento as a freshman assemblyman?

JOHNSON: That's a very broad question. In order to try and answer it intelligently, you have to think in the context of the situation that then existed. When I went to Sacramento, the legislature met every other year in what was called bifurcated session: we met in January of the odd-numbered years, the elections having been held in November of the even-numbered years.

For instance, I was elected first on November the sixth of 1934 and started a legislative session on about the seventh of January of 1935. We had not only a biennial session, but what was called a bifurcated session. We went to Sacramento in January, and there was a constitutional limit on how many days we could stay. That was for introducing bills, in January. Then we had to recess for at least thirty days; we couldn't come back until March, usually March.

Then we stayed on. There was no limit on how long we stayed on; the practical limit was that we got paid at that time \$1,200 a year. During the legislative session it was paid to us at the rate of \$12 a day, but we couldn't draw over \$1,200 for that year. That limited us to one hundred days with pay.

At that time, there was no per diem; all we received was a mileage check at ten cents a mile coming up in January, and ten cents a mile going home at the end of the session. Coming from Berkeley, I received \$8.30 for mileage coming in January, and at the end of the session I received \$8.30 for going home. That was the entire pay.

Also, at that time we had no offices. Our offices, such as we had, were little file boxes kept either on the top of our desks or under our desks, right in the assembly chambers. We did not have individual secretaries of any kind.

They had what they called a pool--probably twenty-five or thirty girls. If you had to write a letter, you could send a page boy up to see if he could get a secretary to come down. If one was available, she'd come down and you could dictate your letters. You had to do it right at your desk; we had no desks or offices upstairs.

Next, we had no staff of any kind. Another practice that contributed to the confusion was that your friends and relatives at that time were allowed to sit in chairs right along side of your desk, right on the floor of the legislature.

MORRIS: That could get a little crowded. Did many people take advantage of this opportunity?

JOHNSON: Continually. When there would be an important bill up, the whole floor would be mobbed. There was one legislator from the San Joaquin Valley who sat fairly close to me whose wife always came, no matter how long the session, and she brought her two little children with her. She was apparently afraid to stay in the hotel alone; she sat with these two little children slumbering in this usually hot and stuffy atmosphere.

The wives, of course, were irate about this, but nobody could do anything with her. Her contention was that the children were growing like weeds without any sun. This was her prevailing practice.

For instance, one time there was a bill up to eliminate the advertising dentists. It was sponsored by the professional ethical dentists; I think every member of the assembly had his dentist sitting in the chair alongside of him when the bill came up. That was in 1935.

The general thought that I'm attempting to convey is that the pay was small, there was no staff, the working conditions were outmoded. During my first session there, they installed the electrical voting system and loudspeakers. That was done at the urging of an assemblyman named Ellis Patterson, who later became lieutenant governor.

He had been on a committee that had joined with some of the other states to find out how they conducted their business. He had learned of this electrical voting system and also the loudspeakers; his committee reported, and we adopted his recommendations. When we came back in March of 1935, the new system had been installed. It's still there.

The senate, fairly recently, installed the electrical voting system; they still have not installed loudspeakers for an amplification system.

The result was that legislative procedures were somewhat archaic.

MORRIS: When you went up for the first time, were there particular issues that you were interested in, or was it more general interest in the whole legislative process?

JOHNSON: Because my district included the University of California, and because I was a graduate of the university and knew many of the professors and administrators personally, naturally that was one of my great interests. I was also interested in education generally. I was interested as a lawyer in legal matters, matters of administration of justice.

It's pretty well reflected usually by the committees that you wind up on. Sometimes you're on the losing side and you were not assigned to the committees you preferred.

MORRIS: How much choice do you have, in the first session?

JOHNSON: As a greenhorn, you don't have too much of a choice. I always had pretty good luck, except for one session. In the 1935 session, I was made chairman of the Committee on Universities. That was a very small committee, and it really didn't have a great deal to do. The budget of the university, which was the big issue, was handled always by the [Assembly] Ways and Means Committee. But in Berkeley, being chairman of the Universities Committee sounded good. From my point of view, that was all right.

I was put on the [Assembly] Judiciary Committee, which was good; and at my request, I was put on the [Assembly] Education Committee.

MORRIS: That would be public schools, the lower schools.

JOHNSON: That was the general education system of the state. I was put on that at my request. That was a good committee. I was always on that. I was on Judiciary for twelve years; I was always on Education. If there was a Universities Committee, I was always on it. I was put on the [Assembly] Medical and Dental Laws Committee for the first time, apparently because there were a great

many medical and dental people in my district, and I was very friendly with them. I only lasted one term; apparently, I must have missed the signal and voted the wrong way, because I never got back for a second term, which was all right with me.

There were some committees that were frowned upon by serious-minded people. When you read some of the articles that have been written about the legislature, you get the impression that there are what used to be called "racket" or "cinch bill" committees; most of us never wanted to be close to those--committees such as [Assembly] Public Morals [Committee].

MORRIS: I was hoping you'd raise that, because I don't understand what the Public Morals Committee was supposed to be about.

JOHNSON: Many people didn't. I should say that when I practiced law in San Francisco, from October 20, 1928, until sometime around about November 30, 1941, for more than thirteen years, I had my office in the Kohl Building, over on California and Montgomery. My office was in Room 808, on the eighth floor.

[Arthur] Art Samish, during all of that time, had his office on the ninth floor of the Kohl Building. This is the Samish who wrote the book called *Secret Boss of California*.¹ I used to see him going up and down on the elevator. They had the old style birdcage type of elevator in the Kohl Building at that time; I used to see him going up and down.

I used to see many of my legislative confreres going up and down. To this day, I've never been in Samish's office, and he's never been in mine. I had nothing to do with the Public Morals Committee.

MORRIS: The Public Morals Committee--isn't that where the bills on liquor control ended up?

JOHNSON: That's where most of them went. Art Samish was a lobbyist--he would have said *the* lobbyist; there were probably other, minor

1. Arthur H. Samish and Bob Thomas, *The Secret Boss of California. The Life and High Times of Art Samish* (New York: Crown Publishers, 1971).

ones--for the liquor industry. That was supposed to be his committee; he claimed it was his committee.

I never had any trouble with those people; I simply didn't have anything to do with them. I think what you're asking me about is what actually happened to a friend of mine who represented the UCLA [University of California at Los Angeles] district--[Assemblyman M. Philip] Phil Davis.

Phil is now dead. He was a very close, personal friend of mine. Naturally, we worked together because he had the UCLA district and I had the Berkeley district, although eventually he became independent of the Berkeley administrative group because he claimed they favored Berkeley over UCLA; there was considerable unhappiness over that. Phil was quite independent and went his own way. One fortunate thing was that he could afford to.

MORRIS: As a legislator.

JOHNSON: He was very wealthy; he didn't have to be a legislator. Furthermore, he didn't care; he wasn't going to do it any way other than his way.

One time, there was a club up in his district; he lived in Bel Air. I think it was the Bel Air Country Club that needed a liquor license; maybe it was the Bel Air Hotel--one of the two. Because he was the assemblyman for the district, they asked him to put the bill in, and he did. He went in before the Public Morals Committee, expecting to get the bill out without any trouble. He wanted to make it an urgency matter so that they could get it signed quickly and open their bar.

Of course, he went in before a committee which he claimed was stacked by Samish stooges. He got up and presented his bill, and one of them moved to table it. Instead of moving it out, they moved to table it.

I wasn't there, of course, because I'd left then. I was told very shortly, and Phil confirmed it later, that when they tabled the bill,

he slammed his book down on the desk and he turned to the chairman and said, "Mr. Chairman, this is the dirtiest, lousiest, stinkiest committee in this whole legislature, and everybody knows it. Everybody in this room knows why you've tabled my bill; you've tabled it because I won't vote for Sammy. I'm just serving notice on you gentlemen that never again will I appear before this committee." He slammed the door and walked out.

He never did appear before them again. Actually, he never came back another session; he quit voluntarily. If he had come back, he meant it; he was not going to be, as he saw it, subjected to that kind of an indignity. He was willing to speak up and say so.

There were other committees that were generally avoided. Unless you were in the insurance business, no one wanted to be on the [Assembly] Insurance Committee. The committee that handled loan shark legislation was another one that everybody tried to stay away from--that is, everybody who knew what he was doing.

MORRIS: Because there were more pressures on members of these committees?

JOHNSON: And if you're on it, you are asked to do things that were a little hard to justify; people didn't want to be involved in it. [Assembly] Financial Institutions [Committee] is what they called the one that handled loan shark legislation; that was generally frowned upon at that time. If there are such committees today--I don't know whether there are--I'm not talking of those; I'm speaking of the time I was there.

[Assembly] Labor and Capital [Committee] was one that everybody tried to stay off of.

MORRIS: That's rather imposing; what did that refer to?

JOHNSON: Well, when the liberals were in control, it would be in charge of the labor gang; you'd just waste your time to go there and vote against them. People generally tried to stay off of it. And vice-versa, if the employers had control of it.

Oil Industries was a good one to stay away from. My favorites were the ones I usually was on, such as Education, Judiciary, [Assembly] Social Welfare [Committee]--I was on that a couple of times--and [Assembly] Civil Service [Committee] I was on two or three times. Quite a few times I was on [Assembly] Rules [Committee], because that was one of my specialties.

MORRIS: That's also generally considered to be a fairly senior committee in terms of authority.

JOHNSON: Yes, it is. It was then, although not to the extent that they've built them up now. Ways and Means was an important committee; I was on that once or twice. Then, of course, I had some interim committees that I thought were very important. I was chairman of a Youth Authority interim committee; I was chairman of a public education interim committee, my last session; I was chairman of the [Assembly] Committee on Preschool Training--that was the child care centers.

MORRIS: Those interim committees--they were generally for fact-finding and developing ideas?

JOHNSON: Out of session, yes.

MORRIS: Yes. Not necessarily related to bills that were already written?

JOHNSON: They could be; to get rid of bills sometimes, they would refer them to an interim committee. That was a form of chloroform. To get rid of a hot bill, they'd refer it to an interim committee, which was a form of slow death.

MORRIS: How could you tell when it was a slow death interim committee and when there was some possibility for movement?

JOHNSON: They established eventually the practice of having standing interim committees on certain subjects, where an author who was having his bill kicked around and wasn't getting it enacted would put in a resolution and go around and solicit support for the passage of a resolution creating a special committee for this bill. We had a lot of those. To my knowledge, I don't think I ever had one of those.

Mine was the preschool, the child care bill, which was not relative to a particular bill but relative to a general subject.

[End Tape 2, Side A]

[Session 2, June 12, 1973]

[Begin Tape 3, Side A]

MORRIS: Today I'd like to ask you about special sessions in 1939 and '40.

JOHNSON: That's where the break between the legislators and [Governor Culbert L.] Olson became quite pointed.

[Interruption]

Do you want me to repeat some of that about Olson's advent into the legislature?

MORRIS: Yes. He came in as . . .

JOHNSON: Culbert L. Olson came into the legislature in January 1935 as the state senator from Los Angeles County. At that time, no county had more than one senator; therefore, he was the one senator from all of Los Angeles County. He was an EPIC-endorsed, or Sinclair-endorsed Democrat and came into the legislature with that background.

The governor was Frank F. Merriam of Long Beach, who had become governor upon the death of Governor Jim Rolph in 1934. Frank Merriam had been the lieutenant governor; upon the death of Governor Rolph, he took over.

At the Republican primary, Merriam defeated John R. Quinn, C.C. Young (a former governor) and Raymond L. Haight. At the final election in November, Merriam defeated Upton Sinclair; the vote was Merriam 1,138,000 to Upton Sinclair's 879,000. Roughly, it was about three to two.

MORRIS: That's a good margin. Then Culbert Olson came into the legislature at the same time you did.

JOHNSON: He came in at the same time I did, on the seventh of January, 1935. He served four years in the senate--that is, two terms, the legislative terms of '35 and '37. Then in '38, at the primary, Culbert Olson ran for the Democratic nomination for governor. There were a number of Democratic candidates at that primary. In fact, former State Senator, and later Sheriff, Daniel C. Murphy of San Francisco was a candidate; William Neblett from Los Angeles was a Democratic candidate; [] J.F.T. O'Connor was a Democratic candidate; Teodora Antonio Tomasini was a candidate--those were all Democrats.

Culbert Olson received at the primary 483,000 votes. Second to him was former sheriff Murphy.

On the Republican ticket, Merriam ran against George J. Hatfield, who had served for four years as a lieutenant governor, and against Raymond L. Haight, as well as a man named Z.S. Leymel. At that time, cross-filing was allowed; at that 1938 primary, Culbert Olson ran on the Republican ticket; [L.A. County District Attorney] John Dockweiler, who was a Democrat, ran on the Republican ticket; Frank Merriam ran on the Democratic ticket, as well as on the Townsend ticket; there was a candidate at that time on the Commonwealth ticket, a man named Robert Noble.

MORRIS: Is that the Commonwealth Club?

JOHNSON: No. That was a party at that time, a small party known as the Commonwealth party. Also, interestingly, Culbert Olson and Frank Merriam and John Dockweiler all ran for the [Francis] Townsend nomination.

MORRIS: That was one of the early old people's parties, wasn't it?

JOHNSON: That was one of Dr. Townsend's plans for keeping money in circulation. As you may remember, Frank Merriam literally forced through the assembly a resolution endorsing the Townsend Plan,¹

1. Townsend Plan of Old Age Revolving Pension. A.J.R. 6, 51st Leg., 1935 Reg. Sess., r. ch. 30; A.J.R. 39, 51st Leg., 1935 Reg. Sess., r. ch. 57.

which very rapidly got all of his friends embroiled in arguments at home. I think everybody but two people voted for it, mainly on the ground that it didn't mean anything anyway; the folks at home didn't understand it that way. Very rapidly, Merriam was in bad graces with the folks at home and he got most of his legislative friends in difficulties.

As a recital of the cross-filings and the listings of the parties indicates, those were fairly turbulent days in politics; that's why some of those things happened.

I was listing the people who ran in 1938 at the primary: Culbert Olson as a Democrat received 483,483 votes; he became the Democratic nominee. Frank Merriam, the incumbent governor running on the Republican ticket, received 405,362 votes. At the primary on their own tickets, Olson received more votes than Merriam; in the final election, which was on November 8, 1938, and where all of the other candidates had been eliminated at the primary, there were only four candidates: the incumbent Merriam as a Republican, Senator Culbert Olson as a Democrat, Robert Noble on the Commonwealth ticket, and Raymond L. Haight on the Progressive ticket. Culbert Olson won by a vote of 1,391,000 to 1,171,000 for Merriam. Incidentally, Raymond Haight only received 64,400 on the Progressive ticket, and Robert Noble only received 23,700 on the Commonwealth ticket; Culbert Olson was a clear majority.

Also immediately upon becoming governor, because of the nature of his very exceedingly liberal program--including a modification of Upton Sinclair's EPIC plan, which became called production-for-use, and very liberalized welfare proposals, and a new and allegedly heavy tax program, among other things--Culbert Olson rapidly became embroiled in an argument with the legislature, not just Republicans but with many of the Democrats who were not of the Upton Sinclair type and who basically were as

conservative in their point of view as were many of the Republicans.

Also, as you may remember, Olson did another thing on the day that he was inaugurated which involved him in very deep and bitter controversy--he pardoned [Thomas J.] Tom Mooney.¹ And, if you'll remember, he not only pardoned him on his inaugural day; immediately after he'd given out the pardon, he either had a heart attack or some kind of an illness, and he was out of circulation for several weeks.

MORRIS: Olson himself. Was the Mooney pardon something that you as a member of the Judiciary Committee had had some feelings about?

JOHNSON: We had had it up before, at prior sessions.

MORRIS: Before your committee?

JOHNSON: Both in '35 and I think in '37, some of the more liberal members of the legislature--the assembly--would put in resolutions calling upon the governor to issue pardons to Tom Mooney. As I recall it, those resolutions went to the Judiciary Committee. If the committee voted not to send it out, then the author would make a motion to withdraw from committee on the floor; in that manner they'd get it before the full house. In '35 I know, and as I recall it in '37 also, it was up and voted down, as it had been many times before.

Then Olson didn't wait to allow the legislature to pass any resolution in '39. The day he was inaugurated, he handed out the pardon right then. Of course, that brought on heated controversy throughout the state.

MORRIS: How did things reach the point that the legislature went in a special session in 1940?

JOHNSON: Actually, Governor Olson had to call us into special session; we could not summon ourselves into special session--he had to call us there. What had happened was that as the 1939 session moved along, and Governor Olson and his legislative supporters began to press some of his programs, there fairly rapidly developed an open

1. January 6, 1939.

break between some of the less liberal members of the Democratic party and the governor.

Eventually, the way it formalized itself was that out of his effort to enact a new revenue program, which naturally would have been very hard on the business interests, there developed a united effort against these programs which was nonpartisan; eventually it became known as the Economy Bloc. That, I think, was a tag placed upon the group by publicists or lobbyists or someone who was trying to develop this image that the legislators were standing firm in the taxpayers' interest. Either eight or nine Democrats joined with the Republicans; we were in the minority in the assembly, but with the eight or nine Democrats it made a voting majority of either 42 or 43.

When that came about, that was the end of any of Olson's programs because with 42 or 43 votes against him, he couldn't get a bill through the legislature. As you may remember, he became very bitter in his attacks on the legislators, particularly on what he termed the recalcitrant Democrats.

MORRIS: That must have been a bitter blow . . .

JOHNSON: The more he attacked them, the more he drove them out of the fold. By 1940, when he called us into special session, there had worked out more or less a formal alliance between the Republicans and the economy-minded Democrats--the eight or nine who joined with our group and made up a voting majority.

They had also developed--speaking now of the Democrats primarily, but it applied to the Republicans--a great bitterness against [Assemblyman] Paul Peek, an assemblyman from Long Beach who had been elected speaker.

MORRIS: Because he was loyal to Olson?

JOHNSON: He was loyal to Olson. In fact, one of the things that caused a great bit of controversy all during the session was that Paul Peek was foolish enough to install a phone right at the speaker's desk. The Olson people down in the governor's office used to phone up; Paul

Peek would sit at the speaker's desk with the phone in his ear, obviously talking back and forth to the governor's office. This was portrayed throughout the state as an indication that he was nothing but a stooge for the governor, which didn't help his status any. It also engendered ill will and resentment on the part of the legislators, with the result that feeling had become so bitter, not only against Governor Olson but against Paul Peek, the speaker, that when we came up in special session in January of 1940--I think it was in January; I'd have to check the date to get it exactly--but by the time we came to the special session, groundwork had been underway for some time to unseat Paul Peek. Legal opinions had been obtained; it was ascertained that the assembly had the right to unseat the speaker at any time.

MORRIS: Would you go to the attorney general's office on a question like that?

JOHNSON: No, I don't think so. I think they went to the legislative counsel's office, he being the attorney for the legislature.

MORRIS: Who was that at that time?

JOHNSON: At that time, it was Fred B. Wood, a resident of Berkeley; he was a resident in my assembly district. He was a San Francisco lawyer; in private practice he was the law partner of George Hatfield, who had been lieutenant governor from 1935 to 1939 and who lost the Republican nomination to Merriam in 1938.

Fred Wood had been the legislative counsel for many years and was very well respected. Eventually, Governor Warren appointed him to the district court of appeals, and he was one of our appellate judges for several years.

MORRIS: You were a pretty young man to end up as the speaker pro tem out of that controversy.

JOHNSON: I was twenty-nine when I went to the legislature in 1935. What happened was that there was an open move to unseat Speaker Peek. The success of the movement, of course, depended on how solid the economy-minded Democrats stood; if they stood firm, and

the Republicans went along with them, then Paul Peek would be ousted. You will remember that they did stand firm, and Paul Peek was ousted.

A man named [Assemblyman Gordon] Garland, who was a Democrat, was elected to take his place. The Republicans, recognizing that the success of this movement was dependent upon the Democrat group of economy-minded assemblymen, decided that in fairness, if they were going to put their necks on the block and stand up against their governor--a Democratic governor--they were entitled to recognition. It was decided that one of the Democratic group should become the speaker. Gordon Garland, who was the assemblyman from Woodlake, down in Tulare County, was picked to be the candidate.

When he was elected, he strode up to the speaker's rostrum; the first thing he did was to reach down and pick up the telephone; and with all the cameras in the house on him, he yanked it out. Of course, the picture was published all over the state.

MORRIS: [Laughter] Yes, I think I have seen one of those.

JOHNSON: As he said, "That's the end of the pipeline to the governor's office." Indeed, it turned out that it was that.

It had also been decided that, in keeping with what was then traditional, that where one party had the speakership, the other party was to have the speaker pro tem position--that position has since been eliminated, as you know. At that time, that was the tradition; therefore, it was decided to run a Republican.

I was selected and I ran. What happened was that when my name was placed in nomination, it was after Garland had already won. It was fairly obvious what was going to happen, whereupon [Assemblyman] Hugh Donnelly from Stanislaus County, who had been the speaker pro tem, made a very emotional and very angry speech in which he said he didn't want to be a part of any such movement and he would not allow his name to be placed in the nominations. As I recall it, I won by default.

I had run the year before. When the regular session of January 1939 started, it was obvious that Paul Peek was going to be elected speaker. But the Republicans decided that they would follow precedent and put up a candidate, following the pattern that if you had a Democratic speaker you would balance the officers with a Republican speaker pro tem.

To be successful in that contest, a candidate had to be able to get, as I recall it, either six or eight Democrats; I was given that job on my own. That was a personal thing. I had to go and personally round up Democratic friends of mine.

What happened was, I did. I got enough to win. But one Republican was out skiing, or as everyone around Sacramento called it in his case, she-ing, and he didn't show up. When he did, because he was from San Joaquin Valley, he voted for Hugh Donnelly, who had been nominated against me. I lost that by one vote. That was in January '39.

MORRIS: In the previous year.

JOHNSON: Yes. Hugh Donnelly beat me that time. Then in '40, when the Garland movement to oust Paul Peek was on, Donnelly withdrew and I was elected.

MORRIS: What happened to Mr. Garland?

JOHNSON: That's a very pointed question. What happened to Mr. Garland was that some of the secretaries down at Governor Olson's office--I think it was principally Stanley Mosk, now an associate justice of the Supreme Court--planted a microphone in the speaker's bedroom over in the Senator Hotel. It was detected. I think Mrs. Garland detected it; I've forgotten that detail; it's subject to check.

At any rate, they found the microphone. I remember there was a group or coterie of fellows who were very close to Garland--sort of a kitchen cabinet: a couple of Republicans, I remember [Assemblyman Harrison W.] Harry Call from San Mateo County and [Assemblyman C.] Don Field from Glendale were very close supporters and buddies of Garland's.

Then there was [Assemblyman] Chester F. Gannon, I think, from Sacramento, who was a Democrat, and [Assemblyman] Seth Millington from Gridley, who was a Democrat, and maybe [Assemblyman] Earl D. Desmond from Sacramento also. Those seem to be the executive committee or kitchen cabinet of Garland. They apparently decided to make a very dramatic disclosure.

I was no part of this. In fact, Garland, being on the rostrum, suddenly said he wanted to present a matter to the assembly. He called me to the rostrum as the speaker pro tem; I didn't know what was happening until he started to talk because I had not been in on this microphone exposure.

He made a very dramatic speech and then immediately presented a resolution calling for a committee of, I think, five to investigate the affair. It rolled through the assembly. The committee was created; they had some very sensational hearings, all of which redounded against Governor Olson.

MORRIS: So that Mr. Garland stepped down, or was he ousted as speaker?

JOHNSON: Stepped down only for that occasion so that he could speak from the floor with someone else in the chair; he didn't give up his office. To the contrary, he continued all through those special sessions. Then he continued on as the speaker in the 1941 session. He was speaker all through the special sessions of 1940 and then a full session of '41. By that time, he had become a name throughout California; there was a pretty solid group trying to run him for governor, but that never quite jelled.

MORRIS: This is jumping ahead a little, but in 1943, right after Warren took office, there were again pictures in the newspapers of Warren cleaning out--what were alleged to be in the newspaper articles--"secret telephone or recording devices." Is that part of the same story?

JOHNSON: I think what that referred to--it was alleged around the capitol that Governor Olson had a recording machine in his desk with buttons under the edge of the desk or in one of the drawers; the allegations

were that when you went down to talk to him, your conversations were recorded.

I don't know whether that was true or not; it seems to me that it was eventually admitted that there was some kind of recording device. I think what you're referring to. . . . I think when Earl Warren came in, he again made a show of either removing it himself or ordering it removed.

MORRIS: Yes. In other words, it was some kind of electronic equipment that was not the usual office equipment.

JOHNSON: It was a recording device that put all conversations down on tapes or on platters.

MORRIS: So that Governor Olson, in general, had a pretty hard time from everybody.

JOHNSON: There was great complaint about that habit of using recording devices.

MORRIS: I believe that this book that Mr. Burke wrote on Olson said that those special sessions were largely to do with financing the relief program.

JOHNSON: *Olson's New Deal for California*.¹ The relief situation had become very acute by then. Actually, what happened was that when he called us into special session, the legislature by that time had learned that one way to deal with him and his administration was to counteract his influence as head of the state by setting up investigating committees, legislative interim committees, or since we were in session, it was just a legislative committee.

They'd set them up and they would go out throughout the state and hold hearings, sometimes rather dramatically staged. One of the things that the legislative committees very rapidly brought out was that both sides of the relief picture were organized.

1. Robert E. Burke, *Olson's New Deal for California* (Berkeley: University of California Press, 1953).

The State Relief [Administration] employees were organized in what the legislators called "scumwa." You pronounced it as if it was S-C-U-M-W-A; actually it was SCMWA which stood for State, County and Municipal Workers of America. The SCMWA were the dispensers of relief. On the other hand, the recipients of relief were organized into what was known as the Workers Alliance. You had organization.

I remember the SCMWA people had a badge that they wore on their lapels with the letters S-C-M-W-A; it said "Organize! Let's organize!" The Workers Alliance was organized from the recipients. These two groups sent representatives to Sacramento to lobby and to picket and to bring pressure on the legislators.

Very rapidly, the legislative committees' work plus what anyone could see going on developed a widely shared view in Sacramento that both of these groups were dominated by communists. I use the term "communist" advisedly, because as the months and even the years went on, many of the more militant of these people have been fairly well documented as being actual card-carrying Communists who have branched out into numerous other communist party activities.

I want to be very cautious and say that, naturally, there were many people involved in these movements who had nothing to do with the Communist party at all; they were well intentioned, I assume. They were liberal by nature, they favored liberal relief, and they went along . . .

MORRIS: There were substantial percentages of people unemployed in California.

JOHNSON: There were in '39. That's where Olson eventually became very bogged down, because the tide turned between '39 and '40. Governor Olson did not get his liberalized relief bills and his production-for-use program through the legislature in '39; he was still pressing for it into '40 when we were having these special sessions.

By that time, by 1940, the committees of the legislature had discovered all kinds of legislative gimmicks to put reins on Olson and to put him in handcuffs. They would use what they called the line budget; when they voted money relief, for instance, they would specify what it could be spent for--line items, spelling out what it could be spent for.

I happen to have an old Willkie ashtray. You may recall that by the time Wendell Willkie was nominated for president in 1940, as his ashtray showed, his motto was "Preparedness, Peace and Prosperity." By the time his election came around, they were preparing for war; there was temporary peace, but it didn't last long; and if prosperity came, which it did, it was wartime prosperity.

That's where Olson got caught; he was still pressing very hard to get a liberalized relief bill through the legislature when the daily papers--at that time there were two morning papers in San Francisco, the *Chronicle* and the *Examiner*--you could pick up any *Chronicle* or any *Examiner* or any *Los Angeles Times* or *Fresno Bee* and the want ads sections were just full of ads for wartime--or defense; call them defense because the war hadn't been declared--there was a shortage of people and there was a surplus of jobs. Poor Olson was still demanding liberalized relief.

What happened was, in order to end that relief struggle, some of the legislators, who had been more active on the relief investigation committees, came up with some more legislative techniques. One very important one that they devised involved a way to kill off Governor Olson's relief appropriation bill.

We could not enact a bill because we didn't have two-thirds of the vote in the assembly; we could not override a veto. The result was he could veto any bill that we passed and we couldn't do anything about it; what he apparently failed to realize was that by the same count, we could block an appropriation bill which required, under the constitution, a two-thirds vote.

MORRIS: Because you could muster more than one-third from your coalition of Republicans and Democrats?

JOHNSON: That's right.

MORRIS: Very clever.

JOHNSON: What they came up with was the idea, if we can't pass a bill, we're just going to have to decide among ourselves that we're going to do what is a very difficult thing to do on an issue as emotional as relief; we're just going to have to decide that we're going to wipe this thing out lock, stock and barrel, by refusing to vote any appropriation.

In order to do that, it was necessary to find in the assembly twenty-seven rugged, stouthearted men who would give their word and stand by it, regardless of all the pressure.

A meeting was held--at least one meeting--where a petition was brought in. Volunteers were solicited to sign the petition pledging themselves to vote against any relief appropriation. Everyone was warned not to sign unless he meant it, and that they were going to expect those who signed to sign in blood that they wouldn't change.

As I recall it, there were about forty signatures; every last one stood pat and voted against the relief appropriation. That was the end of the State Relief Administration. Understand--we could not repeal the bill setting up the mechanics of relief administration, but we were able to prevent the appropriation bill from passing. There just wasn't any more relief.

A great hue and cry went up, principally I think from the dispensers of relief, whose jobs were shortly eliminated. There were dire threats about what was going to happen to the poor people of the state. Actually it didn't happen because anyone that wanted to could get a job very shortly; if they couldn't then, very shortly they could get them in so-called defense plants.

Other controversies had developed with Governor Olson. In line with his. . .

[Interruption]

JOHNSON: I made reference to the fact that Governor Olson had become involved in bitter controversy because of his pardon of Tom Mooney. Another thing that developed involved the three so-called ship murderers out of Alameda County--[Earl] King, [Frank] Connor and [E.G.] Ramsay. Here was where he came into direct conflict with Earl Warren.

Warren had been the prosecuting attorney in Alameda County when these men were convicted, and of course he was the attorney general at the time when Olson, as governor, proposed to take action to grant executive clemency to these men.

[End Tape 3, Side A]

[Begin Tape 3, Side B]

MORRIS: Was the legislature involved in the *King, Connor, Ramsay* case¹ or was this just between the attorney general and the governor?

JOHNSON: It was principally a dispute between the governor and the attorney general. As I've indicated, Earl Warren, as district attorney of Alameda County, had prosecuted Earl King, E.G. Ramsay and Frank Connor, and had been successful in convicting them of second degree murder. They beat up a ship's officer; as I recall it, his name was Alberts. They were sent to San Quentin.

In the fall of 1940, Governor Olson visited the men and talked to them and indicated that he thought the case against them was in effect manufactured evidence, at least the evidence was conflicting; he did not actually pardon them. What happened was after the exchange of compliments between Olson and Warren, Warren heatedly defending his earlier prosecution, the Olson-appointed Board of Prison Terms and Paroles released King, Ramsay and Connor on parole.

It's important to take note at this point, having in mind the eventual position that Earl Warren took as Chief Justice of the

1. *People v. King*, 30 Cal. App. 2d (1938).

Supreme Court, that this is a specific instance of his earlier attitude in favor of strict enforcement of the criminal law. Governor Olson, right or wrong, claimed, as did the defendants themselves, that the testimony upon which they were convicted was conflicting and had been impeached by other evidence; Warren steadfastly stood by his earlier conviction.

There are other instances of this same thought, even when he was governor, which I will allude to as we move along. I'm pointing out that this is about the first instance where he came into conflict with any other public figure in a political issue involving law enforcement, and that his position was against the defendant. At this time, he was very strongly and unwaveringly on the side of what might be termed community right as opposed to the individual's right, particularly where technicalities were concerned.

Warren stated, as I recall it, at the time that he entered into the controversy with Olson on this issue and started making public statements--I recall what he said--that up to that time, he had never spoken out publicly on any single official act of the governor. He contended that in this particular instance, his failure to speak would be nothing short of cowardice, that these men were assassins who'd been proved to be such, and that he was required to speak out.

We've jumped ahead in getting into this King, Connor and Ramsay case; that argument started late in 1940. By that time, which was in the fall of 1940, the special sessions had pretty well terminated; they tended to drag on out all through the year. As a matter of fact, we were still up there in December of 1940, as I recall it, still attending special sessions.

What I've been trying to develop also is that in bringing out extreme bitterness that developed between Culbert Olson and the members of the legislature, I have been laying the groundwork to bring out what Warren in his early campaigns seized upon as issues.

You see, the bitter feeling between Governor Olson and the legislators had become well known statewide. The fact that these legislative committees went out throughout the state on the relief issue and held meetings pointed up the argument between the executive, Olson, on the one hand, and the legislators on the other.

When Earl Warren became interested in, and first started thinking and talking about, running for governor, that was one of his big issues. He bedeviled Olson on every occasion on his inability to be a good administrator, pointing out that he was always involved in sort of legal tanglefoot and bitter, personal arguments with the legislature, and that because of all this his government was ineffectual.

That was one of the issues--that we should have a governor who understands the legislature and knows how to work with them.

MORRIS: Was civil defense a similar issue, one that had risen between the governor and the legislature?

JOHNSON: That came up a few months later. As we approached December of 1940, my recollection of what happened--and I can check the records for the exact details--my recollection is that Olson set off this civil defense issue largely through his efforts to develop what was known as the state guard.¹

He wanted to have these young men brought into what was to be known as the state guard; they actually set it up. Then he sought legislative confirmation and expansion of it, and that's where the argument became very heated.

Attorney General Warren did not favor that. The legislature was very strongly against it. Around Sacramento, around the legislative halls, the state guard was referred to as Olson's Army. The allegations were made that there were more officers than there were privates. One of the novelists or movie scenario

1. The state guard, or militia, and national guard are both provided for in the state constitution: administered by the adjutant general, subject to executive authority and legislative approval.

writers--his name will come to me--became a colonel in the state guard; many of those people who were officers were pressing very hard for passage of the bill.

MORRIS: Would the movie people have convinced Olson of this because he came from southern California? It's an odd thing that doesn't somehow tie in with some of the other things that Olson seems to have been . . .

JOHNSON: I don't know about that; I don't know how the southern California element came into it. Actually, one could have honestly been convinced that there was a need for a state guard, for some body of people available in the event of emergency. I was not aware of the development of Olson's interest.

At any rate, he called us to Sacramento to a special session on issues including the expansion of the state guard. Warren as attorney general got into that argument, too.

By that time, we were heading towards the 1941 session. By the time the 1941 session convened, the governor and the attorney general were in pretty open dispute; it was obvious that Warren had become the principal public opponent of Olson among elected officials. He had in some ways already become spokesman against Olson. I suppose it was because of that, plus the fact that he had been elected attorney general by a very overwhelming vote.

Warren was elected attorney general of the state of California in 1938. At the primary, in August of 1938, for attorney general, Warren was opposed by a man named Lorrin Andrews; Warren got over 533,000 votes for the Republican nomination. There was a whole flood of Democrats in that election, and the nomination was obtained by Warren on the Democratic ticket. You see that's important.

MORRIS: He won both nominations then, too.

JOHNSON: Yes. That was during the cross-filing days. On the Democratic ticket, Warren received 308,500 votes to Carl Kegley's 280,408, Carl Kegley being the second. There were so many democrats

running, including a former speaker of the assembly named William Moseley Jones, that Warren won both nominations. He also won the third nomination, the Progressive [party] nomination. With that accomplishment, he was bound to be considered a candidate who could appeal to all parties.

At the final in November 1938, running for attorney general with the Republican, Democratic and Progressive nominations, he received 1,542,000 votes. Carl Kegley, who had been eliminated by him, put on a write-in campaign as a Democrat; he received 463,000 votes, not quite half a million.

MORRIS: That's pretty respectable for a write-in.

JOHNSON: Because some of the Democrats were very disturbed about a Republican having won their nomination; so they supported Kegley.

MORRIS: Going back to the question of preparedness for what must then have been quite obviously coming to the United States, how did the legislature feel that California should prepare for the war? Had California gone out at all to get federal aid for defense plants here to help with the unemployment problem?

JOHNSON: My recollection is that what happened was that, as I indicated when I referred to the fact that by the time Wendell Willkie was running in 1940, there was a great deal of discussion of preparedness. Industrial plants which had any connection with preparedness effort or a war effort were running at full steam and trying to get people to work for them. Then, of course, when President Roosevelt declared war, after December 7, 1941, every effort was then switched to actual war effort.

As you recall, long before the war was declared, we were shipping lend-lease supplies to Britain and to some of the Allies; the shipping industry was running full blast and the manufacturing industry, too. We did not, to my knowledge, have any organized effort out of Sacramento to bring industry or jobs into California. At that time, as I recall it, it wasn't necessary.

California was a coastal state with very valuable seaports and heavy manufacturing areas. Airplane manufacturing was developing in southern California, and it didn't take much stimulation; they were coming along under their own steam because of the demands that were being made and the capacity of the state to produce.

Where organized efforts to bring industry and jobs to California came into play was as the war began to slow down, during the Warren administration, beginning about '44, when it was seen that the war was going to taper off maybe in '45; they began to think about planning. Then it became more active as the war did come to an end.

MORRIS: At the beginning of the war, what was the legislature's position on the Japanese-American question?

JOHNSON: My recollection is that the '41 session, the full session, had ended before Pearl Harbor, so that that session had no opportunity to pass any actual wartime legislation.

MORRIS: Were there special sessions in '42 again?

JOHNSON: Oh yes; every year, every year. I recall specifically the month you're asking me about because of a very unusual incident that happened to me within a week or so after December seventh. My first child was six months old at the time. I had bought a camera from a high school classmate of mine, who also was my classmate at the University of California and who had become a very accomplished optometrist in my hometown of Berkeley.

I went by his home one day to find out what was wrong with my camera--this was in December of 1941--and when I walked in, my friend Dr. Henry Takahashi and his wife were sitting in their living room with everything in boxes. I said to them, "What's going on, Henry?" He said, "We're leaving tonight." I said, "Leaving for where?" He said, "We're going to Utah; we're being taken away. I've been to Mason-McDuffie's [Realtors] today and arranged to rent the house."

My comment to him was, "Well, what have you done?" I said, "I could think why Governor Olson might want to send me away: because I talk too much in Sacramento against his bills; you've never said a word or done a thing." They sent him and his wife and his children away.

The legislature had nothing to do with that, of course. Actually, that was [Lieutenant] General [John Lesesne] DeWitt's doing. General DeWitt had prevailed upon Governor Olson to call us to Sacramento for the purpose of taking some wartime action. I'd have to check my records for the details; I don't want to get into it without knowing.

The legislature, as a group, was rather hostile to the idea of DeWitt literally taking over, particularly without any information as to what was necessary or what was really required. There was considerable resistance to any federal seizure of authority, if you'd call it that. As far as state action, there was none of a legislative nature.

However, the argument over the state guard and the other wartime preparedness activities--well, they would have been wartime in '41--brought Olson and Warren into further conflict, with Warren standing for the law and order phase of government and Olson wanting to improvise.

[Interruption]

JOHNSON: I happened to find at home in the basement--I was looking for some records, and I found these envelopes that I had accumulated during the years with my summaries of expenses.

MORRIS: Oh, great--for your campaign.

JOHNSON: Considering what's happened since, they're a revelation. For instance, here in my own handwriting--I kept a record of every nickel--in 1932, I spent \$241.03; there it is and there are the bills that support it.

MORRIS: There are the individual items. The filing fee was \$40; that's almost the highest item.

- JOHNSON: It's \$20; I filed on two tickets.
- MORRIS: I see. Postcards, \$50.
- JOHNSON: Here's the next one from '34; that'd be a little more because we had a close fight.
- MORRIS: You've itemized your expenses by day and to whom and how much. You've got in here a list of from whom you received your contributions.
- JOHNSON: I kept the receipts available in case there was some argument.
- MORRIS: Yes. I was wondering from whom the \$241 came, or was that out of your own pocket?
- JOHNSON: That was out of my own pocket at that point.
- MORRIS: I see that Stanley Culberson was working for the *Daily Californian* at that point; he's still active in local politics in Berkeley.
- JOHNSON: He was a friend of mind in college. I guess I went up and saw him and placed that ad. Apparently, I spent \$406.68 in 1934. Of course, these were decidedly different days than we have today. The last time, the last go-around was in '44.
- [Interruption]
- JOHNSON: In 1944, I had two accountings because I had run in the final. We spent \$881.
- MORRIS: Was this the primary?
- JOHNSON: No, this was the final. I spent \$550 in the primary. Those are both infinitesimal compared with what these poor fellows today get exposed to.
- MORRIS: They certainly are. By 1944, were you accepting contributions?
- JOHNSON: Yes. I accepted some. I did in the final, I know; I guess I didn't in the primary.
- MORRIS: That would have made about \$1,400 to raise in one year, which is quite a lot of money.
- JOHNSON: Let's see. I received \$250 from the Republican County Central Committee; \$225 from the Berkeley Campaign Fund: that was some Berkeley Republican group.

MORRIS: Was it an ad hoc group organized for you, or was it a continuing kind of . . .

JOHNSON: No. I think it was the Berkeley headquarters for all Republicans, as I recall it. I received \$100 from Max Thelen, now deceased, and \$130 from my brother; \$25 from Otis Marston, who was a Berkeley businessman; \$25 from W.J. Prideaux; \$45 from M.J. Everts; \$25 from a lawyer named [] Charlie Strong; \$33 from the Republican Women's Club.

MORRIS: I'll bet they raised \$100 and split it three ways.

JOHNSON: Yes. And \$25 from Edna Foster, who was a lady that I put on the state central committee and who helped me in my campaign. Totaling \$883.

MORRIS: This was '44. When it became obvious that Mr. Warren was likely to be a candidate for the Republican nomination, did you have any feelings at that point? Did you get involved in his campaign?

JOHNSON: No. I was running for my own assembly seat in '44. One interesting facet of my Republican services--I was an alternate delegate to the 1940 Republican convention--this was the Willkie convention. I was on the list as a delegate.

A friend of mine, a San Francisco lawyer who practiced right over here in the Balfour Building, [] Brad Melvin, was the chairman of the state central committee. He was making up the list, and he was committed to the policy of cooperating with the legislators.

He came to Sacramento to talk to some of the people about putting together the slate. He came to me and said, "We have you down as a delegate." I said, "Well, I want to think it over. In the first place, I don't have \$1,000 to go to Philadelphia. Secondly, the legislature has been very generous; I've been speaker pro tem, and I think other people should have a chance at some of these things. Just because you're a legislator you shouldn't hog everything." Eventually, I told him I did not want to be a delegate. He said, "I'm

going to put you down as an alternate, whether you want it or not." And he did.

I still didn't have the thousand and I still didn't go to the convention. I was able to get a Miss [] Annie Woodall, an elderly retired school teacher who'd helped me in my campaign--I got them to allow her to go in my place. She was substituted in as an alternate. That was 1940.

MORRIS: [Senator William P.] Bill Rich was the head of the delegation, wasn't he, going to Philadelphia?

JOHNSON: As I recall it, he was on it. What I started to tell you was I was an alternate delegate to the '40 convention. That's pre-Warren. Then, when Warren came along, I was barred for three conventions.

MORRIS: I noticed that in the *Who's Who* listing and I wanted to ask you about that.

JOHNSON: I was barred from three conventions because of Warren's influence; I did not go in any capacity to the '44, '48 or '52. Then I bounced back at the next one, and I was in again for '56, '60, '64 and '68.

MORRIS: Do I judge from that that you and Warren had some philosophical differences from the time that he was attorney general?

JOHNSON: It isn't just me. As you might have gathered from the story of the legislative turmoil with Olson, there were quite a group of people in the legislature who were, number one, experienced; number two, who stood up for their own position and for the position of the legislature; and very few of them went as delegates during Warren's years.

In other words, the delegates that went to Warren conventions were Warren Republicans. The people who were active in his individual campaigns tended to be the ones who went to conventions.

MORRIS: Going back to '42, when Warren challenged Olson for the governorship, were there other Republican possibilities in that primary in '42?

JOHNSON: For governor?

MORRIS: For governor. In other words, how come Warren got the Republican nomination?

JOHNSON: The primary was on August 25, 1942. James Rolph III ran for lieutenant governor. [Consults voting record] Three fellows ran on the Republican ticket against Warren. The three were Father [] Ryker, from Holy City down near Santa Cruz; a man named Nathan T. Porter, who I think was actually a Townsend candidate; and a man named [] Fred Dyster, who was actually a Prohibition candidate. Warren was the only Republican of stature who ran in the primary; he got 635,000 votes.

He also ran on the Democratic ticket and he got 404,000. He got over a million votes combined at the primary. Olson got 514,000 as a Democrat, whereas Warren got 404,000; it was only five to four.

MORRIS: Olson had cross-filed, I noticed you mentioned, in '38. Did he cross-file in '42?

JOHNSON: He didn't cross-file; he ran a write-in on the Republican ballot. He only got 3,504. He made a bad strategic error; that brought Warren out of the primary with a majority vote of a million against 500,000.

MORRIS: I've come across comments that Olson did not cross-file in '42 on purpose, as kind of an appeal to all good Democrats; the Democratic registration was heavy.

JOHNSON: It backfired on him. It backfired very badly, because Warren came out of the Republican primary with 635,000 votes and he split the Democratic vote with Olson, getting 404,000, which gave him over a million, whereas Olson ran up only 514,000. Warren beat him over two to one. The result was that Warren went into the final with a psychological lead, in that he'd gotten twice as many votes at

the primary. It turned out that that was decidedly bad judgment on Olson's part. Of course, at the final, the vote was 1,275,000 to 932,000.

MORRIS: Would you and Warren have been fairly well acquainted by then, working on the Alameda County Central Committee?

JOHNSON: Actually, as far as the county central committee is concerned, no. You may remember at the last meeting I pointed out that when I went to Sacramento the first time as a nominee, the Mike Kelly gang tried to keep me out of the room because the group was in the process of electing Warren as state chairman. I went in anyway and voted for Warren.

He participated as state chairman, but to my knowledge he never came to a county central committee meeting. I never saw him at any. The truth is that the county central committee in those years met very, very seldom. We meet every month now. In some of those years we never met, except to elect a chairman; from then on, the chairman ran it.

MORRIS: In those years, what was the relationship between the county central committees and the state Republican committee?

JOHNSON: The same as it is now. The county is an elected body, plus ex-officio or nominees--party nominees from the county--which is supposed to have control over Republican campaign activities within the county; by statute, that's their responsibility.

The state central committee is made up--or was at that time--of all nominees of the party, plus three people appointed by each of them. The governor was on the state central committee, the lieutenant governor, all the congressmen . . .

MORRIS: Whatever statewide office holders were of that party.

JOHNSON: Assembly, senate, Congress, board of equalization--all party nominees for state office.

MORRIS: But there's no direct feed-in from the county central committee to the state central committee?

- JOHNSON: There wasn't at that time. Now, in more recent years, they've changed the law so that all county chairmen are automatically on the state central committee. At that time, it was entirely a matter of personal appointment or personal choice.
- MORRIS: Was Alameda County support important to Warren in deciding to run for governor?
- JOHNSON: Sure. Not only Alameda County support, but as you remember, he had the very active support of his long-time friend, Joseph Knowland, who was the publisher of one of the largest papers in the state and who was also a very influential voice in publishers' circles. Coming from a major county with a strong basis of support was a headstart for anybody.
- MORRIS: Was Joseph Knowland stronger in publishers' circles than in Republican circles?
- JOHNSON: I can't answer that because I've never been in publishers' circles. Joe Knowland was strong in anything that he was in. He was a very experienced, very able, very assertive man. His opinion was valued; many people realized that he knew the political techniques. He knew what was going on; he knew who the people were and where they came from, and his judgment was good. To have him solidly for you was a very important thing.
- MORRIS: In some of the discussions of Warren's career, Knowland has been described as sort of crucial, that he decided Warren should run for governor and went about developing support for him.
- JOHNSON: Setting up the chessmen?
- MORRIS: Yes.
- JOHNSON: I wouldn't know about that. I knew, of course, [Senator William] Bill Knowland at the time and I knew his father, but I wasn't that close to him; I wouldn't know whether they persuaded him to do it or he made up his own mind. I certainly assume he had their concurrence before he finally went into it.

MORRIS: Yes. When he came into Sacramento as governor, were there any immediate noticeable differences in the way he related to the legislature than Olson?

JOHNSON: That's what we were just going to come into. I had pointed out the bad feeling with Olson, and I started to mention how Warren used this as an issue.

[End Tape 3, Side B]

[Begin Tape 4, Side A]

MORRIS: There were, then, differences between Warren's style and Olson's?

JOHNSON: Yes. We've made reference to the fact that poor Governor Olson was continually involved in bitter turmoil with the legislature. As the years '40 and '41 slipped away, the attorney general, Earl Warren, had begun getting into open conflict with Governor Olson, beginning with the King, Conner, Ramsay dispute, going on down through such issues as the state guard and the general problem of civil defense as the war came on.

When Attorney General Warren finally made up his mind to run, my recollection is that during his campaign, as I've indicated previously, he spoke on frequent occasions about Olson's inability to administer the state government, on the basis that he was involved in personal fights and feuds with the legislature and, to sum it up, that he didn't know how to handle the legislature.

Of course, Warren's suggestion was that he not only knew how to cooperate but would cooperate with the legislature. I recall that after he was nominated, between the time that he was elected in November of 1942 and the day in January of '43 when the legislature actually assembled, a dinner was held--as I recall, it was in the St. Francis Hotel--arranged by some of Warren's close friends and supporters, to which the northern California nominees to the legislature were invited. I believe they held a similar dinner in Los Angeles for southern California people.

The whole purpose and the whole theme of the dinner was, "Now we're all elected." Only nominees to the legislature, a few friends of Warren and Warren himself were there. The whole theme was, "We're all elected and we're going to have a new era of cooperation and understanding."

He expressed a view that he wanted the legislators to be part of the administration, and that we would always have an opportunity to present our views and be heard, and that he would in every way cooperate with us. To my knowledge, that was the last such dinner that was ever held. I remember, spurred on by the warmth of the friendship and the refreshments, before the dinner was over, a number of the fellows of the legislature got up and made very commendatory speeches about the wonderful change this was.

A friend of mine named Chester Gannon from Sacramento, who was a Democrat and always very friendly with Earl Warren--he'd known him in the army during World War I--Chester got up and made a big speech about the new era of enlightenment that was going to come to Sacramento. As the meeting was about to close, he said to me, "Why don't you get up and say something." I said, "Chester, I'll make it the day the session adjourns." [Laughter] Chester always remembered that. Incidentally, he remembered it because he came to find out that my reservations were correct.

It was inevitable that there were going to be conflicts. I think any experienced person would realize that when you have a large group of experienced--some of them very able, some of them very independent, some of them very strong-willed--men who have been making it on their own uphill against a governor and his administration, they're not about to turn over and play dead, in spite of the number of dinners that you give them and the promises of days of enlightenment. That was one of the things that, I think, the close friends of Earl Warren failed to count on. Their tendency

was to make part of their operation only those fellows who would go along blindly.

MORRIS: Who were the friends of Earl Warren?

JOHNSON: At that time--I'm trying to think of who the people were who were present--it seems to me [Thomas] Tom Coakley was present; I believe [William] Bill Sweigert was present. They both had a lot of friends in the legislature; they were well known throughout the state. I believe Sweigert had been with Warren in the attorney general's office; Tom Coakley had been in the office for a while. Tom, of course, was eventually appointed judge down in Mariposa County--superior judge--then later on, more recently, was put on the court of appeals down in the Fresno area. Bill Sweigert is now a United States district judge.

There were some other Warren supporters; by that I mean people out of the attorney general's office or who had already been selected to go with him to Sacramento. I wasn't part of the inner workings; I don't know exactly why they were there.

As the 1943 session opened, Bill Sweigert, of course, became the executive secretary. A man named Verne Scoggins, who had been a press representative for the *Stockton Record* in Sacramento. . . . Verne was in the office. A man named Beach Vasey, who had been a deputy county counsel in Los Angeles; Beach Vasey was in the office. There were other secretaries; those are the ones that I remember.

They started very early concocting their own programs and, as far as I know, without wide legislative conference and discussions.

MORRIS: In other words, they would have ideas for legislation already drafted before they'd come to the legislature?

JOHNSON: In some cases. In other cases, they may have had legislative conferences, but they were not widespread; I mean, there weren't too many of the legislators brought in. The result was resistance would develop. They took the attitude that anyone who asked

questions or didn't go along blindly, as I choose to call it, was an enemy--necessarily an enemy or you wouldn't do that.

Now, to cite specific instances of this tendency, Warren's first health insurance bill which he introduced in the legislature. . . . I was told by Bill Sweigert when I asked for a copy of the bill that, although the governor had made a public announcement of what he was doing and what he was sponsoring, I was told they didn't have any bill.¹

Let me explain that what happened was that when the governor made his first press release on that subject, the details such as he spelled them out on his statement aroused the curiosity, if not the opposition, of most of the then existent group medical groups. You must keep in mind that I am no expert on this subject; even I knew then, and still know now, that when he made his announcement, there already was in operation in Los Angeles what's known as the Ross-Loos group.

They had been operating successfully financially, and as far as I know, successfully medically for quite a few years; they had a very substantial group.

Similarly, Russel Lee had a group in Palo Alto, he being the father of Phillip Lee, who recently was the chancellor of the medical school out at the University of California. Russel V. Lee had a very successful operation in the Palo Alto Clinic, I believe he called it.

The Kaiser group--Kaiser-Permanente Medical Hospital Group--that whole echelon of Kaiser medical operations were operating very successfully. There was another one in San Diego, apparently operating very successfully.

I cite those only as examples because they're names I happen to remember. All those people were immediately concerned about the medical program that Warren had indicated in his newspaper

1. See *Earl Warren and Health Insurance, 1943-1949*, Regional Oral History Office, University of California, Berkeley, 1971.

release. They immediately appealed to legislators they knew, "What is this? We want to know what it's going to do to us."

MORRIS: Did some of it come to you?

JOHNSON: Yes. The Kaiser people, through their lawyers. . . . Some of their executives knew a lot of us from Alameda County; they called us and asked us, "What's this all about?" I went down and asked Bill Sweigert for a couple copies of the bill, and he said there weren't any.

I have no idea who or what group drew it up. Eventually, they did bring in a very thick report, and then they brought in their bill.¹ [Assemblyman] Albert Wollenberg was the author of the bill in the assembly; as I recall it, [Senator] Byrl Salsman was the author in the senate.

The reason I refer to the subject is because it exemplifies the tendency or the fixed habit that I've referred to of presenting major programs to the legislature without really having anything specific in mind to start with, at least in the form of a printed bill, and secondly, apparently without consulting the legislators. In the case of the group medicine, I feel fairly certain that I am absolutely accurate in saying that there was practically no legislative conference; I know there wasn't prior to the announcement of the program, and I think there was very little even before the bills were brought in.

Another instance of that is the so-called penal reform program of 1944.

MORRIS: That was regarded as one of Warren's great accomplishments.

JOHNSON: Well, there are two schools of thought on this, and there were at the time. I think, in this case, there had been some discussion with some members of the legislature before the special session convened. This was a program brought into a special session in 1944.

1. A.B. 800, 56th Leg., Reg. Sess. (1945).

What happened was that when the bill was brought up in the assembly, at least¹--apparently the program was to put the bill through very quickly, on the theory that it needed little discussion.

MORRIS: Would it also have had some aspect of being an emergency measure?

JOHNSON: As far as I know, there was no emergency; I don't remember any. What had happened was. . . . And here again I'm speaking from recollection. . . .

MORRIS: This is your committee file?

JOHNSON: No, this is my personal file. I became interested when this subject broke on the floor of the legislature; I became interested in it and began to put together a file and eventually introduced some amendments.

What happened was that, among other things that this bill did, it eliminated the then-existing Board of Prison Terms and Paroles. There happened to be on that board some fairly strong personalities, some of whom had a lot of old friends around the state, including a lot of friends in the legislature.

I remember one man that took a very strong stand against the governor's position was Isaac Pacht; I believe he's still alive down in Los Angeles.

MORRIS: I saw his name a while back, and I wondered if it was the same gentleman or not.

JOHNSON: I think he's still alive. His son is a superior court judge named [] Gerry Pacht. He is not to be confused with his father, Isaac Pacht, who also along the line somewhere had been a superior court judge in Los Angeles.

Judge Pacht took a very strong position against the Warren program. On the other hand, another member of the Board of Prison Terms and Parole, named Julian Alco, was one of the strongest advocates of the program. These two had a big falling-

1. S.B. 1, 55th Leg., Third Ex. Sess., Cal. Stat., ch. 2 (1944).

out; they each came to Sacramento appealing to their friends. That provoked controversy.

MORRIS: It's interesting that two men both on the same board should disagree. What was the nub of the disagreement?

JOHNSON: As I recall it, the disagreement actually was a personal one because the existing board was to be downgraded.

MORRIS: Was that replaced by the Adult Authority board?

JOHNSON: Yes, that's right. Julian Alco apparently had assurances from Earl Warren that he would be taken care of suitably in the new administration. As you may remember, Mr. Alco was a wealthy man; he was a Christian Science practitioner. He followed the policy in the prison of being friendly but fair with the prisoners, and he was proud of the fact that he could walk out into the yard without a guard, with no cane or anything, and nobody would bother him; he enjoyed a high standing certainly within the prison.

Another factor in this was a publisher from Mendocino County who had been on the prison board--I think he was off by then--named [] A.R. O'Brien. A.R. as he was called by his friends, was an old-time Irish politician who knew all the punches and all the curves and was very articulate in expressing a very bluntly forthright opinion.

Looking through my file, I see that I still have some editorials by A.R. O'Brien, which he put out at the time. He published the *Ukiah Republican Press*. He was in the midst of the controversy. He was for some parts of Warren's program, but he was against other things. In this case, I think A.R. was for the Warren program of prison reform. I believe, as it moved along and he began to find out some of the details, he went along with the dissenters.

Without trying to nail it down too much, I'm trying to point out that the men who'd been on the board--either had been on it or were still incumbents--these strong personalities became involved in the controversy very rapidly. They all had friends in the

legislature; before the program had gone too far, there was a real brawl that developed.

MORRIS: Hadn't there been a couple of studies of prison conditions in years preceding?

JOHNSON: There were some. I have some reports here. I have the "Final Report of Governor's Investigation Committee on Penal Affairs"--January 21, 1944.¹ I have "Comments by the California Board of Prison Directors on the Alco Report"--January 21, 1944. There's a preliminary report of the governor's committee dated December 14, 1943. I have here a report of the General Committee for Parole Reform; this is a statewide organization of which Louise Ward Watkins of Los Angeles was the chairman.

MORRIS: What's the date on her report?

JOHNSON: Mrs. Watkins' report is November 19, 1934.

What I haven't mentioned yet is that one of the results of the proposed Warren prison reform program, at least as it first came in, would have been to have subordinated, among other things, the Youth Authority.

Subsurface at least--as I recall it, not openly--subsurface the people who were active in administering the Youth Authority had great doubts about this program.

MORRIS: In other words, the Youth Authority would have been a subordinate part of the prison system?

JOHNSON: Of the department that would have been created, yes. Their relatively independent position would have been eliminated or destroyed.

There were problems also with respect to the women's prison.

MORRIS: The youth facilities and the women's prison had been under the Department of Institutions, hadn't they, totally separate from the prison system?²

1. Copy in The Bancroft Library, Warren Archive.

2. See memoirs in this series with Richard McGee, Karl Holton and Heman Stark.

JOHNSON: The effort certainly had been to keep the Youth Authority out of the category of being a prison institution. I find here, for instance, in my file, a telegram from--I don't want to call her a girl because she was in college when I was, or after my class--a woman lawyer in San Francisco who wrote me as the legislative chairman of the San Francisco Business and Professional Women's Club.

Her message is, "California business and professional women's clubs urge you to safeguard the Youth Authority Act¹ and to clarify the status of the women's prison, The California Institute for Women." In other words, by this time--it must have been January 31, 1944--word had gotten back to the women's clubs circles that the women's institution was being downgraded in this bill.

What happened was that when the bill came up, we had all of these various questions that had been raised by different people. My recollection is that either I asked or someone else asked for a committee of the whole in the assembly so that we might have a chance for everybody to ask questions and call witnesses.

We introduced and--as I recall it--put into this bill some amendments on things such as specifying the qualifications for appointments to the board, and providing that there should be membership for people from the various categories, such as someone interested in the problem of youth, someone interested in the problem of women. We also put in some amendments on the Youth Authority.

I find, for instance, in my file an unsigned memorandum, title subject "Attempt to change the Youth Authority as included in and under the control of the Department of Corrections being created by Senate Bill #1,² as amended in the Senate January 28, 1944." This is a very carefully prepared typewritten document of about

1. A.B. 2003, 55th Leg., Reg. Sess., Cal. Stat., ch. 690 (1944).
 2. S.B. 1, 55th Leg., Third Ex. Sess., Cal. Stat., ch. 2 (1944).

seven pages, prepared by one of the top people in the Youth Authority.

MORRIS: Would this be [Director, California Department of Corrections] Karl Holton?

JOHNSON: I don't remember which one gave it to me; I knew all of them. I knew Holton; I knew the one who took his place, Heman Stark; I knew [Robert Chandler] Bob, the red-faced fellow who actually ran some of the Youth Authority operations. They were around Sacramento all the time.

I see also some amendments here that apparently I had prepared.

MORRIS: That was the point, wasn't it, about 1944, that the Youth Authority took over responsibility for the actual operation of the youth institutions? Weren't they first an advisory council in the original legislation?

JOHNSON: Yes. I had been chairman. I didn't bring that file up. I had been appointed chairman of a committee on the Youth Authority, an interim committee; we had held some meetings and brought in a report and proposed some legislation, most of which was adopted.

Because of that, some of us knew these people in the department very well, and they trusted us. They literally suggested that we might well become spokesmen for the minority point of view.

I note, for instance, that one of my amendments provided that the director, who was to be superimposed by the Warren plan as the top man, must--not may--must advise with the Board of Corrections and the State Board of Prison Directors. The State Board of Prison Directors becomes an advisory board.

MORRIS: This is the director of Corrections who must do these things?

JOHNSON: Yes, so as to prevent the boards from being just put out of business. Another amendment I had was "the members of the Adult Authority must have the following qualifications: they must either

be a lawyer or a person with practical experience in the handling of adult prisoners, or be a sociologist with experience and training."

Then we set up a system that two members of the Board of Prison Directors will be appointed by the Board of Prison Directors to the Board of Corrections, which will be composed in addition of two members from the board of directors of the California Institution for Women, three members of the Youth Correction Authority, and three members of the Adult Authority and the director of Corrections.

We were trying to keep the women's institution and the Youth Authority from being completely submerged in this whole operation.

We had, among other things, the legislative analyst, who at that time was Rolland Vandegrift. . . . He had been Governor Rolph's director of Finance, and he had been employed as the first legislative auditor, principally to check on the fiscal aspects of the Olson program, but he stayed on into the Warren era. Of course, his job has now become the one that [Legislative Analyst A.] Alan Post holds.

Vandegrift had made a study of this bill; he didn't think very much of it administratively. He pointed out, for instance, that the Board of Prison Directors, which is a constitutional body, cannot be abolished; it appears they're being denuded of authority and bereft of funds. He goes on to point out how many high-salary jobs are being created, and generally picks the bill apart and--as the old saying goes--forgets to put it together again. He was not very favorably impressed with this program.

What happened, as I recall it, was that after extensive committee of the whole hearings down on the floor of the assembly, quite a few of these amendments were adopted and the program was passed.

MORRIS: I recognize some of them.

JOHNSON: Connected with this general subject, and coming back again to the important basic question that I referred to previously of Earl Warren's positions in these years, one thing that was called to my attention and brought to life by an individual was the question of the habitual criminal law.¹

In some of my early sessions, I was on a small committee called, I think, Criminal Law and Procedure. It was a committee that apparently was kept alive for some years so that a [Assemblywoman] Miss Eleanor Miller, one of the early women assembly members from Pasadena, might have a committee chairmanship.

MORRIS: That was gallant.

JOHNSON: She was not a lawyer. She was generally interested in the problems of prisons. They had this little committee called Crime Problems. When I was on the Crime Problems, there was one member of that committee--an assemblyman from San Francisco named [Joseph] Joe Gilmore--who was a bit of a specialist on prison legislation.

The reason he was a specialist was because one of the ways that he kept in the good graces of his constituents out in the Mission district in San Francisco was that he would regularly, as a member of the legislature, visit the prisons, particularly Folsom Prison because of its proximity to Sacramento.

MORRIS: Would he visit the San Francisco inmates?

JOHNSON: He would visit relatives of some of his acquaintances in the district who were in the prison. He also knew the warden and the captain of the guard and all such prison personnel. He never abused the privilege, so that he was treated very well by the prison personnel and allowed to visit with the men who were inmates.

The prisoners in Folsom knew that Joe Gilmore was interested in their problem and would do something about it. It was Joe Gilmore who really introduced me to this habitual criminal

1. A.B. 218, 45th Leg., Reg. Sess., Cal. Stat., ch. 111 (1923).

problem. He said, "This is a legal subject. I'm not a lawyer; I need your help."

It turned out that he had been in discussions for some years with the men in the prison about the inequalities of the habitual criminal law. I think at his instigation, some of the prison staff had assembled files, or researched files on the status of habitual criminal laws throughout the country.

What these files showed was that generally the habitual criminal law had been a fad that was outmoded and that had been given up, like the Empress Eugenie hats which had been in style sometime before that, or like the old-fashioned bell-bottom trousers. By the early forties, most of the states had repealed their habitual criminal laws because of the patent injustices and inequities.

Basically, the problem was that in most states, it was optional with the district attorney whether or not he would charge a man with violation of the habitual criminal law. This was a great temptation to district attorneys or police officers who wanted to clear their blotter of all the unsolved crimes in the county.

If they could get some prisoner--some man in jail--who was facing a serious charge or a series of them, but who also had a past record, if they could get him to admit to one of their unsolved crimes, then they wouldn't charge him with being an habitual criminal. That's what was happening, in some cases.

The result would be, according to the prison administrators themselves--and they generally were against the habitual criminal law--according to them, there would be a prisoner in one cell who would be there the rest of his life; in the next cell there would be a man with the same number of offenses and the same type of offenses and he would be going home next week, because he hadn't been charged with habitual criminal. This produced some of the most difficult administrative problems in the prisons.

Someone had called Joe Gilmore's attention to this. I find, for instance, a printed report here in my file, "Habitual Criminal Law, State of California, 1923-1943," and it's compiled by Lyle Egan, secretary of the Board of Prison Terms and Paroles at Folsom. This was an official prison publication. What it's intended to do is to show what actually happened under this statute which took effect in 1923.

Here's another report: "Complete History of the Habitual Criminal Cases of Folsom Prison and the Present Status of Each." Then it lists the names, their numbers, where they came from, the present status, and so forth.

The result was the prison officials themselves were not opposed to the abolition of this law; they couldn't come down to Sacramento and sponsor it, but their research indicated that it was no longer justified.

Gilmore sponsored a bill to repeal the habitual criminal law, and he asked me to go on it with him in order to make the legal presentation, and I did. We passed the bill.

MORRIS: In 1943?

JOHNSON: No, it was before that; Mr. Gilmore left before 1943. Gilmore was still there in '39; he did not come back in '41. My recollection is that we joined together in sponsoring the bill in '39, and it passed. I'm not sure whether I put it in in '41. The one that I am sure about, I put in in 1945. Earl Warren vetoed it.

MORRIS: Is this the same bill, or were you working on further amendments?

JOHNSON: This is a bill to repeal the habitual criminal law.

MORRIS: You said you and Mr. Gilmore introduced it in '39, and it passed?

JOHNSON: What I'm coming to is--I want to bring it up to the Warren administration because I want to show what happened there. When Warren was going to put in his penal reform program in 1944--January--it was circularized throughout the state that he was going to do that. Of course, the men in the prisons are the first ones to find out about something of this kind.

I have here in my prison reform file a letter dated December 30, 1943; it's from a man named James B. O'Neal. I later learned that in the prison he was known as Buck O'Neal. This is a long-time communicant with Gilmore. As of December 30, 1943, he is writing me and saying,

I am writing you at this time with reference to the possibility of securing a modification of the habitual criminal act during the special legislative session which Governor Warren is convening sometime next month.

Although it is generally conceded that no legislative action can be taken upon questions other than those specifically enumerated in the governor's call for a special session, the thought presents itself that perhaps this rule may be avoided in the present case.

You can see this gentleman has pretty good ideas of legislative procedures. He goes on and says,

The constitutional amendment from which the state legislature derives its power to revise and rewrite the Penal Code, or any part thereof, does not appear to place any restrictions or limitations upon their actions in this respect.

With this in mind, I am convinced that no law in the Penal Code merits revision quite as much as Section 644, the unfair method of its application, the discrimination practiced in its enforcement, and the very fact that its harsh features closes every avenue for future rehabilitation for many of those sentenced under its mandate, contrary to our American standard of justice.

He goes on and says--and this is very important--

Some two weeks ago I had the pleasure of meeting Senator Charles H. Deuel in person. I found him to be an exceptionally fine gentleman with a broad knowledge of our problem and so forth. We did not know at that time about this special session, and therefore did not discuss the possibility. I have written him and am very hopeful that some plan may be developed.

In the meantime, will you not give this matter your earnest consideration and cooperate with Senator Deuel in every way possible.

[End Tape 4, Side A]

[Begin Tape 4, Side B]

MORRIS: You couldn't introduce the bill during special session?

JOHNSON: We could not introduce legislation of the type that Mr. O'Neal was writing about at the 1944 special session. The next regular session was 1945. I was a member there, and I did introduce legislation for an outright repeal of the habitual criminal law.¹

Senator Deuel also had legislation in on the subject. What happened was that we talked this over--Senator Deuel did and I did and some other various people interested in criminal law--and we knew that Warren had vetoed the bill outright previously. We decided among ourselves that even if we passed the bill through the legislature, he would veto it again. He would go along with the district attorneys of the state and the sheriffs and the peace officers and veto the bill.

We decided that in order to get some relief for the men who were entitled to it, it might be better to work out an acceptable compromise which would be signed by Warren but would also give

1. S.B. 291, 56th Leg., Cal. Stat., ch. 934 (1945) amended the Habitual Criminal Law.

some relief for the men, or at least give them a hope, which was the big thing.

What happened was that Senator Deuel and I took a trip up to Folsom Prison during the session. I had known the warden when he was a parole officer. We had lunch with the warden and one or two of the officials. While we were lunching, I told [Robert] Bob Heinze, the warden, about these very literate letters that I continued to receive from one of the "cons," as they called them, named James E. O'Neal.

He said to me, "Have you ever met Buck O'Neal?" I said, "No, I haven't." He said, "Would you like to meet him?" I said, "Indeed I would." He said, "I'll arrange it after lunch."

While we were talking at lunch, the warden told us that they'd been having disciplinary problems. Some of the men were setting fire to the mattresses and they were tearing the toilets down off the wall and all the things that usually happen in a prison when trouble is brewing. The warden said, "You know, this isn't helping your legislation any." What he did was to arrange for me to meet Buck O'Neal in his office. They brought him in--no one else was there--and I introduced myself. Incidentally, Buck O'Neal was a white-haired man, straight as a ramrod, with steel-blue eyes.

He stood with his cap in his hand and thanked me for what we had been doing to try and help out. I remember saying to him, "You know, Mr. O'Neal, Bob Heinze the warden tells me that some of your associates out here are trying to wreck the joint. He says they're setting fire to the mattresses; they're tearing the toilets off the wall. That kind of stuff doesn't help us with this bill, not when you have your friend Warren sitting down there waiting to veto it."

Buck O'Neal looked me straight in the eye and he said, "Look, Mr. Johnson, let me tell you something. You don't have to worry about anyone raising hell up here as long as this bill is pending in the legislature." From the way he said it, I got the idea

he knew what he was talking about. In other words, the people on the inside were going to take care of the troublemakers.

At any rate, we didn't have any trouble. I also talked to him while I was there about the idea which we had discussed among ourselves at the legislature, as to whether it wouldn't be wise to work out a compromise. What I asked him was how far would we have to cut down the time served, in order to give help to most of the people who were inside and needed help.

Eventually, he said that would be satisfactory, if we could get it low enough that it would really mean something.

Eventually, we went back to Sacramento, and I remember holding a luncheon meeting in my little room in Sacramento with Senator Deuel and Cecil Mosbacher, who was then the lobbyist or legislative representative for the district attorneys (she's now a superior judge in Alameda County; she had served as a deputy district attorney under Earl Warren and he appointed her judge)--she was in our little meeting as the representative of the district attorneys. I think there was someone from the prison administration there, but I've forgotten who that was.

Between ourselves, we agreed upon a compromise which would require that a man confined under what they called the "big habitch"--which meant four offenses, I believe--would have to serve twelve years before he could apply for parole. Men in under the "little habitch"--which meant three offenses, or three convictions--would have to serve, as I recall it, seven years and seven months.

I believe it was Miss Mosbacher who agreed to discuss the matter with the governor's office and find out if that was acceptable. She did discuss it and the bill was passed. True to his word, the governor signed it.

The punch line to all of this is that one day in February of 1947, two years after I was out of the legislature, I received a letter from James B. O'Neal from Craig, Colorado.

MORRIS: He did get out?

JOHNSON: He got out, and I first learned that because one day around Thanksgiving Day in 1946, traveling on the Berkeley ferry, I came home late and Mrs. [Doris] Johnson said, "A man called you from the ferry. When I said you weren't home and I didn't know when you'd be in, he said, 'I can't wait; I'm on the way to the Oakland Mole to take a train to Colorado. Just tell Mr. Johnson that Buck O'Neal called and that he's on the way to take a job. He'll know who I am."

What I wanted to point out in this long narration is how it fits into the Warren pattern. Apparently, from what these prison officials in their research showed us--believe me, I am no expert in the criminal law, but I had had by that time considerable experience with penal legislation--their research tended to show that practically all the serious advanced thinkers in America had decided that the habitual criminal was a gimmick that just didn't work, and it had been largely discarded.

Warren, at that time, would not back up an inch. The bill that we agreed upon, while it required seven-year terms for one type and twelve for another--that didn't mean they got out; that merely meant that when they'd served that long, they had the right for the first time to apply for parole. If they weren't entitled to it, they wouldn't get it.

As I've indicated, the first time the bill went down to him, even though Deuel had a senate investigating committee and they'd studied the subject and decided to support the legislation, Warren vetoed the bill. It was only by compromising, and what I thought was a very harsh compromise, that we got any relief from that.

MORRIS: There was another change at that point that I think I've heard Senator Deuel's name in connection with; that was the certificate of rehabilitation. Was that something that you were involved in too? That seemed also to apply to people who . . .

JOHNSON: I was involved in it only when it was up in the legislature. My recollection is that I was not enthusiastic about this. I didn't think

it would work, and I also thought it was an easy out for governors; instead of granting outright clemency, they would use this system.

MORRIS: It's a rather lengthy procedure, I gather. I am not familiar with the details of the administration of it.

JOHNSON: My recollection is that when it was up, I didn't support it with any enthusiasm.

I want to give you another example, a specific one, since your prime interest seems to be in Warren's approach to government, and I guess you're studying also the significance of his California experience. I just referred to the unchanging attitude on criminal offenses--which is an exceedingly interesting thing to study and to reflect upon--having in mind the change that eventually came about during his years on the [United States] Supreme Court, with respect to some of the cases in which criminal convictions were reversed for minor technical flaws.

Here is an instance of another trend of political thought, which was beginning to germinate by 1943; when I say germinate, I mean develop in the Warren approach to government. This involves the eight-hour law for women.¹

Ever since we've had an eight-hour law for women in California, it has provided for exemption from that law for fish canneries, vegetable canneries, and hospital laboratories. In other words, while we've had a state statute providing for the eight-hour law for women, it has always provided that it did not apply to "the hours of employment of graduate nurses in hospitals"--and you'll note that relates to the individual--"or to the harvesting, curing, canning, or drying of any variety of perishable fruit, fish or vegetable during the periods when it is necessary to harvest, cure, can or dry fruit, fish or vegetables to prevent spoiling."

You will note that in those latter instances, which involved thousands of women throughout California in the summertime, the exemption is to the whole process--not to the individual--but the

1. A.B. 329, 56th Leg., Reg. Sess., Cal. Stat., ch. 537 (1945).

"harvesting, curing, canning or drying of any variety of perishable fruit, fish or vegetable," so that any woman involved in any of those activities, or in any way related to them, is exempt.

The incident that I am referring to involves the Cutter Laboratories in Berkeley, which was one of my constituents as the assemblyman from Berkeley. Sometime in 1942--which if you'll recall was in the depth of the war years, because it was only about a year after Pearl Harbor--Cutter Laboratories was visited by some nice lady from the Division of Industrial Welfare, as an industrial welfare agent.

I was familiar with this division--very familiar--because I had represented a number of agents back in the late thirties, getting them proper civil service status after the adoption of the civil service amendment in 1934.¹

MORRIS: Was this as a legislator or as an attorney?

JOHNSON: I was an attorney representing these individual women in the department. As a result, I had learned about their department: what they did and how they operated, what their techniques were, what an agent did. I knew more, because of that, than the average legislator about the functioning of the division. In fact, my representation of one of the women actually became an issue in the Olson campaign against Merriam for governor.

What happened was that one of the ladies whom I represented had been badly pushed around and jumped upon by a political appointee of Frank Merriam--at least, she was not an appointee of his, but she had his support because she was backed by Louis B. Mayer of the moving picture industry.

As you may recall, Louis B. Mayer had been chairman of the Republican State Central Committee; he was a man of considerable stature back in the thirties, not only in state industry but within the Republican party.

MORRIS: I didn't know that. That's fascinating.

1. Proposition 7 (November 6, 1934).

JOHNSON: This Mrs. Mabel Kinney maintained her position as chief of the Division of Industrial Welfare with the full support of Louis B. Mayer and his famous secretary, Ida Koverman, who became a very powerful figure in California. The women I represented told me--this is hearsay to me--they always contended that the reason Mabel Kinney was kept on the job was because she would not enforce the eight-hour law against the motion picture industry.

At any rate, I represented this agent. I went right after Mrs. Kinney at a Personnel Board hearing. I had a record--a written transcript--which some of the liberal Democrats got hold of. Out of that transcript, they worked up a scenario which they put on radio. There wasn't any TV at that time, but they actually put it on the radio during the political campaign between Merriam and Olson. Senator [Robert] Bob Kenny used to laughingly tell me that when he was doing it, he didn't realize where the transcript came from until he met me in the legislature.

At any rate, I had learned about the working of the eight-hour law. When Cutter Lab became involved in this problem . . .

MORRIS: In other words, they were cited for noncompliance?

JOHNSON: What happened was the industrial welfare agent, in the usual course of her activities, was assigned to investigate them; they make payroll audits, as they call them. In the process of this regular, say annual audit or six month's audit--as far as I know, there had been no complaint registered; it was just a regular check-up--she found out that there were occasions when they violated the eight-hour law.

As I learned later, they checked back and they reported to her that her audit was correct, that they had violated the eight-hour law. They went on and said, "If you will check back into our records, which we will make available to you, you will find that every time we have violated the eight-hour law, it is because the women involved were actually processing whole human blood." Not plasma, but whole blood.

They explained that, "When we start this process, we can't stop it; we have to complete it, or the blood which is intended for the South Pacific will have to be thrown down the drain. Our records show that only in those cases did we violate the law because we have strict rules that there'll be no violation."

The agent was very reasonable. She said, "I'm confronted with this situation. Your records show you violated the eight-hour law and you admit it." There was a considerable harangue about what they were going to do apparently, and they said they weren't going to do anything: that they would keep it confined to those cases; that they were not going to stop the processing of the blood; and that if she wanted to cite them and have them arrested, go ahead.

The woman was quite reasonable and she said, "That isn't what I want to do; I want a solution to the problem. Your assemblyman from this district here, Mr. Johnson, is familiar with our department; he knows how we work. Why don't you talk to him? He may put a bill in, or you get somebody else to put it in. If you do, the legislature is going to meet in January"--this being December of '42--"if you put it in, we will hold off until you can get the bill passed."

Some of the Cutter boys called me; I had known them incidentally in high school and college. I knew [Edward] Ted Cutter and Fred [A.] Cutter. They called me and explained the problem. I think I talked to the agent. I'm not sure; if I didn't, I talked to one of her superiors in the San Francisco office. I explained I thought this was all very simple, that there wasn't anyone else in the state, to my knowledge, who was involved in processing whole blood. (Incidentally, I was wrong in that; it turned out there was one small laboratory down in Pasadena.)

At any rate, they agreed with my suggestion, or I agreed with theirs, and I agreed I would put the bill in when I went to Sacramento for the 1943 session. I did. We had [Frederick] Fred

JOHNSON: Wood's office--the legislative counsel--draft it up. Then, after they drafted it, I checked it over, and we passed it through the legislature without a dissenting vote.

But I didn't move it fast enough; it came down to Governor Warren in the last ten days of the legislature--during the period when he had the right to hold all bills in his pocket and not act until after the legislature had gone home. Then he had thirty days in which to act; if he didn't act at all, it's called "pocket veto." That's why I use the term that he could hold it in his pocket.

What happened was that we came home after the adjournment, and the days began to slip away. I think we came back on May the ninth of that year. It began to get into June, and no action on the bill. Every morning I read in the paper about the bills signed, but no action on this bill.

A couple of days before the bill signing period was out, I phoned the Cutter boys and I said--I think I talked to Fred Cutter--I said, "Earl Warren hasn't acted on that bill of ours and I'm beginning to get worried; I don't think we're going to get it signed."

Naturally, they were quite desperate. I agreed that that afternoon I would call the governor's office and find out what had happened. I called Bill Sweigert, the executive secretary, and the report was that he was not in the office. When I went home, I called his apartment and I couldn't get him there.

The next day was the last day to sign bills. I started about 10:00 calling his office and again the report came back, "He isn't in." About this time, I didn't believe that; I thought I was getting too many "he's not in" reports. I called a friend of mine who was upstairs on the second floor in the press room, and I asked her if she would do me a favor.

I said, "I want you to do just one thing; please go downstairs and, if you can get it, just go in and see if Bill Sweigert is there." I told her why I wanted to know. She was back on the phone within fifteen minutes. She said, "He's not only there; he's been there all

the time. Thirdly, to relieve you, your bill is not going to get signed. I have the final printed list, and your bill isn't on it."

I called the Cutters and they said, "What can we do?" I said, "Just one thing. I don't think it will do any good, but we'd better go to Sacramento and see the governor." First I called Sweigert and I got him; I told the operator I knew he was there and I got him. He then confessed that the bill was not scheduled for signature, but if I wanted I could come up and see the governor.

We did go up. Cutter Laboratories had a man named [Arthur] Art Beckley, who was their personnel man and who had been working on legislative bills; he went up with me.

There was one other group waiting to see the governor. They represented the truckers' association; they were a problem with their efforts to repeal a 3 percent tax. We were the next to the last to see Warren; the truckers followed us.

What happened in this meeting is the point of all this. The governor was seated behind his big desk. We go in. He had known the Cutter boys, or some of them, longer than he knew me, and he knew them favorably. He said that. At the outset of the meeting, Governor Warren said to Beckley, "I know the Cutter boys; you don't have to explain your company to me. I know [Robert] Bob Cutter and Fred and Ted, and I know them well.

"I just want to tell you, and I want you to tell them that in this biennium"--that's the way he put it--"in this biennium" . . .

MORRIS: Conscious that this is his first session as governor?

JOHNSON: No. He said, "In this biennium, I am not going to sign any bill that anyone is going to be able to interpret as tearing down the eight-hour law for women." We said, "Governor, no one has so interpreted it. The labor people have not opposed this bill; no one spoke against the bill, in either committee or on the floor of either house."

He said, "That doesn't keep other people from interpreting it, and I am not going to"--his voice becomes very high-pitched

when he becomes excited--and he said, "I am not going to sign any such bill in this biennium."

What you have to keep in mind is that was June of 1943. By 1944, as you may recall, he was being considered for national office.

MORRIS: It was the national convention coming up again.

JOHNSON: Sure. And he was not going to offend labor. We had quite a discussion, insisting on our part that this bill had been accepted by everyone, that we had given our word we would not accept any additional amendments or let free riders climb on the bill; we had promised the labor people that if that happened, we would scuttle our bill. But no one did climb on it.

We got nowhere with him; his final comment was, to the Cutter representative, "Now, Mr. Johnson, your assemblyman, has other bills in here providing for a permit system of getting exemptions from the eight-hour law." This was for wartime industry. It was true. I had the bills in on that subject.

MORRIS: For Cutter or for other people?

JOHNSON: Generally. For the state labor department. I had been given the bills by some of my friends in the labor commissioner's office or the Department of Industrial Relations. They were administration bills; Warren was for those. What he said was, "Your assemblyman has these other bills in, and this system is in effect or going to be in effect. I will give you all the permits you want; all you have to do is send down and ask for them."

Right or wrong, the Cutter man's reply was, "Look, Governor, we're not running a pinball game; we're not running a dance hall; we don't want permits. We are entitled to be exempt from this law if the fish canneries and the vegetable canneries are. I want to tell you we're not going to ask for any permits." He told the governor that. He said, "We're going to go right on operating the way we've been doing. If you want these good ladies to come

over and cite us, you go ahead and do it, and we'll demand a jury trial in the Berkeley Justice Court and we'll see what happens."

Naturally, the bill was not signed. The punch line to all of this is that the next session I went back and I put in the same bill and began to move it.¹ I moved it early this time so that we got it down to him before the pocket veto period went into effect. No one spoke against it; no one voted against it. When it got down to him, he vetoed it again.

In 1945, the bill went down to him very promptly with no votes against it. He vetoed it again. This occasion, he had to write a veto message, and he did. His veto actually was based on the fact that we had exempted the laboratories and not the individual women actually processing the blood.

As I've pointed out, all of the fish canneries, all of the vegetable canneries, the whole activity was exempt. But this was his stated reason for not signing the bill. He said in his veto message, "This bill exempts from the laws limiting working hours for women, all employees in laboratories operating under license. It would include all women employees, regardless of the type of work. I can see no reason why that should be done."

Then here's his punch line for this biennium: "We should guard the women's eight-hour law carefully to see that no unwarranted invasion against the principle of that law is made." It's interesting to read that in the context of what women's lib and those kind of groups want to do to the eight-hour law today. [Laughter]

He went on and said, "On the other hand, if the legislature is of the opinion that it is advisable to exempt certain employees of such laboratories as may be needed to complete the processing of human blood in a continuous operation to avoid spoilage, this determination would appear to be reasonable, and I would be willing to approve such legislation."

1. A.B. 2088, 56th Leg., Reg. Sess., Cal. Stat., ch. 640 (1945).

Now that's what we had told him that the bill was intended to do; those are virtually our words being quoted back at us. What we did, we took advantage of a legislative technique that's used occasionally, although not frequently at that time, at least.

It happened that I also was the author of a bill renewing Warren's administration permit system. That bill had passed the assembly and was in the senate, and as I recall it, out of committee in the senate and down on the floor. It only had to be voted on twice: once on the senate floor and then back for concurrence in the assembly.

What I did, since it was my bill, I had Fred Wood's office write up an amendment that complied with his suggestion about making it effective only to those women actually engaged in the processing of human blood and--I'm quoting Fred Wood's opinion to Warren after it passed--he said, "The bill exempts from the eight-hour day, forty-eight hour week law female employees 'actually engaged in the processing of biological human blood products and other such products of laboratories operating under license from either or both the United States Department of the Treasury and the United States Department of Agriculture during such periods, when it is necessary to continue the processing of such products to prevent spoilage or deterioration.'"

What we had done was to take his words and put them into the bill, and I tacked this as an amendment onto his administration permit bill on the floor of the senate. The result was it never had to go to committee; the senate voted on it and the assembly concurred, and it went down to him.

MORRIS: And he signed it?

JOHNSON: Now, I should point out that suddenly when this happened, who appeared to speak against the bill but the League of Women Voters representative, Mrs. Max Stern. She actually spoke in the assembly against the bill; I might say no one paid any attention to her.

MORRIS: She spoke against the whole bill because of that amendment?

JOHNSON: Against the whole bill because of that amendment. Warren signed the bill. Actually, after it was all over, I went down and got some extra copies signed and had my old friend, Frank Jordan, put on the gold seal of the state of California. There at the bottom you'll notice Earl Warren's signature.

MORRIS: I certainly do. Signed and dated.

JOHNSON: I cite this as an incident which probably. . . . I don't suppose there are three people in the state that know about this incident. Art Beckley did, but he's dead; the girl news reporter knew about the first incident. I'm not sure she was there when the second bill went through in '45. The key line to this story is "I am not going to sign any bill in this biennium."

After all, this biennium, being a war biennium, there was more reason in that biennium to have this bill than in any other biennium in the history of California because, as I pointed out, this was not blood plasma; this was whole human blood being processed for shipment to the armed forces.

Obviously, what he had in mind--the only thing a person could have had in mind in using those terms--were the political implications of this biennium, namely the fact that before the next session of the legislature, which was to be in January of '45, there would be the Republican national convention of '44.

As you recall, when we were talking earlier, that was the year--1944--when the Republican delegation that was elected at the primary on May the sixteenth of 1944 was one consisting of those delegates preferring Earl Warren for governor. He was the so-called favorite son from California.

It seemed to me right at that time, and it's always seemed since, that no one can consider that incident--that series of events--without considering it in the context of the political implications of the 1944 convention.

MORRIS: That's very interesting, yes, particularly, as you say, with that phrase "in this biennium."

JOHNSON: And the other phrase that was actually included in the veto message, even in 1945 . . .

MORRIS: Which would include the 1946 election year when presumably he would be running for governor again.

JOHNSON: Right, but the pertinent phrase in 1945 was, "We should guard the women's eight-hour law carefully to see that no unwarranted invasion against the principle of that law is made." Well, we had limited it and, we thought, drawn it as tightly as anyone could to prevent that very thing.

Your tape is about out.

MORRIS: It certainly is, and I've kept you late this afternoon.

[End Tape 4, Side B]

[Session 3, June 20, 1973]

[Begin Tape 5, Side A]

MORRIS: We've talked about some of the specific legislation in your years in the legislature and what effect Warren had on the legislature's direction. Were there any major changes in the governor's relationship with the legislature when Warren took office, as opposed to Governor Olson?

JOHNSON: We have discussed previously some of the details of the election in 1942 in which Earl Warren defeated the then incumbent Culbert L. Olson, the Democrat. I have pointed out or attempted to outline a bit of the history of Governor Olson's unfortunate relationship with the legislature which had eventually developed into open hostility. I made clear that the hostile legislators were not only Republicans but a substantial block of Democrats who formed a coalition with the Republicans, to constitute a majority of so-called economy-minded legislators, and that they were numerous enough and strong enough to defeat many of Governor Olson's bills.

I've also previously mentioned how, after Earl Warren was elected governor and before the opening of his first session, there was at least one banquet held in San Francisco at which Warren and his friends assembled the conservative legislators, both Republican and Democratic, and there were great promises of a new era of enlightenment with cooperation and consultation with the legislature.

I believe I made it clear that, to my knowledge, that was the only such banquet that was ever held. There were, of course, occasional lunches in Sacramento during the legislature [session] at

which the governor was present; I don't remember any actual follow-up on that rather glittering promise.

Of course, when Earl Warren took office, he replaced the department heads who had been appointed by Olson; I think anyone looking back upon the overall situation would have to say that unquestionably Warren's appointments of department heads were, by and large, men and women of, I think, higher caliber and better qualified by experience than Olson's.

Occasionally Warren did appoint some people who tended to be martinets and somewhat autocratic; without getting into a detailed analysis, generally his administrative people were well qualified.

You have asked me whether or not Warren had any say in how the legislature would be organized when he took office in 1943. By that, I assume that you mean organization of the houses of the legislature, for instance, by the election of a speaker and a speaker pro tem in the assembly and a president pro tem in the senate.

MORRIS: I was thinking also of committee chairmanships.

JOHNSON: I was going to cover that as the second and separate item. As far as the formal organization is concerned, I would say he had nothing to do with it. Normally, that is left up to the legislators; tinkering with it or attempting to interfere by a governor can frequently produce open hostility.

Looking back on those years, I would say that the legislators were long enough in experience and they were firm enough in their individual views that their minds were pretty well made up anyway. As far as I know, Warren had the good judgment not to attempt to interfere with the formal organization procedure.

As far as committee chairmanships are concerned, or even committee appointments, normally that is left up to the legislative group themselves, that is, in the respective houses. I think Olson had made the mistake of interfering with, or at least retaining the

right to approve certain committee appointments. I suspect that's where some of his trouble with Democrats germinated.

Normally, the governor would be consulted on at least one appointment in each house. In the assembly, it would be the chairmanship of the Committee on Ways and Means, because the person who accepted that appointment would have the responsibility of presenting or, as the term goes, "carrying" the governor's budget. Naturally, the governor would have a legitimate right in knowing that the person was acceptable to him or would make an honest effort to present his budget fairly and ably.

I am quite sure that Earl Warren was consulted. In the '43 session, which was his first one, the chairman of the Ways and Means Committee was Albert Wollenberg, an assemblyman from San Francisco who was an old-time acquaintance of Earl Warren's.

Al Wollenberg, prior to being elected to the assembly, had been a deputy United States attorney in San Francisco. He had known Earl Warren as a prosecuting attorney from Alameda County, and they were friendly on a personal basis. Al Wollenberg was entirely acceptable to the governor. I think there was actually a formal acceptance before the speaker appointed him.

In the senate, the comparable position would be the chairman of the Finance Committee. By the way, the speaker in the assembly in the '43 session was Charley Lyon--Charles W. Lyon of Beverly Hills. Charley Lyon was a long-time legislator from the Los Angeles-Beverly Hills area. In fact, his service began with the 41st session; the 1943 session was the 55th. As you can see, he had been in the legislature sixteen sessions, which would mean thirty-two years.

Charley Lyon was not selected by Warren as speaker, I can assure you of that. He was selected by the members. Just as a parenthetical entry, a footnote in small letters, you may recall that his career ended rather tragically because he was convicted and sentenced to prison eventually.

MORRIS: It's referred to in the textbooks, but it's not clear as to what the circumstances were.

JOHNSON: I'm going to search my memory so that I'm sure that I'm right before I make any comment on that. But note it here that Charley Lyon was not a Warren man. As a matter of fact, it might be pertinent to stop here and point out--I think this is maybe the first time I've alluded to this in our discussions--that it can be fairly said that Charley Lyon was what used to be known around the legislature as a Samish man.

[MORRIS: What can you tell me about him?

JOHNSON: How many volumes do you want? Loved the ladies. Wound up as speaker, a Samish man. Catered to and voted for anything Art Samish was interested in and backing. (Never took any gifts. Only six or ten did not.)

MORRIS: Was it difficult being speaker pro tem?

JOHNSON: Everyone knew where I stood. They elected me pro tem, in spite of my known stance as not being a Samish man. As pro tem, I ruled on parliamentary questions. My rulings were always fair, or at least I thought so. I stood on the speaker's platform and wielded the gavel. I was speaker pro tem for not more than one term.

MORRIS: It was an honor.

JOHNSON: Yes. But I didn't stay in. A man who, in my opinion, was a Samish man, was elected to replace me. He was [Assemblyman] Earl Desmond.

MORRIS: There was a struggle to elect Peek as speaker after Lyon left the assembly.

JOHNSON: Yes.]¹

You may remember that Art Samish, officially Arthur H. Samish, was the legislative advocate or lobbyist for the liquor interests and many other groups. He was the man who eventually

1. The bracketed material was added by Mr. Johnson in discussing the transcript with the interviewer in January 1989.

made the mistake of repeating what he'd done on many occasions, namely, talking too much.

He used to sit in the front of the lobby of the Senator Hotel every night and hold court. He would talk to anyone who came along. He made the mistake on one or more occasions of bragging that he was the secret governor of California, that he had more influence and control over the legislature than the governor. Of course, that statement was picked up and featured in an article written by a man named Lester Velie in Collier's magazine, and it circulated nationally.

Eventually, the Kefauver Committee came out. . . . Senator Estes Kefauver of Tennessee was the chairman of a United States Senate investigating committee. They came out and investigated Samish. The wind-up was that Samish was convicted and went to prison at McNeil Island [Federal Penitentiary] for tax evasion.

As I've indicated, Charley Lyon was a well-recognized Samish man. He too was convicted; I think, however, not for tax evasion, because I believe Charley went to a state prison.

The counterpart of Charley Lyon in the state senate, Lyon being the Samish leader in the assembly, was a senator from San Bernardino named Ralph Swing, or "Uncle Ralphie."

MORRIS: Now, are you saying he's the counterpart, as a Samish man?

JOHNSON: As a Samish man, yes. The Samish gang called him Uncle Ralphie or plain Uncle Ralph. These were both very capable and experienced men.

To exemplify that, I can remember one time my father's old boyhood friend, Franklin Hichborn, whom you may recall is the man who wrote the story of the California legislature of 1909, 1911, 1913 and 1915.

[MORRIS: How had your father and Hichborn become acquainted?

JOHNSON: He was a schoolboy friend of my father's. I had known him since I was a young boy. Father took me to Franklin Hichborn's office on Sutter Street. That's when I went to the legislature.

MORRIS: Which of Hichborn's ideas impressed you the most? He was an advocate of public power, wasn't he?

JOHNSON: I was not aware of some of his views, which I did not agree with but he was a dear man.]¹

Franklin Hichborn was a very strict man, a purist by nature, and deathly opposed to anyone of the Samish type. Franklin Hichborn told me on one occasion when I first went to Sacramento and I was young and needed advice, he told me that, in his words, Charley Lyon was probably the ablest man in the legislature; he said, "He only has one problem; he's rotten to the core." That was the problem with some of those people who were subject to lobby control.

Coming back--I've diverted and indicated who the Samish leaders were--coming back to the senate and to the formal organization, the lieutenant governor at that time who presided over the senate was Frederick F. Houser. I want to make a note to give him special attention when we talk about Earl Warren and his relationship to the legislature, the Republican party, and to politics in California.

At any rate, Fred Houser was the lieutenant governor. Let me just short-cut it by saying that he was very independent of the governor. He was also an anathema to the Samish gang. He was a very honest, very able and exceedingly independent legislator and public official.

The president pro tem of the senate at that time was Jerrold L. Seawell from Roseville. I know that many people pronounce that name "Suell" as did Supreme Court Justice Emmett Suell, as he pronounced it. But the Senator pronounced it "Sea-well," two syllables. Jerry Seawell was very friendly with, although I always thought strong enough to be independent of control by, the Samish gang.

1. The bracketed material was added by Mr. Johnson in discussing the transcript with the interviewer in January 1989.

The chairman of the Finance Committee in the senate at that time was Senator Frank Mixer. Frank Mixer was a druggist, or maybe by then a retired druggist, from Exeter, down in Tulare County. I note in checking the legislative handbook for 1943 that Frank then listed himself as retired, but he had been a druggist.

Frank was a very experienced, able legislator. He had been in the legislature twenty years at that time. Frank was not aggressively independent, but he was a man who had strong views and high principles.

It's interesting to note that on the Finance Committee there was also Senator Ralph Swing, whom I referred to; [Senator] Randolph Collier, who is presently the chairman of the Finance Committee, being from Yreka. He was on the committee then, in 1943. Also on the committee were Senator Bill Rich from Marysville and his close friend and co-worker, [Senator T.H.] Tony DeLap from Contra Costa County.

Certainly the appointment of Jerry Seawell as president pro tem was not dominated by Warren in any way. Because of my lack of knowledge and association with them, I am not able to say with any degree of certainty how much influence Samish and his friends might have had in the selection of Charley Lyon as speaker and Jerry Seawell as president pro tem; I am certain that the Samish group would not have viewed either appointment with displeasure.

Coming to the committee chairmanships, normally that was left, as I've said, in the hands of the legislators themselves, particularly in the hands of the speaker in the assembly and the Committee on Rules in the senate. The president pro tem had a good bit to do with that, but by that time they had established the Committee on Rules.

Generally, the legislators themselves expressed to the presiding officer their wishes. If they were of the same party or if they had been sponsored by the same groups in their campaigns, normally those requests were honored. However, when a legislator

was in opposition to an openly hostile group, they wound up with no committee chairmanships and they wound up with poor appointments. This is one area in which the prerogative of the appointment by the individual who was the presiding officer was almost unlimited.

I've checked the legislative handbook and I notice that on the Rules Committee in the senate at that time, Jerry Seawell was the chairman; the other four members were Senator Charles Deuel from Chico, Senator Charles Brown from Inyo County, Senator [Harold J.] Butch Powers--later lieutenant governor--from Alturas, and Senator [Edward] Ed Tickle from Carmel.

Among the five, Deuel from Chico and Brown from--actually, Brown was from the town of Shoshone--Brown and Deuel were Democrats. Butch Powers, Ed Tickle and Jerry Seawell were Republicans. Incidentally, Powers was actually from Eagleville not from Alturas; he represented Lassen, Modoc and Plumas Counties at that time.

I have indicated that normally the chairman of the Ways and Means Committee had to be acceptable to the governor. You asked me the question which legislators did Earl Warren work most closely with; I am probably not the best source of that information.

Certainly in the assembly, it would have been, number one, Al Wollenberg, not only on financial issues which were involved before the Ways and Means Committee, but on many other issues such as health insurance; Al was the author of the governor's health insurance bill in the assembly.

[MORRIS: In our preliminary discussion, you mentioned that you and Wollenberg were roommates for a time in Sacramento. I gather sessions were short enough then, and the pay such, that many legislators did not bring their families up. Was I correct in sensing that you and Wollenberg had a fairly major difference of opinion at

some point, so that you ceased to be roommates? What was the issue?

JOHNSON: Al Wollenberg was a close friend of Earl Warren and he became Earl Warren's spokesman in the assembly. He knew I was not one who toadied to or catered to Earl Warren. He must have been embarrassed some mornings when he received phone calls--when he and I were in one room--from people in the governor's office, and I would hear the conversation. At any rate, our partnership terminated at the end of the session.

I was known to be independent and not one of Earl Warren's stooges. The problem was that I was independent and some of my good friends--and they remained as good friends--were very faithful to anything Earl Warren wanted. My friends would support me on legislation I would introduce.

Warren was opposed to the Cutter Lab process of handling blood. I had been Cutter Lab's lawyer on the so-called Doris Walker case.¹

MORRIS: Did this have to do with political activities?

JOHNSON: Yes. The Supreme Court of the United States found that she was engaged in political activities while at work, which they found to be illegal, and that Cutter Lab was justified in discharging her, which they had done on my legal advice.

I bought a suit to wear, my first, but not my last.²

MORRIS: Al Wollenberg is referred to as the floor leader; I wondered if that is an official title or is that a usage of the operation?

JOHNSON: In 1943 and 1945, there were no formally appointed floor leaders such as there now are. It's a recognized title provided for under the rules and procedures at the present time, and has been for some years. There was no such official title or appointment in the forties.

1. No citation could be located for this case.

2. The bracketed material was added by Mr. Johnson in discussing the transcript with the interviewer on January 25, 1989.

I think what the people who use that term mean is that as the chairman of the Ways and Means Committee, it was Al Wollenberg's responsibility to present the budget for the governor on the floor. In addition to that, as I've indicated, Al Wollenberg worked very closely with the Warren group, and on many occasions when issues would come up on the floor, he would state the governor's point of view. I guess that's why they called him the floor leader. It was a term of description rather than a term of formal title at that time.

As a matter of fact, I want to make it clear, not only did the governor not have a formal floor leader at that time, neither did either party. However, there were people who were informally designated from time to time by the speaker or by the president pro tem as the governor's floor leader.

For instance, I recall well that when Gordon Garland became the speaker of the assembly in 1940 at the special session and then was elected speaker for the full term in 1941, at that time Charley Lyon was generally recognized as Garland's floor leader. In other words, the speaker being the chair, he can't make moves on the floor; he has to have someone that he can recognize to present his motions and his movements and his attitudes. Charley Lyon was recognized in 1941 as the Garland floor leader.

My recollection is that when Charley Lyon became the speaker in 1943, that [Assemblyman] Sam Collins of Orange County became the floor leader, not the governor's floor leader but the speaker's floor leader.

MORRIS: That could have produced interesting maneuvering on the floor of the assembly, I should think.

JOHNSON: You mean between the governor's floor leader and the speaker's? Not too much, because on most issues there wasn't any divergence. There would have been on some of the budget problems and, for instance, on the health insurance bill, I'm sure Sam Collins was on the other side from Al Wollenberg.

Incidentally, Sam Collins himself, as you may remember, became speaker eventually in 1947. Just as in the case of Charley Lyon, he became involved in controversy. An attempt was made to have him removed from office.

MORRIS: This was related to the whole issue of regulating of lobbying, wasn't it?

JOHNSON: I think so. I was not there and I would have to check my records to be sure of that. Sam Collins did become involved in controversy.

MORRIS: I was wondering if earlier in the forties, when you were in the assembly, if there were major moves that you recall on lobbying, to control it?

JOHNSON: Yes. There were moves against lobbyists. You may have heard of the Philbrick Report. During the Merriam administration, which was from 1935 through 1938, Frank Merriam hired an investigator named Howard Philbrick to investigate the legislature. He turned in a report which became known as the Philbrick Report.

He had conducted investigations of several members of the legislature individually. I recall that [Assemblyman] Bill Hornblower. . . . William B. Hornblower from San Francisco was one of them; actually, he was the only one who was defeated because of that report. A Democrat named [Assemblyman] Dan Gallagher defeated Bill Hornblower at the next election. Except for that, nothing ever became of the Philbrick Report.

MORRIS: Were the legislators themselves concerned about undue influence of lobbyists?

JOHNSON: As I recall it, this was done entirely by Merriam; the legislature did not initiate the investigation. Charley Lyon was investigated, it seems to me Ralph Swing was, and a number of other legislators; they were written up in the report. The only one who was swept out of office, as I've said, was Bill Hornblower.

There were occasional rumblings. For instance, I believe it was at the 1937 session that Governor Olson charged that money had been paid to at least one Democratic legislator, assemblyman,

from Los Angeles. As I recall it, the two who were involved were a man named [Assemblyman] Fred Reaves and a man named [Assemblyman] Gene Flint, and possibly [Assemblyman Charles A.] Charlie Hunt; they were all in the EPIC Democratic group from Los Angeles.

Governor Olson claimed that some of the oil interests had actually tried to pass an envelope to them, as I recall it, in the men's room in the capitol. He attempted to have an investigation set up, but it didn't carry. I remember it well because Olson, in his resolution, named his own committee to conduct the investigation.

In the assembly, as I recall it, he had a committee of five, including two Republicans. He named a man named [Assemblyman] Frank Martin from Altadena and myself as the Republicans. But the resolution never carried; we never had to conduct any investigation.

There were other rumbles, if that's the proper term, about legislative influence. The formal moves to control lobbyists by making them register and file expense statements and the like came about after I had left. I think that came about sometime in the early fifties.

MORRIS: Yes. Several efforts were made before it was finally passed; I think it was 1949 that the bill¹ was finally passed. I was just wondering if, as a legislator yourself, you were aware of lobby pressure and if you felt that it did effect any of the decisions made.

JOHNSON: Anyone around Sacramento who had an active part, in or out of the legislature, naturally was aware of lobby influence and lobby tactics. The way it worked out generally was the lobbyists themselves were fairly adroit at picking the weaker members of the legislature. The result was, when there were crucial votes and one or two votes would swing the measure, the unfortunates in that category received most of the attention from all of the lobbyists.

1. S.B. 769, 1949 Reg. Sess., Cal. Stat., ch. 942.

They didn't bother too much with the stronger, more independent people.

I'm speaking now principally of the lobbyists who attempted to exert pressure, either moral pressure--fairly respectable blackmail--or financial bribery. Those engaged in that type of activity seldom bothered with the better established and more independent people.

Lobbying, as you know, varies greatly, of course. A person who represents the school department of a legislator's hometown can be a lobbyist. A person who represents the optometrists or the bar association or the medical profession or the hospital association or the blind people of the state or a labor union--they can be lobbyists.

Most of the legislators welcome advice and information from most of the groups. The ones that you hear about are the relatively few who resort to the tactics that I have referred to. If something becomes public of that sort, then it's in all the papers and there's a big sensational disclosure.

There were then several hundred representatives or legislative advocates in Sacramento, most of whom conducted their business very orderly and without any illegal or unfair tactics.

MORRIS: That kind of relates to this other topic that we wanted to talk about. I wondered if you could clarify for me the governor's role in legislation and the legislator's role in legislation. You mentioned that even though the governor may have pointed with pride to some of his accomplishments, that it was the legislator who was responsible for legislation.

JOHNSON: In this connection, as you know, legislative programs can germinate and develop in a number of ways. They did in those years. One way would be for a governor to have one of his departments develop a program and bring it to the legislature. Or, he could appoint a commission--so-called citizens' commission--or even a committee of department heads and have any one of those groups

bring a program in, as he did, for instance, with--we've discussed previously--penal reform in 1944.

As I indicated when we were talking about that, he appointed a committee of four or five people who brought in a report upon which the legislation was based.

Similarly, legislative interim committees could hold hearings, receive testimony from interested people and experts, and formulate a report and then bring in legislation to carry out their recommendations. Or private groups could develop a program and seek some legislator or some group of legislators to introduce bills to carry out their program.

Let me give you an example. For instance, let's take first--and I'm going to run through them without going into detail--let's take first the bills sponsored by the governor. In 1945, the governor had presented legislation which the legislature adopted creating an entity known as the State Reconstruction and Reemployment Commission.¹ He appointed Alexander R. Heron as director.

Alexander Heron had previously been state Director of Finance, I believe in Governor Young's administration. This commission had been studying the question of employment and reconstruction. They brought in a report. A man named Van Beuren Stanbery was the chief of technical staff. My recollection is that eventually he became the assistant director.

They prepared a report entitled "Production and Employment Estimate for California." I happen to have it here in my file on what became known as the Full Employment Bill.² I note that this was presented to a joint meeting of the Citizens' Advisory Committees on Social and Industrial Welfare and on Coordination of Research Facilities.

MORRIS: That's one committee?

1. S.B. 1145, 1945 Reg. Sess., Cal. Stat., ch. 118.
2. A.B. 2136, 56th Leg., Reg. Sess. (1945).

JOHNSON: No, it's committees--citizens' advisory committees. It was presented on October 16, 1945. On the basis of that report and other investigation by the State Reconstruction and Reemployment Commission, Warren had introduced into the legislature in March I'm wrong in saying the bill was introduced on the basis of this report, because the bill was introduced in March of 1945, and the report was presented in October of '45. But the figures were available and they related to the same subject.

From this State Reconstruction and Reemployment Commission came the bill which was introduced as Assembly Bill No. 2136. This was the Full Employment Bill. That came from the governor's commission.

While I'm on the governors, let me give you another reference. In the field of health insurance, the bill that we've been talking about from time to time was Assembly Bill 800, introduced on January 24, 1945, by Albert Wollenberg, [Assemblyman] Walter Fourt and others. This was the health insurance bill developed by the governor's staff, as I understand it.

These two are examples of bills prepared by and sponsored by the governor or his staff. Now, as an example of the type of bill which I said was developed by outside interests, I come back again to the series of bills that became known as the spastic children's bills or the cerebral palsy legislation.

These came actually from the parents, the association of parents who had children with cerebral palsy. The history of it was that they had had legislation introduced I think first in 1943 by Assemblyman Francis Dunn [Jr.], and the legislation didn't pass. It was rather favorably received by the legislature, but for various reasons didn't pass.

However, in April of 1943, a resolution was passed calling upon the Department of Public Health to investigate the problem and asking the Department of Education to cooperate, and to include the study as part of the post-war planning. That resolution

was adopted and a report was returned to the legislature by the Departments of Public Health and Education in December of 1944.

At the '45 session, along with others, I introduced a series of bills intended to establish a rather complete program for the cerebral palsy children.¹ The same series of bills was introduced in the senate by Senator [] Chris Jespersen from Atascadero and others.

[End Tape 5, Side A]

[Begin Tape 5, Side B]

JOHNSON: Actually, as I've indicated, the need for and the justification for these bills came from the parents themselves. The legislators and their processes were simply the medium for transforming this from idea into action.

They were passed by the legislature with the support and, to some extent, the incessant goading of the parents, who never left until the bills were passed. The program did pass at the 1945 session.

Another example of a different type of legislative initiation are those bills that come from an interim committee of the legislature. For instance, I have picked out here a file that I assembled resulting from a committee of which I was a chairman in 1945. I picked this out because it's part of the first Warren legislative term.

Actually, what happened, as I recall it, there had been a violent outbreak up at the Preston School of Industry at Ione, where the young offenders were kept. There were some sensational disclosures and charges of mistreatment. Two assemblymen from San Francisco--Edward F. O'Day, who later became a superior judge and recently retired, and another San

1. S.B. 1020, S.B. 1021, S.B. 1022, 1945 Reg. Sess., Cal. Stat., ch. 1519, 1520, 1521 (1945).

Francisco assemblyman named Gerald P. Haggerty--introduced a resolution.

Upon their representation that this was a matter of extreme urgency, the speaker appointed a committee that day, as I recall it, and I think we went up to the Preston School that afternoon. I remember going; I remember Bob Kenny, the attorney general, was along with us. We held hearings at the Preston School.

For instance, I've located my file and I have the transcript here for a hearing on January 16, 1945 at 2:00 P.M. As you can tell from the date, it being January 16, that's within two weeks after the legislature had convened, and, of course, in that January session at that time, you didn't have much to do in the afternoon, so we went up there. In looking at the transcript, I notice that the chairman says that this is the second meeting of the committee, so we'd met once before that. But this is the transcript that we took of the people connected with the Youth Authority, of the facts surrounding the administration at that time.

Incidentally, at our last session, I couldn't remember the name of a Youth Authority executive. I said he was a red-faced fellow and very active. His name is in this record; it was Bob Chandler. Robert Chandler was his name. And here I have another transcript, January 18, 1945, taken at the state capitol, and on this occasion I see the witness was [] O.H. Close.

MORRIS: He was on the Youth Authority board at that time.

JOHNSON: He was not only on the Youth Authority board, he was also the longtime superintendent at Ione, the Preston School, and very well thought of and respected, and of course these charges reflected greatly upon his record. We felt he was entitled to a hearing. I note in looking at that transcript that, at page 144, I introduced a resolution. . . . [Looking through transcript] Mr. Close had been suspended, I'd forgotten that until I read this. He had been suspended and of course this was a blot upon his character and his

record, so I introduced this resolution at the meeting, providing among other things that--I'm quoting:

WHEREAS, this committee is cognizant of the fact that the termination of the suspension of O.H. Close, in and of itself, will not repair the damage or remove the cloud upon a long career of service to the state, and WHEREAS, the investigation conducted by this committee has disclosed no fact or condition that would tend to justify censure or criticism of his service or the performance of his duties,

NOW THEREFORE, be it resolved that this committee recommends to the assembly that it adopt this resolution specifically finding that there has been no proof established or any fact ascertained that would justify disciplinary action against or criticism of the service rendered to the people of the State of California by O.H. Close as superintendent of the Preston School of Industry.

BE IT FURTHER RESOLVED that this committee recommend that this resolution be spread upon the journal of the assembly in order that it might be made an open record so that this finding may be known to all persons.

The resolution was adopted.

Incidentally, pointing out the difference that develops between a legislator and a governor, and specifically having in mind that apparently some of my acquaintances have stated to you that I was an enemy of Warren, I want to make clear my version of this. I think this has always been his view: that I am an enemy of his. My attitude has been quite the contrary.

My view is that in the hurly-burly of controversial issues, people who are entirely honest in their point of view, but experienced and strong enough to be independent, can reach

JOHNSON: differing views and stand rather firmly against the view of someone else, based upon the same circumstances and information.

As some indication of that, in looking at this transcript where I was explaining to the legislators--and keep in mind this is January 1945, so that I didn't know at that time anything that's happened either to Earl Warren or to me since then--I see I made this statement. I'm going to read several lines of it.

I explained to the committee that I had a resolution. Then I said,

I have a resolution, Mr. Chairman, and I will say to you very frankly that I wrote this particular document myself in the room here this afternoon (that is, the committee room #432 in the state capitol). I wrote it before Mr. Close began his testimony, so the views expressed were mine before he ever said anything. I am going to submit a resolution to the committee, and I do it because I am fully aware of the fact that there is always a personal and a human problem in matters of this kind which is not always solved by official action.

Also, in this case, Mr. Close was suspended somewhat precipitously as I see it, and while he has now been re-instated, unless there is some action taken then the record is not always clear.

As I see it, a man who has rendered long service to the state should not have his reputation or his record beclouded by disciplinary proceedings and then be forced to go on without that record being cleared.

Personally, I have come to the conclusion during these hearings that there was nothing which justified any action against Mr. Close. A suspension, I think, was made rather hurriedly.

MORRIS: Would he have been suspended by the governor?

JOHNSON: Either by him or at his request, and I'm coming to that. The suspension, I think, was made rather hurriedly. But merely as an expression of willingness to explore carefully the charges of mismanagement and maladministration.

Now here's the punch line:

My personal inclination would have been, if I had been the man who appointed Mr. Close, or who was responsible for keeping him in office, my personal attitude would have been to have backed him up until the charges were proved rather than to have hurriedly suspended him. But individuals differ, and everyone does not agree with me.

What I am saying is that I think Warren and his people made a mistake, and that because of the sensational nature of the disclosures, they simply didn't have the intestinal fortitude to back up their man, until charges were heard and proved; then they weren't doing anything about clearing it after the false nature of the charges had been disclosed.

I believe that this committee's investigation has shown no condition and has established no fact which in any way justifies casting a cloud upon the long record of service of Mr. Close. He does not happen to be a personal friend of mine, although I have known him for years. The action which I take here, it seems to me, is justified in the case of any employee of the state.

I'm going to stop reading there.

I didn't realize that the quotation was going to be as pointed as it turned out to be, in stating that while I believe that people do disagree without any low motive, that doesn't make you an enemy of the person with whom you differ.

Incidentally, there was never any proof of those charges. What did happen--and what I started to narrate--was that as a result of that, eventually I introduced another resolution in the 1945 session which carried.

MORRIS: In the full assembly?

JOHNSON: Yes. Eventually, the assembly adopted the one that I just referred to. They also adopted one--it was known as House Resolution 117 [sic]--creating the Assembly Fact-finding Committee on Correctional Problems. That was adopted; a committee was appointed.

I'll say that it was a very good, high-class committee with representation from various parts of the state and from both political parties. We held meetings throughout the state, and we were assisted by Bob Kenny, the attorney general; by Karl Holton, director of the Youth Authority; by Heman Stark, who was the chief of the division of field service; and by Roy Votaw. These men assisted us.

We brought in a series of recommendations calling for reforming and strengthening the Youth Authority and its procedures. That program was adopted.

MORRIS: You mentioned when we talked about the penal reform that you had felt that the youth services were in danger of being submerged?

JOHNSON: That was in '44. We were dealing at that time predominantly with the administrative set-up. This series of bills brought in in 1945 were wider in scope and went into other subjects than just the administrative set-up.¹

MORRIS: The reason for this second series of bills was because there had been specific problems at Preston?

JOHNSON: Not only at Preston but generally throughout the Youth Authority's scope or field.

1. A.B. 629, 56th Leg., Cal. Stat., ch. 983 (1945). A.B. 2061, 56th Leg. Cal. Stat., ch. 779 (1945).

MORRIS: I was interested that you were talking about differences of opinion between individuals. I have an impression that there were some differences of opinion between Mr. Close and Karl Holton, who were both on the Youth Authority board?

JOHNSON: I can't answer that; I don't know. I would say that, from what I heard, considering that background and the problems that it would normally bring, that they got along exceedingly well. Here again, the time of a legislator is so limited and you have so many things to do that we never got into that sort of thing and I just can't answer specifically.

MORRIS: One other question on this which has puzzled me and you may be able to answer it--nobody else has--the business of a member of the board also being the executive director of the agency. From this point in time, it puzzles me that you would have a policy board that also includes the director.

JOHNSON: I would say that is an unusual situation and personally, I think an unsound one. There have been several such situations in the state government to my knowledge where the administrator would be made, by express provision, a member of the board. Normally, I don't think that's sound administrative or governmental procedure, but in certain instances that's what our statutes have provided for.

MORRIS: Going back to Mr. Warren, am I correct in understanding that you and he had differences of opinion on method rather than there being any specific instances when the two of you had a particular argument?

JOHNSON: I don't remember ever having an argument with Warren. You mean, in the sense of sitting in a room and yelling at one another?

MORRIS: Yes.

JOHNSON: I don't remember ever having had an argument with Warren. I cited, at our last meeting, a specific incident where I went in with Art Beckley of Cutter Laboratories to see him about the bill that I had sponsored exempting laboratories processing whole human blood from the eight-hour law for women--this was in 1943 when he

pocket-vetoed the bill--and certainly that was a discourse in which differing opinions were expressed. But no names were called, nor was there any bitter argument. [The first time we got around him, as I recall it now, by putting an amendment into a bill that was in final stages; it embodied all the material that he vetoed. So it was beyond his control.]¹

I suspect that what Warren refers to when he calls me an enemy of his. . . . And, by the way, he does; have you ever seen the clipping in the [Robert] Novack column where he said I was an "old enemy" of his?

MORRIS: No, I haven't.

JOHNSON: I carry it in my pocket because I'm proud of it.

MORRIS: I have heard the terms used almost affectionately--we've been through many battles together, even though on opposite sides.

JOHNSON: I have here a clipping from the Washington Post for Sunday, August 16, 1964. To get this in the proper historical background you have to recall that the Republican national convention was held in San Francisco in August of 1964 and [Senator] Barry Goldwater [Sr.] was nominated for president.

I was a delegate to that convention from California and actually, I was elected to be a member of the Republican national committee by the California delegation. This clipping would have been within a few weeks after the convention recessed. It's by the team of Roland Evans and Robert Novack.

It reports upon [Governor Edmund G.] Pat Brown [Sr.] having been in Washington. The article that I'm referring to is entitled "Warren's Favorite." The article says:

A dozen years of supposed isolation from partisan politics as a member of the Supreme Court hasn't dulled Chief Justice Earl Warren's interest in matters political. But there has been a big change.

1. The bracketed material was added by Mr. Johnson in discussing the transcript with the interviewer on January 25, 1989.

Once a Republican power as governor of California, he now makes no bones in private conversations about favoring President [Lyndon B.] Johnson against Senator Goldwater.

The other night, for example, Warren dined at Trader Vic's in Washington with two prominent Democrats, Governor Edmund G. "Pat" Brown of California, and Senator Hubert Humphrey of Minnesota. The talk centered on the coming campaign.

Discussing the recent Republican national convention, Governor Brown expressed surprise that Gardiner Johnson, a San Francisco lawyer and the new Republican national committeeman from California, was a member of the state's ultra-conservative convention delegation.

Let me parenthetically say that I have known Pat Brown since he was a young Republican, and I have known him as a lawyer since those days. He is about my age but never went to the University of California, although he did go to Saint Ignatius [College], I think. I've known him all the time since we were admitted to practice, and I've always been a good friend of his as he has been of mine.

I suspect what he is saying is that he was surprised that I had allowed myself to be linked with the conservative part of the Republican party, because Pat and I had worked together cooperatively on many things, legally, principally.

MORRIS: Bipartisan business?

JOHNSON: Right. And apparently he never had me characterized as what he calls an ultra-conservative. With that explanation and Brown having said he was surprised, this is Warren's answer: "Oh, that's not a surprise," replied Warren, "I never had much use for him."

Now, let me tell you what happened. A friend of mine sent me this from Washington. He happened to read it in his hotel room and, as you note, he's lined in blue the California reference. Whatever paper it was in town here--I think it was the Examiner which was running the Evans-Novack column at that time--they ran the story but deleted the section referring to the Californians; they didn't print it in San Francisco. I never knew about this until my friend sent it from Washington.

I suspect that is a very accurate characterization of Earl Warren's point of view. It always seemed to me that his reaction was that anyone who differed with him or anyone who spoke up or opposed something that he was for was ipso facto an enemy.

This is a very bad mistake for a mature person in the political field to make or even for a lawyer to make, because in our profession--the law profession--as well as in politics, as you know, you oppose someone one week and they're on your side the next.

People normally have differences of opinion based somewhat at least upon principle and the nature of the issue, not upon personality. As you've noted before, although I'd been a member of the delegation in 1940 and voluntarily withdrew--this is the presidential delegation--I was never a delegate in any of the three Warren terms, '44, '48 or '52. As soon as he was out of office, I was back again for '56, '60, '64 and '68.

MORRIS: It sounds then as if this would have been due to Warren's objection to your having opposed some of his legislation, since you didn't have all that much contact with him personally?

JOHNSON: I think it goes back before that. Naturally, in this area, I can only cite hearsay. Friends of mine who are friends of his have used the terms that he would say that I was an "old enemy" from Alameda County.

I always interpreted that as meaning that he related it back to something that had happened in Alameda County before he ever came to Sacramento. I have no idea what the man's talking about

or thinking about; my relationships with him in Alameda County were, in the first place, limited; secondly, to my knowledge, no hostility of any importance. I don't know what he's talking about.

Actually, I suspect that it is a kind of a confused thinking, that actually it stems out of my taking an independent view as a Republican legislator in Sacramento.

This involves a very vital difference in point of view, which we will probably come to when we get to the point of Warren's relationship to a party. What I am about to say is pointed up by what has come out during the Watergate hearings recently.

As you have noted, most of the people involved in the Watergate are not people who are active in the Republican party. They had never been elected to party office; they had never served in party responsibility; they had never come up through the ranks in the party. Their sole and only loyalty was to a man--[President Richard M.] Nixon. When it came down to choosing between right and Nixon, their loyalty to Nixon prevailed over their loyalty to their country, to their church, their faith--whatever they normally would have clung to.

The same thing happens in politics. It did happen specifically to the Warren administration in California and to the Nixon administration in Washington. A person may be either a Republican or a Warren man. A Warren man didn't have to be a Republican--many of them were Democrats.

Whether they were Republican or Democrat, they were predominantly and primarily and, as they used to say, first, last and always for Warren. That was their loyalty.

The same thing is true in California today with respect to [then Governor] Ronald Reagan. There are certain people in California holding important office today, and I will include, too, the present chairman of the Republican State Central Committee Gordon Luce and to some degree--not quite as much, but to some

degree--Paul Haerle, the vice chairman of the Republican State Central Committee.

They have never taken any long time basic interest in Republican party activities or principles; they are purely and simply Reagan men. That's why they're holding the offices they have: because the Reagan policy is to take over the state administration, that is the state party administration, the central committee.

Warren's attitude, incidentally, on that was just the opposite.

MORRIS: He always ran kind of a nonpartisan . . .

JOHNSON: Warren's policy was to get people in as officers of the state central committee who would not raise much of a fuss, people who were complacent, who would go along, not want to be out in front, not be always insisting on having an active organization. The party was pressed down and subordinated while the Warren organization moved out in front.

To some extent, I think that's possibly part of Warren's trouble. He had difficulty with many of the experienced, stronger members of the legislature, even though they were Republicans, because they would not be subservient to him; they thought they, as legislators, had a part in the governmental operations and that they were entitled to take their own independent view and not be criticized for it.

His view apparently was that if you were a Republican, you had to go along, or you were supposed to go along; if you didn't, you were recalcitrant, you were hostile, you were an enemy.

I think this is a fundamental misunderstanding. In my own case, you have to realize that as of now--this was not true in 1943 or '45--but as of now, I have been on the state central committee and on the county central committee most of the years since 1934; next year that will be forty years.

I am a Republican Republican; I'm not a Warren Republican or a Reagan Republican. My proud boast is that I've been run over

by every political machine in the state, and I bear the scars. But many of us have survived.

Not many of my contemporaries have because most of them have accepted--many of them have adopted--either judicial appointment or other preferment of some political nature and have removed themselves from the active area.

I still run for county central committee in my neighborhood and I get elected every time. People have different views on this. I am pointing out that there is a difference between being predominantly loyal to the man and blindly following him and, on the other hand, asserting loyalty to the principles of the party or the general attitude of the party and not being pushed aside by some temporary god who moves in and takes over, or would take over.

MORRIS: Ideally, what is the role of the party in relation to candidates?

JOHNSON: A statutory responsibility in California of a party state central committee is to wage the campaign of the party in the state. The primary responsibility of a county central committee is to wage the campaign of the party in the county. Now, it's that broad and it's that unlimited. But let me explain how this works out--how it worked out in the Warren administration; this is one thing that I think your record should show and we haven't referred to it yet.

I want to begin by showing how Warren's elections, even the statistics, developed the concept of bipartisanship. Then, having done that, I want to point out how he dealt with and treated the people who ran with him on his own ticket. I want to refer to, for instance, the first one who had the problem: my good friend from the legislature, Fred F. Houser, who'd been the assemblyman from Los Angeles County, who ran for lieutenant governor with Warren.

Well, let me take that back, he did not run with Warren; that's the point. He ran for lieutenant governor at the same time Warren did, in 1942. I will explain how that campaign had to be run.

Let me point out as background here, and this is on the general subject of the development of the nonpartisan concept, that the first time. . . . Keep in mind that when Earl Warren ran many times for district attorney in Alameda County and ran successfully, it was always on a nonpartisan basis.

MORRIS: That again is statutory, isn't it? Isn't the district attorney level nonpartisan?

JOHNSON: That's right. You start with his first activity in the county being nonpartisan. Then he goes on and he runs for the first time for attorney general in 1938. At the primary, as I pointed out last time, on the Republican ticket he received, at the primary on August 30, 1938, running as a Republican, Warren received 533,534 votes.

Cross-filing was allowed; he cross-filed. On the Democratic ticket he received 308,590. The importance of it is that he received more Democratic votes than any of the Democratic candidates did. It is true it was only 28,000 more, because Carl S. Kegley received 280,408. But the fact is that in his first statewide campaign, Warren won at the primary for attorney general the Republican nomination, the Democratic nomination and the Progressive nomination.

You see that he has successfully carried over from his nonpartisan campaigns for district attorney; he's carried it over into an area where he had to run on party labels. He still was able to win three tickets, concededly against weak opposition, but he still did it.

He was elected at the final, the general election on November 8, 1938, running with the Republican, the Democratic and the Progressive nomination; he only had the Townsend party against him and the Prohibition party. Carl Kegley, whom he'd defeated as a Democrat, staged a write-in. Even so, he got 463,682 votes, which was about one-third of what Warren received, namely 1,542,847.

Now, carry the concept of nonpartisanship one step further. The first time that Earl Warren ran for governor was at the primary

election on August 25, 1942. You have to keep in mind, as I've pointed out at considerable length, that he'd had controversies with Olson at the end of Olson's term; he ran against him.

Warren followed his earlier practice of cross-filing. Olson, who was continually talking Democratic party and refusing to even think of a Republican, wouldn't cross-file. It turned out it was a fatal mistake of judgment, because while Olson received 514,144 votes on the Democratic ticket as the incumbent governor, Warren, having filed on the Democratic ticket, received 404,778. You can see that Olson, on his own ticket, only beat Warren five to four.

Warren then carried his 404,000 Democratic votes over and adds them to his 635,230 Republican votes. The result was, combining his Democratic and his Republican votes, he had 1,100,000 against Olson's 514,000; he received twice as many votes at the primary.

That was very bad psychology for Olson going into the final because he went in as a demonstrated minority candidate. That's exactly what happened in the final: Warren defeated Olson by a vote of 1,275,000 to 932,965.

MORRIS: How did Fred Houser do?

JOHNSON: I don't want to mix that right now. Let me just point out that, as you can see very clearly, through the years Warren had developed this strength in nonpartisan races and he'd been able to carry it over into the party primaries. When he won in November of '42, he was very materially helped in the final race against Olson by the psychology that Olson was a loser, that he only got 500,000 votes at the primary.

I can't explain to you, because I don't know, what Warren's thinking on the issue was. This I do know: that after he developed that strong Democratic vote at the primary in 1942, he would not allow Fred Houser in the final, who had won the Republican nomination at the primary, to run out of his headquarters; Fred

Houser had to establish his own headquarters or else run out of general Republican party headquarters.

For instance, I am familiar with the situation in Berkeley because I, too, was running in Berkeley for the legislature. We had a Republican headquarters down on Shattuck Avenue in Berkeley. They insisted on putting the literature of all candidates in the Republican headquarters.

Warren had his own headquarters in addition, and Fred Houser was not allowed to put his literature in the Warren headquarters. More specifically--I was told this by Fred Houser himself who is not only a long-time personal friend of mine, but what I could do aside from my own campaign, I was trying to help him--Warren would not allow any advertisements to be run in any of the newspapers on the basis of a team--governor and lieutenant governor.

Fred Houser's people had prepared some ads just that way.

[End Tape 5, Side B]

[Begin Tape 6, Side A]

JOHNSON: Fred Houser and his campaign people had prepared advertisements to be run in small papers throughout the state, and I guess the large ones too; they had mats they were sending around to the smaller papers.

The Warren people refused to allow them to run those. This caused great confusion, believe me, at the time. There was a good deal of bitterness over it. Warren was adamant; he ran as an individual, not on a party slate.

MORRIS: [Clement Sherman] Clem Whitaker [Sr.] was doing some of the publicity on that 1942 campaign; I wondered if this would have been a strategy that he suggested.

JOHNSON: I can't answer that, but I doubt it. This was an attitude carried out by Warren personally in all his appearances.

MORRIS: It followed through in subsequent elections.

JOHNSON: It was his attitude in Sacramento also. Whitaker and people of his ilk would have nothing to do with that. When Warren was in Sacramento as governor, Fred Houser was given the cold chill treatment; he was asked for no support, he was never asked to take any part in the administration.

The same thing happened with [Judge] Goodwin Knight who became the second lieutenant governor with Warren. Goodwin Knight, who was a very close personal friend of mine before he ever ran--and eventually I was his campaign chairman when he ran for governor in '54--Goodwin told me personally that knowing of Fred Houser's continual difficulty with Warren, Goodwin's classic comment was: "I made up my mind when I decided to run, after Fred Houser decided he wouldn't run for a second term, that I was never going to allow myself to get drawn into the bitterness that Fred got mixed up in. I made up my mind that regardless of what Warren did, and regardless of how he treated me, I was simply going to never become angry and never be upset. I was just going to sit quietly and do my job."

But he told me a classic story. He said, "I put him straight on one occasion. He was going out of the state; he'd been out a number of times before. I knew I would be governor. There was a man in prison who was going to be hanged. Fred Houser had had a bitter controversy with Warren one time because he differed with Warren on the attitude of commuting sentences of men condemned to death."

Warren's attitude at the time, as you may remember, was very stern; in some particular case, Fred Houser had had a very serious difference with him. But he didn't do anything about it except complain. Somehow, in the controversy, the man was hanged. I think something came out after which indicated that the man's claim was at least entitled to a reasonable doubt. Fred Houser's comment was, "You can't unring a bell; the man is gone."

Goodwin Knight told me, "I'm never going to get into that position." So he said, "I went to Warren and I said, 'Now, Governor, you're going to be out of the state and I'm going to be governor. I'm going to tell you in advance what I'm going to do. I'm not going to get in a controversy with you like Fred Houser did.'"

He said, "I want to tell you there's a man sitting up at Folsom's prison who is scheduled to be executed while you're away and while I'm governor. This man didn't kill anyone; he got drunk and he went down on the west end of Sacramento where they have a dance hall and he picked up a girl and he put her in his car and he tied her feet and he took her over on the bank of the American River and he raped her. The man is a Negro and the girl is white. But he never killed anyone.

"He was convicted under the Lindbergh Act¹ because he had roughed her up in tying her up; they held that she had been injured and therefore, it being a kidnapping, he was to be executed."

He said, "Governor, I'll tell you what I've done. I've talked to the man and I've also gone down to see the girl. She's working over here at a store on K Street. I went in there and I didn't tell her who I was; I made sure who she was. I talked to her; I bought a pair of gloves from her. I had a very nice, friendly conversation.

"I've concluded that this girl has not been irreparably damaged. I found out where she lives and that she works and has adjusted herself. I want to tell you: if you don't commute that man's sentence before you leave the state, I'm going to, the minute you get out of the state."

Warren commuted the sentence before he left the state.

MORRIS: That's interesting. So he did respond to pressure upon occasion.

1. Lindbergh Kidnapping Act. 47 Stat. 326 (1932). 48 Stat. 781 (1934). 49 Stat. 1099 (1936).

JOHNSON: It had to be put just that way. Fred Houser made the mistake of getting all introvertish and getting tied up and quarreling with himself and everyone else.

Goodwin Knight was essentially an extrovert. Because of his nature, he was able to do what an introvert couldn't have done and he did it.

I'm citing that as showing the relationship between the governor and his lieutenant governor. The situation was about the same, as you know, with respect to other party candidates: everyone had to run on his own.

MORRIS: Yes. I think the matter was also put to him fairly strongly when Mr. Nixon was running for the [U.S.] Senate--that he should endorse Nixon.

JOHNSON: That's for the first time?

MORRIS: Yes. And Warren said, "I run by myself."

JOHNSON: He maintained a personalized, nonpartisan attitude. The reason that I am spelling this out is because you asked about his effect upon and attitude towards the party. I think these statements pretty well exemplify at least my understanding of what that was.

Another phase of that, of course, is what happened to the state central committee. In this connection, don't overrate the importance of state central committees. As a matter of fact, in the overall history of California politics, I suspect that in both parties--I know in the Republican party--that many people reading about it and knowing there is such a thing and reading the statute think, "This is the top of the party; this is a very important phase of the party organization." Actually, it hasn't been. There have been a few exceptions.

At any rate, during the Warren administration, which is what you're asking me about, Warren played a hand through his friends in the legislature in selecting for leadership of the state central committee people who were, number one, acceptable to or even friendly to him; even more important, my observation was that

what he wanted was people who were--as I said a few minutes ago--complacent, not apt to suddenly become independent. The whole effort was either to subjugate or to downgrade the party organization.

On the other hand, both in the collection of funds and in the delegation of authority and bestowing favorable spots at banquets and the like, he was expert in all of the ways that an executive can do to quiet and even almost belittle the party organization while building up the great importance of the personal group.

There were Warren committees and Warren for Governor headquarters. If you had a Republican headquarters in a town, it was usually organized by some local group of party enthusiasts who went out on their own to raise a little money to keep the party candidates for local offices going.

MORRIS: In other words, Warren's fund raising was separate from the party?

JOHNSON: Of course.

MORRIS: This was where the shoe began to pinch, I understand from what information we have; over the three administrations, there were some fairly major shifts in those who were willing to raise money for Warren, that they returned to the Republican party?

JOHNSON: I can't answer that. I have never been a fund raiser. I am a volunteer. I work with people who give their time and wear out their shoe leather. I have never been an intimate associate of the fat cats and the fund raisers. These are two separate and quite different phases of political activity.

I know many of them. Actually, I go to banquets or meet them. But certainly in the Warren parade, I had nothing to do with that and I wouldn't know where their money came from.

I think you asked me previously if there were people who approved or had something to do with guiding Warren. There were; I wouldn't be able to tell you who they all were because I wasn't involved in that.

There was a lawyer in San Francisco named Jesse Steinhart; he's deceased now. He used to be credited with being one of the guiding lights of the Warren administration. I never heard him refuse to accept the credit. There can be no question about it, that Warren was very friendly with him.

Our office used to be in the same building at 111 Sutter. I used to see Warren coming in and out. The elevator men and the elevator girls would tell everybody that the governor was up to see Mr. Steinhart, or he came in with him or something of the sort.

There were other such people. I mentioned Jesse Steinhart only because he would be typical of what I'm talking about. He was not, during any of those years, a member of the state central committee or of the county central committee. I don't remember that he even held an appointment under Warren. He was a practicing lawyer. He's one of the group that was generally credited with being the brains or one of the leaders of the Warren organization.

MORRIS: On political matters, as opposed to somebody he would talk program with?

JOHNSON: I assume he talked both with people of that kind, but I wouldn't know. You asked me a question, "Was the major activity and influence in the state central committee or in the county committees?"

My first answer would be that there wasn't much activity or influence in either. The committees, during the Warren years, were almost consistently quiet--no great activity, no great leadership. In a few instances, strong men, active men would become chairmen or leaders of county central committees; if they got too far out of line, they would be disciplined or their funds would be cut off. That's the way you handle an independent, recalcitrant county central committee: you just cut off their money; you go to the donors and get them not to contribute.

That was done recently in Los Angeles, as you may remember. A couple of years ago there was a fellow named Van Horn who became chairman of the county central committee, and he started making too many noises of independence. The Reagan people went to the Los Angeles finance committee and they just cut off the money.

MORRIS: To that individual candidate?

JOHNSON: No, no. Money for the county central committee, from the state and from the individual donors in Los Angeles County. As soon as they cut off the money, that put Mr. [] Van Horn out of business; he was removed.

MORRIS: How does something like the Republican Assembly fit into this matter--the individual candidate who's trying to run his own organization in relation to the official party?

JOHNSON: The California Republican Assembly was started about 1934 or '35, just about the time I was running for my first time in the legislature; I knew many of the people who were active in the founding of the Republican Assembly.

I knew Sherrill Halbert, later a federal judge in Sacramento, recently retired. Halbert was one of the first presidents of the California Republican Assembly. [Edward] Ed Shattuck from Los Angeles was active in that group. [Robert] Bob Barkel from Berkeley was active. [Congressman] Carl Hinshaw, who later became a congressman from Pasadena, was involved in the group.

Predominantly, the California Republican Assembly is a volunteers' organization.

MORRIS: It can endorse candidates where the county committee cannot?

JOHNSON: This is its power. County committees, being official party organizations, are not supposed to endorse at a primary because they're supposed to be equally fair to all candidates of the party. Therefore, their activity comes into play after the primary.

The CRA--the California Republican Assembly--being a volunteer group, has no such restrictions. This is where their

strength lies, in many cases; they can endorse at the primary, and they do. The CRA endorses candidates, statewide, nationwide, and local districts. By that I mean the Assembly, on a statewide basis, can endorse a candidate for statewide office or they can endorse a candidate for national office, such as the president. They've done it.

Also, local assemblies can endorse assembly and senatorial and congressional candidates.

Naturally, a party candidate at a primary is looking for party endorsements. These CRA endorsements are normally sought after. I have noted in recent years that a few people who obviously had no chance of getting them anyway have publicly disavowed any interest in them. I've never heard anyone who had any chance of getting one disavow any interest.

It gives a relatively small group a good bit of power. When I say relatively small, I don't mean to discredit them in any sense. It would be better if there were more people who would take such part. But I think the California Republican Assembly, at its maximum, has never reached over 20,000 membership statewide; I think it's probably closer to 15,000. But because of this practice of endorsing candidates, they exert considerable influence and power.

I contrast them, for instance, with the Federated Republican Women, whose by-laws prevent them from endorsing in a primary. Even though they might have many more members, they don't have that ability to use their strength at a primary.

The CRA has to be distinguished from the state central committee or from county central committees in that the latter two are statutory bodies and they are official party groups, whereas CRA and its local constituent assemblies are entirely voluntary.

MORRIS: Did Warren have a particular interest in the CRA?

JOHNSON: The CRA was started before Warren came along. My recollection is that CRA always endorsed Warren, because really there was no Republican of stature that ever ran against him. I have to explain

that, while I was present at some of the early meetings when the Republican Assembly was being started, and while I knew some of the people, I don't know all of the movements during the period. Having been a member of the legislature for twelve years, I never took any active part in the conventions and the planning of the CRA.

I did not become active until a number of years after I was out of the legislature. As a matter of fact, I was state president of the CRA in 1958 and '59, as I recall it. I guess it would have been '59; it was after the complete collapse of the Republican party in California at the 1958 general election. I was brought in to try and put some new life into the CRA and keep it from collapsing.

MORRIS: Had registration shifted that much, or was it just a question of voter lack of interest?

JOHNSON: Registration had been shifting against us, as I recall it, steadily since 1932 or maybe '34. What happened in '58, if you'll recall, was the unfortunate controversy between Goodwin Knight and Bill Knowland with regard to the nomination for governor. It wound up with all of the Republican candidates being defeated. By all, I mean Goodwin Knight ran for Senate and was defeated; Bill Knowland ran for governor and was defeated; I think the lieutenant governor, Powers, was washed out; [Robert C.] Bob Kirkwood, who was state controller and had nothing to do with it, was washed out; it was generally a complete collapse of the head of the ticket.

[Interruption]

JOHNSON: Earlier I read from a clipping that I carry in my wallet relating to Earl Warren's talk with Hubert Humphrey and Pat Brown. I carry another clipping always in my wallet which I've had since Tuesday, December 22, 1953. It's a clipping from the *San Francisco Call Bulletin*, from the front page; it also involves Warren, in a different context. It reports that Warren's files are all sealed. It says:

Governor Goodwin J. Knight is burning the midnight oil these days. His normal gubernatorial duties are

increased substantially because his predecessor, Earl Warren, locked up all the files.

Now it quotes Goodwin Knight verbatim. It says:

"When we moved in," he said, "the only piece of paper in the place was the calendar on the wall." Continuing, he says, "Now if we get a letter from a man asking why we haven't answered his previous letter, we don't know what he's talking about. Governor Warren had all his papers sealed and we have to start from scratch." In answer to a question, Governor Knight said he does not even know where the sealed papers are; he only knows he can't get at them. Why did Warren do it? Quoting Governor Knight, "I don't know; it's just one of the idiosyncrasies of the man."

The reason I carry this in my pocket is not because of all of that but because of the last paragraphs which say that Knight was at the launching of the *S.S. Evergreen Mariner* down at Bethlehem Shipyards, and it says,

Matron of honor for the occasion was Mrs. Gardiner Johnson, wife of a San Francisco attorney and former legislator. Asked if Johnson someday might be a superior judge here, Governor Knight said, "I would make him one tomorrow if I could; Gardiner prefers to stay in private practice. He would be a good judge but he makes more money as he is."

The correction on that is that I never told Goodwin Knight or anyone else that I wanted to stay as a lawyer because I made more money. That, I think, is his interpretation, because Goodwin was always very money-conscious. What I said was that I wanted to stay practicing law rather than be a lower court judge because I was happier practicing law. [I might have considered the state supreme

court.]¹ There's quite a difference between those two points of view. But the statement is true.

MORRIS: How did your wife happen to be the honored guest at the launching of the *S.S. Evergreen Mariner*?

JOHNSON: I took an active part in supporting some of the bills on subjects they were interested in. All of the local labor laws applied and the shipyards were in California.

Incidentally, I always carry that in my pocket because occasionally I go up against some learned gentleman sitting on the bench with a black robe who seems to have the opinion that judges are infallible. There are times when I'd like to haul that clipping out and show it to them, but I never have.

Recently I tried a case in Oakland. The case was settled. In talking to the judge about it, in the presence of the other counsel, I said that I wasn't sure of his attitude because I had never been a judge. He turned to me and he said, "Well, Mr. Johnson, you may have never been a judge, but I've known you for a long time and I know your activity, and I suspect if you had wanted to, you could have been." I kept the clipping in my pocket.

MORRIS: Is that to remind you in case you sometimes decide maybe you should have been a judge?

JOHNSON: That's to remind me to be tolerant of judges.

MORRIS: That's nice. I'm glad you told me, because my question is always, "Why does somebody save that particular thing?" The things you keep in your wallet are usually special.

JOHNSON: I go around to political meetings where things of this kind are discussed. Someone will raise a point and they will ask me about my relationship with Goodwin Knight. The fact is, I know at least one other fellow--[Eugene] Gene Prince, who was a partner with Pillsbury, Madison and Sutro who had nothing to do with politics at all. His wife Mildred was very active in Republican politics.

1. The bracketed material was added by Mr. Johnson in discussing the transcript with the interviewer on January 25, 1989.

Among other things, she was a good friend of Goodwin's. Gene could have had a judgeship, any one he wanted. He also said he wanted to be a lawyer.

MORRIS: One question on Mr. Knight's 1954 campaign, since you were chairman. Didn't he have some parts of the state where the billboards and the ads were Goodwin Knight and [Edward R.] Ed Roybal, the Democratic candidate for lieutenant governor? Was there some special reason for that kind of a bipartisan thing?

JOHNSON: I can't answer that. In the 1954 campaign Goodwin ran for reelection. His only opponents on the Republican ticket were a man named [Cornell L.] Gabrish, who also ran on the Independent Progressive; Gabrish only got 26,000 votes statewide. Goodwin virtually ran without any Republican opposition.

MORRIS: He didn't have very strong Democratic opposition, either.

JOHNSON: His Democratic opponent was [Richard] Dick Graves. Fred Houser attempted to come back as a lieutenant governor, and Butch Powers, a former state senator, ran. Ed Roybal who was a Democrat, ran for lieutenant governor on the Democratic ticket. Roybal ran against Powers for lieutenant governor and was defeated by 400,000 votes. Goodwin beat Graves by 500,000 votes. I don't know anything about the signs, having Goodwin running with Roybal.

MORRIS: This was something that Mr. Graves commented on. He was quite aware.

JOHNSON: My suspicion would be that if it was done, it was done unofficially by someone other than the Knight campaign. I never heard of that.

MORRIS: It wouldn't be the way you would set up a campaign?

JOHNSON: My recollection was that no one in the Knight campaign was worried enough to stoop to any tricks of that kind. I don't say that against Graves; I've known him a long time and he's a capable fellow. But the way the campaign was set up and the way it was running, the poor fellow had absolutely no chance, and Goodwin

was a cinch to win; there wasn't any reason to engage in acts of desperation. I don't recall that incident at all.

This is a favorite trick to run ads where maybe a labor union has endorsed Roybal against Powers. I've picked a bad example because Powers himself had pretty good support from labor; there wouldn't have been any reason that I know of for them to dump him and take Roybal. Goodwin had very good labor support in the 1954 campaign. But I'm just a bad source for that; I don't know for sure.

If it was done, it probably was done in southern California because Ed Roybal was predominantly a southern California candidate.

MORRIS: Whitaker and Baxter [Inc.] worked for Knight on that campaign. As chairman, how much contact did you have with them? What were their ideas on what the campaign should stress? Did you agree?

JOHNSON: Not a great deal, because I was not one of the Whitaker and Baxter stooges. We maintained a respectful distance. They had a great deal of influence.

MORRIS: Alone.

JOHNSON: Basically their idea on any campaign they were involved in, they should manage it.

MORRIS: More than appropriate?

JOHNSON: In some cases.

[End Tape 6, Side A]

[Session 4, June 27, 1973]

[Begin Tape 7, Side A]

JOHNSON: What I have done in preparation for this conference has been to go to my basement and get out and bring up here the legislative journals and the legislative histories for the 1943 regular session, something of the 1944 special session, the full 1945 regular session and the 1946 special sessions.

Also I have brought up from my personal legislative files of the period--and when I say of the period, these files were collected at the time of the sessions and have been in the basement in my legislative files since then; they haven't been looked at for between twenty-five and thirty years--but I have gone through these records and attempted to assemble a reasonably chronological history of the development of postwar planning, particularly postwar public works program planning and a history of the legislation, and various forms of California legislative action on that general subject from 1943 through 1946.

This should give the background, as well as the actual legislative history of the Warren proposals and accomplishments, as well as some of the legislative proposals and accomplishments during those critical years.

I take 1943 to 1946 because those happen to be the last years that I was in the legislature, and I was fairly active in this field as a legislator. They also happen to be the critical years for the establishment of California's program of postwar planning.

MORRIS: If I might ask a question in here, was the legislature thinking in terms of state construction needs before the revenue surplus developed in the early years of World War II?

JOHNSON: I think that question has to be answered in terms of the legislative action--action in the form of introduction of resolutions on the subject, introduction of bills and general discussion in the legislature.

One must keep in mind that when the 1941 session adjourned--that is, the 1941 regular session--President Roosevelt had not asked Congress to declare a war; that was done after the bombing of Pearl Harbor on the seventh of December, 1941. When we returned to our homes in 1941, while there was talk of preparation for war, war had not actually been declared.

In the intervening months between our 1941 adjournment and the actual assembling of the 1943 session in January of 1943, not only had war been declared, but the United States was actively into the war. All the turbulent process of wartime production had not only commenced in California but had progressed to the point where we were certainly one of the major states engaged in wartime production.

The shipbuilding industry was going full blast; airplane production was a major activity. Hundreds of thousands and even millions of people from other states had begun to come into California attracted by wartime employment. So, the roots of the developing problem of postwar employment had already begun to grow by the time that we assembled in Sacramento in January.

Both public and private thinking had commenced, certainly as of 1943. The thinking was both public and private. For instance, I have assembled and brought up from the basement here a file that I collected at the time called Postwar Planning Literature.

What I have here are a group of pamphlets which show anyone how widespread the interest and the thinking was. Some of

these pamphlets are produced by public bodies; most of them, as you'll note, are private. Let me take them chronologically.

By 1944, as will be noted, everyone is beginning to think and talk--some people to act--in the field of postwar planning. What I want to demonstrate is that prior to that, there had been a good deal of thinking along these lines.

For instance, here is an article from January 1943, entitled "What of the Future in Times of War? Prepare for Peace." Those are the three topics. It's the reprint of an article entitled "Postwar Planning" prepared by Lynn Atkinson of Los Angeles for print in the *Western Construction News*.

Lynn Atkinson was a very prominent and successful contractor. He was one of the joint venturers, incidentally, on the construction of the Mokolumne Dam of the East Bay Municipal Utility District.

MORRIS: Is he any relation to the present Atkinson construction firm?

JOHNSON: He is a cousin; Lynn is dead now, but he was a "shoestring cousin," as he called himself, of Guy F. Atkinson, the founder of the famous Guy F. Atkinson Company.

Lynn was a man who had an active, brilliant mind. He loved to talk and he loved to write, and apparently he prepared this article on his own. There you have an active construction man talking postwar planning as early as January 1943.

Here is another one: December 1942, entitled "Pacific Southwest Region Industrial Development" issued by the National Resources Planning Board in December of 1942. This is printed by the government printing office, and as you'll note, the letter of enclosure is dated August 31, 1942 and it comes from Baldwin M. Woods. At that time, he was connected with the University of California in the administrative field.

MORRIS: You mean in the Bureau of Public Administration?

JOHNSON: No. This is the National Resources Planning Board. Dr. Woods was the chairman of the Pacific Southwest Regional Planning

Office for Region 8 in San Francisco. Incidentally, the man listed as the regional counselor, under whose direction this report was prepared, eventually became a member of the staff of the State Reconstruction and Reemployment Commission.

That shows that as of August '42, there was active thinking and talking.

Here is a report entitled "Postwar Industrial Planning in California," issued by the California State Chamber of Commerce under date of June 5, 1943. It has in the back an extensive bibliography. A check of that will indicate that a good deal of planning and thinking had been going on even prior to June of '43. I think the bibliography in that one is exceedingly helpful; it seems to be very extensive.

Here's another report issued by the National Resources Planning Board under date of May 15, 1943, entitled "After the War: New Jobs in the Pacific Northwest--Arizona, Nevada, California and Utah." This again is the agency of which Baldwin Woods was the chairman and Van Buren Stanbery was the staff member.

Here is a letter addressed to me as vice chairman of the Interim Committee on Postwar Rehabilitation. This is from W.C. Costello, special assistant to the board of directors of Reconstruction Finance Corporation. He attaches an address of Jesse Jones, who was then Secretary of Commerce, referring to the question of war plants owned or financed by Defense Plant Corporation and by Reconstruction Finance Corporation.

MORRIS: That's a very interesting subject.

JOHNSON: Here is another type of thing. Here is a publication put out by the *San Francisco Chronicle*, reprinting a series of articles which appeared in the *Chronicle* from April 25 to May 20, 1943. This series is entitled "The Second Gold Rush Hits the West." It's an accounting of wartime industry--defense production industry--in the west.

Thinking on this subject, of course, was not limited to California. Here's one entitled "Postwar Jobs," being an address of the opening of the fall session of the Economic Club of Detroit. This speech was given by Alfred P. Sloan, Jr., who was then the chairman of the board of General Motors Corporation.

In 1944, of course, publications became more frequent. Here I have one issued by the California State Chamber of Commerce under date of September 1944, entitled "Survey of Postwar Research and Planning Activities." This is Section III: "Preliminary Survey Report on the Studies and Preparations Being Made by Governmental Agencies, Local-State, Western Region and National to Meet Postwar Problems in California."

This is a pretty complete compendium of postwar planning activities, including, as the title indicates, principally governmental activity.

MORRIS: So that there was enthusiastic support for the legislature to take this subject up, from the business community?

JOHNSON: There was enthusiastic support, I would say, among those who were close enough to the problem, and who'd slowed down long enough to think about the possible potential consequences of a sudden termination of the war and the imminent advent of a transition to civilian economy--postwar economy.

For instance, here is a report from 1944, put out by the research committee of the Committee for Economic Development entitled "A Postwar Federal Tax Plan for High Employment." In reading the introductory sentences, it will be noted immediately that they make reference to the fact that early in 1943 their research committee authorized a group of research studies under the general heading of taxation and business. That was one of the products.

Here is a United States Senate report, issued in 1944--February of 1944--entitled "Postwar Economic Policy and Planning." This is a report of the Special Committee on Postwar

Economic Policy and Planning, pursuant to Senate Resolution 102, which was a resolution creating a special committee on postwar economic policy and planning.

Senator Walter George of Georgia was the chairman of that committee.

Here is another one: "Report on War and Postwar Adjustment Policies," February 15, 1944. This report, issued by Bernard M. Baruch and John M. Hancock. The letter of transmittal is addressed to the Honorable James F. Burns, director of the Office of War Mobilization.

Here is another General Motors publication entitled "Testimony Regarding General Motors' Postwar Program." This was presented by [Charles Erwin] C.E. Wilson, president of General Motors Corporation, to the Special Committee on Postwar Economic Policy and Planning of the House of Representatives. That's 1944.

MORRIS: This sounds as if there was concern that the end of the war would be followed by a depression again.

JOHNSON: That of course was one of the basic assumptions. I will read to you a paragraph from the first California legislative action. If there be any doubt about it, the words of that resolution will make it clear that that was one of the major concerns.

Here's an interesting one. Here is a pamphlet entitled "The Winning Plans in the Pabst Postwar Employment Award." This is a pamphlet put out by the Pabst Brewing Company; they had apparently a contest in which a board of judges awarded prizes for the Pabst postwar employment award. It's interesting to note that the winner of the first award of \$25,000--this is of course 1944 . . .

MORRIS: That's a good sum of money.

JOHNSON: That's right. The winner of the \$25,000 was one Herbert Stein, 7005 Aspen Avenue, Tacoma Park, Maryland. The winner's photograph is in here; when you see it, you'll notice it's a young

form of the present economic adviser to President [Richard M.] Nixon.

Take a look at the runner-up. The runner-up in this contest, who won a \$10,000 prize, was one Leon H. Keyserling, 3234 N Street Northwest, Washington, D.C. Here again is another name still well known in the field of Washington economic activity.

I cite this only to show that private business organizations were actively in the field. Incidentally, here is, I think, one of the first publications issued in March of 1944 by the California State Reconstruction and Reemployment Commission. This is their pamphlet entitled "Objectives, Organization, Program."

With that background, and having come to official California action in the form of this March 1944 pamphlet, let me point out that legislative action in the field of postwar planning actually began in 1943. For instance, the agency that I have just referred to--namely, the California State Reconstruction and Reemployment Commission--was created by Chapter 631 of the statutes of 1943.¹

That statute had been passed through the legislature in the form of a senate bill known during its brief legislative career as Senate Bill 807 of the session of 1943. That bill was authored by Senators Rich, Tickle, DeLap, [Arthur H.] Breed [Jr.] and Seawell. It was passed in the assembly on April 30, 1943; the assembly amendments were concurred in on May 5 of 1943; and Governor Warren signed it fifteen days later on the twentieth of May. It became Chapter 631 of the Statutes of 1943.

That act created the new California State Reconstruction and Reemployment Commission and abolished some of the older, outmoded agencies in the field of planning.

MORRIS: Because there were new conditions or the legislature wanted it to be a broader plan?

1. S.B. 807, 55th Leg. Cal. Stat., ch. 631 (1943).

JOHNSON: The administration and the legislature wanted it to be geared to meet the then developing problems in California. Incidentally, in this early publication of March 1944, which I referred to, entitled "Objectives, Organization, and Program," on page 5 there are some paragraphs under the heading "Action by the state government."

It states, for instance, "By action of Governor Warren and the legislature, the state is already developing its governmental program in cooperating with individuals and groups in their postwar plans."

It refers then to the establishment of the State Reconstruction and Reemployment Commission and the office of director of reconstruction and reemployment, both of which were created under the statute that I've referred to. It goes on to say that "with the aid of state funds, California counties are making plans for road improvements. Interim committees of the legislature, appointed to study postwar problems, are holding hearings, assembling information and formulating their recommendations."

In that connection, I come to my next topic in what I conceive to be an orderly method of presentation; namely, a reference to legislative committee action.

The legislature was active in its own field and within its own prerogatives at the 1943 session in using those rights available to it and those legislative techniques available to it to carry on orderly, continual planning.

For instance, there was introduced in the 1943 session by Assemblyman T. Fenton Knight from La Canada a resolution which became known as House Resolution 190,¹ relative to the creation of an Assembly Interim Committee on Postwar Rehabilitation. This resolution was adopted on April 30, 1943, in the assembly; the sum of \$7,500 was appropriated from the contingent fund of the assembly to pay the expenses of this committee.

1. H.R. 190, 1943-1944 Reg. Sess. (1943).

JOHNSON: The preamble of the resolution indicates the nature of the problem. It states,

Whereas, upon the termination of the present armed conflict, there will be an immediate need for the employment of thousands of California citizens now engaged in wartime efforts, military and otherwise, and whereas it is sound economy now to plan and promulgate a program designed to absorb and assimilate into civilian business, pursuits and employment the men and women demobilized from the armed forces and the men and women released from war industry.

The committee was authorized to make studies, hold hearings, formulate and develop plans, recommend legislation and otherwise to set in motion the wheels and the implements of government to try to work out a plan for solving that problem.

I have here the resolution, on page 3034 of the *Assembly Daily Journal* for Friday, April 30, 1943. I also have brought up from the basement the complete set of *Assembly Journals* for that session; that looseleaf copy, which I've handed you, is of course set forth in the official journal at the same page--3034.

When that committee, sponsored by Assemblyman Fenton Knight, was passed, the speaker had the right to appoint the committees, and I was appointed as one of the original members of that committee.

Following the end of the 1943 session, and during the interim between that and the 1945 session, we held various meetings throughout the state. I remember we went to ship building plants; we went to some of the airplane plants in southern California; we held meetings with city and county officials and generally we kept busy in that field.

Incidentally, at the same time, at the 1943 session, I had been appointed to the Interim Committee on Interstate Cooperation.

JOHNSON: After the adjournment of the '43 session, I attended various meetings, not only of the Interstate Cooperation Commission of California, but also the Council of State Governments, of which our Interstate Cooperation Commission was a functioning part.

I attended meetings during '43 and '44 in Portland, Oregon, in Reno and Carson City, Nevada, in Chicago and in Washington, D.C. I had become familiar with the publications and the processes and the committees of the Council of State Governments. I will point it out as I progress now, how that very rapidly becomes important in the field of postwar planning.

Incidentally, the Knight committee, created by House Resolution 190 at the 1943 session, was continued in existence during the 1945 session so as to keep it alive and moving.

Again I was appointed to the committee, but I didn't come back for the 1947 session; I was not as active in the second session as I was in the first.

One interesting thing that I noted in checking through my file which I located in the basement entitled "Postwar Rehabilitation Committee"--this is my file for the '45 session relating to that assembly postwar planning committee--I have here some correspondence with Fenton Knight, the chairman of that committee.

He was a methodical gentleman who kept me well advised. As I was the vice chairman of the committee, he had a habit of sending me copies of his letters. I noticed, in checking through my file, that beginning on August 20, 1945, which would have been fairly soon after the final adjournment of the legislature--because we adjourned on June 16, 1945, that year--by August 20, Assemblyman Knight is writing me and saying:

"I have already addressed a letter to the governor on behalf of the committee, requesting that he give me at the earliest possible date an opportunity to discuss a legislative program with him that

will place our committee in a position to cooperate completely with the executive branch of our government."

MORRIS: This would be right after the cease-fire with Japan.

JOHNSON: Right. The week afterwards. Now, the punch line to that paragraph is this one: "To date I have received no reply to this letter."

So the weeks go by. On September 13, which I think was a month after VJ Day [Victory over Japan], he sends me a copy, this time a copy of his letter to the Honorable Earl Warren, dated September 13, 1945, and he says,

Dear Earl:

As I have received no reply to my letters of August 14 and 24 suggesting a discussion between us concerning the legislative postwar rehabilitation program, I suspect that you may feel that such a conference at this time is not essential.

When, if and as you may have time to discuss this common problem with me, I should be glad to bring you down to date as to the progress we as a legislative committee are making. In the meantime, I am doing the best that I can to keep abreast of your administrative activities through the work being done by your commission under the direction of Colonel Heron.

One may assume that the governor had other things to do in those rather turbulent weeks in August and September of 1945, but I point out that not even a secretary in the office took the time to respond to the three letters from the chairman of the Postwar Planning Committee of the assembly.

MORRIS: Are you saying that, in general, there was a lack of communication between the commission that Colonel Heron was executive of and the legislative committee?

JOHNSON: I would approach it from a little different angle. Colonel Heron and his commission had their job to do. Assemblyman Knight was the chairman of a legislative committee and he represented the legislature. His entire history of legislative activity will support the statement that he was not only cooperative, he was scrupulously polite in his dealings with Warren.

Assemblyman Knight felt that the legislature was entitled to deal directly with the governor and to know his views before we started out on our own on a separate tangent. That's why he was seeking either a conference or at least an answer to his letter, neither of which he obtained.

The question that you raise of failure of communication, I think you will note continued all through these periods of months--these years from 1943 until 1946. There not only was a failure to communicate but there was seemingly an unwillingness to understand the position of the other party.

This is a two-way street. The governor seemed unwilling to communicate with or to listen to the legislators, and I suspect, to some extent, the legislators were skeptical of some of his motives, particularly as we became involved in the tax struggle of 1945. But for whatever reason, the record supports the story and the contention that there was a lack of communication and an unwillingness to understand. I will develop that now as I move on.

In 1944--I'm coming now to a new topic and the first official legislative action of a nature which required the approval of the executive--on June 20, 1944, Governor Warren signed a bill which had been passed at a special session of the legislature as Senate Bill No. 48.¹

It must be kept in mind that during all of these years, the legislature met in regular session only once every two years in the odd-numbered years, as I've pointed out--1941, 1943, 1945. In the even-numbered years, at that time, the legislature could meet only

1. S.B. 48, 55th Leg., Fourth Spec. Sess., Cal. Stat., ch. 47 (1944).

in special session. In order to do so, it had to be called into session by the governor through the issuance of a formal call. When it did meet in special session, it could only act upon subjects listed by the governor in his call or proclamation.

At one of the 1944 extra sessions, particularly--and I'm going to use these official formal titles so that the record might be correct--at the Fourth Extraordinary Session of the 55th Session of the California Legislature in 1944, which lasted eight legislative days or nine calendar days, from June 5, 1944 through June 13--at that fourth special session there was introduced Senate Bill 48, sponsored by Senators DeLap, [Jesse M.] Mayo and [Ralph E.] Swing, entitled "An Act Making an Appropriation for Allocation to Cities, Counties, and Cities and Counties to Develop a Postwar Public Works Program Comprising the Preparation of Surveys and Plans and Specifications for Proposed Public Works and the Acquisition of Rights of Ways and Sites for Major Streets, Roads, Bridges, Sewerage and Other Public Facilities, and Providing the Procedure for Making Such Allocations." That's the end of the title.

MORRIS: That's a mouthful!

JOHNSON: This is the beginning. This was introduced on June 6, which was the second day of the special session. It was passed in the senate on June 12 and sent to the assembly where it was passed on June 13. The senate concurred in the assembly amendments on June 13, and a week later, on June 20, the bill was approved by the governor and became chapter 47 of the Statutes of the 1944 Special Session.

In view of the later developments, it's exceedingly interesting to go back and note the provisions of this bill and its very short and noncontroversial legislative and administrative history. A statute is passed. Now mind you, this, as I've indicated . . .

[End Tape 7, Side A]

[Begin Tape 7, Side B]

JOHNSON: Let me point out an important thing which has just occurred to me as I was sitting here while you were changing your tape. As I pointed out, the governor signed this bill on June 20, and it passed the assembly on the thirteenth of June. I was reading the first sentence, which says "The termination of the present war will inevitably create serious economic problems for the people of this state."

What immediately ran through my mind was, the termination of the war was imminent; I asked myself the question, "Wasn't it?" The next thing that flashed into my mind was that I came into the Senator Hotel sometime around 11:00, and it must have been the night of June 6, 1944; I remember as I came into the old hotel lobby, they had a big cabinet radio either on the balcony or on the main floor, and everyone was standing in silence because they were reading President [Dwight David] Eisenhower's statement: that was D-Day. That was the day of the landings on Normandy Beach and Omaha Beach, and it comes back to me now very clearly that that's why we were in Sacramento. We were attending this special session.

As of that day--that was the day this bill was introduced, June the sixth--as of that day, it was beginning to be clear that the war might end.

I remember that everyone stood there hushed as General Eisenhower's announcement was read, and then a chaplain prayed; then we all went upstairs and went to bed.

The interesting thing is to read the language in this bill which the governor signed, and which he signed at that time without the slightest objection.

MORRIS: Do you have it marked?

JOHNSON: I have a copy of the bill. This is a so-called engrossed copy from the chapter laws. It's entitled "Chapter 47," which means that this

was the form which was put out in preliminary fashion, having actually been chaptered as part of the statutes of that session.

I'm reading from the third paragraph on page one:

The prevention of unemployment and the relief of hardship and destitution, due to and caused by postwar unemployment, is a joint obligation and duty of the nation and the state within the limits of their resources.

I emphasize, having in mind what happened later, that phrase "within the limits of their resources."

MORRIS:

Yes. That's a very interesting phrase.

JOHNSON:

Postwar unemployment and its attendant misfortunes can be partially averted and alleviated by making adequate plans and preparations for an extensive program of public works to be constructed and engaged in during the period of postwar adjustment and until such time as private industry and commerce can provide employment of the men and women who will be discharged from the armed forces or who will be released from their present employment upon the termination of wartime activities.

That certainly sounds noncontroversial so far. Shortly, however, comes this important phrase:

Funds appropriated under this act by the state, together with funds provided by local agencies to assist the state in carrying out the purposes of this act, will enable the local agencies to engage in a large construction program which will provide employment for those military personnel discharged from the armed forces and those whose present employment will be terminated by the cessation of war production.

Now, considering the fact that the governor signed this bill without objection, it's interesting to note that this specifically said that the purpose was "to provide funds appropriated under this act by the state, supplemented by local funds, to enable local agencies to engage in a large construction program."

Then, when you turn over the page, here is the legislative declaration, which the governor concurred in: (This is 1944; I'm going to come to the heated controversy a year later and two years later between the legislature and the governor, but this is the 1944 legislative declaration.)

The legislature hereby declares that the granting of financial assistance and the preparation of plans and the acquisition of sites by the counties, cities, and counties and cities, as provided in this act, is for state purposes because of the statewide need for increased public works and facilities, and also as a part of and incidental to the averting of a serious postwar economic crisis, and in furtherance of its plans to provide employment for some part of its citizens during the period of economic readjustment which will result upon the termination of the war or the substantial diminishing of war production in this state.

MORRIS: So there were the two levels--there was to be construction by the state and also by the county agencies.

JOHNSON: By local agencies, particularly counties and cities. Having stated that purpose, the legislature then provided that ten million dollars was to be appropriated for the development of this plan or program, and it went on to say that

six million eight hundred and seventy-five thousand may be expended for the purpose of defraying one half or less, herein called the state's share, of the cost of preparing the plans,
and in Section 16 it said

three million dollars may be expended for the purpose of paying one half or less, herein called the state's share of the cost of acquisition by local agencies of rights of ways and sites for any public works projects in which there is a state interest in the projects themselves other than the relief of unemployment.

That bill passed in '44 without any major objection, any extended hearings or any objection from the governor; in fact, he signed the bill.

I have here a bulletin which I found in my old legislative files issued by the League of California Cities for June and July of 1944, which is reporting to all of the various cities throughout California the passage of this bill. Again, some interesting material will be found.

For instance, they inform the cities that "the legislature"--I'm reading on page two--

Finally the legislature has recognized that while the war economy of the state has produced a large surplus of state revenue, and at the same time a reduction in certain types of state expense, such as relief, there has been no corresponding increase in the revenues of local government; but there has been an increase in expense to provide services to our increased population, to war industries and to military facilities.

In making this appropriation the legislature is sharing a portion of the war-created surplus with its community in order that a high standard of public services may be maintained.

There's much more detail in this, but I pick out that paragraph so as to point out their interpretation of the effect of Chapter 47 of 1944. I also point it out to keep it in focus as I move on to show what happened in 1945.

These, as I'm sure you realize, both this printed statute and this bulletin, are originals which I have preserved in my files.

MORRIS: I can see that. Did you annotate those at the time?

JOHNSON: I annotated these, as I recall it, either this week or last week.

MORRIS: I'm interested because I've talked with Richard Graves, and that's precisely the phrasing he uses.

JOHNSON: This is his bulletin; this bulletin is signed by him. He was at that time the executive secretary of the League of California Cities. He would be able to speak, and from what you say, I gather he has spoken, from the point of view of the groups which were actively supporting this type of legislation from the outside.

I speak from the point of view of an elected member of the legislature who was considering these bills and acting upon them as a member of the legislature. Of course, we didn't always have available to us the same type of information that some of these outside groups would have.

I have attempted, just as an individual, to preserve in my files the relevant material which I obtained at the time.

Let me point out that I have read the Graves statement where the League of Cities says, as I quoted,

The war economy of the state has produced a large surplus of state revenue and at the same time a reduction in certain types of state expense. But there has been no corresponding increase in the revenues of local government, but to the contrary increased expense.

I want to point out that contemporary statements by what I consider to be the better-informed specialists in the field of state and local government supported that statement. In reviewing what I'm going to cover, one who reads this must realize that I am one of the group who was taken on, castigated, criticized, ridiculed because we sponsored, in the 1945 session, legislation to carry through on this 1944 statute, but we happened to run afoul of a

momentary mental quirk of the governor in that--I'm only surmising now because I was not one of his advisers--apparently he wanted to build up and portray to the people of the state of California that he had bailed the horrible Olson financial situation out of the red and into the black and that he had developed the state surplus.

The truth is the war bailed the State of California out, as the Graves statement in July of '44 points out. It was wartime activity and wartime conditions which made most of the states of the union wealthy because of the nature of their tax set-up and which, to the contrary, made local governments virtually bankrupt in many instances.

We tried to point out to Warren at the time that he was bucking the tide, that he was off on the wrong foot and going contrary to what he himself had already been committed to, as recently as June and July of 1944.

I don't want to engage in a tirade against Warren; I merely want to be relentless in pointing out how wrong he was, as both the contemporary statements and history have shown, and what a complete flip-flop he took when he departed from past principles--sound principles--and became involved in this foolish and entirely petty and personal quarrel with the legislature in 1945.

MORRIS: Was this when the earmarked reserves were set up?

JOHNSON: Right. Now, let me point out that by 1944 and certainly by 1945, but beginning in '43, the more thoughtful, better-informed experts in the field of state and local government were pointing out that a new era had come about in which a new and different relationship between states and local governments was going to have to be worked out, particularly in the field of state support, state contribution to local projects, resulting from wartime employment, wartime industrial activity and postwar readjustment.

MORRIS: This is not only California, but in general, nationally?

JOHNSON: That's exactly right, and that's what I'm going to point out. As I have indicated, just as an individual member of the legislature, which I was because I was not working with any organized block or group, but as an individual member of the legislature, I was fairly well informed in the field both of postwar planning and also of interstate cooperation and the activities of the Council of State Governments.

Of course, at the time, I had their periodical. For instance, now, here is the magazine *State Government*, April 1945. Again, I've dug this out of my files. I see on the back page it's addressed to me: Honorable Gardiner Johnson, 765 San Luis Road, Berkeley, California, which was my address at that time. This is the official publication of the Council of State Governments. In this April 1945 issue there is an article entitled "The States and the Cities" by Joseph P. Harris.

MORRIS: That's a familiar name, too.

JOHNSON: I suspect that is the same Joseph P. Harris who, either at that time or later, was at the Bureau of Public Administration in [University of California] Berkeley.

I point out on page 72 this quotation from his article:

The cities need also the active assistance of the states. Many urban problems are no longer strictly local in character and have become statewide or national in scope. Some have become even international in their implications. If the states are unwilling or unable to deal with the vital economic and social problems of our times, they should not complain if the federal government steps in. The trend toward federal centralization can be halted only by the states taking a more affirmative, positive role in dealing with economic and social problems.

The Council of State Governments, through its official channels, was also moving in that direction.

For instance, I have here, again from my files collected at that time, a tentative draft of a report on *Recommendations of Postwar Problems in the States* by the Interstate Committee on Postwar Reconstruction and Redevelopment. It's a lengthy document, but on page 4 is this paragraph:

War conditions are in many cases causing normal state and local tax rates to yield revenues in excess of immediate needs. A policy of surplus financing, based on the maintenance of taxes at their prewar level, will not only harmonize with the wartime need of minimizing inflation but will at the same time put state and local governments in a strong position to meet their postwar obligations.

Although opportunities to improve the quality and flexibility of tax systems should not be ignored, it is desirable to maintain current levels of governmental revenue in order to pay outstanding bills, retire debt and to accumulate reserves for future use or for postwar public works.

The fact that 'excess' revenues are to a considerable extent offset by under-maintenance of capital facilities and by deferred normal construction must not be left out of account.

That paragraph is peculiarly pertinent to our legislative struggle as it developed in Sacramento in the spring and summer of 1945.

Along the same line as that paragraph that I just read to you, I have here a statement dated March 23, 1945. It's an official press release entitled "Statement Concerning S. 34 (this is the United States Senate) by Senator [Joseph William] Bailey and S. 2 by Senator [Patrick A.] McCarran of the 29th Congress."

This statement was made to the Aviation Subcommittee of the Senate Commerce Committee on behalf of the Governors' Conference. Mind you, Warren was a member of the Governors'

JOHNSON: Conference at that very time. This statement was read to the Senate committee by Governor Herbert Maw of Utah.

Let me say that I had met Governor Maw at some of the interstate cooperation meetings that I had been to. I forgot to mention when I mentioned Portland, Carson City, Chicago, New York, that I also attended one over in Salt Lake City, and I met Herbert Maw at that meeting.

Let me read page 7, what Governor Maw told the United States Senate on the question of the senate bills referred to:

For the most part, the municipalities and communities will enter the postwar period with serious financial problems, and in sponsoring such projects will need the assistance of the state governments. This is particularly significant in view of the broader taxing powers inherent in the state governments as compared with the governments of municipalities and other political subdivision.

That is virtually a restatement of the paragraph I read from the Interstate Cooperation Commission's report.

In the appendix, there are set forth telegrams that various governors sent in answer to a wire of March 14, 1945, sent out by Frank Bane, the executive director of the Council of State Governments. Here is Earl Warren's telegram (there are about twenty of them listed here):

Regret cannot attend senate conference committee hearing because our legislature is in session. Bills pending before our legislature based on thorough study by both legislative and citizen committees. Progressive program for development of aviation including airports and facilities is contemplated. We are convinced sound development requires coordination within our state with federal administrative authorities. Therefore, we urge full

JOHNSON: advantage be taken of the experience with federal aid highway program guaranteeing both intrastate and state-federal coordination. Handling federal standards and programs and grants through state agencies provides assurance of speed of execution and invites most effective supplementary activity by each state.
Signed Earl Warren, Governor.

You see, he's very strong for the federal government contributing to the states, but he says nothing about what was right then going on in Sacramento, and that's what I'm about to read you. You'll notice that his telegram is March 1945.

I want to show you, and put into the record next, what was right then happening in Sacramento in March of 1945. First let me point out that every legislator had local problems in his own district and local needs arising out of wartime production and wartime population increase.

For instance, on March 10--I tie this back into that March date on Warren's telegram and Herb Maw's presentation to the United States Senate--on March 10, 1945, the city manager [Chester Fisk] of my hometown, Berkeley, California, wrote me a letter saying:

In accordance with your request, I take pleasure in enclosing a copy of the postwar plan as submitted to the council.

This is Berkeley, California. And he says,

You will note by the letter of transmittal that these plans cover "deferred maintenance" only and do not take into consideration the many additional and expanded services which may be expected of the city of Berkeley during this coming year. Any comments you may have will be appreciated.

Then he attaches a mimeographed or multilith copy, listing the entire program for the city of Berkeley at that time.

I had a similar list from the Berkeley School District.

MORRIS: [University of California business manager] James Corley was [a city] councilman then, I note.

JOHNSON: That's right. I received a report dated March 7, 1945, from the Berkeley Public Schools, Office of the Superintendent. It's a report to the Board of Education entitled *A Report on the Proposed Program of Building for the Berkeley Public Schools Involving Needs for the Immediate Future and a Long Range Program*.

These were the types of demands that I received from my home community.

MORRIS: And presumably every other legislator was getting the same thing.

JOHNSON: Not only in California--all across the nation. The problem was the same; it varied only in degree.

MORRIS: In other words, had the legislature announced that they were looking for these ideas?

JOHNSON: Actually, you didn't have to announce it because the public officials in every community in the state had these problems on their doorsteps, and they were seeking us out.

MORRIS: And they were also aware of some of these earlier documents outlining public planning problems.

JOHNSON: Very much so. And their organizations--the California League of Cities, the County Supervisors Association of California. What did happen was that naturally those people, at least through their legislative representatives and committees, sought out those of us who had been fairly active in providing leadership in the field of legislative thinking in the area of postwar planning. Those of us who had been in the legislature for some years knew all these people on a personal basis, and so they came to us for sponsorship of the bills.

The result was that I was sought out, among others, and I became a legislative sponsor at the 1945 session of Assembly Bill

No. 427.¹ It was a counterpart to Senate Bill 625.² These were the bills which eventually the Warren crowd, in an effort to deride us, called the Christmas Tree bills.

Assembly Bill 427 was introduced by me and about fifteen other legislators, both Democratic and Republican from all parts of the state on the nineteenth of January. The counterpart, Senate Bill 625, was introduced in the senate on January 25 by Senators [Ben] Hulse, Swing, and [George J.] Hatfield.

It should be pointed out that at that time, Warren was involved in attempting to get through the legislature a bill to continue certain state taxes at reduced rates. This was Assembly Bill 272³ by Assemblyman Walter Fourt from Ventura and about twenty co-authors. It should be pointed out that certain tax rates had been reduced for a short time during, I think, the 1943 session; the period of reduction was about to expire, and would have expired in 1945 had not this bill--Assembly Bill 272--or a similar bill been passed.

Warren was committed apparently to representing to the business community and to other Californians that he had maintained sound business-like government in California and that he was in favor of continuing these taxes, mainly on business, at lower rates. That was the only purpose of Assembly Bill 272.

MORRIS: Was he also getting general objections from the legislature and private citizens about the amount of revenue that was coming in in excess of the current budget requirements?

JOHNSON: I assume he was getting protest from some taxpayers because that always happens. What happened was the he became committed to this; this was the governor's tax program. Walter Fourt was a legislative spokesman for the governor on this bill. It was introduced, incidentally, into the assembly on January 16, 1945.

1. A.B. 427, 56th Leg. (1945).

2. S.B. 625, 56th Leg., Cal. Stat., ch. 647 (1945).

3. A.B. 272, 56th Leg., Cal. Stat., ch. 646 (1945).

MORRIS: Just a couple of days before your bill.

JOHNSON: Yes. Actually, dates of introduction have very little to do with it, because what day you put it in is usually quite incidental.

Warren announced very early--either before Assembly Bill 427 and Senate Bill 625 were even introduced, or shortly thereafter--he announced in no uncertain terms that he was opposed to any move to take state funds and turn them over to counties or cities for what were referred to as log-rolling projects.

He made it clear in public statements that he was going to oppose and call upon all of his friends in and out of the legislature to oppose any such program; they resorted to calling the two bills--Assembly Bill 427 and Senate Bill 625--the Christmas Tree Bills.

MORRIS: Even though he had signed the bill in the previous session?

JOHNSON: That's right. You sound surprised at this; I am not, because this is the way Warren did. It didn't serve his purpose at the moment to continue to support the theory that he'd gone along with before; his method was to retaliate against those who maintained a consistent policy of support by ridiculing them and accusing them of sponsoring log-rolling measures.

If you doubt what I say is correct, let me show you what happened when we began to play games with his bill, which we did. He made it clear that he would never sign--even if it came down to him--he would never sign a bill of the nature of Assembly Bill 427 or Senate Bill 625. He also made it clear that he was going to do what he could to see to it that the bill never came down to him, and that he was going to call upon all of his friends in the legislature to help him out on that.

What happened was that in this month of March that I referred to, when Herbert Maw was appearing before the United States Senate and Warren was sending him the telegram informing him of what was going on in California, but in which he made no reference to any of this activity, they began to move the tax program, Assembly Bill 272.

Those of us who were opposed to the. . . . Those of us who supported--put it that way--who supported making surplus state funds--and there were surplus state funds--available to city and county agencies, decided that if we were ever going to have a hearing, if we were ever going to have a chance of success, one of our best efforts would be to have a public hearing on his Assembly Bill 272 and thereby develop publicly and for the ears of all the legislators--not just a few on the committees--what the true state of the state finances and revenues were.

In other words, if you're going to pass a bill keeping tax rates and tax income scaled down for two years more, it's reasonable to say to the members of the legislature, "Let's find out what revenue is coming in; let's find out what surpluses are there; what surpluses are potentially going to be available. Let's know what the money is that we have available either to cut off or to appropriate."

What we did, we had a committee of the whole when his tax measure came up. When Walter Fourt brought the tax measure up in the assembly, we demanded . . .

MORRIS: That was a weighty session from the size of that volume.

[Laughter]

JOHNSON: Believe me, it was. We demanded and obtained what is known as a committee of the whole. Now, a committee of the whole is a procedure that at that time was infrequently used in Sacramento. It had certain very important aspects that can be used effectively.

Let me say I had used this technique personally in driving the amendments into the Warren penal reform bill in 1944,¹ and I had learned then what I actually knew before: namely, that in a committee of the whole, you have practically every member of the legislature in his seat, because these are important bills; and they usually know there's going to be some fireworks, and at least some interesting personalities present; so they tend to stay in the chamber.

1. S.B. 1, 55th Leg., Third Ex. Sess., Cal. Stat.. ch. 2 (1944).

In the committee of the whole, you can bring in outside witnesses--nonmembers of the legislature--and put them on the stand and question them.

MORRIS: Is this a matter of a simple motion introduced and then voted on?

JOHNSON: Yes, that's right. All one needed to do at that time under the rules was to move that the assembly "do now recess and constitute itself a committee of the whole for the purpose of hearing witnesses on Assembly Bill 272." We did that and we obtained a committee of the whole.

We brought in witnesses. This was all done, by the way, about March 21, 22, and 23 of 1945. For instance, on March 22, Assemblyman Fourt moved--this is page 1151 of the *Assembly Daily Journal* for that day--Mr. Fourt moved that Assembly Bill 272 be set as a special order of business for Friday, March 23, 1945, at 9:30 A.M., and that the assembly resolve itself into a committee of the whole at that time to further consider Assembly Bill No. 272.

We had had a committee of the whole immediately previous to that on that day, and we didn't finish; they put it over until the twenty-third.

I should point out that what happened was that Fourt brought in the Warren people to testify on the need for continuing taxes at the reduced rate. That gave us the opportunity to bring in our witnesses.

I brought in Rolland Vandegrift, who at that time was the legislative auditor. Van, as they called him, or Rolland Vandegrift, had been director of Finance under Governor Rolph; he was not without credentials in the legislature.

Incidentally, Vandegrift was a very short, kind of a stout man who always seemed to be a little disorganized. He carried his notes around on little pieces of paper in his back pocket, and he always seemed to have left home without having combed his hair or something. But he never had his figures disarranged; in his own unique way, he could make a very convincing presentation. The

legislature knew and liked him and they trusted him as being independent.

He was very critical of the tax program, but he also was convinced that some plan of postwar development in the localities supported by state funds was necessary. He was a very valuable and a very effective witness.

I also brought down as a witness a man named Earl Washburn who had become the second-in-command under Colonel Heron on the Reconstruction and Reemployment Commission. What we did with him was to require him to read back some of the quotations from their own reports, much to his embarrassment and discomfort.

MORRIS: Mr. Washburn's discomfort?

JOHNSON: That's right. Actually, that commission had issued some reports which really weren't bad, in pointing out the need for postwar development of construction in localities. We held hearings on the floor of the assembly in the committee of the whole for a couple of days. Then some Democrats put in a series of amendments relating to setting aside money as postwar employment reserves.

For instance, I'm reading now at page 1216 of the *Assembly Journal* for 1945. This is where we had held the committee of the whole meeting that Mr. Fourt moved for on the twenty-second for 9:30 in the morning on the twenty-third; we'd held that. We'd finished with the witnesses and now we'd come to vote on these amendments presented by the Democratic group: [Assemblyman] Ed O'Day, [Assemblyman] Bernard Brady, [Assemblyman Gerald] Jerry Haggerty, [Assemblyman Edward] Ed Gaffney . . .

[End Tape 7, Side B]

[Begin Tape 8, Side A]

JOHNSON: . . . [Assemblyman William Clifton] Cliff Berry and [Assemblyman] George D. Collins, all of San Francisco and all Democrats.

By way of example, the second amendment, as set out on page 1216 of the March 23 *Journal* says:

Amounts set aside as a postwar employment reserve pursuant to this section and during the period on and after July 1945, to and including December 31, 1947, shall be available for expenditure only when appropriated by the legislature for distribution to counties and cities and cities and counties for the construction of public projects and improvements as aforesaid.

Then there's a series of corresponding amendments.

Somewhat to the surprise, I suspect, of the Warren gang, our amendments were adopted. But they put on a call of the house, and they stalled as long as they could. The amendments were adopted by a vote of 41 to 39. As you can see, it was exceedingly close; one vote determined it.

The fact is we won the fight, in effect, to put the local postwar reserve plan, the city and county plan, into Warren's own tax bill. That shook the Warren gang to the roots.

It's interesting looking back on it to see what happened when Warren learned of the action of the assembly. They had turned heaven and earth to beat our amendments, but they failed.

I have a clipping here which I found in this file of mine. I see the date on it is in my wife's handwriting; obviously, she was at home in Berkeley and she cut it out and sent it to me. It's an article from the *Berkeley Daily Gazette* for March 24, 1945, the next day. It's entitled "Warren Scores Assembly Action."

I should hesitate and bring up again what I've mentioned before, not just to ridicule him but because it's an important personal characteristic which should be a part of any serious study of Warren's legislative activity. Warren had a habit--I guess entirely personal in nature; probably an inherited characteristic--that when he was beaten or knocked down, he had a very shrill,

JOHNSON: high-pitched voice, particularly noticeable in a man as big as he is physically. He could really whine in a high-pitched way.

When these amendments were adopted, I guess you could hear that shrill whine all over the capitol. This is what he told the press:

The assembly's action yesterday, in amending a public works subsidy into the tax reduction bill was just "pulling the plug" for a flood of special appropriation bills.

You see, every time he was cornered on the subject, he fell back upon the old, well-worn wheeze of log-rolling, "a flood of appropriations," claiming they were just going to knock down all the barriers and all these legislators were going to sort of pat one another on the back and put through pet projects. He goes on and says:

As administration backers were attempting to switch votes to reverse the subsidy decision, Warren said he believed "a dangerous precedent" had been set.

Mind you, this is the same Earl Warren who signed Senate Bill 48 and made it Chapter 47 less than a year before; now, because he doesn't like it, he's talking about setting a dangerous precedent.

"The thing is," he added, "that the construction of local public works has always been a responsibility of local government--city or county. Never before has the state embarked on such a program."

He's wrong, of course, because he embarked on it when he signed that bill in 1944. He says,

"If it does embark at this time, it will only be the beginning of what is asked from state revenues."

Now here comes his punch line:

"It's just pulling the plug and opening up the situation for trading and for enactment of a flood of appropriation bills that no one may be able to stop."

JOHNSON: He said that within two or three days, the \$57,000,000 subsidy plan had been bought up and, at the same time, both Democrats and Republicans had asked permission to consider a \$25,000,000 salary raise plan for state employees.

I just have to say I don't know what he was talking about in that last paragraph. At any rate, shaken to the roots as they were, they kept up their tactics.

Immediately, an assemblyman named [Harrison W.] Call from San Mateo gave notice that on the next legislative day he would move to reconsider the vote whereby the amendments to Assembly Bill No. 272 were this day adopted.

On March 27, Assemblyman Call "waived his reconsideration. The bill was later made special order for 2 P.M. on April the 11th." At that time, amendments were adopted sponsored by the Warren group which took out most of the sting of the O'Day-Brady-Haggerty-Gaffney amendments. The tax reduction bill then began to move on.

The struggle which resulted in putting the local postwar construction program even temporarily into the so-called tax reduction bill had done the job. Both the members of the legislature, the camp followers, lobbyists, governmental representatives--everyone--who was following the bill had become aware of the fact that not only was there a very substantial group supporting the so-called Christmas Tree bills--or as they were properly known the Local Postwar Construction Fund bills--but also that the Warren group was faced with difficulties in getting their own legislation through, particularly where they might need a two-thirds vote: 54 votes in the assembly and 27 in the senate.

At any rate, for a series of reasons, all of which I don't know now and didn't know then, eventually common sense began to prevail, at least in some degree. Finally, Warren worked out an

agreement with those of us who were sponsoring the local postwar construction bill.

Amendments were agreed upon between the senators who were sponsoring Senate Bill 625, between them and Warren or his representatives. As anyone familiar with legislative processes knows, in any struggle of this kind, there is necessarily involved an effort that can best be designated as face-saving. Naturally, this would be very important to a person in the position that Warren was in in 1945; having taken an active part at the Republican National Convention in 1944 and then beginning to move on towards some form of national recognition, face-saving was very important.

What was accomplished was that an agreement was worked out. Warren insisted, apparently, upon eliminating any reference to postwar construction fund as such.

MORRIS: Either state or county.

JOHNSON: Well, they reached a compromise in which they also changed the name of the bill. I'm speaking now of Senate Bill 625. It became known as "An Act Relating to a Public Works Construction Program for the Prevention of Unemployment, Upon the Relaxation of the War Effort, and During the Postwar Period of Adjustment from a War Economy to a Peacetime Economy, Creating Therefore the Postwar Unemployment and Construction Fund in the State Treasury, Declaring the Policy of the Legislature and Prescribing the Powers and Duties of Public Officers."

You will note that there was eliminated therefrom the original description in the title of the bill which was "An Act Creating the *Local* Postwar Construction Fund," and referring to apportionment of funds to the cities, counties, and cities and counties.

This bill, as agreed upon, was amended and then began to move reasonably quickly through both the senate and the assembly. The amendments were actually inserted in the assembly.

It's interesting to note that the amended form of the bill contains this language:

The legislature hereby declares that the state has a direct interest in the construction of public works projects and public improvements that will provide employment for citizens released from the armed forces and private enterprise following the relaxation of the war effort. The sum of \$90,000,000, out of unappropriated monies in the state treasury, is hereby set aside and transferred in the state treasury to the Postwar Unemployment and Construction Fund, which fund is hereby created and established. No money shall be expended from or withdrawn from said fund except, and only when appropriated by the legislature, for public works projects which will provide employment of citizens released from the armed forces, and which public works projects and public improvements will create employment in various parts of the state.

You'll note there is no reference to *local* in that section. It then says, however,

The legislature shall have the exclusive power to allocate, appropriate and provide for the expenditure of all or any part of the fund hereby created for any public works projects or public improvements in which the state shall have an interest.

Note that that does not say *local*, nor does it exclude it. What happened was, that bill then passed the legislature; those amendments were adopted in the assembly on May 3, 1945, and the bill passed the assembly finally on May the nineteenth. On June the first, the senate concurred in the assembly amendments, and on June the fifth the governor signed the bill and it became Chapter 647 of the Statutes of 1945.

This is the end of the next to the last chapter.

MORRIS: The marvelous thing about the political life is that subsequently, didn't Warren express pride in having some of the surplus fund earmarked for construction so that it wouldn't just be frittered away?

JOHNSON: That comes later, but let me show you what happened. The final chapter we haven't hit yet.

Some interesting letters passed back and forth between members of the legislature and Warren at the time that they eventually agreed on the amendments to Senate Bill 625.

For instance, in the *Assembly Journal* for May 19, 1945, on page 32 there appears a letter--a statement--in re Senate Bill 625 signed by Swing, Hatfield and Hulse. It has to be noted that the bill had just passed the assembly that day--May 19, 1945. On page 31 of the *Journal*, Senate Bill 625 passed.

I thereupon asked permission to print in the *Journal* two communications, one from Fred B. Wood, the legislative counsel, and also a statement from Senators Swing, Hatfield and Hulse. It's important to note what these authors of the bills state in this letter, having in mind as your predominant subject the question of Warren's legislative influence and activity. Their statement is addressed to the members of the senate, and they are telling why they agreed to these amendments and the circumstances under which they were conceived. They say:

Gentlemen:

During the last few days, the authors of Senate Bill 625 have had a number of conferences with the governor and with the members of the senate and assembly relative to a program which will carry into effect the governor's plan for tax reduction and which also makes available for appropriation by the legislature the sum of \$90,000,000 to alleviate unemployment in all parts of the state. Inasmuch as

the proposed program involves substantial changes in Senate Bill 625, we feel that it is but fair that you should have before you the substance of our understanding of the program which has been tentatively agreed to. This program, as we understand it, is in substance as follows.

Then they go on and say that the sponsors of 625 have agreed to help enact into law legislation which will carry into effect a proposed tax reduction recommended by the governor--in other words, pass Assembly Bill 272, which we had pretty well shaken in the assembly. In return, Senate Bill 625 will be amended by striking out all of the material provisions of the bill and insert in lieu thereof the material I've just read.

Here is the important thing. There are no strings attached to the money set up in said fund, and all of it can be used for any public works project in any part of the state, either within or without the incorporated area of any county so long as it is within the scope of the language used in the bill--namely, the state has an interest.

Next, the governor stated that in the event a special session of the legislature is called to appropriate money for public works projects or public construction to meet postwar conditions, he will so work the special call that it will be broad enough in its scope to permit allocations and appropriations from the fund created and set up under the amended Senate Bill 625. To use his language, he said, "I will throw the door wide open." We believe this is a very satisfactory solution of the controversial subjects which are pending before the legislature. We believe" (this is an interesting comment) "the carrying out of this program will result in a continuation of the harmonious

JOHNSON: relations which have at all times prevailed between the legislature and the chief executive.

Respectfully,

Swing, Hatfield and Hulse

I would comment that that harmonious relation was considerably disturbed on the twenty-third of March when the assembly adopted the O'Day, Berry, Haggerty, Collins amendments to the Fourt tax reduction bill.

This was characteristic of the Warren method: instead of communicating with these legislators--he had gone on record in 1944 in favor of the very basic program that they were supporting; but in 1945 instead of communicating with those men and working something out, which he eventually did by this agreement--he had to be hit right between the eyes by the assembly resorting to the method of holding the committee of the whole hearing in the assembly, and then the actual adoption of the amendments putting the Postwar Local Construction Fund bill right into his tax reduction program. He had to give off a few shrill shrieks down in his fancy office before sweet reason prevailed.

As that statement of the senators must disclose to anyone who read it thoughtfully, he knew his tax reduction program wasn't going anywhere until he worked out this conflict with those gentlemen who were sponsoring the senate bill. At any rate, as I've indicated, following that accord, the amendments were adopted and the bill passed the assembly on May the nineteenth; Governor Warren signed the bill and it became part of the Statutes of 1945.

He did bring us back into special session in Sacramento in 1945. At that session there was introduced Assembly Bill 60.¹ There were a lot of authors, but the first one was Assemblyman C. [] Don Field of Glendale. This bill was introduced on January the eleventh of 1946--Assembly Bill 60.

1. A.B. 60, 56th Leg., First Ex. Sess., Cal. Stat., ch. 20 (1946).

We were in special session at various times from January 7 through February 19 of that year.

The bill passed the assembly on January 15, having been set as a special order of business. It went to the senate--I want to check the page of the *Journal*--it was passed on January 17 and the various actions appear beginning at page 232 of the *Assembly Daily Journal* for that day. The final vote came in on page 234, and the vote was 65 to 12 in the assembly.

It's interesting to note that among the twelve dissenters--they were a potpourri of every type of legislator--but it's interesting to note that some of the governor's stoutest supporters were among the twelve, the lonely twelve. For instance, [Assemblyman Philip] Phil Boyd from Riverside, always a stout Warren supporter; Walter Fourt of Ventura, who had been the author of the tax reduction bill in 1945; Al Wollenberg, chairman of the Ways and Means Committee and one of Warren's close friends; [Assemblyman] Marvin Sherwin of Piedmont, one of Warren's close friends and later himself a chairman of the Ways and Means Committee. At any rate, the bill passed by a vote of 65 to 12.

MORRIS: That's pretty decisive, I would say.

JOHNSON: Right. Incidentally, in reading the *History of the Assembly* or the *Final Calendar of Legislative Business*, it will be noted that there was very little side play or preliminary action. The bill was introduced on the eleventh of January; it came back from the printer on the fourteenth; on the fifteenth it was set as a special order for the seventeenth; on the seventeenth it passed and went to the senate. On February first, it was made special order in the senate for Monday, February 4, and on February 4 it was read and amendments adopted; it was passed and sent back to the assembly on the fourth of February; on the fifth of February the assembly concurred in the senate amendments; and it went right down to the governor at 10:30 A.M. on the sixth of February. Two days later, on the eighth, he vetoed the bill.

Now let's turn and see what it was that he vetoed in 1946. What happened was that Assembly Bill 60 had the usual preliminary language. We're talking now in terms of February 1946; this is less than a year after the \$90,000,000 money had been put into a fund by the adoption of Senate Bill 625.

Actually, what Assembly Bill 60 of 1946 did, or was intended to do, was to appropriate the sum of \$90,400,000--that must have been the interest, the \$400,000--and the preliminary language (it's entitled "An Act making an appropriation for allocations to cities, counties, and cities and counties for the prevention or alleviation of unemployment through the construction of public works in which there is a state interest, and providing the procedure for making such allocation and for assignment of such allocation").

The preliminary paragraphs have the usual statements of legislative intent and purpose; they recite, for instance, at the beginning,

The surrender of the armed forces of Germany and Japan has resulted in the termination of war production contracts in California, the laying off of many thousands of workers and the rapid demobilization of the armed forces which is bringing thousands of service men and women back to the state each month. Efforts to maintain maximum employment, to stimulate and expand business and industry in order to provide private employment opportunities for returning veterans and displaced war workers, all of which will prevent or alleviate unemployment, are a joint obligation and duty of the state and nation acting within the scope of their powers and the limits of their resources.

An extensive program of public works to be constructed during this period of postwar adjustment will contribute materially to the maintenance of

maximum employment, provide employment for many returning veterans and so forth. The experience of this state during the Depression years with unemployment and its attendant hardships point to the necessity for a public works employment program.

A substantial program of postwar public works for the above purposes can be carried out in all areas of the state only if such a program is undertaken jointly by the state and by the counties and cities, making provisions in such a program for federal participation.

With respect to local government, Section 2 provides:

As used in this Act, 'local agency' means any county, city and county, or city of the state. The term 'project' as used includes the construction of publicly owned and operated facilities in which the legislature hereinafter finds and declares that there is a state interest proposed to be undertaken by local agencies in accordance with the provisions of this Act.

Then, \$90,400,000 is appropriated, and Section 10 says:

Of the money appropriated by Section 8, there is hereby allocated to all counties the sum of \$45,000,000 for expenditures within counties for the purpose of defraying the state's share of the cost of construction of projects.

And Section 14, over on page 8, says:

Of the money appropriated by Section 8, there is hereby allocated to all cities the sum of \$45,000,000 for expenditures within cities for the purpose of defraying the state's share of the cost of construction of projects.

MORRIS: Was \$400,000 for administration?

JOHNSON: Well, there is a specific provision for administration out of the \$400,000; there was ample. "This act shall be known and may be cited as the Construction and Employment Act." You'll notice that reference to cities and counties or "local" was kept at a minimum except where it had to be done in order to set the bill up.

When that bill passed, as I've indicated, it went to the governor on the fifth; on the eighth he vetoed the measure, but he had to state his reasons. Now he's back again, you'll note, in the same old familiar jargon that he used in 1945 in the *Berkeley Gazette* clipping for March 24. Here come the shrill squeals again, the whines:

To the Honorable Members of the Assembly:

I am returning herewith Assembly Bill 60 without my signature. This bill diverts the \$90,000,000 postwar unemployment and construction fund of the state to the use of cities and counties.

I'm reading at page 575 of the *Assembly Daily Journal* for February 8, 1946.

The bill divides this \$90,000,000 in half precisely as one would cut a melon.

You see, they couldn't get past the second sentence before they're getting back to the ridicule; you're cutting a melon, you're setting up Christmas trees, you're log rolling--the same old worn-out wheeze.

It then gives a \$45,000,000 slice--slice referring, of course, to the melon--to the cities of the state and a \$45,000,000 slice to the counties of the state, not on any basis of the need of any particular city and county but entirely according to an arbitrary formula based on population and road mileage. In view of the known needs of the state and particularly in view of the fact that our state is still growing, I find it difficult to understand the logic of the action which caused this

bill, after five weeks of the special session, to be the first major bill to reach my desk. It arrives in solitary conspicuousness, ahead of a long list of bills providing for state need.

Then he goes on with his alleged reasons:

The bill inaugurates an entirely new spending policy in state government. It appropriates for purposes which have not heretofore been accepted as the responsibility of the state. State financial history provides that such a precedent, once established, invariably opens the door to further demands and continued experiences.

It goes on; it's a very long message. I won't read it; there's nothing new in it. What happened was that within a week, on February 12, the legislature took up the question "Shall Assembly Bill 60 become a law notwithstanding the objections of the governor?" That's the manner in which the question has to be posed to the legislature; this is at page 646, the *Assembly Daily Journal* for February 12, 1946.

The question being "Shall Assembly Bill 60 become a law notwithstanding the objections of the governor?"

The roll was called and the assembly refused to sustain the objection of the governor by the following vote: 64 to 8.

As I've indicated, among the eight dissenters are Phil Boyd (Walter Fourt apparently wasn't there) Marvin Sherwin and Al Wollenberg --all close followers of the governor. The same question was then raised in the senate. I'm reading at page 502 of the *Senate Daily Journal* for February 13, 1946. The question was, "Shall Assembly Bill 60 become a law notwithstanding the objections of the governor?" The vote was 35 to 3. The three dissenters were Senators Breed, DeLap and Rich--all friends of the governor.

That's the end of the story. You will note that the much maligned Christmas Tree bills would have provided. . . . Had they passed as they were originally introduced. In their original form, they did not set forth a specific amount; however, as they moved through the legislature, the conversation mainly on the part of the opponents was that they were going to take \$100,000,000 and set up a fund for local log rollers.

But you'll note that what happened was that in 1944, \$10,000,000 had been appropriated with the governor's approval for preparing plans for postwar construction and by the bill just referred to in 1946--namely, Assembly Bill 60--\$90,000,000 was appropriated. I am looking at an amended form of Senate Bill 625, the Hulse-Swing-Hatfield so-called local postwar construction fund bill which the Warren people called the Christmas Tree bill--this is the April fourth amended form. On page 3 it refers to the sum of \$100,000,000 being appropriated.

We got \$10,000,000 in 1944 and we got \$90,000,000 in 1946. In the final chapter, it should be reported that we got exactly what we set out to get by Senate Bill 625 and Assembly Bill 427.

MORRIS: I'm unclear on one point; was this a different \$90,000,000 than the \$90,000,000 in the previous bill that was left without . . .

JOHNSON: Senate Bill 625. Let me clear that up. Senate Bill 625, as it was enacted in May of 1945 with the governor's concurrence, simply appropriated the \$90,000,000 and put it into a fund, with the provision that it could later be taken out and appropriated, only by legislative action and only in those cases where the legislature found that it was going to be used for projects in which the state had an interest.

So the money stayed there in that fund from 1945. It was too late in the '45 session to get into a program of distributing it, so it stayed there for a year; that was the understanding.

The understanding, as expressed in the letter that I read from the sponsors, saying that if they came back in special session, the

governor would state the call wide open so they could then take action at a special session.

They did take action. We took action in 1946, and we took the same \$90,000,000 out of the fund in which it had been put in 1945 and directed that it be appropriated--\$45,000,000 to the counties and \$45,000,000 to the cities.

The reason that Warren squealed in 1946, even though he'd agreed in 1945, was because the 1946 action was final; it was an appropriation.

MORRIS: What I was thinking of was the money that was eventually used for construction of state buildings, hospitals and . . .

JOHNSON: That's different. I have only been talking about postwar reserves, postwar planning and the legislative struggle. I deliberately stayed off anything relating to state building because those would be a separate and different operation. They would not be part of this basic struggle between the governor and the legislature. We'd be going on forever.

MORRIS: I understand that, but I just wanted to get it into the record so the reader would know that there was this distinction.

JOHNSON: This was the prime legislative-administrative battle of postwar planning.

[End Tape 8, Side A]

[Begin Tape 8, Side B]

JOHNSON: I just want to get in one additional thing. In discussing the 1945 legislative battle, I read some letters from my own hometown district pointing out that the city of Berkeley and the Berkeley board of education had problems. I failed to mention that in 1945 the city of Albany, which was also in my district, had also gone on record in favor of Assembly Bill 425 and Senate Bill 625; I've pointed out that they too had a big portfolio of needed construction work.

Similarly, when the 1946 bill was passed, and while the overriding of the governor's veto was pending, I have here in my files my original telegrams and letters from R.F. Cleary, mayor of the city of Albany, urging me to vote to override the governor's veto of Assembly Bill 60; the wire is dated February 12.

I have a letter from the city manager of Oakland [Charles Schwanenberg] urging me to vote to override the governor's veto. I have a telegram from Thomas E. Caldecott, chairman of the Alameda County Board of Supervisors, urging my support for Assembly Bill 60. I have a telegram from [] Harry Bartell, supervisor of Alameda County who was then, I think, the chairman of the County Supervisors' Association. All of the local governmental agencies in my home community were very strongly for this project.

I also have here dated December 7, 1945, a letter from Miss Ruth Kemp, the city clerk of Berkeley, writing to urge the legislature to set aside \$90,000,000 of surplus funds to assist the counties and cities. The local communities in my assembly district were all very strongly in favor of this legislation, and the same would be true of other legislators.

MORRIS: That certainly is a fascinating story, both the legislative process and the issues and the problems that developed. Nineteen forty-six also was election year, and there were a couple of things I wanted to ask you about that. Did you feel that there was any doubt that Warren would be reelected?

JOHNSON: In '46? No. Let me get out the election statistics and I'll show you why. In 1946 the primary was held on June 4. The candidates for governor were: Warren as the incumbent Republican; Father [] Ryker from Holy City down in the Santa Cruz Mountains, who got 5,300 votes on the Republican ticket; [Robert] Bob Kenny, the attorney general, who allowed himself to be talked into running as the Democrat candidate, but also ran as a Republican; he only got 70,000 against Warren's 774,500 on the Republican ticket.

Warren also cross-filed and ran against Bob Kenny on his own Democratic ticket. Father Ryker ran on the Democratic ticket; and a character from Los Angeles County, active in the peace officers' legislative conference or something of that sort, named A. Belden Gilbert, who actually was running for the exercise. Father Ryker got 8,175 votes on the Democratic ticket; Belden Gilbert beat him a little bit--he got 9,800. But Warren got 593,180 Democratic votes against Bob Kenny's 530,968, and therefore Bob Kenny was eliminated at the primary.

It should be explained that Bob Kenny himself, within a year before that, had said that only a fool or a martyr would run for governor of California. But in typical Kenny fashion, having issued a pearl of wisdom, he allowed himself to be talked out of it, and against his own better judgment he ran. He didn't run very fast, and Warren eliminated him as everyone expected that he would.

MORRIS:

JOHNSON:

Do you think Kenny wasn't really serious about the candidacy? Bob Kenny has an unusual habit of being delightfully lighthearted about most serious things. He's an exceptionally intelligent man, but he knew better; he just allowed his friends--the radical Democrats--to push him into it. No one else of any stature had come forth to run against Warren, and they just egged Kenny into running.

At the final. . . . Incidentally, in 1946, Warren, running with the Republican and Democratic nominations in his pocket, received on November 5 at the general election a total of 2,344,542 votes. There was no Democrat; Bob Kenny's friends wrote in for him in certain cases--mostly Los Angeles County--but they only got 1,600 write-ins. [James] Jimmy Roosevelt had a write-in; some of his friends, protesting against Warren, put on a write-in; they only got 3,200. Henry Shmitt, the Prohibition candidate, got 180,000; [] Archie Brown, who was a registered Communist, put on a write-in and got 22,606.

The re-election of Warren in 1946 was a foregone conclusion, but Bob Kenny's jumping in at the last minute and not putting on a very strong campaign simply added up the margin of Warren.

MORRIS: Did you tell me that you decided not run again that year?

JOHNSON: I had decided shortly after the 1944 election that twelve years was enough. Let me say for the record that at that time a life sentence in California, according to my experience with the penal system of California, was twelve years and seven months. If a man was sentenced to prison for life, it usually meant he served a maximum of twelve years and seven months.

I concluded that I had spent a life term in the legislature and that if I were ever going to be a lawyer, I'd better get out of the legislature--in fact, out of politics--and start practicing law full time. That's what I did.

MORRIS: You said that you gave this matter some conscious thought and that you actually had to go through a process of disentangling yourself.

JOHNSON: I think what I said was that--and this is true, whether I said it previously or not--I decided that if I was going to get out of the legislature, I was also going to get out of politics completely and not allow myself to be drawn into sideshows which were just as time-consuming.

Politics, as I think I said before, is a well-recognized form of marijuana; it's very hard to get out of your blood once you let it get in. What I had to do was to get out completely, not spend time going around to political meetings, and establish a law practice.

I tried to do that from 1947 until sometime in 1950; I felt that I had established myself fairly soundly. By that time, I began getting back into bar association activities and some modified form of political activities: membership on the state central committee and the county central committee and the like. Since then, I've been doing that.

MORRIS: You said that you could give us a few observations from a distance on the 1948 and 1952 national conventions when California's potential candidates were very much on the scene.

JOHNSON: I was not a delegate to either the '48 or '52 conventions.

MORRIS: You were back on the state central committee, weren't you?

JOHNSON: I got back on the fringes of the state central committee in 1950. However, I was not a delegate. I think what I said that I might be able to give you was something about the [Congressman Thomas H.] Werdel delegation.

MORRIS: That's right. That would be '52.

JOHNSON: To the 1952 convention.

MORRIS: There was a Werdel slate on the ballot in the primary, if I remember right.

JOHNSON: That's right. It needs to be pointed out that at the primary election on June 3, 1952, the Republicans in California had two choices; they could vote either for a slate of delegates preferring Thomas H. Werdel or a slate of delegates preferring Earl Warren.

Checking the official statistics as released by the secretary of state, Earl Warren received at the primary 1,029,495; Werdel delegates received 521,100. In other words, Warren, the incumbent governor, having been governor for almost ten years, only defeated this Bakersfield congressman by two to one.

Without any discourtesy or discredit to . . .

[Interruption]

JOHNSON: It happened that Tom Werdel allowed his name to be used because they couldn't get anyone else to do it. The fact that a relatively unknown congressman from Bakersfield got over half the number of votes that Warren did indicates that there was great unrest within the Republican party.

I think more than anything else, at that time there was great resentment of this use of the so-called "uninstructed delegates" technique. That had been done a number of times. As you asked me previously, Jerry Seawell had allowed his name to be used in

one of the presidential campaigns, I think in 1940; let me check that.

Yes. At the 1940 presidential primary, on May 7, the only choice available to Republicans in California was the delegation pledged to Jerrold L. Seawell. As I've indicated, previously, Jerry Seawell was a state senator from Roseville.

The fact is that at the primary, we as Republicans in California had no other choice; he was confessedly a favorite son, and not a very favorite one at that, in that he disavowed any interest at all in becoming president.

In 1944, at the presidential primary on May 16, 1944, Earl Warren was the favorite son. In 1948, it was Earl Warren. In neither one of these latter ones did we have any alternative; it was just Warren. By the time 1952 rolled around, we had had three successive periods with favorite sons, and in '52 Warren is back for the third time as a favorite son.

The Republicans who were by that time becoming pretty fed up with so-called favorite sons put together a delegation and they got Werdel to become the nominal candidate.

MORRIS: There was also [Senator] Richard Nixon, who by that point was interested, was he not?

JOHNSON: No. Nixon was by that time a senator, but he was not a candidate; he was simply on the delegation. He was on the Warren delegation. Let me find his name.

Nixon was the second delegate-at-large on the Warren slate in 1952, Bill Knowland being the first one. Nixon simply went to the convention as a delegate. But what he did was to get off the Warren train and make special arrangements; he got back to Chicago on his own before the Warren delegation did. That's when he apparently set up his conferences with the Eisenhower people and outmaneuvered both Bill Knowland and Earl Warren.

MORRIS: Was there some thought that Mr. Knowland might be a possible choice?

JOHNSON: None at all that I know of. What I didn't finish telling you with respect to the Werdel delegation was that there was enough festering resentment against Warren and his friends tying up the entire Republican selection process for twelve years, that major efforts had been made to get genuine candidates to come into California; when I say genuine candidates, I'm referring specifically to people of the stature of Senator [Robert] Taft.

For instance, I remember specifically, in the spring of '52 when the preliminary procedures of qualifying for the California primary ballot were going on, the Republican National Committee held a meeting in San Francisco--one of their series of meetings. I read in the paper that [David] Dave Ingalls--I think he was from Illinois--who was a cousin of Bob Taft, was going to be out here and that the meeting was going to be at the Mark Hopkins Hotel.

I went up there, just on my own. I took a friend of mine with me who was interested in Republican politics and who was also in a position to be a financial contributor. We went up and sought out Dave Ingalls. We found him at a cocktail party. We went in and introduced ourselves and said that we had many Republican friends in California who were opposed to the idea of having so-called favorite sons deprive the people of the state of ever having a chance to take any part in selecting from among or between the actual serious candidates.

When you have a favorite son on your ballot and that's your only choice, you really have no part in selecting the president, because the favorite son isn't going to become president; all that you do is you elect a bunch of delegates who go back there and the leaders trade votes. The result is the people have no voice.

What we wanted--we didn't care who the candidate was, inwardly we did--we wanted to break up this idea of having continual favorite sons. We wanted the real serious candidates to come in and run. We took with us newspaper clippings reporting on polls taken in California. The polls at that time showed that the

people of the state were fed up with favorite sons and that in a showdown between a favorite son and any one of the serious candidates, the serious candidate would beat the favorite son.

We showed these clippings to Dave Ingalls and we urged him to put together a slate. We said, "There can be put together right now a slate of Republicans that will be just as well qualified, just as experienced, just as respectable, just as attractive as vote-getters, as any other delegation, including the only one that's going on the ballot," as it seemed at that time--namely, the Warren favorite-son slate.

He said he knew all this, that other people had urged him to have Taft file. But he said, "I've given my word and I'm not going to break it." We said, "Do you mind telling us to whom you've given your word?" He said, "No. You've come to me and you speak quite honestly; I'll do the same. I gave my word to Norman Chandler."

We said, "You mean Norman Chandler of the *Los Angeles Times*?" He said, "Yes. He and his friends represented to us (namely, the Taft organization) that should Taft come into California and put a slate of delegates on the ballot and run against the Warren favorite-son slate that it would produce disunity and lack of harmony among the Republicans of California. We don't want to be chargeable with that; we're not coming in."

As you remember, as it turned out later, had Taft come into California and had he beaten the Warren delegation and had he gone to Chicago with the California votes in his pocket, he would have defeated President Eisenhower for the nomination; it was that close.

What happened was that by Warren's friends, including Norman Chandler and people of that ilk, being able to maintain air-tight control over the Republican party by keeping any major candidate out of California, all that could be done was that the group finally got together and put Werdel up as a candidate. They

had no chance but they still got one-third of the Republican vote running with an unknown congressman from Bakersfield.

MORRIS: That's a piece of story that we hadn't gathered before. Very interesting.

JOHNSON: Incidentally, I was in Washington on legal business later in the spring--in the summer of 1952. By that time, I had been working on some legislation for the construction industry with Senator Taft's staff. I went down one day to talk to [Thomas] Tom Croyer, who was Taft's political assistant, and I had met him down at a senate committee hearing on a construction industry Taft-Hartley bill, so I knew him.

I went down and had a talk with him about a proposed bill and then I said, "Can you talk politics for a few minutes?" He said, "That's all I'm doing." He got out his charts and showed me how he was working on the delegations. By that time it was apparent that the Taft situation was desperate and becoming more so every day.

I said to him, "I don't want to spoil your day, but let me remind you that early this spring, my friend [Charles] Charlie Harney (who was interested in this construction industry bill) and I went out to see Dave Ingalls in San Francisco and we urged him to come into California, bring Taft into California. We said he could get a respectable list of delegates and he'd win. He told us he couldn't because he'd promised Norman Chandler not to."

I said to him, "Wouldn't you like to have those California delegates now?" His answer was, "Don't bring up anything more like that today."

MORRIS: I don't know if it's in state or national politics, but how much of an issue was communist influence in California? You'd been on the Assembly state Un-American Activities Committee back in '46, and that issue continued to crop up after that.

JOHNSON: How do you mean? Let me try to answer your question. Certainly the organization Democrats, and specifically the close friends of Helen Gahagan Douglas, will tell you that that was the false issue

that Nixon raised in his first contest for United States Senator when he ran against Helen Gahagan Douglas.

In fact, Helen Gahagan Douglas's friends and those who thought as they did, have never forgiven Nixon because he and his associates referred to her all over the state during the campaign as "Mrs. Marcantonio." You remember there was a congressman from New York City named [Vito] Marcantonio who was an open, admitted card-carrying communist. The Nixon people pointed out throughout the state that his voting record in Congress was practically identical with hers. Therefore, they called her Mrs. Marcantonio.

That was an issue in that campaign.

MORRIS: Was it an issue in the Warren campaigns? I know it eventually surfaced specifically . . .

JOHNSON: Which Warren campaign?

MORRIS: Nineteen fifty and fifty-two.

JOHNSON: Fifty-two was a presidential year. Fifty would have been a gubernatorial year.

MORRIS: But the loyalty oath issue at the university seemed to grow out of the state Committee on Un-American Activities.

JOHNSON: I personally don't remember without refreshing my recollection; I don't remember the communist issue--communist infiltration--ever becoming an open issue in any statewide campaign except when Olson was running. Then there were criticisms all over the state that, for instance, he'd pardoned Tom Mooney and that he was--to use the colloquial term--cozy with communists and lefties of all kinds.

Other than that, I can't recall the communist question. It was an issue in certain communities. For instance, to be specific, Chester Gannon, an assemblyman from Sacramento, was eliminated in a Republican primary because the *Sacramento Bee*, with all of its ability to draw ridiculing cartoons and editorials and the like, took after Chester Gannon and claimed that he saw a

communist behind every telephone pole and under every bed. They literally laughed him out of the assembly; he was defeated at the Republican primary by a man named Gordon Fleury who didn't stay in the legislature very long but became a superior judge in Sacramento County and then didn't stay there very long; for some years now, he's been back as a lobbyist in the legislature. That was a specific instance of a fellow being ridden out of office because of his seeing communists.

MORRIS: When Warren was on the [U.S.] Supreme Court, I believe the phrase was "soft on communism." There seem to have been a couple of instances where the bar association and Warren were involved in differences of opinion. I wondered again about this.

JOHNSON: I think what you're referring to. . . . The American Bar Association, back about 1957 or '58, had a committee on communism as a political ideology, or something of the sort. An attorney from Illinois named J. Fred Schlafly was the chairman of the committee.

Incidentally, Fred Schlafly is the husband of Phyllis Schlafly, who is fairly well known among organized Republican women. She writes a legislative congressional political bulletin out of her home in Elton, Illinois, and she has been a candidate for national president of the Federated Republican Women.

Fred Schlafly and his committee turned in a report to the American Bar in which they analyzed the record of the Warren court by checking on cases involving the communist issue. This report was devastating to Warren's position among the more conservative people who took the communist issue seriously.

The big wheels of the American Bar didn't see eye-to-eye with Brother Schlafly and they buried his report. I was at the American Bar convention in London where it was returned; I tried to get a copy and I couldn't. Eventually, I did get one, but it took some doing because they had the report buried.

Among knowledgeable lawyers, familiar with the various legal aspects of communist activity, particularly in industrial plants, there isn't any question about it. The Warren court was regarded as seldom deciding a case against a communist. I think we've brought that out already in connection with the Cutter Laboratory, although we may not have.

I represented Cutter Laboratories in a case before the Warren court involving a communist, and I won my case. In the Warren supreme court, with Warren and [Justice Hugo L.] Black and [Justice William O.] Douglas dissenting, they decided six to three in favor of Cutter Laboratories and against an employee named Doris Brin Marasse Walker Roberson.

MORRIS: That's quite a collection of names.

JOHNSON: She is still practicing law in San Francisco and Oakland under the name of Doris Brin Walker.

MORRIS: Did you feel there were any strong points of the Warren court?

JOHNSON: Strong points of the Warren court?

MORRIS: Yes. Strengths and weaknesses.

JOHNSON: Of course, the most interesting thing to me about Warren in the supreme court was, number one, how he got the appointment, the circumstances under which he got the appointment; secondly, how having gotten it, he did a complete flip-flop on his past record, just as he did with us when he flip-flopped on the postwar construction bill after having signed the 1944 legislation. This is a long story and the subject of a couple of other discussions.

MORRIS: What do you mean?

JOHNSON: What do I mean about how he got the appointment?

MORRIS: Yes, briefly.

JOHNSON: Have you ever picked up the story about how he got a commitment from Eisenhower and how [U.S. Attorney General Herbert] Herb Brownell came out to Travis Air Force Base and try to argue with him?

- MORRIS: The gist of the story, as I hear it, was that Eisenhower had offered him the next vacancy on the supreme court, and everybody was rather startled when the next vacancy turned out to be the chief justice position.
- JOHNSON: That's right. Do you have the Brownell story?
- MORRIS: Only that Brownell was the contact person. In other words, Eisenhower did not particularly want Warren as chief justice.
- JOHNSON: Eisenhower didn't want him, period.
- MORRIS: At all?
- JOHNSON: As chief justice, and claimed that he had never promised it. In the end, Warren was a very unrelenting man and Eisenhower didn't care that much or it wasn't his nature to hold out and fight, and he gave in.
- MORRIS: Would he have consulted Nixon on this at all, do you suppose?
- JOHNSON: No.
- MORRIS: The hour is getting late.
- JOHNSON: I have to go because I have a committee meeting tonight at 8:00 of which I'm chairman.
- MORRIS: I want to ask one personal question. I haven't heard about your brother Gordon since you were back there running your first campaign in Berkeley. Has he continued his interest in politics and public affairs?
- JOHNSON: Sure, but he's been sensible enough to stay out of it. He's gone on being a lawyer and, as I think I told you, he is now the senior partner in one of the big law firms in town.
- MORRIS: Thank you so much for all the time you've given me for this project, and all the effort you put into pulling out the documents on your legislative work.
- JOHNSON: You've seen my problem as we've been working. When you're in the legislature, you don't have time to organize files. I did much better than most of them, in that I threw things into these folders. I've had to sift through today because there's no order to some of these things.

- MORRIS: There's the order of when they appeared on the scene.
- JOHNSON: In fact, I had to spend considerable time here this week going through and rereading and checking to pull together the significance of many of these things. You can't, just by looking at the file, tell why I put them in here. Most of them I have put in on the theory that they were related to some phase of the problem. But they were not filed with any degree of exactitude, although I can locate pretty well what I need.
- MORRIS: This collection of the pamphlets and articles on planning I think is fascinating, and the way it fits into what came out of it in legislation.
- JOHNSON: It shows, certainly beyond any possible dispute, that nobody had any patent on postwar planning thinking.
- MORRIS: Yes. But that there was a great need for it.
- JOHNSON: Yes. And also a lot of organizations, including a brewing company, were spending money to try and do something about it.

[End Tape 8, Side B]

[Session 5, March 18, 1983]

[Begin Tape 9, Side A]

MORRIS: What we're looking for now is some of your activities in the Republican party that related to Ronald Reagan becoming active in the party, and then the formation of the Citizens for Constructive Action and their search for a gubernatorial candidate, and then encouraging Mr. Reagan to run.

JOHNSON: The first suggested subject was the early activity of Ronald Reagan in the Republican party? Is that correct?

MORRIS: Right.

JOHNSON: The first time that I saw Ronald Reagan participate in Republican party activity of any kind was during the [Senator Barry] Goldwater [Sr.] activity at the convention, the Republican National Convention, at the Cow Palace in 1964. That was also the first time I had heard of his taking any part in any party activity. The way that came about was that I was a member of the California Goldwater slate of delegates which defeated, as you remember, the [former Vice President] Nelson Rockefeller slate at the presidential primary in that year. And therefore our delegation became qualified to attend the convention as California's delegates.

I took an active part, along with United States Senator William F. Knowland--Bill Knowland to me--who was the chairman of our delegation. I took an active part in the preliminary work of the committee.

MORRIS: In preparation for the convention?

JOHNSON: In the first place, in preparation for running at the primary. In order to have a Goldwater slate, we had to follow the mandate of the statutes, which was forming a slate of delegates, preparing the petitions for signatures, and then processing those petitions in the various counties, filing them with the secretary of state and following through to make sure that we had sufficient signatures, valid signatures, to qualify our delegation.

Now, I should point out that in the case of the Goldwater slate, all of that was done by hand, so to speak. It was a hand-processed, volunteer performance. At every step. There were no salaries paid. Knowland and I, in cooperation with four or five other volunteers, some of them from southern California, selected the various delegates so as to make them fit into the congressional districts and to make sure that we had people who had been active in a major way in prior Republican activities (in other words, people whose names would be meaningful in their particular district or statewide). When we had communicated with those people and made sure that they were willing to run as delegates, then we had to go through the procedure of obtaining their signatures. They had to sign certificates of consent to serve on the delegation, which we eventually filed with the secretary of state. In our case, we obtained photographs of all of them so that as the need might arise, we'd have it available.

With those names available to us, a complete slate of them, we then prepared the formal petitions for printing. That was my assignment, and I obtained, fortunately, the assistance of a man named Herbert L. Hanley, an insurance broker in San Francisco.

Herb had been, back in the fifties, I think, a chairman of the San Francisco [Republican] County Central Committee and had participated in a number of campaigns. He was peculiarly familiar with the technicalities of preparing petitions and conforming to the forms required by the law and attending to the detail of getting the precise form that was required and then following through on

having the petitions printed. He took charge of that under my direction.

MORRIS: Could you tell me what there was about Mr. Goldwater that appealed to you as opposed to Nelson Rockefeller, who was the other major candidate, or Richard Nixon, who was a well known California Republican?

JOHNSON: Let's take Nixon first. He was not a candidate. If you remember, he had run for governor of California, as I recall it, in 1962, and he was eliminated or defeated by Pat Brown. And you will remember his famous comment about "They won't have Nixon to kick around any more," after he lost. Now, he had not recovered from that joke, nor had he established new strength. There wasn't enough time. So he wasn't a candidate in '64.

The principal opposition, of course, was Nelson Rockefeller. I knew them both, as Bill Knowland did, and many of our other delegates. I decided about August or September of 1963 that I would support Barry Goldwater and that I wanted to get into the active preliminary work of the delegation.

MORRIS: What was there about Mr. Goldwater that appealed to you?

JOHNSON: Well, if you recall, at that time Barry Goldwater was a United States Senator. He had taken part in the enactment of much of what there was of a Republican congressional program. He had written, or at least put his name to, that famous book called *Conscience of a Conservative*.¹ I had read the book and was impressed by him. It seemed to me that, as Phyllis Schlafly yet later put it in a title to a paperback that she wrote, he presented our only choice--that's a bad word for me to use right there--our only possibility for a choice, not an echo. That was the name of the book, *A Choice Not an Echo*.² It seemed to me that he presented the only opportunity for us to have an aggressive candidate, who would voice in an articulate way, the conservative thought of the

1. Shepherdsville, Kentucky: Victor Publishing Co., 1960.

2. Alton, Illinois: Pere Marquette Press, 1964.

Republican party, which I had supported for some years. He was logically, I think, my choice, and I made that decision by August or September of 1963.

I did two things. I went to Los Angeles and met John Tower, [U.S.] Senator from Texas, who had become an active leader of the organizational part of the Goldwater campaign. I talked to John, as I recall it, at the Biltmore Hotel, and explained my thoughts, including what I thought needed to be done in California in a preliminary organization way.

He told me that Bill Knowland was to be the chairman, or possibly I knew that when I went there. Anyway, he confirmed it and suggested that I communicate with Senator Knowland.

MORRIS: That Knowland was the chairman of the . . .

JOHNSON: Of the organizational committee?

MORRIS: For Goldwater.

JOHNSON: Yes. Under the law, a candidate is required to designate a committee--I think it was three at that time--and when the candidate designated those people, they became his official committee for the purpose of getting together a slate, preparing the petitions, following through all of the necessary legal technicalities to qualify the candidate to go on the ballot.

So Bill Knowland was to be the chairman of that operation. I don't remember at the moment who the other two were, the other two members of that committee. I could find out by locating my files. But anyway, he was the one I dealt with.

He shortly agreed to have me join the action and laid out certain functions that I could take charge of and see that they were accomplished.

MORRIS: Were you on the Republican State Central Committee at that point?

JOHNSON: Yes, I was. I have been on the Republican Central Committee overall for forty-nine years.

MORRIS: That's quite a record. You'd probably be the senior member.

- JOHNSON: Yes. Now, I was off, let me say, I was off for about four of those years. My six terms in the legislature as a member of the assembly from Berkeley and Albany terminated in January of '47. I had been on as an ex officio member, namely a nominee for election to the assembly, from September '34 to January '47. And then when my legislative term ended, and thereby my ex officio position as a state central committee member, I was off for about four years, until 1950, when I was invited back to participate, along particularly with two very close and good friends of mine, namely Ed Shattuck from Los Angeles and Phil Davis, formally M. Philip Davis. They were already active in trying to strengthen the state central committee and the party.
- MORRIS: And would the three of you have worked for Thomas Werdel? Wasn't he a candidate of more conservative beliefs?
- JOHNSON: He was a nominee--or wait a minute--he was a candidate for president at the Republican convention in Chicago. As I recall it, it was in 1952. He ran against Earl Warren in California.
- MORRIS: In the primary.
- JOHNSON: Yes. And he had a slate of candidates. Herb Hanley was on that Werdel delegation, as I recall it. I know Ed Shattuck was not, and I don't think Phil Davis was. I can check that in a minute here; I have the election . . .
- MORRIS: I was just interested in the continuity of people concerned that there be a viable conservative candidate.
- JOHNSON: Let me point out that Ed Shattuck eventually became national committeeman. During 1964, which is the year we're principally talking about, Ed Shattuck was the leader, or one of the leaders, of the Rockefeller delegation. On the other hand, my other close friend whom I mentioned, namely Phil Davis, signed on with us on the Goldwater delegation. So that exemplifies, in a way, what we had that year. We had close friends who had been active for many years in party activities opposing one another. We were on different slates. I guess you could say in fairness that we supported

different hues of conservatism or Republicanism or whatever you want to call it. But in our case, we did that without rancor. In other words, Ed Shattuck didn't become a personal enemy of ours, nor did we become enemies of his simply because we were on different slates.

Now, I took no part in the Werdel delegation. On the other hand, I had gone to the Mark Hopkins Hotel in what must have been 1951, because I read that the national committee was meeting here. I knew very little about it or its workings at that time, but I read in the newspaper that they were meeting here. Bob Taft's cousin--Dave Ingalls, I believe his name was--was to be here. I saw him out at the Mark Hopkins Hotel late in the afternoon after their meeting had adjourned, and I had someone else with me.

I brought along clippings, showing by polls that Warren, running as an uninstructed delegate and therefore not committed to any particular program. . . . My clippings showed beyond any question that if a strong, forceful, experienced candidate, even though from out of the state, entered the California primary, he'd beat Earl Warren.

MORRIS: Somebody espousing a specific program or approach?

JOHNSON: Right. And I went to see Ingalls, because I favored Bob Taft and had great admiration for him and confidence in his ability, both as a legislator and a campaigner. My plea to Dave Ingalls was "Don't be buffaloed by the newspaper publishers," which at that time, of course, included my friend Bill Knowland. But I said, "Don't be buffaloed by them and this propaganda for this uninstructed delegation." I said, "For instance, if your cousin, Bob Taft, will come into California, you will be able to put together a respectable, highly salable slate of delegates and you will win, and here's the evidence that proves that."

He told me that he tended to agree with my view, but that he was sorry to tell me that he had been to Los Angeles before he came to San Francisco, and he said, "We've made a commitment,

and we're not going to violate [it]," and he said, "I can tell you that our commitment is that we will not run a slate in California against Warren." He said, "I tend to agree with your conclusion that if we came in we could win, but we don't want to cause dissension in the party."

I asked him to whom he'd made this commitment, and he told me that it was Norman Chandler, then the publisher of the *Los Angeles Times*.

MORRIS: So does that mean that the Werdel slate was in a sense a place for people who liked Bob Taft to go?

JOHNSON: No, I wouldn't say that. There certainly were some. I'd have to check the list and the names. But as I recall it, there were quite a few people on there who were, say, prominent locals. (I have no idea what their stripe of Republicanism is.) They didn't like the idea of dissipating our influence at the convention by backing some candidate who really wasn't a candidate, who was there just to make a deal if he could. And that's what we thought Warren was.

As it turned out, we were right. He made his deal. With Eisenhower. Which resulted in his being appointed Chief Justice of the United States Supreme Court.

MORRIS: I see. He made a deal with the Eisenhower people, or . . . ?

JOHNSON: He was a candidate nominally, and he, as you recall, did not withdraw as a candidate until quite late, and he was appointed eventually Chief Justice of the Supreme Court. President Eisenhower, who was elected, states publicly that he had made a commitment to Earl Warren that he would be appointed, and then they got into a wrangle over whether he had actually committed to appoint him chief justice, which he said he hadn't. But he said, "I made a commitment to appoint him, and I'm not going to back out on it." Later on he said that was the worst appointment he ever made.

Now, getting back to your question about the Werdel delegation, subject to check, which I can easily do, my recollection

is that the delegates were largely either prominent locals, as I call them, or else some of them were strongly anti-Warren. Others were simply opposed to anyone who would run as a favorite son without any intention of becoming a candidate and thereby exerting our strong position. We had at that time about forty delegates.

MORRIS: You felt the Republican delegation should work together as a bargaining unit?

JOHNSON: We thought that any candidate who was a real candidate could be helped in a very major way by having forty delegates.

MORRIS: Was Mr. Nixon consulted in all this process of . . . ?

JOHNSON: Not to my knowledge. He became the vice president out of the '52 convention. Oh, he was on the Warren delegation, naturally.

MORRIS: Right, as an officeholder, as a Republican officeholder.

JOHNSON: Well, yes, but as a delegate. Being an officeholder doesn't automatically put you on the delegation. You have to be chosen by the committee that selects the delegation in order to get on.

Now, what happened, Tom Werdel did agree to--he was a congressman at the time, I think from Bakersfield--he did agree to become a candidate, I'll say a "figurehead" candidate, but nonetheless a candidate, who said that if he happened to be chosen, or his slate did, in California, he would wage a real campaign. He didn't win, but he got one-third of the vote against Warren. You have to keep in mind that one more vote than half would have elected him. He got more than a third, so that would be more than 34 percent, so he only needed 16 or 17 percent to win. And here he was, I'll say a good, but not a prominent, congressman, and with no national standing of any kind. But in his own home state, he got 34 percent of the vote against the incumbent governor, which I think tended to support my theory--and it wasn't really mine; it was what the polls showed--that any strong candidate would beat an uninstructed delegation, even though headed by Warren.

But that's the way that situation worked out. Now, what I started to say was that I had become interested in becoming active in that campaign, but when the Taft people made it clear that they had committed themselves not to run a slate, I did not participate in the Werdel fight at all.

MORRIS: Right. But you continued to be interested in finding a strong Republican conservative.

JOHNSON: Well, you have to work for what you believe in.

[End Tape 9, Side A]

[Begin Tape 9, Side B]

JOHNSON: When President Eisenhower defeated the Taft forces at Chicago That's the one where the Texas delegation, as you remember, actually decided it by going largely for Eisenhower, whereas Bob Taft thought he had them.

I happened to be in Taft's office several months before the convention assembled, and a fight for odds and ends of delegates was then beginning . . .

MORRIS: Beefing up the numbers.

JOHNSON: . . . beginning to close. And the Taft people were not doing well. I remember going into his office, Senator Taft's office, and I met there a man named [Thomas] Tom Shroyer. He was on Senator Taft's staff, and he had been delegated the responsibility of running the drive to communicate with and try to sign on additional delegates. He said to me, "I sure wish we'd taken your advice."

MORRIS: And come into California?

JOHNSON: "When you went to see Dave Ingalls and suggested that we come to California, because," he said, "we could use 40"--or 42 or whatever it is--"we could sure use those votes right now."

He knew then, I think, that they were slipping and that the party was about over. At any rate, they didn't have those 40 votes.

In the intervening campaigns [before 1964], as you recall, in 1956 President Eisenhower was a shoo-in for the nomination,

except for that silly would-be revolution that the boy wonder, [Special Assistant to the President of the United States on disarmament] Harold Stassen, tried to stage, a bit of a revolt. It was a tempest in a teapot. I was a delegate to that convention. Warren being out of the way, I was accepted back in the party again, and I was a delegate by designation, as I recall, of Governor [Goodwin] Knight. At any rate, I was on the delegation, and I was active at the convention. It was an Eisenhower-pledged delegation, and of course President Eisenhower won the nomination as a shoo-in.

That was '56. Then '60 was the convention at Chicago where Nixon was a candidate. If you remember, he made his famous trek to New York City and went over to Rockefeller's apartment and tried to get Rockefeller to support him and not to become a candidate or not to mess around with the convention. But Rockefeller refused, and Nixon continued then. A large number of the delegates tried to get Barry Goldwater to run against him.

MORRIS:

In 1960?

JOHNSON:

Yes, at Chicago. And I heard . . .

MORRIS:

After the primaries were over? This was an attempt to nominate him from the floor, as it were?

JOHNSON:

I'm not sure now. I'd have to check the proceedings of the convention, which I have at home. But my recollection is that he had some delegates, and they nominated him. And my memory, while it's good, may not be perfect. But my recollection is that Walter Judd--the congressman, who had been a missionary to China, and who was a very effective, articulate speaker--it is my recollection that Walter Judd nominated Barry Goldwater. And promptly Barry came to the rostrum and withdrew his name, but over the bitter protest of a lot of the delegates who whooped and hollered that he should stay in.

As I viewed it at the time and still do, this was the first vocal evidence of increasing hostility towards Richard Nixon within the party.

MORRIS: Why was that, when he was the incumbent vice president and might be considered to feel that it would be logical that he would have support to then move up to the presidency?

JOHNSON: Well, I can't give a conclusive answer, of course, but my recollection is that there were many people within the party who did not like Dick Nixon's methods. Remember the scrape he had over Checkers, the dog.¹ Hostilities had arisen out of quite a few of the things that he'd done. For instance, the Warren people here in California hated him because of what they said he did. Their position was that they were all on the train en route to Chicago, and he got off the train at Omaha or some such place and went on ahead and sat down and communed with the Eisenhower people, whereas he was a Warren delegate. He was criticized bitterly for that activity. He came out temporarily the winner. He got the vice-presidential spot, which I'm sure Earl Warren would have gladly settled for, even though he eventually got the commitment from Eisenhower for the appointment to the supreme court.

That's what happened on those conventions. And in developing that, I brought out an important point that I had not thought of when I started this long statement. Goldwater was prominent then as the leader of conservative thought. The conservatives within the party--and I guess many others--would have preferred him to Nixon even in '60. So that it was from then on that he developed increased stature throughout the nation. And that's why in '63 and maybe in '62, he was already a frontrunner, or one of the frontrunners, for the nomination in '64.

1. Mr. Johnson is here remembering the suggestions in September 1952 that Nixon should resign as vice-presidential candidate because of questions about funds raised privately for his use as a U.S. Senator. Nixon successfully defended his place on the ticket in a televised speech which included references to the family pet and came to be known as the "Checkers speech".

MORRIS: And so you came aboard as a Goldwater activist then in '63?

JOHNSON: That's right. As I pointed out way back in this record, the Goldwater candidacy in California at the primary in 1964 was a sort of do-it-yourself, homemade-style, volunteer performance.

MORRIS: Because there weren't that many people who were interested?

JOHNSON: No, to the contrary, because we had thousands of volunteers who were craving to do something to help. And so we put them to work. What we did, as I started to say, Herb Hanley was in charge of the preparation of the petitions and the other legal documents. He worked with my cooperation, I'll say supervision, and the entire process of preparing these petitions was voluntary. Naturally, we had to pay a printer to get them printed. But something happened. There was a printer's strike on in San Francisco. And so, Herb Hanley had gotten up all of the forms and had edited them, and had them in apple pie order; so he had to take them to Los Angeles and got a printer down there to do the print job. There was a time limit, very strict.

We were so afraid that someone would sabotage our paperwork that Herb did not allow the printer to forward these petitions back to San Francisco by normal express methods. On the date when the petitions were to be ready for delivery, Herb went down, I think on PSA [Pacific Southwest Airlines], he went to Los Angeles and he brought the petitions back on the plane, as excess baggage, so that he sat right with them on the plane to make sure. I think he had to buy an extra ticket for the petitions. He paid for the excess weight as excess baggage. He brought them back, and then we had volunteers waiting at the airport, either with pickup trucks or other automobiles, and they took their allotted number of petitions. These were county representatives. The southern California petitions, of course, were handled out of Los Angeles. But Herb brought back the northern California petitions, and the various county chairmen were at the airport waiting for

him, and they picked up the petitions and went right back to their district and started circulating them that night.

Now, that was done by volunteers. We had had meetings down at the San Francisco airport, the Hilton Hotel at the airport, and also one in Los Angeles, I think at the International Hotel at the airport. We had brought in our county chairmen and a few of their assistants, and we had classes on what to do and how to handle the obtaining of signatures, how to use the petitions to make sure that there would be a minimum of disqualification of signatures. We also had determined that, under California law, the first completed set of petitions would get the number one position on the ballot, and we wanted it. So did the Rockefeller people. But as it turned out, they had no chance. Because theirs was a bought-and-paid-for operation, and ours was volunteer. At these meetings we not only instructed the people from the various counties how they were to manage the distribution and the circulation of the petitions, but we set time limits, when they were to start circulating, how they were to finish it off and when the petitions would be turned in.

The result was, with entirely volunteer help, we had more than enough signatures in one day! Finally the county clerks in the different counties were complaining that people were getting so many signatures that they'd have to spend needless money checking, and they asked us to stop bringing in more petitions, which we did. We also had decided at these instructional meetings that there would be some sort of formal awards to the county that qualified their petitions first. And that happened. One chairman flew in, I think, from Inyo County. (It could have been Mono.) He raced in by plane. And another one drove in from Auburn, and a fellow named Ray Berry, who was from one of the northern counties--something like Plumas, I think--he flew in also. But I seem to recollect that the Inyo County or Mono County chairman got there first, to Sacramento.

The result was it wasn't any contest at all. We got the Goldwater petitions into Frank Jordan's office first, so Goldwater got the first place on the ballot.

MORRIS: That's a very impressive job of organization and building enthusiasm.

JOHNSON: It was a great psychological thing. We gave a membership card sort of thing to everybody who participated, you know, certifying, "I am a Goldwater volunteer," signed by Herb Hanley and Bill Knowland. And it built up sort of an esprit de corps.

MORRIS: And Ronald Reagan wasn't yet involved? He wasn't involved in any of that?

JOHNSON: Well, you see, I'm coming to that. He became an alternate delegate. So his name was on the petitions. Or at least on the formal papers listing the members of the slate. Bill Knowland and I drove to Sacramento on the appropriate day, and we filed those petitions with Frank Jordan, who was then the secretary of state, and he told us that he had never received a more complete set of documents.

Without in any way slandering Frank's reputation, let me say he was a member of our delegation.

MORRIS: It all gets involved and interrelated, doesn't it?

JOHNSON: Yes, that's right. That was quite unusual at that time, for an elected state official to run for office, as a delegate on a slate. But Frank without any hesitation went on, and he came to the convention, participated in the deliberations. Now, you asked me the key question: Did Ronald Reagan participate in that delegation activity? To my knowledge, he did not participate in any way up to that time other than consenting to have his name listed.

But as a matter of fact, no one else did, except for a handful of us who were doing the official organization. Most of the delegates, and probably all of the alternates, didn't do anything unless they participated in the circulation of petitions.

MORRIS: Just on a purely local basis.

JOHNSON: Yes. Once the delegation was formed (and the papers were drawn up, I think before the papers were filled out, but after the slate had been put together in a preliminary), we held delegation meetings, again at the Hilton Hotel at the San Francisco airport or at the International Hotel in Los Angeles. And what we did there was to bring in our delegates and the alternates and discuss not only organizational but campaign details, how we were going to carry on the campaign, what we were going to do if we were selected as the winning slate. However, most of the discussion on that subject came after we were selected.

At any rate, we had these group meetings, where everybody was there. We met in the morning, and then we had lunch with the usual refreshments to kindle a little enthusiasm out of them. [Laughter] Then we'd meet again in the afternoon if we had to, which we usually did, and work until midafternoon.

MORRIS: You saw them as training sessions, then?

JOHNSON: The main thing, I think, about that activity was that it brought everyone in where they could have the floor and talk. We were trying to create in everyone a feeling that he was a part of the action, that he had the right to be heard; he could make suggestions, if he didn't like something he could object. And it built a good, strong organization.

Meanwhile, of course, what these delegates were doing in their own community, they were organizing local committees, campaign committees, volunteers of all sorts. We had a fortunate implement in that the Goldwater movement, if I can call it that, all over the nation, was a volunteer operation. People who had never taken part in a campaign wanted to be contributing. And so we didn't have to go out and buy things. We had more people than we needed sometimes.

MORRIS: That's interesting, because as I understand it, the thing that brought Mr. Reagan into everybody's real attention was that he was asked

to make a speech during the November campaign because you were running short of money. Is that not right?

JOHNSON: No, that isn't what happened. And I was about to come to that. But before I do, I want to bring out one other thing, which goes directly to the question you asked me. During the convention, we met every day. We were headquartered principally at the Fairmont Hotel. Unfortunately, some of our nice respectable ladies from Los Angeles were assigned rooms at the Olympic Hotel down in the Tenderloin. Whoever was handling hotel reservations was never forgiven for that. [Laughter] But most of us were at the Fairmont, so we met there, I think every day for breakfast. If we didn't meet for breakfast, then we met for lunch or later in the afternoon. And so we had these delegation meetings.

I remember we opened Sunday with a very large lunch at the Fairmont where everybody came. Because every delegate has children or neighbors or somebody who wanted to get tickets to the convention, so they wanted to be participating with the group. And they all came. I think Ronald Reagan was there. I'm not sure of it. But practically all of them were, and I think he must have been there.

I saw him from time to time at some of these meetings. But to my knowledge, he did not take any active part. I could be very wrong about that, because naturally I wasn't everywhere, and it could be that he was holding very important meetings with some of the bigwigs that I wasn't a party to. But he was an alternate. His name was listed. I don't remember ever seeing him down at the Cow Palace. The alternates were seated way in the back. He may have been there.

But where he became for all time an active, leading Goldwater volunteer was when he made that speech that you referred to, in the closing days of the campaign prior to the November election. And what happened, according to what I heard, we had on our delegation a man from Orange County,

specifically, I think, Newport Beach, named [John B.] Kilroy (the same as the guy that had been everywhere).¹

MORRIS: In World War II, who "was here," yes.

JOHNSON: Kilroy was a tall, slender man. He was a successful homebuilder in Orange County. During the campaign, he and a group of people from southern California had established a sort of an organization of their own for Goldwater, and they financed it themselves. I was invited to meet with them during the campaign. I've forgotten who the other people were that attended. But Kilroy was there, and their publicity man. They'd employed a publicity man who was familiar with television and radio. And he was there. The reason they had me was that they wanted to work out at least a semiformal connection, so that they would have a specific part in the campaign.

I had been designated as national committeeman at the termination of the convention, and so I held that title at that time, and I think that's why they had me there. They wanted me to impress upon the chairman of the committee . . .

MORRIS: That they were working hard for Mr. Goldwater?

JOHNSON: Well, they wanted to have some official recognition so that they would be assigned or else allowed to select certain functions that needed to be done, and they would do it themselves without intervention of national committee or Goldwater committee staff. See, they were going to pay for it, so they wanted to make sure that it was done not only right but the way they wanted it done. An understanding was worked out.

Then what happened was, apparently--I say that because I didn't know it at the time, and I'm not absolutely certain now--but apparently they went ahead and prepared, under Kilroy's direction, I think, but with the actual professional direction of this publicity man that they had, they prepared a program. Now, what they did, either they organized or they went to a meeting where the so-called

1. Mr. Johnson's memory is correct: 1964 primary election material lists Kilroy's address as Newport Beach.

Goldwater Girls were out en masse. They were those attractive young women who participated throughout the campaign, who wore Stetson hats, you know, western cowboy hats and blue and gold--I think they had gold skirts and blue jackets. I believe they wore boots.

MORRIS: I think I've seen some pictures of those.

JOHNSON: Maybe gloves. They did a whale of a job. They were very attractive, and the public response to their activities was very good. So they had them at the meeting, and they put on sort of a campaign meeting. But this was all background for a speech by Ronald Reagan.

I was told after the election that what happened was, this television program was produced; as the technicians seem to call it, it was put in the cans . . .

[End Tape 9, Side B]

[Begin Tape 10, Side A]

JOHNSON: . . . containers, which were then ready and available to distribute to television stations for production. Now, what happened--and I want to be very cautious on this--but I think it was Bill Knowland who told me that what happened when those cans were received was that a certain hour was scheduled for the program, and someone at the national committee. . . . Let me correct that. At that time, it would not correctly be the national committee; it would be the Goldwater national campaign committee. (Sometimes the same people, but operating under a different name, because it was a function that normally the national committee is not allowed to carry on. The candidate and his committee want to do it. So it's operated under their national campaign committee.)

They scheduled a date and a time for this program to go on the air. But then someone at the national campaign committee

apparently got a preview of the film, and they decided that it wasn't good. It was dangerous. I don't know in what way.

At any rate, the decision was made not to put it on. And Ronald Reagan was notified, whether by Kilroy or someone else I don't know. He was notified, and I was told that his response was, "Well, gee whiz, I don't want to do anything that will hurt Barry, but I don't see what's in it that's harmful."

He exacted of them one commitment. He said, "What I'd like to have before this effort has dissipated, I'd like to have Barry himself go down and look at this, and if he says it's not helpful, forget it. But I want him to make the decision."

And I was further advised on this report that Goldwater did go down and look at it, and he called Reagan and said, "Hell, Ron, I don't see anything wrong with this." He said, "I told them to go ahead with it."

So that's what happened. It was broadcast; and at the end, after the girls dancing up and down or waving their gloves and the crowd cheering and the whole campaign-meeting performance, and Reagan finishing his speech, Kilroy stood in front of the projector and literally begged for money, asked for contributions, even small ones . . .

MORRIS: For his Orange County group?

JOHNSON: He didn't say. For Goldwater. For the Goldwater campaign. As they always do, that printed line below was running all the time telling you what post office box to send your money to. And they didn't ask, as I recall it, for a thousand dollars or five hundred, they asked for tens and twenties and fifties and . . .

MORRIS: Whatever you can afford to give.

JOHNSON: From there on up, if you can. The money was to go. . . . This is the important thing; the printed line directed you, and Kilroy did as he spoke, that you should send your money to a post office box. I don't remember now where it was or what the number was, but it was--this I know for sure--it was a post office box which was not

under the control of the Goldwater national committee or the Republican National Committee or any of the Washington official setups. The post office box was under the control of this Orange County group.

MORRIS: Really?

JOHNSON: Yes.

MORRIS: That is very curious.

JOHNSON: So that program raised three-and-a-half million dollars. That's all. Now keep in mind that this was just a few days, maybe a week, before the election.

MORRIS: Let me ask you one technical question. You said there were many copies of the film made, and then each state or group made arrangements to have it shown over the local television station rather than coming through on a network the way they do now?

JOHNSON: I can't answer that with assurance, because in the first place, I'm not a technician. I don't think--you raised the question about networks--I don't think they had a network.

MORRIS: Well, it could be more effective to have made individual deals with individual radio stations.

JOHNSON: I think they did this something like Lawrence Welk used to do when he couldn't get onto the networks. I think they'd made arrangements with individual stations. But I'm not sure.

At any rate, when it was told to me, they used the term--my informant used the term--"the films were already in the can," so whatever that implies, that's what was done.

MORRIS: Right, that's why I asked that.

JOHNSON: Now, what happened was they got this three-and-a-half million dollars, and it was only a week or so before the election; you can't spend three-and-a-half million dollars in the last few days. Because everybody's grabbed, as they do here in California . . .

MORRIS: The time's all bought up.

JOHNSON: The time's all been bought up, and you can't get printing work out in that time. I have to be a little fuzzy here in mentioning figures,

because it was second- or thirdhand to me and I'm not quite sure, but my recollection is that there was two-and-a-half million dollars left over that they couldn't spend. And I was told that that's where the fight began. Everybody who was closely allied with the campaign, or even interested, knew that there was money that couldn't be spent, so everybody wanted a part of it. The Orange County group, I believe, did not try to take it. They said they'd make it available to whomsoever might be designated as entitled to the money.

MORRIS: After the election. . .

JOHNSON: . . . the election was over. Whether Barry Goldwater personally made the decision, or Dean Burch, who was at first the [deputy] chairman of the national committee and a close friend of Goldwater's, made the decision, I don't know, but I was told that eventually it was decided that one-third of this money would go to the Republican Senatorial Campaign Committee made up of a group of [U.S.] Senators that backed Republican senatorial nominees. Another third would go to the Republican Congressional Campaign Committee. And the remaining third would be distributed between volunteer Republican groups. I believe that the Young Republicans got part of that money. I guess the Federation . . .

MORRIS: . . . Republican Women [Federation of Republican Women's Clubs]?

JOHNSON: Yes, the Republican Women got some. I'm not sure which one. At any rate, it was distributed between volunteer groups.

[Interruption]

JOHNSON: But we haven't gotten to the punch line. The punch line of that performance is that overnight Ronald Reagan became a national political figure. The response, the public response all over the nation to his statement of the Republican case was strong enough to shake money out of thousands of people.

- MORRIS: It makes a marvelous mailing list, too. All those people sending checks from all over the country.
- JOHNSON: They've been masters at that. The Reagan staff and organizational people. Every week we get, either here or at home, solicitations of funds in a variety of envelopes and letterheads. It's all the same people, of course; a few volunteers climb on trying to get in on the gravy. But they're masters at compiling those lists and getting out the letters with your name in it and reminding you how much you contributed six years ago or eight years ago. And the money rolls in.
- MORRIS: Does that become sort of an end in itself, separate from the need of a particular campaign for money and people to be involved?
- JOHNSON: I can't answer that with any authority at all for the Reagan people, because I haven't been a part in any way of that solicitation of funds or the use of it, but an incumbent president in today's world is actually a candidate every minute, every hour, every day. I mean, it never stops.
- The main thing, however, on that one solicitation is that it not only brought in the money, but it made the speaker a leading national political figure. And as you recall, from then on he's been continually in the eyes of the state, the nation, and the world.
- MORRIS: I was interested in Frank Adams' leaflet about the Citizens for Constructive Action.¹ His summary indicates that it was in November of '64 that people began to think about some kind of a continuing organization, and Mr. Reagan was one of the first founding members.
- JOHNSON: All right. I'm coming to that. We're knocking on that door right now. As I said, that speech made Ronald Reagan not only a national but a world political figure. So the campaigns had ended. All of these thousands of eager volunteers wanted something to do to keep the fires burning. They were not content to just throw away their spades and settle back into a quiet retirement. They wanted

1. See Appendix.

to keep the movement going. Now, the result was. . . . I was the national committeeman in California, and I was a northern Californian. The national committeewoman was Ann Bowler, who lived in Los Angeles. So she got demands--and we got them every day, some demands, some requests--from people who wanted to know, "What can we do? We've got people sitting around in our counties calling us. They want to keep this going. They're very unhappy about the defeat of Goldwater."

Of course, I called Bill Knowland and talked to him and then went over to see him. He called Dean Burch's office and asked where we got materials and what there was to do, and there wasn't really anything in an organized way to do.

MORRIS: Usually everybody folds up and goes home in exhaustion after a campaign.

JOHNSON: That's the usual thing. But these calls kept coming in, so eventually I went over again and talked to Bill Knowland.

I said, "Can't we do something to keep them concentrating as far as we can on the same objectives?" He agreed that was a good thing to do. So I came back and talked to several of the people who had been delegates and active in our convention activities. And they all agreed. In fact, they wanted it done. So we held a meeting, and when we locate that file of mine I can get the exact date. But we held a meeting with about probably fifteen or twenty of these people and talked it over. Everyone had his say. And it was decided to hold further meetings, planning towards building it into some kind of a formalized group. We held some of our meetings in [the] San Francisco area, and some of the in [the] Los Angeles area. We had people from, representation from, the various districts in the state.

After several of these meetings. . . . You have Frank Adams' little book there?

MORRIS: I do. [Hands pamphlet to Johnson]

- JOHNSON: Yes. Let me just look here. Walter Knott was active. Henry Salvatori was active. Phil Davis was. Frank lists the directors here, founder members, so-called. Some of them came in late, after the first few meetings that I'm now talking about. Ann Bowler was active from the start. Lucille Boston was active from the start. Of course, Bill Knowland was.
- MORRIS: Was Mr. Reagan one of the first people who decided something should be done to keep the momentum?
- JOHNSON: Ronald Reagan, as I recall it, was brought to one of the meetings by Henry Salvatori. After that, Ronald Reagan came to another meeting, and he brought with him on that occasion John Wayne.
- MORRIS: Really! That must have been quite a meeting, with those two men.
- JOHNSON: It was. Now, by that time we had held a discussion about a name for continuing this organization, and after trying out several of them, decided to call it Citizens for Constructive Action.
- MORRIS: When did Frank Adams become involved?
- JOHNSON: Frank became involved in one of the first two or three meetings, maybe even the first. I don't remember; I'd have to get my records and check that. But, as you probably have learned, Frank had a great liking for writing a program. After we decided, by a vote of the group, that the name would be Citizens for Constructive Action, we filed the papers in the secretary of state's office and became a corporation under that name. Then Frank was delegated--so that we might notify people of the existence of the organization and its purposes and its desire have members--Frank was delegated to write out the program. He'd done that previously for the California Republican Assembly. He was experienced and, in my opinion, very adept at that sort of thing. And he loved to do it, even for free, which was one of our requisites.
- MORRIS: That was one of your criteria! [Laughter]
- JOHNSON: From the beginning to the end. And he did produce that little book, a very well written, forthright statement of what was intended.

MORRIS: Was it one single group that had members statewide, or did you eventually break down in chapters in various parts of the state?

JOHNSON: I am quite confident it remained one group. Let me tell you what happened. I attended at the outset all of the meetings, as I recall. Eventually, in January of 1965, Doris (Mrs. Johnson) and I went to Hawaii on a trip organized by the California Historical Society, of which I was then an officer. We were there for about three weeks. I think a meeting was held while I was gone. I remember I addressed the Republican Women's Club in Honolulu at the Royal Hawaiian Hotel while I was there, and at least one of our delegates, a lady delegate, happened to be there. She came to the meeting, too. But I think because of that trip, I missed one of the meetings.

But I was present at a meeting--and I have to check the date--to which Henry Salvatori came. On that occasion he did not have Ronald Reagan with him, nor did Reagan come. Nor did John Wayne come, as I recall it; I'm not so sure about him. But Henry Salvatori, during the meeting, said, "Let's give some thought to slowing down this movement a little bit. Because," he said, "I want to inform you people that meetings have been going on, and conferences have been held privately, with friends in Los Angeles who are supporters, or were supporters, of Barry Goldwater, but they're friends of Ronald Reagan. And they think he is a great prospect, with the background that he now has, he is a great prospect to be the Republican nominee for governor."

MORRIS: Was your purpose from the beginning in starting Citizens for Constructive Action to look for and encourage candidates and elect some people to office?

JOHNSON: I always answer that question unreservedly no. It certainly was not my idea. The idea was to have an organization, sort of a flexible, wide-open organization, which would stand for Republican principles, conservative Republican principles, but which would not

dissipate its strength in the initial stages by becoming involved in personal campaigns.

MORRIS: Wrangling over candidates?

JOHNSON: Right. I think what I just said about Henry Salvatori's statement is consistent with that. Henry said--I think I recall this fairly--"Slow this down a little bit." He didn't want that activity to become in conflict with the Reagan campaign, if there was to be one. He didn't want to put Citizens for [Constructive] Action up against supporting or rejecting Reagan, nor did he want the Reagan campaign to weaken Citizens for [Constructive] Action by converting it into a personal campaign.

MORRIS: I see. You didn't want the candidacy thing to run into the philosophical one.

JOHNSON: That's my recollection. Now, from about that point, I don't remember any further meetings by Citizens for [Constructive] Action, but individual people who were active in the Citizens for [Constructive] Action remained interested, and when they heard of the potential Reagan candidacy, they became active voluntarily and independently of the Citizens for Constructive Action. Their desire to have some positive, affirmative action taken was still surging up within them. They wanted to do something, and they didn't want delay. So eventually--I think it was in the spring; it had to be in the spring of '65, after I came back from Honolulu--a small group of northern California people decided to hold a meeting and talk with Ronald Reagan, instead of depending on the southern Californians to do all of the talking to him.

MORRIS: This was the meeting you mentioned that was a luncheon you and [Jaquelin] Jack Hume attended?

JOHNSON: No. Jack Hume, as I recall it, was not at this meeting. Jack Hume, in those days, was fairly new to political activity, but he was on the finance side. I'm talking now, principally, of volunteers, grass roots people, the people that ring doorbells, organize committees, keep the campaign going by workers, not by money.

Among those people are two other names that appear in Frank Adams' list whom I didn't refer to because they're at the end of the alphabetical list, and I didn't go that far. I remember Kay Valory was there. Kay Valory was a very active, successful volunteer campaigner.

MORRIS: In the women's Republican organization?

JOHNSON: The "Fed," as they call it, the Federation of Republican Women's Clubs; they don't take part in primary campaigns or endorse. But Kay was a member of campaign committees.

Another one was [Robert D.] Bob Weinmann.

[Interruption]

[End Tape 10, Side A]

[Begin Tape 10, Side B]

JOHNSON: [I don't remember] who called the meeting or who made the contact with Ronald Reagan, but they had learned, apparently, that he was to be in San Francisco, and that he would have some time in the afternoon after he had completed his assignment, which was to bring him [to northern California]; he would have some time in the afternoon, and he agreed to meet with this group. They wanted to talk to him directly about the possibility of his becoming a candidate for governor.

I could not attend the meeting, at least at its start, because I had a professional commitment here. But they knew I would be here, and I said I would do anything I could [to] help and I'd come up when I disposed of my business. Well, what happened was they engaged a room at the St. Francis Hotel. Sometime, maybe a half-an-hour or forty-five minutes after they had been scheduled to open their meeting with Reagan, they phoned me here at my office and said they were still sitting there and Reagan hadn't shown up. They said they'd made a check around and they couldn't find him. And what to do about it?

So I said, "Let me see what I can do." My meeting had just terminated. I said, "I'll call the St. Francis." I knew a couple of people there. "Maybe I can find out where he is or what happened." I did call the St. Francis Hotel, and I did find out where he was.

What happened was that he was sitting in a room about three rooms from where they were, waiting for them to come to his room.

MORRIS: Somebody had given him the wrong room number?

JOHNSON: I don't know what happened. Someone used the expression--at the meeting after I got there, so I heard it--they said, "Hell, this guy doesn't know how to find his way out of a paper bag."

At any rate, I called them back and said he was there, down the hall, and they got in touch with him. My recollection is, by the time I got there, the meeting was under way. They did talk to him very frankly about what his intentions were. They made it clear to him that they wanted to support him. In the first place, they wanted him to become a candidate. And secondly, they wanted to support him.

In fact, I thought at the time that they overdid it and sort of overplayed their hand. Because, as I told one or two of them afterwards, "I don't know what you folks had planned to do, but I thought you pretty well indicated to him that you wanted to take over the management of his campaign in northern California." I didn't think he was prepared to go that far.

Furthermore . . .

MORRIS: He wasn't prepared yet to say he was going to be a candidate, or to decide who might run things for him?

JOHNSON: I thought he had not yet decided to become a candidate. In fact, I believe he said that; although he said he was getting close to a decision. But I thought definitely he wasn't prepared to make a commitment as to who would manage his campaign, which was a perfectly reasonable thing to do.

MORRIS: Did he have anybody with him at that meeting?

JOHNSON: No.

MORRIS: He came by himself.

JOHNSON: Yes. There are two very important and unusual things that may not be generally known or recorded.

He confirmed at that meeting what I had heard before--and I think most of us at that meeting knew it--that he did not travel by plane. At that time, he would not come from Los Angeles to San Francisco unless he either drove or, preferably, came on the train. He told us while I was there that he had come up to address, as I recall it, a meeting connected with some boys' club and that he had come up on the train. And he was going back on the train that night. Now, as you know, he's come a long way since then on air travel.

MORRIS: I should say so. Did you help him deal with that?

JOHNSON: No.

The other important thing, which is rather unique in his political career, is raised by your question about did he have anyone with him. I had been down at San Diego in the old El Cortez Hotel, the one that had the glassed-in elevator out on the front.

MORRIS: Right, it's still there.

JOHNSON: Located up on the hill. The California Republican Assembly--I hesitate a little because I'm trying to make sure that it was not the Republican State Central Committee; I'm pretty sure it was the CRA--was holding a convention in the El Cortez. They had invited Ronald Reagan to come down and speak as the principal speaker at their Saturday evening banquet. So this must have been March or so, February or March of 1965.

MORRIS: After this meeting at the St. Francis?

JOHNSON: No, I think before. And on this occasion, I was sitting with four or five friends, as is usually done, at a cocktail table. [It was] after dinner, as I recall it, probably on a Friday night. It must have been

around 8:00 or 9:00, and suddenly someone said, "There comes Ron." We looked out, and here he came lugging an old-fashioned suitcase. Someone ran out and stopped him and brought him in, and he either sat down or stood and talked to us for a while. While he was there, they questioned him about how he had gotten down. He said, "I drove down." From Los Angeles. And they said to him, "Do you mean *you* drove?"

He said, "Sure.

They said, "Don't you have a chauffeur or an assistant of some kind?"

He said, "Oh no, I just hopped in my car and drove down."

And here he was lugging his own suitcase into the hotel. But he made the speech the next night. And this was one of the indications of interest in becoming a campaigner. Also, people were interested in him, that they had him there.

It ties in. I mentioned the factors of coming by himself, driving down and carrying his own suitcase and didn't have a soul with him. That answers the similar question which you asked me about the St. Francis Hotel meeting. No, he didn't bring anyone. He'd come up on the train for the boys' club meeting, or whatever it was, and he stayed over to speak to this group.

While he was there, someone--I think Bob Weinmann, but I'm not sure of this--someone asked him, "Well, Ron, if you get into this campaign, do you have an office set up? Do you have a secretary? Do you have a telephone operator?"

And to every one of those questions his answer was, "No, I don't have it."

They said, "What do you do? How do you answer your mail?"

"Well," he said, "I have an answering service, and I have my brother Neil [Reagan]."

They questioned him again, "But you don't have a secretary or a formal office?" and the answer was no.

- MORRIS: With all your personal experience with government, in the legislature and being on legislative committees and working with the party, what kind of sense did you have of how he might function in a responsible job of government?
- JOHNSON: You mean staffwise, or you mean how he would handle issues?
- MORRIS: Both. How he would handle all the kinds of people you need to work with in the governor's office and how you develop a program . . .
- JOHNSON: I would say we had no way to know. Certainly I didn't. On the issues, however, he had demonstrated pretty convincingly that he was adept at making presentations and handling issues orally.
- MORRIS: And you felt that that was as important as how you managed an office and staff it?
- JOHNSON: I think what most of us thought was, here was a man who had the unique ability to make effective, convincing arguments and to convince people that he was trying to tell the truth, and he knew the issues enough to discuss them intelligently. As far as details of office management, it's like [Governor of New York Alfred] Al Smith once said when he wanted to practice law in New York and they wouldn't let him because he hadn't passed the bar.
- He said, "I can buy lawyers, but I have the savvy. I have the experience." That's what happened with Ronald Reagan. He's been able to have adequate funds to run the office, and he can appoint and select staff people. He's operated, somewhat as President [Dwight D.] Eisenhower did, on a staff operation basis. He doesn't sit up all night burning the midnight oil and reading the basic principles of some of these issues that he makes decisions on.
- MORRIS: And that is now the style of U.S. governors?
- JOHNSON: Unfortunately, I think, most governments are so large that no human being could possibly cover all of the issues personally. They have to rely upon staff reports and delegation of authority. I think it's fair to say that quite a few of the experienced governors have done more personal work than Ronald Reagan has. Just to

read the various political reports, magazine articles, various commentaries, generally he's never been recognized as a long-hours performer. He's maintained his health by not being . . .

MORRIS: It's remarkable, yes.

JOHNSON: He hasn't allowed the weight of his problems to beat him down.

MORRIS: I take it, then, that the group of you that met at the St. Francis decided that you'd like to support him for governor.

JOHNSON: They decided that before he came there, but they wanted to tell him that.

Now, I think there's just one more important thing that ought to get on the record before this particular meeting terminates. I have only been able to tell or report the things that I personally either had a hand in or know about. So I have not mentioned during this period--from November, sometime late November of '64, the election day, down to sometime late in the spring of '65--I have not mentioned in any way the activity that must have been taking place in Los Angeles and southern California. In other words, I don't want to give the impression that this small group that I knew about and whose meetings I attended was the only influence and the only pressure on Ronald Reagan.

Citizens for Constructive Action had in it, as that list of charter, founder members prepared by Frank Adams shows . . .

MORRIS: It's a good cross-section.

JOHNSON: . . . a goodly number of Republican leaders from the conservative side of the party. But you must keep in mind that entirely aside from the things that I have mentioned, as our associate, Henry Salvatori, indicated when he said to this Conservative Action meeting, "Slow this down, because there have been a group of people meeting with Ronald Reagan." He was right. And I can only assume at this stage, although I have heard some reports in the intervening years, there was a group--at least one group, probably several, in southern California--who were meeting with him on a different basis and at a different level. By that I mean,

the fellows who eventually became his kitchen cabinet, so-called, when he became governor. That would include people such as Holmes Tuttle, the Ford dealer in Los Angeles. Incidentally, the man who sat at the right elbow of the queen [Elizabeth II of England] at Reagan's dinner at the de Young Museum, that's the same Holmes Tuttle. Holmes Tuttle and Justin Dart. Several other of the financial leaders in Los Angeles, who were active in talking to Reagan, because he had a problem, a serious problem, of raising funds if he ran for governor. That was their specialty. So whatever they said was very important.

The people I've talked about are principally, as I have said, volunteer, grass roots type of Republicans who activate the volunteer organizations. Pretty generally, the finance people are the other side of the aisle in a political . . .

- MORRIS: The finance people and the organization people don't generally work closely together?
- JOHNSON: They do eventually, but their functions are different. Ronald Reagan, as I observed him, has always been strong on stressing the financial side.
- MORRIS: In other words, he won't go unless the money is there?
- JOHNSON: I'd say that's correct.
- MORRIS: So did this group that you were involved with carry on and become the northern California campaign organization?
- JOHNSON: I will answer that by saying individuals did in differing ways, according to their experience and capacities. For instance, Kay Valory, whom I referred to, had considerable experience as an organizational campaigner. She knew how to put together a campaign and how to get the people, how to assign them, how to keep the campaign going, all of that sort of procedural specialization.

My recollection is that during the formal campaign for governor, she became very important in sort of guiding and

assisting Mrs. [Nancy] Reagan. She, correct me if I'm wrong, but I believe that was one of her assignments at that time.

MORRIS: Did you take part in the campaign yourself?

JOHNSON: Just generally. I held no office in the campaign.

MORRIS: But you were providing some oversight as a member of the state central committee?

JOHNSON: Well, in all of those years, I've been a member of the state central committee. I've also been, and still am, a member of the elected Republican county committee in Alameda County. During the years we're talking about, after August of '64, I was the national committeeman from California.

MORRIS: How much interaction is there between those different levels of the party?

JOHNSON: It all depends, of course, on the individuals. The county central committee is supposed to, by statute, administer the party campaign in the county. Now, when you say party campaign, that doesn't mean the campaign for some assemblyman or a state senator or even a governor. They have their own campaigns. The county committee has a general control of the county campaign.

The state central committee has about the same relationship to state campaigns. The national campaign does not normally participate actively in party campaigns. I mean in individual candidates' campaigns. It fixes the general tone of the national campaign.

MORRIS: It looks as if once Mr. Reagan was elected governor, that there was then sort of a steady series of requests from the Republican National Committee to have him come speak in different parts of the country on behalf of candidates?

JOHNSON: That is correct, according to my information. I was a member of the national committee until 1968.

MORRIS: Which would be the first couple of years of his governorship.

- JOHNSON: That was the first convention after the Goldwater convention. That's the one at which we met in Miami Beach, and Bill Knowland was the chairman of the delegation.
- MORRIS: Again.
- JOHNSON: Yes. Which started out as an uninstructed delegation. And then, evidently--I say this because I was no party to it--but evidently Governor Reagan's friends started urging him to become a candidate because, as you say, he'd been touring the country making speeches in the various localities and helping local candidates. He had begun to be a national figure. So, even though we were selected as an uninstructed delegation, his close friends started putting the heat on to make him a candidate. He hesitated, but when he got to Miami, or just before he came there, they sold him. And at our delegation meetings in Miami Beach, it was moved to make him the candidate.
- MORRIS: That sounds quite unusual.
- JOHNSON: It wasn't routine. But then unexpected, unplanned things can happen. For instance, James A. Garfield was nominated for president in 1880. He was nominated formally to be the Republican nominee for president at the 1880 Chicago convention without ever having been nominated from the floor. [Laughter] In fact, he nominated John Sherman against [President] Ulysses S. Grant.
- MORRIS: I guess what I'm curious about is, if you were a member of the Republican National Committee, would you have been consulted at all about, "Can we bring you governor out here to talk here?" Does the national committee have any plans for sending speakers . . . ?
- JOHNSON: You're talking now of doing this at the convention?
- MORRIS: I was thinking even earlier. During 1967 and 1968, Mr. Reagan was speaking in various parts of the country, and it looks as if the Republican National Committee was asking him to make these speeches.

JOHNSON: I had no connection with any of his speaking arrangements. My information is that in many cases, he was invited directly by the local groups to come to their state. I suspect he did more of that type of booking than through designations by the national committee. But I can't be sure of that.

Before I went to the Miami convention in '68, Reagan had announced in the paper, and I read it in the *Oakland Tribune*, on a Saturday, he announced that he had replaced both Ann Bowler and me.

MORRIS: Really? You read about it in the paper; he didn't tell you about it before?

JOHNSON: That's right. The article in the paper said that he was appointing one of his secretaries, a man named [Thomas] Reed, to be the national committeeman, and a young girl named [] Johnson from Woodland or someplace to be the national committeeperson to replace Ann Bowler. Let me just check that. This Johnson girl, I think she was the one. Eleanor Ring [Storrs] from Coronado was appointed eventually, but I think the Johnson girl came first. She didn't last very long.

But I have stated it exactly as it happened. Neither Ann Bowler nor I had any word from him.

MORRIS: Did you ever get any explanation of why that would be done?

JOHNSON: Oh, he apologized eventually, said he'd been misinformed.

You see, he can't legally replace the national committeeman or committeewoman. Those designations are made by the vote of the delegation at the end of each national convention, by California statute. But he didn't know that. The idea was probably suggested to him by someone from another state where the law was different, someone who thought the committeeman and committeewoman should be chosen by and loyal only to Reagan.

[End Tape 10, Side B]

APPENDIX

The Founding of Citizens for Constructive Action

Dedicated to all present and future volunteer groups actively concerned with increasing the understanding of the American way of life and the United States Constitution which makes it possible.

January 20, 1981

Except for the words in this frame, what is printed on these pages is an exact reprint of what I had the honor of writing following a meeting held on January 16, 1965, at the (then) International Hotel near the Los Angeles Airport. It is reprinted now for those who were a part of Citizens for Constructive Action, and for their families and friends.

Our goal was to pick up the pieces from the 1964 campaign of Barry Goldwater and to carry on the enthusiastic pro-American spirit typified by Ronald Reagan's great speech during that campaign.

It seems appropriate on this day of Ronald Reagan's inauguration as President of the United States to look back to 1965 at what was an earlier affirmation of "Together, let's make a new beginning."

Citizens for Constructive Action evolved into "Friends of Ronald Reagan" and then, in turn into "Reagan for Governor". We are all proudly familiar with the great events that followed.

Cordially,

Frank P. Adams

THE BEGINNING

Commencing in November, 1964, a group of Californians, including Republicans and Democrats, who had been active with several different organizations in the political campaigns of that year, held a series of meetings to discuss the philosophy of government and the beliefs of most citizens in the American principles of individual initiative, free enterprise, private property, limited government and national sovereignty.

The group felt that a concerted effort should be made to communicate these American principles, and to help provide community leaders with organization plans and educational materials.

To consider carrying out the beliefs of the group, a Steering Committee was formed. Between the dates of the several meetings, the individuals involved contacted people they had been working with in the recent political campaigns. They sought a consensus of opinion so that they could be guided by a broad general spectrum of the feelings of the electorate in California who had understood that the recent election very seriously involved the survival of fundamental American principles.

In response to this consensus of opinion it was decided to form a permanent organization which would be founded upon the affirmation of principles of Americanism and of an anti-collectivist nature; to set up plans for continuing activity, independent of any candidate for public office; to raise funds; and to launch a long-range plan of action to publicize and support American principles.

At a meeting held on January 16, 1965, the group adopted "The California Declaration" to affirm fundamental principles of responsible United States citizens who believe that the socialist doctrines of 20th Century "liberals" (by whatever name they be called) are at variance with the United States Constitution and ignore the fact that out of 6,000 years of human history, the past 200 years in the United States of America have demonstrated to civilized man the best political-economic forms ever devised.

On January 27, 1965, CITIZENS FOR CONSTRUCTIVE ACTION was formed as a nonprofit California corporation. Contained in the Articles of Incorporation is "The California Declaration."

At subsequent meetings, By-Laws for governing the new organization were drafted and adopted; Directors and Officers were elected from among the Founder Members to provide leadership.

"THE CALIFORNIA DECLARATION"

IN THIS TIME of moral and political crisis, it is the responsibility of Citizens for Constructive Action to affirm certain fundamental principles.

We believe:

1. That foremost among the transcendent values is the individual's use of his God-given free will, whence derives his right to be free from the restrictions of arbitrary force;

2. That liberty is indivisible, and that political freedom cannot long exist without economic freedom;

3. That the purposes of government are to protect these freedoms through the preservation of internal order, the provision of national defense, and the administration of justice;

4. That when government ventures beyond these rightful functions, it accumulates power which tends to diminish order and individual freedom;

5. That the Constitution of the United States is the best arrangement yet devised for empowering government to fulfill its proper role, while restraining it from the concentration and abuse of power;

6. That the genius of the Constitution — the division of powers — is summed up in the clause which reserves primacy to the several states, or to the people, in those spheres not specifically delegated to the Federal Government;

7. That the market economy, based upon capitalism and free enterprise, allocating resources by the free play of supply and demand, is the single economic system compatible with the requirements of personal freedom and constitutional government, and that it is at the same time the most productive supplier of human needs;

8. That when government interferes with the work of the market economy, it tends to reduce the moral and physical strength of the nation, and when government attempts to control the economy by taking from one man to bestow upon another, it diminishes the incentive of the first, the integrity of the second, and the moral autonomy of both;

9. That periods of freedom are rare in history, and can exist only when free citizens concertedly defend their rights against all enemies, and we will have freedom only so long as the national sovereignty of the United States is secure and not bargained away or diluted;

10. That the forces of international Communism and the forces of Socialism (whether called

fascism, welfare state, planned economy, democratic socialism, Fabian socialism, or by any other name), are, at present, the greatest threats to our freedom;

11. That the United States should stress victory over, rather than coexistence with, or containment of Communism, and its citizens should feel and express the will to win.

ORGANIZATION

CITIZENS FOR CONSTRUCTIVE ACTION is a non-profit California corporation, formed for educational, literary and charitable purposes.

Persons or corporations who believe in the principles of "The California Declaration" may contribute directly or indirectly to the corporation. Having just been formed, the corporation has not yet received a ruling as to the tax deductibility of gifts made directly to it. If a favorable ruling is obtained, it will be retroactive as to previous gifts.

The Board of Directors and Officers of the corporation have the usual authority granted under the California Nonprofit Corporation Law. The Founder Members act as consultants and are available for committee assignments and as candidates for future Directors and Officers.

DIRECTORS AND OFFICERS

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RONALD REAGAN.....	Pacific Palisades
MRS. ELEANOR R. RING.....	Coronado
JOHN M. ROGERS.....	Walnut Creek
HENRY SALVATORI.....	Los Angeles
SENATOR JACK SCHRADER.....	San Diego
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JOSEPH C. SHELL.....	Los Angeles
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THE NEED AND THE OPPORTUNITY

During the past thirty years, the United States, and other countries which are governed by elected representatives, have been burdened by the influence of "socialism" under the guise of "liberalism." The error of this pattern of politics, presented under such names as "New Economics," "The Great Society," "Republicans for Progress," or by some other alluring description, has been apparent in many nations. A classic example of the free enterprise, private property, limited government system compared to socialist planning is seen in the difference in the economic and political status of the individual in West Germany, compared to the individual in East Germany. The so-called "economic miracle" of West Germany is founded upon the rejection of socialist planning and the encouragement of a free enterprise, capitalist economy in order that the skills and ingenuity of people can have freedom of exercise.

For the past thirty years the "liberal" socialist reformers have had abundant opportunity to experiment with their theories. While moving towards the centralization of government power, they look upon man as an animal which they must feed and clothe—and leash. They cling to the ancient belief that most men can't run their own lives; yet some are fit to run not only their own but everyone else's too. While lamenting the default of individual initiative, they propose more of the conduct that destroys individual initiative.

Politicians seeking to remedy actual or supposed ills of our society seem to choose new persuasive and high-sounding labels for their remedies, which are usually not new at all but are old experiments in human relations, many of which have been disproven by historical experience. Sound principles of political change are better practiced through the observation of human experience rather than through the invention of theoretical concepts, however idealistic in conception. Most so-called "progressive ideas" have had testing periods in history. Liberal politicians tend to ignore the prophecy of the philosopher who said, "He who will not learn from history is condemned to repeat it."

The mind of the modern "liberal" (self-styled "moderate" or "progressive") is like a piece of sterile ground, poor by nature and exhausted by cultivation. Yet the socialist planners of the "Great Society" or of "Progressive Republicans" never tire of tilling this unproductive soil and fertilizing it

with tax funds leached from creative and responsible people.

Our American system of government is unique. Unlike most other systems in the world, it recognizes that liberty is not something that government can give or take away—that liberty is a natural human right. Our Constitution was formed not to *give* liberty to our people but to *guarantee* it—that is, to protect each individual's liberty from encroachments by others and, most important of all, by government itself. All through the annals of history, the greatest enemy of freedom always has been government—Big Government, whether in the form of an aristocracy, an autocracy, a dictator, even a so-called democratic government with no checks on its powers. Here we see the sheer genius of the American form of government as set out in our Constitution. It was so devised that as long as we lived within the letter and the law of the Constitution, the national government in Washington was a severely limited government which could never grow big enough to oppress us. This unique guarantee of our freedom was achieved by the separation and diffusion of the terrible power of government.

The Constitution authorized the national government to do only certain things which the people individually or the states could not do for themselves, such as dealing with foreign nations and defending us against foreign enemies. But even here the Founders of the American Republic were determined that such powers must not be concentrated in one man or group of men. That is why our national government is divided into three separate branches. Other potentially oppressive powers of government were guaranteed by the Constitution to the individual states and to them alone. The Founders understood that each state would be a check on the others.

Finally, the Constitution retained in the hands of the people themselves certain great powers which neither national nor state governments could touch without a special grant from the people through the long and painful process of amending the Constitution. The whole purpose of this wonderful pattern of government for a free people was to guarantee that the central government could never become so big or so powerful that it could interfere with the natural human rights of each American.

Along with this went an economic system—the means and manner by which we earn our living—that had to be free. A form of government to protect our freedom would be meaningless unless we had the right to earn our living as we saw fit, and to use the fruits of our labor in the way each of us, individually, thought best. Also a free government could not exist without a free economic system, because in the very nature of things only a free market for the means by which we live—production, distribution, labor, credit—makes for a striving and prosperous people. Unless individuals are left to work under the natural laws of supply and demand, the spectre of government management and control appears—and then we no longer have free government. So it is a maxim of freedom (and incidentally of the achievement of an abundant life) that a severely limited republican form of government goes hand in hand with a free capitalist economic system.

Progress towards a better society has not been furthered but has been retarded by our experiences in partial state socialism, whether at home or abroad, at the hands of those who exert political pressure under the names of "Nazism," "New Economics," "Fascism," "Planned Economy," "New Deal," "Fair Deal," "Social Democracy," "Great Society," or "War Against Poverty." "Fronts" such as these are attached to tried and disproven socialist ideas and are put forward again with such new and alluring names for purposes of political advantage or for gaining personal power.

All forms of collectivist, unlimited government are opposed to our American principles of individual rights and responsibilities. The scheme of socialists (under whatever name they use) to label as "Nazi" or "Fascist" any opposition to "liberalism" is a transparent fraud to mask their own aspirations towards the same socialist collectivist goals which deprive people of individual initiative and freedom.

It is the hope of the members of the CITIZENS FOR CONSTRUCTIVE ACTION that they may aid in the return to American Constitutional principles—to the principles of individual initiative, free enterprise, private property, limited government and national sovereignty—the real reasons for the freedom and the outburst of creative energy that have characterized America.

Informed citizens of our nation have the opportunity to help bring to light the mistakes of the

20th Century "liberals" who seem to have no explanation for (or realization of) their repeated failures, except to suggest that their erroneous paths be traveled to a greater extent and at a greater velocity.

Just as Hitler set forth in surprising detail his socialist principles and plans when he wrote his book, *Mein Kampf*, so the plans of the "Great Society" are possibly foretold in the book of that name written by Professor Graham Wallas, the Fabian Socialist of England. America's hope lies in the belief that these writings of Mr. Wallas are not a prophecy of things that will happen here.

PLANS

Professional public opinion surveys conducted during the political campaigns of 1964 show that majorities or pluralities of the electorate (including always substantial numbers of Democrats) identified themselves with "conservative" philosophies. About 90% would express adherence to traditional American principles. Only a small minority are believers in making such violent changes towards socialism as would scrap our traditional American principles once they are aware that such is a consequence of a vote to be cast.

The results of the voting at the polls, and the conduct of elected officials after they get into office, usually do not truly reflect this conservative pro-American opinion of most voters. The logical explanation for this difference between the beliefs of voters and election results is in the fact that issues are clouded, campaigners for elective office are not portrayed and characterized accurately, and there is a large volume barrage of either intended or innocent deception in the whole process of political, economic and social education.

While the American principles of individual freedom and private enterprise have been the most productive suppliers of human needs in the history of civilization, most of those who have benefited by the American system have done very little towards communicating its virtues. This is partly due to a feeling that there is no urgency in "selling Americanism," and that nothing need be done except enjoy its benefits. It is also due to a general unawareness that there is any serious threat or concerted effort being made to destroy the principles that have produced the American way of life.

Much of the observable activity to influence votes toward socialism during the 1964 political cam-

paigns made it clear that voters who have stood on the sidelines for many years had better get into active participation in education as a basis for sound political action before it is too late.

The bold attempts of the collectivists and other socialists to remake the United States along patterns of their design need only be exposed, and the true meaning of their conduct brought to light, for the great majority of the voters to reject these designs. If asked whether or not they believe in "The California Declaration," most voters, regardless of political party or regardless of sympathies for underprivileged people, would express their adherence to these principles.

On the other hand, organizations like "Americans for Democratic Action," "American Civil Liberties Union," "Fair Play for Cuba Committee," "National Student Association," and other movements and fronts, find enthusiastic sponsorship from a small minority. The vigorous action of these small groups indicates a numerical support in these movements far beyond the actual count.

It is observable in the daily and weekly press that these "liberal" organizations and the philosophies they espouse are continuously active. The "free-speech movement" in Berkeley is a classic, current example of superficially laudable objectives expressed in a manner and with sponsorship that is contrary to the wishes and beliefs of most American voters.

An object of CITIZENS FOR CONSTRUCTIVE ACTION is to support the free enterprise, capitalist, anti-socialist philosophy that is opposed to these "liberal" movements and to do so in several ways.

One way will be to make literature available to any interested person or group who becomes aware of these threats to the American way of life and who desires to do something about it.

Another way will be to furnish plans, forms and suggestions to make it easy for community study groups to organize and exchange their views and to determine upon courses of economic and political education.

There will be a Speaker's Bureau with operations centers at several places.

It is also contemplated that television and radio programs, presenting themes consistent with "The California Declaration," will be prepared and support will be sought for them. There are a few such programs in operation today, but more of them are needed. It must be recognized that it

would be very good business for advertisers to sponsor such a show, which would be characterized not by campaign oratory but by dynamic, interesting discussions on the issues of the day.

The maintenance of "conservative information centers" in communities is a project that could be financed at the local level by the dedicated individuals who have financed and organized volunteer campaign headquarters. These conservative information centers could serve as (1) a place for the dissemination of literature; (2) a meeting place for conservative groups; (3) a catalyst for local conservative action; (4) financial contribution centers to national campaigns. Efforts that can and will be made at local levels will be benefited greatly by information available from a known source. Printed materials and educational forms using other media are to be offered on a voluntary basis. The willingness and interest to have and use them must come from the local level. The source is merely to help in organization and continuity.

Another plan is to sponsor pro-American organizations on college and high school campuses.

The campaign for increasing the understanding of the causes behind the American way of life, and to educate and inform concerned voters about the principles in "The California Declaration" has just begun. It is important for Americans to recognize that our Nation is at a crossroads, from which we can go forward under the principles of "The California Declaration" or turn left to more socialism. Some channels of mass communication have for many years tended to push us towards the left, and it is little wonder that pulse-taking politicians find that road easier to travel. The fact is that if an equal amount of effort in education, information and communication is presented on the American scene with articulate presentation of the truth, the victory is sure.

Interpreters of facial expressions, observing the Republican National Convention at the Cow Palace in 1964, will never forget the looks of amazement and dismay on the faces of certain liberals. Their expressions seemed to say, "Who are these people? Where did they come from?"

The answers to these questions are deep in the roots of America, as though spoken by John Paul Jones. These are the "fed-up" people: Fed-up with socialism; fed-up with installment surrender that always causes a big war; fed-up with irresponsible, egocentric politicians; fed-up with hearing apol-

ogies for the heritage of America; fed-up with merely complaining about the problems in our country; *fed-up with standing on the sidelines; and determined to get into constructive, patriotic action.*

The socialists have to succeed in deception to saddle America with their collectivist plans; the Americanists need only be truthful and accurate to succeed. Ours is the probable victory. We can lose only if we default.

The victory will go to those citizens who vigorously engage in constructive action.

Gardiner Johnson

Gardiner Johnson, a prominent San Francisco lawyer who served in the Assembly and on the Republican National Committee, died Saturday in Oakland at age 84.

Mr. Johnson, long active in the Republican party and a conservative supporter of Senator Barry Goldwater, had practiced law in San Francisco since 1928. He was well-known for a case in which he won \$55,000 in 1953 for a client who sued local radio station KYA for slander by a commentator.

He served in the state Legislature from 1935 to 1947, representing parts of Alameda County, and was Speaker Pro Tem of the Assembly in 1940.

Mr. Johnson was born in San Francisco in 1905, eight months before the great earthquake. When the ground shook, Mr. Johnson's father put the boy and his twin brother into baskets and carried them to a cemetery at California Street and Presidio Avenue, where they camped out amid the gravestones.

In 1928, Mr. Johnson received his law degree from Boalt Hall at the University of California at Berkeley.

He was a delegate to five Republican national conventions and

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served on the Republican National Committee from 1964 to 1968.

Mr. Johnson was also a member of numerous civic organizations. He served as president of the Commonwealth Club and on the board of governors of the San Francisco Heart Association. He was a director of the University of California Hospitals Auxiliary. He served terms as president of the San Francisco unit of the American Cancer Society, the San Francisco Bar Association and the California Historical Society.

Mr. Johnson is survived by his wife, Doris, of Piedmont; a daughter, Jacqueline Ann, of San Francisco; and a son, Stephen, of Oakland.

Funeral services will be held Thursday at 3 p.m., at St. Clement's Episcopal Church, Berkeley. Burial will be at Mountain View Cemetery, Oakland.

Memorial donations may be sent to the Save-the-Redwoods League or the Commonwealth Club of California at the family's request.