California State Archives
State Government Oral History Program

Oral History Interview

with

HON. JOHN A. NEJEDLY

California State Senator, 1969 - 1980

February 10, 19, and 26, 1988
Walnut Creek, California

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

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None.

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PREFACE

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

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

Interviewees are chosen primarily on the basis of their contributions to and influence on the policy issues of the state of California. They include members of the legislative and executive branches of 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:

Oral History Program
History Department
California State University, Fullerton

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

Oral History Program
Claremont Graduate School

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

Oral History Program
University of California, Los Angeles

The establishment of the California State Archives 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:

February 10, 1988: Home of John A. Nejedly, Walnut Creek, California. Session of two hours.

February 19, 1988: Home of John A. Nejedly, Walnut Creek, California. Session of two hours.

February 26, 1988: Home of John A. Nejedly, Walnut Creek, California. Session of one and one-half hours.

Editing:

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

Nejedly reviewed the transcript and approved it with minor corrections.

Papers

Nejedly indicated he has some papers in his home and would be happy to deposit them in the California State Archives in Sacramento.

Tapes and Interview Records

The original tape recordings of the interviews are in the university 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

John Albert Nejedly was born in Oakland, California, on October 22, 1914. He attended Frick Grammar School, Fremont High School, the University of California at Berkeley (B.S. in 1935), and Boalt Hall (LL.B. in 1941).

Mr. Nejedly served as a Japanese Language Officer, Air Technical Intelligence, U.S. Army Air Force, 1942-1946. He formed and was president of Industrial Supply Company, Oakland; was accountant for D.A. Sargent & Co., served as Richmond deputy district attorney and Walnut Creek city attorney, 1946-1958; was general counsel for Central Contra Costa County 1958-1969. He served as California state senator 1969-1980. Mr. Nejedly was a Republican until 1947, and has been a Democrat since then.

His community activities include serving as director for John Muir Memorial Hospital, Contra Costa Council of Community Services, Contra Costa Park and Recreation Council, Contra Costa County Health Association, and Children's Vision Center. He was a member of the following committees: County Board of Supervisors Committee on Pre-trial Release and Criminal Justice, County Water Inventory Committee, County Negotiating Committee for Water. He was president of Contra Costa Youth Association; Scoutmaster, Boy Scouts of America; faculty member of St. Mary's College and University of California at Berkeley, Engineering Division; and member, Bay Area Health Facilities Planning Association, California State Bar Association, Sierra Club, American Legion, and Elks Club.

[Session 1, February 10, 1988]

[Begin Tape 1, Side A]

I. BACKGROUND

Family; Childhood

HICKE: You were just going to tell me a little bit about your family.

NEJEDLY: My family originally came from a town about fifteen miles outside of Prague [Czechoslovakia], to the east of Prague, and my great-grandfather and presumably the family before him had been involved in wagon-making; my great-grandfather was a master wagon-maker. Because of some political problems in the Austro-Hungary empire, why, grandfather left the country and came to the United States. He too became a wagon-maker in a little town: New Washington, Ohio. Interestingly enough, we've found all of the baptismal certificates and the marriage licenses and the records of the marriage ceremony itself. I just have them there over on the wall. That's so when people say, you know, that you're illegitimate, you have some means of establishing. . . . [Pause]

HICKE: It's right there for all to see.

NEJEDLY: Right there. You can come up and see it. In any event, he apparently was a rather active person in the community. He was in the New Washington band. It was a very, very small town, never developed into anything.

In those days, there were large families; many times women would die early and the male would remarry, so they had very substantial families. In fact, if you look at some of the artifacts that the women were involved in making, you can't understand how they had the time to do it. My grandmother, for example, built little flower wreaths of feathers, barnyard feathers. And she did one in particular that apparently is an exceptional one. I gave it to the state park system. How she could have eight kids and do that kind of intricate, time-consuming work is just unbelievable.

In any event, there wasn't anything economically available in New Washington, Ohio, so my father joined the army, went to the Spanish-American War, came back to the West Coast after the war, and got a job as a painter for the Southern Pacific Railroad. He worked for some time for them. He met my mother, who was a nurse in Oakland, and they were married and lived at 919 Magnolia Street. I was born at the old Fabiola Hospital. We lived in East Oakland, 62nd Avenue and Foothill. I went to Frick Grammar School, Frick Junior High, and finally Fremont High School until it burned.

HICKE: What was the date of your birth?

NEJEDLY: October 22, 1914. The day John Muir died.

HICKE: Is that right?

NEJEDLY: That's right. It's a resurrection, you see.

Interest in Environment; Boy Scout Experiences; Buying Property in Walnut Creek; College

HICKE: Well, one of the things I want to find out later on is how you got so interested in environmental concerns.

NEJEDLY: Well, the real interest came—and that's why I really feel sort of a commitment to the Boy Scouts of America--because we lived in a very limited social arena in East Oakland and we were quite limited financially. My father did not have any substantial income, moonlighted on weekends, and I would work with him on weekends painting houses. So the first entry that I had into anything broader than the family was the Boy Scouts. And they had a Scout camp in Oakland at that time, the Dimond Camp, and there was a fellow there named [ ] Bugs Cain. He was the naturalist. He became a sort of a

second father, and [I had] a much closer relationship [with him] than I had with my own father. I was in a way his assistant; I became his assistant. I used to work up there, and he would pay me car fare to come to the camp and do things in the museum. I would always save the money and walk home and walk to the camp, but in any case. . . . [Pause]

HICKE: This was during high school?

NEJEDLY: This was from 1924 until 1931.

HICKE: So you started about age ten.

NEJEDLY: Yes, I got interested at ten. You couldn't be a Boy Scout until you were twelve in those days.

HICKE: They didn't have Cub Scouts?

NEJEDLY: No, there were no Cub Scouts, but a family that we were close to had a fellow in another troop in East Oakland, and he would take me up to camp. So I was kind of involved in a peripheral way for some time. And then when the new troop was formed right at Frick school I joined, and that was Troop 32. I joined that when I was twelve.

Then I became very active in it. It was a complete metamorphosis. I learned how to swim. I was dealing constantly with adults; I was outside of my own age group then. So I really made that very firm contact through this Bugs Cain, who later--it was kind of an unfortunate situation--he got married and he realized he wasn't suited for married life and he committed suicide, which was one of the great tragedies of my early years. I just never could understand why he was dead, because when he died there was a real vacuum.

But in any event, I got in the Scouts, I ran the swimming pool, I ran the museum, and we had another camp, Dimond O, up in [Camp] Mather, up near Hetch-Hetchy [Dam]. He was the hike leader. We would hike up into Yosemite [National Park]. We hiked throughout the Yosemite area. His interest in it sort of fell back on me, and I became interested in learning something of the history of the glaciation and the formation of Yosemite, and he was a very knowledgeable individual, very interested in it, and communicated very well.

It was a different era of scouting, because we had a big shop up there at Dimond Camp. You could learn carpentry, you

could learn masonry, you could. . . . You know, a hands-on sort of thing; it wasn't an abstraction anymore. There were many physical things like basket-weaving that may sound stupid to you, but nevertheless it was things that you would learn . . .

HICKE: Handicrafts.

NEJEDLY: Yes, you're right; that's a better word for it. And in any event, that was so important to me, and you can't deal with Yosemite and that environment generally without coming in contact with Muir. So I always picked out the identity of the two dates, and so the day John Muir died, I was born, and so therefore I am the reincarnated John Muir. He never agreed to that but nevertheless I. . . . Sometimes, you know, if you're talking about it at a meeting or a talk or something, you can always embellish the conversation with this alleged identification.

But that's probably where it really began, because I had a real affinity to the natural scene and every inroad on it kind of irritated me--I didn't know why--and it still does today. Everytime you see a transition in a local circumstance or in a broader way, it's a bit of a pain. I used to be, for example, interested in watching the natural scene in National Geographic and other [places], for example, particularly movies of Africa, and now I don't any longer, because it's become painful to see them, knowing that those are historical things. They're not representative of the present, and they're certainly not indicative of the future. So it's a painful process. It's just like this place. I bought this when I was going to school and couldn't afford it, but I kept it because I wanted this kind of an isolation here.

HICKE: You bought the lot here?

NEJEDLY: I bought the whole property; it was thirty-one acres out here. Well, no, there was nothing out here, and I planted all the trees. Everything you see except the oaks, I planted.

HICKE: Beautiful. That was a wise decision.

NEJEDLY: Well, it was, but nobody thought so at the time. My father blew his stack when I came home and told him I was paying fifty dollars a month for a place out in Walnut Creek. Fifty

dollars a month was a lot of money. When he had a heart attack and was unable to work, I had to kind of support the family, and at thirty-five cents an hour, it takes a long time to make fifty bucks. I was always delinquent in the payments and the bank was always tolerant. It was a touch-and-go scene all the time. I just didn't want to lose it, and an identity, personal identity.

HICKE: Looking out the window at the hills and the valley over there. . . . It's just magnificent.

NEJEDLY: I used to walk all over this place from the Berkeley hills and the Oakland hills, and I found this place years ago, and it was a strange coincidence. I was in the junk business when I was going to school, and it [the lot] was being foreclosed on by the bank, and I just happened. . . . my mother knew one of the officers down at the old Central Bank down in Oakland, and he gave it to me for the amount that they had loaned on it if I would pay them fifty dollars a month. Well, I said, "Yes, I'll pay it." I knew darn well I wasn't going to be able to pay it, but it finally worked out.

It was an awkward scene, kind of embarrassing, because she'd go in the bank and he'd say, "Hey, where's his payment for this month? You're two months behind." The board of directors would meet, and I'd always be on the delinquent list, and they didn't want to foreclose because they were reluctant, I think, to get into a personal relationship with somebody. If it was a corporation, they would have foreclosed a long time ago. But in any event, I kept it, and it's a nice place to live. That was the beginning of the environmental interest, I suspect. Then I went to Cal [University of California, Berkeley].

1937-38 Dockweiler for Governor Campaign in Yosemite Park

HICKE: OK. How did you get interested in going to college and did you know what you were going to do when you went there?

NEJEDLY: No. Absolutely not. It was an impossible scene. I had a very determined mother. My father was a painter for the SP. We were in the middle of the Depression; in fact, we went through the whole Depression, but we all scrounged, had odd

jobs and things. Mary went to Mills [College]; that was an unusual thing. She went to Mills and I was to go to college.

HICKE: Mary?

NEJEDLY: My sister. She went to Mills as a day student, and I went to Cal for no good reason. I had no understanding of what I was doing. In fact, I flunked out of Cal. It was only because there was a little notice you got that you're. . . . I don't know whether you're on probation or "sayonara," but there was a little notice on it, "If this record is not complete or inaccurate," or some notice, I don't recall the wording, "you can go down to see Robert Sproul."

I used to take the train from Berkeley out to East Oakland because I had a pass on it, and sometimes I even walked to school: crazy scene. Anyway, I was on my way and I went down to Cal Hall, I go up to his office and say, "Is Mr. Sproul in?" His door was open and he says, "Yes, I'm in." So I go in and he said. . . . I don't recall specifically what it was, but let's say that you were eliminated from school if you were behind more than fourteen grade points, and he says, "I want to see your notice." He said, "Do you really want to go to school?" And I said, "Yes." I was beginning at that point to realize the importance of it, and your ego became involved at that point. So I said, "Yes." And he said, "What have you done in life so far?"

He spent an hour, at least an hour. Here's the president of the university talking to a guy who's flunking out. I had mentioned that I was an Eagle Scout. And he said, "You know, there's an old saying: no Eagle Scout ever went to San Quentin Prison." He said, "There must be a similar record somewhere that no Eagle Scout ever flunked out of Cal." And he said, "We can't let that record be broken. You know, you're not more than fourteen grade points delinquent." It didn't say "Fourteen or more," it said, "More than fourteen." It was not worded correctly; they meant fourteen but they didn't say it correctly. So he said, "That's only half a grade point; that's not a grade point." So he said, "Let me see what I can do and come back. Just ignore the notice and we'll find some way to handle this."

I came back and he said, "You're going to have to report to me and you go back and . . ." The thing I got was an F in English, and [ ] Brightfield was the professor. Oh, God, I'll never forget that. He was a Canadian and a real. . . . I guess the right word is a jerk. But I was so impressed with this guy--it was just like going through a complete metamorphosis in attitude--that I just couldn't let this guy down. He affected my ego, he affected my obligation to scouting, and all the rest of it.

So the next semester I got an A in that English, and I began to get some really good grades then. I'll never forget the great injustice, because if you got an F, and you took the course over and you got an A, the highest grade you could get was a C. Maybe this is the rule today. But any event I went back and he [Sproul] said 'Well, lookit, we violated every other rule around here already," he said, "we can't violate that one. You'll just have to live with that." He said, "You got a B average anyway." He said, "All your grade points now are up to date. Count your blessings." I learned another lesson from that conversation too, and that is: you never press your luck. If you're ahead, don't push the benefactor.

In any case, I went through Cal, and Mary was going to Mills. I couldn't afford to go to law school at that time. In fact, I had no real idea what the heck the world was all about. I wanted to do something, I didn't know what it was, and I couldn't afford to just take something on chance. So I stayed out for three years, and I worked for Owens-Illinois [Inc.], and I developed a. . . . They discharged me because they didn't need me any longer.

I went in the junk business selling glass to Owens-Illinois. I used to go around to all the bars and get the glass, the broken bottles, and sell that to Owens-Illinois. And they were pretty nice to me, too. They would allow me to come in at night and dump the glass, and we would just estimate the amount. And the guy who was doing the estimating knew I needed the money so he'd always estimate a little high. You know, you look back at life and you think, "Geez, you've got it made; you've got this, you've got that." There were so many things that happened because other people

did it. If Sproul hadn't done that or the guy out at Owens-Illinois hadn't fudged on the loadings, and a lot of other little things, you know, you never would have put the act together. But I saved some money.

I got involved in a political campaign, John F. Dockweiler for governor. Are you interested in this?

HICKE: Yes, I never heard about this.

NEJEDLY: This is the strangest thing; nobody believes this. You won't believe this, but I'll tell you the way it came down, because. . . . So many things happen in life. If you try to repeat them or tell them to other people, they just don't believe you. They feel that you're embellishing it or that you're creating it. But in any event, [James] Jim Agee was an attorney in Oakland, and he was running John F. Dockweiler's campaign for governor in northern California.

HICKE: Do you recall the year?

NEJEDLY: Yes, '37-'38.

HICKE: He was running against Olson.

NEJEDLY: Culbert [L.] Olson. Well, he wasn't running against him at that time; this was the primary. Wait a minute, maybe he was running; yes, I guess he was. That's right, he was. OK. We were down in Salinas at a Fourth of July rodeo. Somebody brought in a paper. We'd gone back to the hotel. I had a car; I had bought a 1935 Chrysler Imperial Airflow. I don't know, that's before your time, so you don't know it. But it was a big car, just like its name implies: dynamically structured. I painted it red, white, and blue. And I put two big speakers up on top. We had a little record player on the front seat and you had a microphone and you could jump out at a street corner and give a talk. And we called it the University of California Dockweiler for Governor Club. Well, there was no University of California Dockweiler for Governor Club, but it looked great. I was the president and the only member.

In any case, we had this down at the rodeo. Somebody read in the paper that [Franklin Delano] Roosevelt was going to be in Yosemite the next day. So they said, "Why don't you go up there and get into the parade?" Well, the day before the rodeo, we'd been down to. . . . It was Sonny Boy Wines . . . Pete . . . [Pause]

HICKE: Sonny Boy Wines?

NEJEDLY: Sonny Boy Wines. They'd been in a controversy because they had a boy and a girl on the wine label, and the Wine Institute had been on their back and the Christian Temperance Union had been on their back to not have children on a liquor bottle, and this was after prohibition had been repealed. It was just starting up. I'll think of his name.

In any event, he had given Dockweiler a bottle of every wine they produced. There were two cases of wine, and I had them in the back of this Chrysler Imperial Airflow. And the trunk was not on the outside, it was on the inside. You had to lift up the back seat and put things there. There were two cases of wine. That's important if you're going to believe any of this.

I got up at four o'clock the next morning. We all scrounged around to get enough money to pay for the gas; we were living on nickels and dimes. I got up to the entrance, about twenty miles from Yosemite; Briceburg was the town, a little town. Here's the highway patrolman on a motorcycle. Everybody stops. He said, "You just drive over and park." He said, "There's no traffic in Yosemite today. You can drive out and come back tomorrow, because the president's in town. He's up at El Portal on the train." There used to be a train that ran to El Portal; it got washed out that winter.

I said, "Look, I've got the wines for the president's luncheon." And he looked in the car and said, "Where?" And I opened the back and he said, "I didn't know there was a trunk back there," and he looked and there was the wine. And I said, "I've got the wines for the president's luncheon." He said, "All right, you go ahead. The train" --this was about seven o'clock in the morning-- "the train is up at El Portal. You can deliver them up there."

So here you're driving down from Briceburg to El Portal, people on the side of the road parked because they were not allowed to drive that day. No traffic. Here I'm going down with "University of California Dockweiler for Governor Club," and I got to El Portal and I drove "up the to FBI" [Federal Bureau of Investigation] or the Secret Service or whatever it was, I don't recall; in fact I didn't even know then. I

drove up and somebody came up and I said. . . . Because I was the only car that was moving. They had a lot of cars there from the Yosemite Park people, and they had a couple of Cadillac open cars for the president and some other cars, but I was the only one that was driving. So everybody assumed I was the president's illegitimate son or something. So I drove up with this car, parked it about fifty feet from the observation car. They'd backed the train all along this whole route; so the observation car was at the station.

Now this is a terrible coincidence. My uncle, Frank Nejedly, was a telegrapher down at, at that time I think he was in Tehachapi or Keene or Rosamund, either one of those, at that time. He was a telegrapher for the SP. This becomes important in a minute.

Well, you can see the scene with the observation car up at the station, everybody waiting for the president, the car drives up, the president isn't up yet--this is about eight o'clock now, and finally the president showed up at nine--but when I came up the fellow said, "You don't have your badge." So they gave me a badge called "President's Party Number Nine." [Peter] Pete Cribari is the one . . .

HICKE: Oh, Cribari wines.

NEJEDLY: I said, "Yes, I've got the wines for the president's luncheon." And they said, "Oh fine. You keep them in the car." We get up to Mariposa Grove Big Trees, and he said, "That's where the lunch will be. We'll put them out at that time." So I felt, geez, you know, I felt if somebody really inquires into what I'm doing here, I'm in [Fort] Leavenworth for sure.

So I went into the station and there was the telegrapher there for the railroad at the end of the station, and I said, "Look, I'm John Nejedly. I'm the nephew of Frank Nejedly." "Oh," he said, "I remember Frank. He used to be on the Mountain Tehachapi division of the SP." I said, "Yes, he's still there." He said, "He is?" "Yes," I said, "I'd like to send a wire to the president." He said, "Sure, I can do that." "Can you fake it from Los Angeles?" "Yes." So we sent him a [wire] letter saying, "We, the people of California, welcome you to our state and bring you today these wines representative of the products of California. We

hope that you enjoy these as much as your visit here to our state. Signed, John F. Dockweiler."

This is important, because it set up a whole train of things down the road, because he delivered the wire to the party and the party gave it to the president and the president sent a reply to John F. Dockweiler thanking him for the wines. So the guy gave me a copy of the telegram that he's sent that the president had sent back to Dockweiler thanking him for the wines.

Well, here's this car out here, and pretty soon the president came down. They put a wheelchair on the ground, and they carried him down from the observation car, put him in the wheelchair. He went over to the car and they put him in this Yosemite Park and Curry Company Cadillac. I went over and talked to him. I talked to him for about fifteen minutes and he said, "Here's the superintendent of the park." I forget his name. It began with an M; I'll think of it in a minute. He was sitting next to the president, but he was just sitting there like this.

HICKE: With his hands folded on his lap.

NEJEDLY: Yes. I said, "Be sure and drive up to Mirror Lake. Be sure when you're going up to the luncheon," as if I knew his whole itinerary, because I knew he had to go from A to B to get to C. So I said, "Be sure you turn the car around and look down at the valley from Inspiration Point." And so the president nudged the superintendent and he said, "Yes, yes, we can do that." As if he was changing the whole itinerary to correspond to what I was telling the president he ought to do.

Well, in any event, they got their act together and they started off, and I got in the car and I thought, "Here's my chance to get out before somebody puts two and two together." I was going to make a right turn to go back to Mariposa and the fellow says, "No, you follow." So, here go these eight cars with the president's party.

[End Tape 1, Side A]

[Begin Tape 1, Side B]

NEJEDLY: We got up to where the road follows the west side of the valley roughly up to Mirror Lake. They were going to go to the Ahwanee Hotel and then he was going to go up to Mirror Lake, because that's what I told him: "Be sure you go up to Mirror Lake." It's well that he did because it's no longer there.

[Interruption]

The fellow just wouldn't let me go; he stood in front of me, so I had to turn left. Here we go up, these eight cars of the president's party and me. I get up to the road turning off to Fresno and I thought, "Gee, I've got to get out of here. I've done everything I can with this car, and sooner or later somebody's going to find out what happened."

By the way, previous to this I had applied for admission to Boalt [Hall] but I. . . . Gosh, I was competing with guys with straight A averages, that never got anything but an A. I had a B- something average, and I was way down. But they had three slots that they allowed people without the academic background to apply for. There must have been a million applicants. It becomes important in a minute; I just thought of the incident.

I was going to turn right and there was a national park truck there and I was the last car. So I stopped and told them I had to get out to Fresno. And he said, "OK." So I got the wines for the president, and then I had to say I had the wines for the president's luncheon, and he said, "Oh, I'll take you there." So there was no way out. So I followed him then all the way up to the Big Trees where everything was set up for the luncheon.

So then I had to get the wines--I had to do something--so I took the wines out of the car and put them on the table. It was interesting, because the president had been out to a meeting and I think it was at Treasure Island someplace, and they made them take all the labels off the wine so there would be no advertising. So here are all of Pete Cribari's wines on the table with his label. My mother had gotten an old bellows camera from S and H stamps, Sperry and Hutchins, and I had this old cheap camera; cheap, it was really cheap, but it worked. We put out the wines and I had to follow

through with what I said, because he could pick me up on it every time, and if I had said, "No, I've got to get out of here," or whatever, it would have created a question.

So anyway, we put the wines out at the table. The president ultimately comes up. I have this old camera; I took pictures of the wines close up so you could see it [the label] with the same scene. Then I took pictures of the president coming down and sitting at the table, and finally I told this guy, "Well, I've got everything done that I can do and I'd better get out of here."

I got out and I got to Fresno, and I called Jim Agee from Fresno and told him what had happened and he didn't believe me. He said, "You go up to the San Francisco Examiner as quickly as you can with the camera. Don't do anything with the camera. Don't take any more pictures; don't do anything." I said, "All right. But I need money." In fact, I'd just barely gotten to Fresno with the gas that I had. So he said, "You go downtown." I was at a service station somewhere and I was out of gas and I couldn't even buy any gas. I had maybe fifteen or twenty cents but that was all. Maybe a gallon. I'll never forget this.

I asked a fellow, "Where's the Western Union?" It was some street in town and I had to walk about eight or nine blocks, walked down, got the money, came back, filled the tank, went up to the San Francisco Examiner. By then it's about 2:30, 3:00 in the afternoon. They come in and they take the pictures. Jim's there. Some other people are there, I don't remember who. Somebody from the Coca-Cola Company was there because he was putting up the money. Every time we talked about money, he'd reach in his pocket and take out some money. How does this guy carry all this money around?

HICKE: For Dockweiler's campaign?

NEJEDLY: For Dockweiler. I'd never seen this kind of money before or [seen it] passed out this way before. They ran in and took the film and developed the film, and those pictures were great. So here we got the president's party, the president on the film with the Cribari wines. So Jim calls Cribari and says, "Look what we've got." And Cribari says, "Oh, I don't believe it." But in any case, the end effect of it was that

Max Radin who had been supporting Dockweiler, although he had had some kind of a personal problem with Culbert Olson, something Culbert did or didn't do . . .
[Interruption]

In any event, Jim called Cribari and Cribari came up, they showed him the thing, and Cribari gave him $20,000 just for the pictures. They didn't allow them to publish them, but the word got out. He was that enthusiastic about it. But Jim Agee gave me $5,000.

HICKE: For that?

NEJEDLY: For that. He said, "We ought to split it with you but we need it . . ." or whatever, and I said "Look, it's $5,000. That's all the wealth in the world to me." He said, "Don't worry about getting into Boalt." Apparently he called Max Radin and out of the whatever number of applicants they had. . . . and I always say it was just chance; it wasn't any special favors and all that sort of thing. But in any event, I was one of the three. I'll never forget that scene. And if that had any force on my being selected. . . . I couldn't understand why anybody would have picked me as one of the three. So maybe there was a connection, maybe there wasn't. I don't like to think there was, but it's kind of hard to believe.

HICKE: Oh, that's a wonderful story, and it certainly shows your ability to think fast.

NEJEDLY: Oh, I wasn't thinking; I was just doing stupid things, but that had potential.

HICKE: Well, it took a lot of courage to do those things, I think.

NEJEDLY: I never liked--that was one trait I always had--I never would want to give up. Never give up. If you've got an odd chance of doing it, take the chance, what the heck.

Law School; Military Service, 1942-46

HICKE: I was going to back up and ask how you made up your mind to go to law school.

NEJEDLY: That was the five thousand bucks. It also bought me a truck and I was able to expand into the junk business. I had a really good business going. I used to get the glass from General. . . . General Electric [Company] used to make light

bulbs down in West Oakland at 1648 16th Street. Fellow named [ ] Barrows was there; I'll never forget the fellow. Used to call him General Barrows. They used to dump the residue of their glass-bulb-making out at Oakland dumps, and they used to have to haul it back.

I saw the truck one day. I was out at Fruitvale Avenue going out to the dump, and I stopped the truck and asked him what it was, and he told me it was from General Electric. I went down there, saw beautiful glass: clean, perfect. In fact, it was a good, lead glass. So I went down, saw Barrows, told him I was going through school and gave him, you know, the tear approach, and he said, "You can have it, because we have to pay to haul it." So I got that for nothing. That was a big account, because I'd get about twelve tons a week and I was selling it for seven dollars a ton a week.

HICKE: I guess what I wondered was why you chose law school rather than, say, medical school or whatever?

NEJEDLY: I wasn't smart enough to go to medical school; that was beyond my capacity. It was something strange about fate. But law school was something I could cope with. I don't know why. Here I was, I was an indifferent student at school, but the first semester, I was working and going to school, to Boalt. You're not supposed to work and go to Boalt; that's a tough place. It's a killer place. And the first semester I got A's and B's. The first year I had a good record. Then I figured what the heck. If I can do it once, if I have to I can do it again. But then I began to get B's and C's. And I got B's and C's the rest of the way.

Frank Newman and Homer Angelo and [ ] Ed Barret. Newman sat next to me. I'll never forget one time we were in class and it was in [Alexander] "Captain" Kidd's class in criminal law, and he said, "Look on each side of you." So everybody looked at the person sitting on their right and the person sitting on their left. "Well," he said, "next semester, one of those two won't be here." Really a great guy to say a thing like that.

HICKE: Yes, he was a rather well-known character. I've heard a lot of stories about him.

NEJEDLY: Newman was sitting on my left, and I'm trying to think whether they were in the row ahead, but anyway we were close together. Newman was on my left and we got kind of close. He used to teach me piano lessons and they lived up on Panoramic [Way] at the time; you had to hike way up the hill to get to his place.

He gave me his notes. They had a little ring: Barret and Newman and Angelo, and [ ] Drucker was in the class ahead of us. These were real smart people. Frank Newman was later on the [California] Supreme Court for a while, until conscience got the better of him. At any event they used to give me their notes.

I worked for D.A. Sargent and Company, which was a public accounting firm in Oakland. Here I was working for D.A. Sargent, I was working in the library at Boalt, and these guys took pity on me and they would type up the summary of the cases, their feelings about the cases. They had Drucker's material from the previous year, and that was three or four hours a day saved. So they put in another carbon. In those days, you didn't have word processors or anything, or push a button and get another copy. And I got the last copy, which was in many cases almost unintelligible. But they gave me the extra copy.

My mother would fix a lunch: soup in a thermos bottle and a sandwich. I would drive from Boalt down to work. I was working five and six hours a day. I was running a junk business. I was librarian at the law school, but everybody . . . . You talk about how you're the captain of your own ship: that's really not very accurate. Everybody would do their own. . . . They'd go in the stacks and get their books. They wouldn't bother me [in the library] and I would sit there at the counter and I would be completely removed from the scene and I was doing my studying. So they were paying me thirty-five cents an hour to study. So I had it all going for me.

Then, in fact, I got through Boalt. I think there were fifty-eight students in the class and I was fiftieth or close to fiftieth. I wasn't any better than fiftieth, but somewhere in that area. But I got by and I passed the bar.

HICKE: That was about 1950?

NEJEDLY: '41. And I passed the bar. We had at that time a thing where you could sign up in the military, and I signed up in the Air Corps. That way you could guarantee finishing school and taking the bar. Nothing could happen until 1942. Then Pearl Harbor, and that all blew up, and they said, "Forget the thirty days notice and that sort of thing." In any event, there was a hiatus, and I had about a year before I actually went, and then I became a Japanese language officer.

HICKE: You were in intelligence.

NEJEDLY: Yes, I was a Air Tech. [Technical] Intelligence. I was in the South Pacific. I served some time in Japan, then came back and, gosh, there's another strange incidence.

II. PRACTICING LAW: 1946-1969

1946-48: Contra Costa County Deputy District Attorney and Walnut Creek City Attorney

NEJEDLY: I took my time driving back from Indianapolis--I forget the name of the fort in Indianapolis--but in any event, I came out on Highway 66, and it had been a late winter, and I went up to the mountains there and it was beautiful.

Anyway, I dawdled around, came back to my uncle's place in Tehachapi and stayed with him a day or so. Then I came home and found I was a day late to apply for the examiniation for deputy D.A. [district attorney]. So I said, "I just got out of the military; how can you be so technical?" So the director, a fellow named [ ] Emory, a real tough guy. . . . If there was every any concession, this was the only one he ever made, but in any event, "All right," he said, "We'll waive the time you can take the examination." The examination was within two or three days, so I went over and took the test and I came out second.

Wakefield Taylor was president of our class at Cal, the class of '35, although I was really the class of '34, but they didn't have December graduations. Now they can graduate, as I understand it, almost any month of the year. But there was only a June graduation, so if you graduated in December, you graduated in June. Well, he was the president

of the class and he was a deputy D.A., the chief deputy D.A. So he convinced the district attorney to hire me. The other fellow who was first, who was better than I was, was [Robert] Bob Anderson, who became the city attorney of Berkeley until the Berkeley Bar moved into the courthouse. He wasn't suited for that.

HICKE: Why did you decide you wanted to be a deputy D.A.?

NEJEDLY: Because it had a salary.

HICKE: That's a very good reason. Who was the district attorney?

NEJEDLY: Francis Collins. So I worked as a deputy for four and a half years. I became city attorney of Walnut Creek on a three to two vote. Things turn on small issues.

HICKE: You had to campaign for that?

NEJEDLY: No. I was appointed by the city council. But the city council. . . . Terry Ring had applied for it too, and two of the members of the council were for Terry and two were for me. The third one was a dentist in town, and he wanted to have lunch with both of us, one at a time, and I found out somehow I was the first. I thought, "I don't want to be the first; I want to be second." So I said, "Could you change that to Thursday? My mother has a problem," or something, and he said, "Yes, I can change it to Thursday." So he met him on Wednesday and he met me on Thursday; so I had the last crack at it.

I kept telling him about all my experiences at the University of California Dental School, where I had all my dental work done, because that's where it was done without any cost. He was so impressed he voted for me. And I got the three votes and the city attorney and then I left the D.A.'s office, went into private practice, and I had eight years of really interesting experiences in Walnut Creek and the community.

Public Administrative Law; Teaching

HICKE: Wait a minute. Were you in solo practice?

NEJEDLY: Yes. Private practice.

HICKE: Criminal law?

NEJEDLY: Everything. Mostly public administrative law. I got into that when I was with D.A. Sargent and Company. Somehow I had the capacity to impress people with my abilities or whatever. And I set up a whole new accounting system for Alameda County and the City of Oakland. In the process I had to go through every code. In California, it's not like general laws: everything is in a code; it's a field code state. I went through every code, every law in effect in California that might apply. I didn't go through an index, I just read everything. I read every code in California, interpreted it into the accounting requirements for both the county and the city as a charter city. Went to the Oakland Charter and set up a whole accounting system, and that really impressed D.A. Sargent.

When I got back I was still into this scene. I got into public financing, the issuance of improvement act bonds, the [Chapter] Eleven act, the [Chapter] Thirteen act. I began teaching at Berkeley at the engineering extension. I was teaching at St. Mary's. Those were the big years, eight or nine or ten years.

District Attorney, 1958-69; Campaign; Innovations as D.A. and County Counsel

NEJEDLY: Then I got into some real difficulties with the D.A.

HICKE: About '58, '59?

NEJEDLY: About '57, I think. He has passed away or I'd be more specific. But I didn't think the way he ran the office was right. They had private practice and so many inconsistencies and people were getting special favors. So I ran for D.A.

HICKE: That was '59?

NEJEDLY: '58. And surprising, I won! Here I was running against an incumbent D.A., long-term, incumbent D.A., your old boss, the machine in the county was 100 percent supportive of Collins, and I still won.

HICKE: How did that happen?

NEJEDLY: I really don't know, except that there were other people who shared some of the concerns I had for the way the office was being run. I think I rang every other doorbell in the county. I told them, "I'm the poor little guy. I'm trying

to serve you in a more honest fashion. Integrity." And I got 10,000 more votes.

HICKE: That's quite a bit.

NEJEDLY: It was, for this county. At that time, we were both Republicans. I changed my registration because when [President Harry S] Truman wiped out Czechoslovakia, which was my home country, in Potsdam, it just irritated me so much I changed my registration to Republican.

HICKE: Well, there was cross-filing at that time.

NEJEDLY: Yes, I think there was. You could play this game almost any way. It wasn't really significant then, but it later became significant. It was the only thing I could do.

HICKE: Contra Costa County was primarily Democratic?

NEJEDLY: Oh, yes. Always has been. Still is. It's being reduced now. When I ran for D.A., things began to change. We got some very innovative programs, like citations instead of arrests. A woman, for example, would be arrested on a shop-lifting charge in Danville. She has a couple of kids in the car. You'd have to take the woman and the kids in the police car, take it out of service, take the kids to Juvenile Hall, put them in Juvenile Hall, take her to the sheriff's office in Martinez, book her. The kids are in Juvenile Hall, the trauma is obvious, and the wasted police energy is obvious too, but that's the way the system was. We never issued citations: only for traffic.

So we developed a system with Frank Murphy and [Senator] George Miller [Jr.] in the legislature for issuing citations in a misdemeanor. At the scene, the officer would just give her a citation in Danville and that's the end of the police involvement.

HICKE: Now did this happen after you got into the senate?

NEJEDLY: No, into the D.A.'s office.

HICKE: Oh, and you were working with these people in the senate?

NEJEDLY: Right. So we got that changed. We got a work furlough program instituted in welfare. We changed the welfare laws with reference to. . . . It used to be the ANC, the Aid to Needy Children Program. It was just a mess, and it required federal legislation, but we got it through John Baldwin, who was then in congress. But we changed it; the whole law

became the Aid to Families with Dependent Children. It had a new name. Same misery but a different name.

We changed the rules; we got new drunk-driving legislation, we got blood tests instead of objective tests at the scene--stumbling, wobbling--we got blood tests initiated. This all came out of the office. We went both ways. I was the county counsel and the D.A. We took up the struggle on the Delta and the peripheral canal: the Burns-Porter Act,[1] the litigation we took to the Supreme Court on Metropolitan Water District versus Marquardt.[2] We were doing everything.

It was a very interesting, innovative, changing ten years. This was the Vietnam bit, the young people, the antiwar protests, the Port Chicago scenes, the changing attitude of industries about pollution. The first arrest I ever made of an official of an oil company was the plant manager for Associated Oil; we arrested him for contaminating the Delta of Walnut Creek. Things really were in flux in that decade.

HICKE: Well, these were your ideas and your . . .

NEJEDLY: Well, I don't say "yours," you know. There are too many other people involved. You always had to deal through other people to get anything done. There were a lot of good people in the office, very competent people, who were just as interested as I was. I found one thing: if you had a title and a little political clout, you could get things done. But you had to have some competent people around to tell you how to do it.

HICKE: But it's not easy always to muddy the waters.

NEJEDLY: That's right, and we got involved in everything. I was always amazed that I would continue to get elected. In fact, I prosecuted a priest and two nuns for selling raffle tickets. I prosecuted the president of the Rotary Club for selling raffle tickets and I was a member of the Rotary Club.

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1. Burns-Porter Water Bonds Act, ch. 1762, 1959, Cal. Stats, 4234.

2. 59 Cal 2d 159

And still I got elected and reelected and nobody would ever believe it.

HICKE: The voters apparently appreciated your record.

NEJEDLY: Well, whatever it was. You'd have to get that from some third party. You can't get it from me because I really don't know.

HICKE: Did you campaign as heavily on your reelections?

NEJEDLY: Oh, yes. We'd go fanatic, we'd go bonkers on elections. I would be psyched out completely. I was a monster. You know, you're doing the work and you're out every night. I never wanted to lose.

HICKE: So this lasted from '59 to '69.

NEJEDLY: Yes. Let's see, there's one more. It was eleven years. How do you get eleven years out of ten years?

HICKE: Well, '58, I think you said.

NEJEDLY: Oh, OK. Well, in any event, it was eleven years and then George Miller died. I ran for D.A. as a Republican. The party had other ideas; they wanted somebody else to run, but as I was D.A., I had more leverage than anyone else. Although they didn't really like me. I wasn't the picture of a Republican, at least in their mind. But there was no way they could beat me.

HICKE: You say they; are you talking about the County Central Committee?

NEJEDLY: County Central Committee, and they had another person in mind. But in any event, I was elected. George Miller was the opponent.

HICKE: George Miller, Jr?

NEJEDLY: No, George Miller II. George Miller, Jr. was the senator. And you don't call a junior, Jr. But his father is now dead so he would be a Jr., right?

HICKE: I read about that campaign and they called him George Miller, Jr.

NEJEDLY: OK, so his father's dead so now he takes over the Jr. OK, that's the way it worked.

HICKE: His father was George Miller, Jr. too.

NEJEDLY: Right. I got into a big flap one time with the Contra Costa Water District, which was supporting the peripheral canal, and their president wrote a letter and called him George

Miller Sr. and then George Miller, Jr., and I told him, "You don't know any more about water then you do about the Miller family." I was a real snotty person. I don't know how things turned out . . .

[End Tape 1, Side B]

[Begin Tape 2, Side A]

HICKE: . . . how things turned out as well as they did.

NEJEDLY: Yes. But in any event, a lot of changes took place in that period of time, and we were usually ahead of the change. For example, when Miranda[1] came out, it didn't bother us. And it still doesn't bother me, although [Edwin] Ed Meese is still fretting about that one. But in any case, we were taking cases to the Supreme Court; we were developing alternatives to incarceration; we were developing work furlough programs; we were developing arrest procedures.

A great deal of the present m.o. [modus operandi] for law enforcement came out of those years in Contra Costa County, and our contacts with the legislature . . . . George Miller, the senator, was a very competent person, and he was able to get things through that otherwise would never have developed in the legislature. We got a great deal through.

Senator George Miller, Jr.

HICKE: Can you tell me a little bit more about him?

NEJEDLY: George Miller, Jr., the first senator?

HICKE: Yes.

NEJEDLY: Well, he was in the insurance business, and during the war he became the director of personnel for Kaiser [Industries] in Richmond. He had a very solid family. They lived in Alhambra Valley on kind of a small ranch out there. He had a sister who was a nun and . . . . [Pause]

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1. Miranda v. Arizona, 384 U.S. 436.

HICKE: How was he able to get things done? How did he exert the leadership?

NEJEDLY: He never wanted to become president pro tem, but he made sure that he was instrumental in seeing who was. He had a strong character; he was intelligent, very forceful, and until the last four or five years, very dynamic. But then he began to taper off in activism, and the last four years, you could see the physical changes. But when he had his strength, he was a very dominating person, and in a constructive way. I never heard anybody ever say George was dishonest or he was playing games or whatever. He did it by talent, not by subterfuge.

HICKE: Negotiation?

NEJEDLY: Well, he was a good negotiator, but if he wanted something, he made other people come around to his point of view. I remember one night we wanted to culvert Walnut Creek in the downtown area, and we had no way of getting the money to do it. So we developed a bill that provided. . . . Sales tax had just been applied on a state level, and cities could impose a sales tax. So we provided a bill that said we would sell bonds that were to be amortized by the sales tax revenue. I figured out that once we got that culvert in and got some new building, we'd have more sales tax you then could spend.

I remember that night. We were in room 2040 in the state capitol. It was Miller's bill. If we could get it out of the senate, the assembly was no problem. The Bank of America and the banking combine were opposing the bill. George at that time, I think, was chairman of Finance. I'll never forget it. He said, "I'm going to adjourn this hearing for a few moments. I want to meet you people out in the hall." And out in the hall, he said, "Look, we've done a thousand things for you this legislative session . . ."

HICKE: He said it to bankers?

NEJEDLY: Yes. He said, "All I want is a simple bill for my district. And you up here are opposing it. So what do you expect down the road if you act like this on an issue that can't hurt you?" They said, "Well, it's unprecedented, never been done before." He said, "Look, it can't lose. There's no way it can lose, because of the additional sales tax revenue, and

even the existing sales tax revenue will amortize it." They said, "Well, it's never been done before." This one guy was saying, "It's never been done before." He said, "I remember." George said, "Look. Everything that happened in this world never had been done before." And they said, "Well, can you make it so that it only applies to Walnut Creek?"

Remember now, it's eleven o'clock at night, we don't have access to any information, it's pretty nearly the end of the time when we could get a bill out, if it wasn't the last minute, and we said, "All right. We'll make it applicable that the population of the incorporated city must be 3,500 or less and that the area within one mile of the boundaries of the district can contain no more than 10,000 people. So let's put that in."

I didn't know what the figures were. Nobody knew what the figures were. But we had to get a bill out. We figured, well, what the hell, maybe we can amend it somewhere down the line, maybe we can screw it up somewhere where nobody knows the difference, but let's get the bill out. So they agreed. So they held back with their opposition; they agreed they wouldn't oppose it in the assembly and would support it in the assembly, and he said, "All right." Somebody made some kind of a comment: "Remember now," he said, "You owe us one." He [Miller] said, "Hell, you owe me a thousand and one. Don't give me that 'I owe you one.'"

So we got the bill out. We got the bill passed. Then it came time to conform to it. We got the city engineer, who was driving the car; we drove around town and counted mail boxes. We got the telephone company to give us an affidavit on the number of telephones; we gave them a screwy multiplier to apply a factor to the telephones. We made it all up. We drove around Walnut Creek and I would say, "One residence." We'd drive down the street and I'd be doing this: one, two, three, four, five. One, two, three, four, five. Then I'd get to the part where I'd say, "Hey, we're getting too many here," and I'd just pretend I was writing.

I'll never forget: this fellow named Larry Milnes was the city engineer. He came back and signed an affidavit that

it was 3,500 and the 10,000. So then we filed a suit in superior court and I took it over to Wake Taylor and he said, "How do I know these figures are correct?" I said, "Hell, you've got an affidavit from the city engineer." And he said, "Well, I ought to go out there and look at it myself." I said, "It is kind of an odd world where we have a professional engineer giving you an affidavit and you want to go out and look at it." He says, "Well, you tell me it's right." And I said, "Look, I know it's right." I didn't say it was, I just said I know it's right. He didn't see the difference. But in any event, he validated it.

We got the culvert in, and in one year, we retired the bonds. We had a provision in the bonds that they could be called. We had so much money we didn't know what to do with it. We called the bonds and that was the end of it. I knew nobody was going to go to jail, although it was strictly illegal. That's the kind of way you ran things in those days.

That's the kind of a guy he [Miller] was. That bill better describes him than anything else. People liked him. He would go anywhere. He used to go back to Washington with us every time we asked him to go, and that was a no-no to anybody in the senate. He'd go back and we'd argue about the Bureau of Reclamation and things. I was a Republican, he was a Democrat in those days, but he never raised that issue. When we needed something, he would always do it. I always admired the fellow.

In fact, his son has a lot of his characteristics. I don't think he's that positively personal with me, because when we ran the campaign, he was our opponent, and those things you, I guess, never really forget.

George was a very strong person. He talked in a very low voice [Mimics him], and he'd say things on the senate floor, you know, like somebody'd say, "You've got to be fair." He'd say, "Show me the law that says you have to be fair," and things like that. There may have been other sides to him, I don't know. I hear all kinds of stories, like you'll hear all kinds of stories about me. Which is the person? Nobody knows. You're full of contradictions. Some

things you do one way one time, another way another time; sometimes you're dishonest, sometimes you're impeccable. Everybody's a composition of a lot of forces, and which ones are predominant depends on who's looking at them. It's like this presidential campaign, my God. If you look at what one fellow says about the other, you wouldn't vote for anybody. They're all a bunch of bums.

III. THE SENATE: 1969-1980

1969 Senate Campaign; Campus Disorders; Water Quality; Population and Environment

HICKE: I got some newspaper headlines from the 1969 campaign [for senator], and one of the things you talked about was you supported labor and minorities and you talked about the campus disorders . . .

NEJEDLY: Yes. That was the one at DVC [Diablo Valley College]. They had a screwy. . . . I'll tell you what it is. [Dean] Lesher was not in love with me at all. He didn't like me at all. He was the owner and editor of the Contra Costa Times; he had bought out all the other papers. And he had no use for me. One time they'd had a labor strike at his plant, and there was a picket line out in front, and about five or six people broke in the back door and wrecked the plant. He wanted felony conspiracy complaints for everybody in the picket line, because they couldn't identify the ones who broke in but they knew who was out in front. I said, "I can't give you a felony conspiracy complaint." "I'm a lawyer and I've talked to my lawyer and you can; you're just refusing to do it." The chief of police, [ ] Davis, in Walnut Creek, wouldn't act the way he wanted him to, and he was on his back. Well, in any event, he came out in an editorial saying that if Nejedly or Miller was elected in the first go around, was elected to the California State Senate, it would be the worst disaster that ever occured in Contra Costa County.

So when they had this little, mini-Sather-Gate thing out at DVC, I went out and talked to the students, and said,

"Look, there's no way around it. You came out here to get an education. If you're going to have a demonstration, have it on Sunday, but don't disrupt the classes." And we had kind of worked it out pretty well. They said, "All right." I didn't want this Mario bit from down in Berkeley out here, but I had said, "Look, that's no way to run a. . . . I won't tolerate any disruption of the academic programs at DVC." And that was one of the hot issues at that time, although it was really not all that important. It was important because Lesher was saying that I was soft on the students.

HICKE: When actually you were just persuading them.

NEJEDLY: That was the quality of communication in 1969. That's twenty years ago, and it was less sophisticated than it is now. We were talking about issues and things that wouldn't even draw any attention at all today. But a little disturbance on DVC becomes a political campaign issue. It really wasn't an issue. But you had to provide the rhetoric to accommodate the image. So we did. It was very juvenile, very unprofessional, very low level, but that's the way it was in those days.

HICKE: You think it's changed?

NEJEDLY: It's more sophisticated. You don't use the kind of language we used then. For example, "Disruption of academic opportunities at the university will not be tolerated" isn't the kind of language you'd use today.

HICKE: Another thing you talked about was water quality, which has been a theme of yours all along.

NEJEDLY: That's the big issue. I just put everything together on that. This started back. . . . And particularly through George Miller, who was the author of the Delta Water Protection Act. But he saw inevitably southern California moving to northern California for water. Once you ran out of Owens Valley, once you ran out of the Colorado [River], he saw them coming up here, and he fought the Burns-Porter Act.

He called me up one time and said, "Look, you owe me one and we need some help going around to the boards of supervisors." I went around to every board of supervisors in northern California to oppose the Burns-Porter Act. Then subsequently to oppose the revenue bond issue to finance the

Burns-Porter Act. I went around, and there was a strong group that George was kind of opposed to, with the Contra Costa Water District to support the state water project.

HICKE: The water district was supporting . . .?

NEJEDLY: Right. Because they were going along with the big boys--the big organizational thing in the state. I went around to all the boards of supervisors again, and in that election only one northern California county voted on the bond issue and that was because of the Lake Oroville being that close to that one county. The Burns-Porter Act just barely passed. Then when it came to the revenue bond act, that just barely passed too. That was the only one county that had supported it in northern California. Then we filed suit.

HICKE: Yuba County?

NEJEDLY: Yuba County. Metropolitan Water District filed suit against Marquardt, who was their treasurer, because he refused to authorize the projects because of his alleged. . . . It was just a frame thing. He didn't really believe this, but he just said, "I'm not going to do it because I don't think the act is constitutional." And so they sued him and they bypassed everything and got it to the Supreme Court.

Then I went around to all these counties again. We got them to join as amicus curiae, and that was everything--Santa Clara County, San Francisco--think of the work that was required to go around and get every one of those boards of supervisors to join in litigation. I look back on it and kind of figure we really must have been working day and night.

In any event, he helped us, worked as hard as we did, and we got every one of them to sign up as amicus curiae, and we took it to the Supreme Court. I almost got thrown out of court for impertinence, and then [Roger] Traynor, who was the chief justice, wanted to find me in contempt, put me in jail, but he didn't know how. He never had done that before, so off the top, he didn't know how to hold anybody in contempt, and he didn't want to make a fool of himself by saying something that was not sensible. So he didn't follow up on it. It passed and tempers cooled. But anyway, I almost went to jail over that damn thing. But in any event, we lost the

case because they had it rigged.

HICKE: How so?

NEJEDLY: It was [Governor] Edmund G. Brown's--what do you call it?--cause celebre. And he appoints the judges to the Supreme Court. I'm not going to indict the whole political system, but you know as well as I, particularly on economic issues where you can go either way with equal dignity, you're going to go the way the current is flowing. Well, I had two dissents but that's all we got out of it.

Back when you called me, you were concerned about that water issue. I called them and they're going to get me copies of my briefs, because I want to read those again and see what I said, because they got me in dutch.

HICKE: You have a stack of reports there?

NEJEDLY: This all goes back to those fights on. . . . It's really a broader fight than water quality of the Delta: it's people versus the environment; how accumulating numbers of people ultimately obviously destroy the nest. You shove too many people into a finite space system, you're going to have conflicts. And up to this point, we'd always sacrificed the environment, not recognizing that what you sacrifice, you're throwing away forever; that unless you begin to manage the numbers of people, this was going to end up ultimately where you destroyed your own environment to the point nobody cared about it anyway. Life wouldn't be that. . . . It's like, you know, in Isaiah, "Woe unto they who build house upon house and lay field upon field, until no man can be alone." Well, if that's a fair statement of the situation, obviously if we get more and more people, that's exactly what we're going to do.

HICKE: How do you find the line?

NEJEDLY: We've already passed the line. For example, the Indians, when they lived in a very primitive environment, adjusted. They had controls on food supply, they had controls on disease, they had controls by attacks by other tribes and other animals. So there were population management things in place.

Now those are largely gone. All you have now going is old age and wars, and wars may hopefully be no longer

involved. They could live with their environment because their populations were relatively static. Anytime they got too big, like in South America or in the southwest of our own country, along would come a famine and would wipe them out. And so there was a control. Now those controls have been overcome.

HICKE: Most of the legislation that I know that you carried and worked strongly for was against this trend, if I'm not mistaken.

NEJEDLY: Yes, we keep telling people, "Your environmental experience is the environment divided by the number of people."

HICKE: Do you see this as an insoluble problem?

NEJEDLY: Until people. . . . For example, if we have any serious non-correctable disease like AIDS [Acquired Immune Deficiency Syndrome] or some revival of some other virus, if there are new forces that man cannot manage getting into the life system of man, then maybe there's some hope for correction. Our people are. . . . For example, during the Depression, things got so tough people just didn't marry and they didn't have kids if they did marry. They saw to it that they didn't. That kind of a control isn't that effective any longer. You can see people in South Africa that have nothing and they're still having kids. So maybe that kind of a control is no longer. . . . And that's a very sophisticated kind of control. But unless you have a new disease factor or new circumstances like in Ireland, which is pretty static because people just don't get married until they're thirty or thirty-five, there's no hope. Unless you control people, this thing is just going to get worse, because what is happening to the rain forests on the Amazon [River], what's happening to the Mississippi Valley, what's happening to contamination in the Delta where you can't eat fish. . . . You can't eat, you shouldn't eat the fish you catch in the Delta.

HICKE: But what do you see for southern California?

NEJEDLY: They're going to have to manage their population. They have to manage it if they want to live in any sensible fashion. You go to some areas like, say, Venice, and you have house upon house with no space in between, you can picture the

result very quickly. You have a lot; you build a second story or you build another house on the lot. You just keep crowding people and people and people into less and less space. Unless you could develop a very limited movement within that population as you do in some central European cities, people are going to stifle. It's just obvious: there's no way you can put more cars on the freeway.

This was only part of that struggle to maintain some kind of an environmental experience. We went through the Marquardt case, we fought all through the sixties, fighting for Delta water quality and some environmental concerns. As a matter of fact, I don't think there was a great deal of evidence to support it, but I was named as one of the ten outstanding Americans in environmental management by American Motors. It's a national award. How it came about: we must have been doing a lot of things out here that I don't remember, but I remember being on the . . .

HICKE: Well, I think you were in the forefront of what then spread to the rest of the country perhaps.

NEJEDLY: I guess there was very little being done, but I was out in front, so OK. I used to go up with the Sierra Club into the mountains cleaning up old campsites, digging up bottles and cans, and getting people to take their garbage out from backpacking instead of burying it. You don't see people burying garbage anymore. It took a long time to get them over that habit. A lot of things.

Senate Bill 346; More on Water

NEJEDLY: When we got to the senate, the big first struggle was Senate Bill 346, [Senator Ruben S.] Ayala's first peripheral canal bill. We killed that in the legislature.

HICKE: How did you do that?

NEJEDLY: Oh, you haven't read this material.[1] I was writing minority

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1. Refers to papers in his house that will be deposited in State Archives.

reports. I was taking it around to everybody saying, "Do me a favor, just read it." And that was the big thrust. When the Sierra Club supported the peripheral canal, we fought the Sierra Club; we got a referendum on their board of directors to call an election. They called an election and the membership turned it down, but very narrowly. Barely turned it down.

That's when I abandoned the Sierra Club and canceled my membership, and I've never been active with them anymore. Because that was strictly a political ploy. They knew they had to get the governor to go along on it so they got the Sierra CLub by getting jobs for a number of their leaders in the DWR [Department of Water Resources] and other places. They had a meeting--I wrote this out one time, the whole scenario--but at any event, they met with the governor and he said, "Well, if the Sierra CLub's for it, I guess I can support it," and so the governor came around.

That was the big year for Ayala's first bill, and we were able to kill it in the legislature. And even with all that going for him, we reversed the Sierra Club by the vote. We publicized it; people began to see the intrigues that were going along. The governor was really lukewarm. He'd gone along, and when he found the Sierra Club had been reversed, the basic premise was gone. So it had lost a lot of steam, and they thought they could get it [by going] in a different route the next time. These people had absolute confidence in their ability to get this thing through, and the second time around, we destroyed it on the initiative. I remember again I was going all over the state to service clubs and arguing with [David] Kennedy at the Commonwealth Club and the Chamber of Commerce in L.A., and every chance we'd get to give a talk, we'd give a talk. And as you know, that thing came out even in southern California barely making it. Only in eight counties did we lose.

HICKE: Back in the senate, who was trying to get it through?

NEJEDLY: Ayala. Strange coincidence. On August the fifth of 1775, at five o'clock in the afternoon, Emanuel Ayala, Captain Emanuel Ayala, sailed into San Francisco Bay in the ship San Carlos. And they anchored in what is now Hospital Cove on Angel

Island. They threw their casks overboard and got fresh water. It was August. In 1975--it's really '74--Ayala, Ruben Ayala, sails into San Francisco Bay in the Good Ship Senate Bill 346. It's a strange coincidence. I talked to Ruben about that. I said, "What are you, the reincarnation?" I said, "He came and spent a month and left. You came, spend fifteen years, and won't leave."[1] We still talk, although he's not that keen about Contra Costa County. But in any event, that's been the struggle.

[End Tape 2, Side A]

[Begin Tape 2, Side B]

HICKE: You had to fight the water district?

NEJEDLY: The water district, people in our own county who had to fight to stay. We had to fight Metropolitan Water District and [Governor Ronald] Reagan. See, there are about 650,000 acres of BLM [Bureau of Land Management] land in Riverside County. That's the target. If you can get water to that land which is now worth nothing, you're talking about $65-75,000 an acre, easy. So you multiply those two and you can see the potential. All it needs is water. That kind of an economic potential is more important than the Comstock [Lode]. There's more money in BLM land in Riverside County then there is in all of the gold and silver in California and Nevada and Utah and Colorado.

HICKE: Somebody once told me or I read that whoever controls the water controls the power in the world.

NEJEDLY: There are two things you want to control--sewage and water. You control those, you can manage everything, because nothing can exist without them. You're beginning to find alternatives to sewage but you don't have any alternative to water. Maybe sometime there will be for homes an extraction

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1. See Appendix I: Ltr. Nejedly to Ayala, 2/22/88. Also see later elaboration on the story of SB 346.

of water from air, just whatever humidity there is in air. But until that happens, you're absolutely right: water is the key.

But unfortunately, water is not a total key. Water is something without which you don't exist, but it doesn't solve the problem of demand, because the real problem is people. Remember that old saying, I forget who it was: we've met the enemy and they is us. Who was that? Used to write a cartoon [strip].

HICKE: I don't know. [Pogo]

NEJEDLY: OK. That's it, that's the whole thing in a nutshell. It's people. You have people and you have to find means to accommodate them. So that means you lower your values. You say, "Well, I don't need a half acre, we'll make quarter-acre lots." Then you say, "Well, we can have two houses on all that." Now you can have three stories instead of two stories. Now you can have apartment houses instead of houses. You're always compromising with space, and that's the history of the world today, because you don't have any of these natural catastrophes that will intervene.

HICKE: Well, one specific question about water: one of the things that you campaigned on was the dismissal of William Gianelli, who was the State Water Resources director there. In fact, he was dismissed. What was that all about?

NEJEDLY: That was a big personal conflict with Gianelli. He called me the "saber-rattling schizophrenic of Contra Costa County."

HICKE: Oh, dear.

NEJEDLY: And I had some choice words to respond, but it was obvious that the fellow had lost his control. I mean, you can argue with people but you know when they've lost that balance. And he had. We kept pointing it out and pointing it out. Strange thing, because he came out of the Delta; he used to go fishing in a rowboat and sail a boat around the Delta when he was a kid. And all of a sudden he's in bed with the wheels. He'd say things like, "We don't need to study the Delta; the Delta's been studied to death. We already know more than we need to know." Things like that, when in fact, anybody today will admit we really don't know anything about the Delta. It's all empirical. So we fought and fought him.

Then when [Governor George] Deukmejian was going to make an appointment, they were considering me, but that obviously had no future because the . . .

HICKE: For the State Water Resources director?

NEJEDLY: Yes, did you ever hear the story of that one? Let me see if I can find that one. [Rustles through papers] You know that Deukmejian was elected by a very narrow margin in his first race against [Tom] Bradley and the support that turned it around was in the Central Valley. He recognized that and obviously had to return the favor. Central Valley people are obviously not that keen about me, because first, I had always taken the position that all the agricultural wastes and other wastes of the Central Valley had to be taken care of in the valley itself. They had to treat their own sewage; they couldn't just dump it into the San Luis drain and into the bay. And secondly, that they were wasting water in agriculture and that ought to be managed. And third, that they should be required to develop a management program for underground waters. Couldn't mine these waters any longer, that this was a tremendous resource and that they ought to develop a system. In fact, I carried legislation every year. It would just get killed in committee. So they obviously were not in love with me so. . . . [Pause]

Senate Leadership; Struggle for President pro tem Position

HICKE: I've kept you talking for quite a while, but let me just ask one more thing that I'm really interested in hearing: you went to the senate in 1970?

NEJEDLY: In 1969.

HICKE: In '69. By '71, you were chairman of the . . .

NEJEDLY: That's a strange situation, I'll tell you how it happened.

HICKE: That's unusual.

NEJEDLY: And I'll tell you why I got elected and why the governor came down and why . . .

HICKE: Yes, he spoke at a fund-raising dinner for you.

NEJEDLY: Oh, both he and Nancy [Reagan] were down here during the campaign and very active. It's hard to say, but you know, when we were talking earlier about other forces affecting

your life, it [the election] would have been far closer, if not the other way, unless the Reagans had been involved. They came down and they turned Lesher around because Lesher wanted to be on the State Board of College Trustees. That became something important to him for some reason. So he had to turn around. When he said in one editorial that I would be a disaster if I was elected, [now] he's coming around and saying he's the person.

HICKE: Why was Reagan supporting you so heartily?

NEJEDLY: OK, that was what made the whole legislative program possible. When I went up, the legislature was split twenty to nineteen.

HICKE: The senate?

NEJEDLY: The senate. I was the twenty-first vote. I would be the twenty-first Republican. So regardless if I'd been there a minute or fifty years, I was the most important person in the senate. Because everybody else was tied down. Their alliances were established; they weren't going to change. I was the only one that could change anything.

The governor needed me; he wanted twenty-one Republicans in the senate. It was an overwhelming thing, regardless of me, whether the party liked me or whatever. I had to win for the governor; it was an absolute requirement. He really pulled out all the stops, because he got a lot of people in the county to turn it around. Especially money-wise.

So after the election when I went up, here I was in a caucus, forty people in the caucus. No absentees. What they wanted to do was elect a president pro tem. That was the second big thing. Well, I wasn't the chairman of a committee in a year, I was the chairman of a committee immediately.

HICKE: Oh, OK, '71 was the first year I had.

NEJEDLY: I'll tell you how it happened.

HICKE: That is very unusual.

NEJEDLY: I don't even know whether we ought to go on the record on this unless the statute of limitations has run, because then I'm going to labeled as a kind of a Machiavellian operator. But in any event, the newspapers--they can accuse politicians of almost anything and be accurate--the newspapers really don't have any reason to be critical. They're more devious

or just as devious, just as unscrupulous, and just as manipulative as any other force in the world.

What they did was ostensibly just set up a Meet the Press deal, which wasn't to meet the press, it was: let's find out all of the weaknesses of this guy so we can begin to tear him apart. Let's find out how fast he can run so we can get the fastest runner in our pack to take him on; things like that. All right, which way does he run? And they had me labeled in a number of ways. So they had a meeting at a little restaurant in town. It's not Patsy's but what is it? Posey's. Posey's restaurant. There were three Republican candidates who wanted to be president pro tem of the senate. Are you familiar with that procedure?

HICKE: Yes. You've kind of got me on the edge of my seat here.

NEJEDLY: Why they wanted it I don't know but they wanted it intensely. There was [Senator Howard] Way and there was [Senator Donald] Grunsky and there was [Senator Jack] Schrade. I think those were the three.

HICKE: Well, [Senator] Hugh Burns had just vacated.

NEJEDLY: No, no. He's still president pro tem.

HICKE: Oh, OK.

NEJEDLY: So they had this alleged press thing which was to be the big test of Nejedly. At the meeting they said, "Well, what are you going to do about the president pro tem?" And I said, "What you're looking for in a president pro tem is leadership. You want the highest quality leadership you can get." And nobody can argue with that, right?

HICKE: That's fair enough.

NEJEDLY: I said, "At the present time, it's obvious that the senate has been well represented in terms of leadership for a number of years; therefore that leadership suggests support until a higher quality leadership can be found. When we have a higher quality of leadership available, the legislature could be more effective, then I'll support that. And when I find it I will support it."

That's all I said, and they're asking all kinds of. . . . I said, "Look, I've said everything." "So that means you're going to vote for Hugh Burns?" I said, "Where's the election? Nobody has even called an election. Certainly

I'll support Hugh Burns; he's the president pro tem. Everybody should support the president."

HICKE: One of the headlines that I got out of the [San Francisco] Chronicle was that you had met secretly with Hugh Burns but you refused to commit yourself on this question of the senate.

NEJEDLY: See, that's how the press operates. "Met secretly." I never met with Hugh Burns secretly, I never went to his office, I never met with him secretly. He was on the way out from that thing at Posey's, there were a dozen people all around, and he said, "Where are you going?" And I said, "Well, I've got a meeting at the office," or something. And he said, "Well, I just want to tell you," he said, "I've been around here a long time." He said, "You haven't been around here as long either." Something to the effect--I'm trying to pick out the words but I can't--something to the effect that: if you'd have been around here for fifty years, you couldn't have handled that any better then you did, and I have something in mind for you. And I said, "OK, can you give me a ring?"

I got back, and about an hour later he called up and he said, "Would you want to be the chairman of Local Government [Committee]?" And I said, "Sure, that's my alley. I like it." So I became chairman of Local Government. Of all the committees, that one has no money in it. Like the Committee on Insurance, it has all the insurance companies, or banking, or whatever. It has all those guys in it, and "Hey, the chairman of the committee, we've got to be sure he gets some money for his campaign." Well, Local Government, what are you dealing with? All the cities and the counties. But it's important because it has some side effects. Well, here I am chairman.

I didn't even have any window in my office. For some reason, I began to get smart in a hurry. I said, "Gee, that would be great. When is it going to happen?" and he said, "Soon as Rules [Committee] meets." And I said, "When is Rules meeting?" And he said, "Well, I'll call it right away." [Laughter] Because I just didn't want things to change. So I said, "All right, while you're meeting in Rules. . . . when will that meeting be? Because I want to be

sure and be here in case they want to ask any questions." He says, "There won't be any questions."

And I said, "Well, I'd still like to be here so I can make my plans. But while you're there at the Rules Committee, how about finding me an office with a window in it?" Because I'd gotten an office with no window in it. And he said, "We'll fix that too." I'll never forget that. He said, "It'll take a little time," and I said, "All right. I don't want to push." So Hugh Burns stayed as pro tem.

But then Grunsky would come to me, the governor would come to me, Way would come to me, Schrade would come to me and say, "What are your plans? What do you want to do? What do you want to be?" And I said, "Look, I've got to find my way around here first and I'm not going to choose between you three." So I was putting it off. I wasn't going to unseat or say that I was supporting Burns, it was that I didn't know who to support as the alternative. So it was great. You're pitting one against the other. One of them would come and say, "Do you want to be on Local Government? Where do you really want to be?" you know, because they all had something to find out. So I'd tell them all the same thing. I said, "If you've got twenty votes, you've got twenty-one." See, they couldn't quarrel with that. Couldn't quarrel with that.

HICKE: Pretty nice place to be.

NEJEDLY: Right. Ideal. Fortunately nobody died, nobody changed, but I tell you, this was interesting. So finally they called an election for president pro tem. I'll never forget that day either. I sat down at the end of the table and Way and Grunsky and Schrade and there was one other.

HICKE: [Senator James] Mills?

NEJEDLY: No, not Mills, he wasn't involved at the time.

HICKE: We can look that up.

NEJEDLY: Another Republican. Oh, I know who it was, went to the Congress from San Diego.

HICKE: We'll fill it in.[1]

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1. Senator Claire W. Burgener

NEJEDLY: Anyway, there were four of them, not three. But he [Schrade] wasn't very aggressive: Way and Grunsky were the aggressors. Schrade was more subtle. Schrade would say, "You've got a lot of experience in government; you can have anything you want." As if he were saying it because he wanted to get the most qualified people as chairman of the committee. What he was really saying was, "You can have anything you want if you vote for me." And voting for him would be the criterion, not my background. But it was fun!

So they called this election this day. I'm sitting down at the end of the room in this beautiful room, this meeting room of the senate. I was really impressed with all this grandeur. Here I was just a D.A.--we really worked more than we played around—and here I was meeting all these powers, the real big people. And so they said, "Well, Nejedly, you count the ballots. You're the only honest guy here." So they go around and they'd have a blank piece of paper, they'd write on. . . . They would be writing like this and . . .

HICKE: Hiding it behind themselves, kind of.

NEJEDLY: And I never voted for anybody. I just had a blank and I would pretend to write. Everybody was watching everybody else. It was crazy. These are all men. These are grown people. [Inaudible] But I'd write it and I folded the paper, put it down, and then I opened it up a couple of times like I was reading it again and then folded it. Then they would hand in their papers.

We were there for about an hour so I began to figure it out. I knew what they were saying about who's good and who's bad and as the ballots would come in, I'd begin to identify handwriting and I'd also identify them from the sequence. First time, I was a little confused, second time was a little less confused, but on the fourth or fifth ballot, I knew who everybody was voting for. The way they were voting wasn't the way they were talking. Then there were two or three nonvoters and nobody could figure out who wasn't voting. It was obvious that the candidates were voting for themselves and then it was also obvious that they had one or two strong leaders. I began to figure it out pretty quickly as to who those were.

But see, the president pro tem has the edge, because you have to get twenty-one votes to upset him, but he only needs twenty votes to stay. If it's a tie vote, he stays. So he's got the edge. You've got to have twenty-one votes to declare the office vacant, and they never could get twenty-one because of the abstentions. So it was great, because Hugh Burns would keep coming back to me and saying, "What else do you want? What do you want?"

HICKE: French doors as well as a window. [Laughter]

NEJEDLY: Well, at this point I began to realize the potential of this situation, the twenty to twenty-one. It was amazing how many people up there in that room couldn't figure out the mathematics of it, couldn't count to twenty-one. They were emotional; the power of the thing was obvious. Some of them wanted to be governor. Deukmejian was never pushy about that. I'd say that for Duke. And Duke was very honest. He was one of the most honest people up there. But in any event, I was getting everything. I was chairman of the Select Committee on Penal Institutions . . .

HICKE: I noticed that.

NEJEDLY: I was vice chairman of something else. I was chairman of a committee.

HICKE: By '71, you were chairman of Natural Resources.

NEJEDLY: Yes, and by that time we had elected. . . . Oh, I don't know whether anybody remembers this or not, but Burns figured he was untouchable, and it [this struggle] had gone on for two or three or four months. I forget when this happened but . . .

HICKE: This was after this meeting?

NEJEDLY: Yes, oh, there were a number of these meetings. And by that time, I knew who everybody was voting for.

HICKE: Did you count the votes at every meeting?

NEJEDLY: Yes. See, they always figured I was the honest guy and I did, I would count. They didn't have to worry; I wouldn't be dishonest about it but I was getting an education at the same time, because I knew who even Burns. . . . Well, I knew Burns was voting for himself. But I went around and I'd get signatures and pretty soon I had it all lined up. In fact, one time I kept all the ballots and I took them back with me to the office. Oh, I did a lot of things; I don't even like

to repeat them.

But in any event, I got to kind of know the scene. Here I was a young person, I had no power structure behind me, no money, and here I was, I was getting eveything I wanted. Burns called for this meeting and for some reason he alienated. . . . It must have been Mills or Mills's combine, if Mills was over there by then. I don't think Mills was in the senate at that time; he was still in the assembly. I don't even remember Mills being involved.

But a couple of Democrats who had been supporting Burns began to figure, "This is going to turn. This can't last forever, so we're not going to support Burns, providing we get a deal with one of the Republicans who we think can make it if we get rid of Burns." Burns hadn't counted on that. He didn't have to do it, but he called this meeting. I remember we met in that same room where we had that bill that night with George Miller and the American Bankers Association people. And oh yes, I was sitting up at the head thing.

Burns said, "I'm calling this meeting to order because some people have told me there's a change and I know there isn't any change. I'm going to call a meeting as to whether there should be a new election for president pro tem." Stupid move. Stupid. But it was the arrogance of power. There's one thing you always find out pretty quickly in politics: if you're smart you're going to keep some sense of humility. Never challenge. He was challenging everybody.

HICKE: Fate.

NEJEDLY: Because he thought he would be in there forever. He got twenty-one votes to change, and he never could get twenty-one votes to stay, and he knew it. So the new chairman, whom we elected. . . . I think it was Way, wasn't it?

HICKE: Yes.

NEJEDLY: Way thought he'd had my vote all along. So I got anything I wanted. I couldn't lose. It was a screwy scene. It's just like the thing with President Roosevelt.[1] If you try to put

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1. Refers to his encounter with Roosevelt in Yosemite.

that in a scenario, people would think it was fiction, but that's the way that system worked.

HICKE: Then what happened when Schrade . . .

NEJEDLY: Schrade thought I voted for him too.

HICKE: So within nine months or twelve or something like that, he took over.

NEJEDLY: Way apparently hadn't pleased people the way he said he would please them. He'd made too many promises. Too many people he had promised chairmanships to, and there were only so many chairmanships. If you say to two people, "I'll appoint you to". . . . Claire is the first name of that other senator from San Diego, Claire Burgener.

In any event, there were some disappointments and Schrade straightened it out and said, "This is the way it's going to be. You're going to be chairman of this," and Schrade had enough marbles to. . . . I don't mean that, because Schrade was a very intelligent guy. But in any event, Schrade had figured it out: how to get elected. And he did.

Then I got along with Schrade great. I had no problems with Schrade, although he wasn't. . . . We were different kinds of individuals, but I never had any problems with anybody up there--the governor or the speaker of the assembly--we would always be very friendly. I never had any problems with the Democrats. When I went up there, they'd asked me to sit over on the Republican side, and I said, "Hell, this is where Miller sat; I'm comfortable." I was right there behind [Senator George] Moscone and Senator Alan Short, between [Senator Anthony C.] Beilenson, Moscone, and [Senator Albert] Rodda. They said, "You're over there with all the Democrats," and I said, "Hell, it's the same public address system. I like it here because it's convenient. I'm in the back where I can see eveything."

I used to watch everything. I watched how people smiled; I watched what words they would use, and pretty soon I'd get to figure out what they were really thinking. And I had absolutely no desire for any power at all, which was a plus. Because if you go in there without wanting something for yourself, you can get a lot more than you could trying to

finagle it. So it worked out.

In any event, we were able to keep this thing alive about resources. It's still alive today. It's gained a little strength, and if you keep saying it often enough people will maybe begin to believe it. But people, again--they're beginning to realize that people are their problem.

HICKE: Well, maybe we should stop there for today anyway, because you've been talking for two hours straight.

NEJEDLY: That late?

[End Tape 2, Side B]

[Session 2, February 19, 1988]

[Begin Tape 3, Side A]

Forest Practice Act of 1973

NEJEDLY: One of the things you asked about [on the outline] was the Forest Practice Act [of 1973].[1] I can give you a little history of that that wouldn't appear in any of the records. It was obvious in the early '70s that we had a problem with environmental management, and my concept of it wasn't shared by a great number of people. Either they didn't recognize the problems or they had economic interests that were more important to them than environmental effects. So we had a number of controversies, and probably the most intense was the Forest Practice Act. We were trying to make the point that we had a continuing dependence on this resource and unless it was managed we were simply drawing on the future.

HICKE: Excuse me, you're talking about the act that the legislature passed in '73?

NEJEDLY: Right. So the Natural Resources and Wildlife Committee became concerned with developing a management program, something structured in part after the experiences in Finland and Sweden, both of which have, generally speaking, good management practices. But their resources in relation to their population demand are rather small. So they don't have the same exigencies, but the same kind of professional attitude had been developed there. So we went over there and looked at what they had and came back and drew up what we thought was a framework of a management program to provide

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1. Z'berg-Nejedly Forest Practice Act, 1973, Cal. Stat. Ch. 880, p. 1614, Sec. 4.

for continuing harvest rather than clear-cutting or other practices that might destroy the continuity of production.

The important part at the moment is the politics that became involved in it. That becomes interesting too. I was chairman of the Senate Committee on Natural Resources and Wildlife. You have to understand something of the committee system in Sacramento. Sacramento actually has the best staffing and professional help available to any legislative body in the world. When Jesse Unruh was speaker of the assembly, he recognized the need for professional assistance, because first, the members of the legislature knew very little and they had all the misconceptions or lack of conception or prejudices of the general population. What the legislature needed was some kind of objective, professional group that could provide continuing input to the legislative process. He developed it and it was through his creation that we aquired in the legislature that kind of continuity and competent professional help: the system of young people coming into the program from the universities for a short time and then going out into industry, the permanent employment of professionally sound, competent people. Out of that background, which you can't explain this act or any other without, came a very good understanding.

We had some very competent people in the office working on Forest Practices. As I say, we went to various other countries; we saw what they were doing; we read a great deal; we went out into the field; we went through all of the big lumber producers in California, into their forest activities; we talked to the State Board of Forestry. We were doing a pretty sound investigation program. And we came up with an act in the senate.

Now at that time, there was a great deal of dichotomy between the senate and the assembly. It still exists, but it's not as bad today as it was. [President pro tem David] Roberti and [Speaker] Willie [L.] Brown [Jr.] pretty much have it under control at the present time, but then it was really a terrible scene. If somebody in the assembly wanted a particular bill, they'd get to their committee chairman, or if it was a committee chairman, then he already had control.

The speaker of the assembly and the president pro tem would do nothing to compel any accord in the two houses. When I prepared my bill, [Assemblyman Edwin] Ed Z'berg was the chairman of--I forget the name of their committee but it was a similar committee in the assembly--and he had a bill. He had a bill that represented some kind of far-out attitudes of management. You can't classify things left or right and liberal/conservative. To kind of give an image of what the group was, it was a pretty far-out group who were supporting Z'berg. He had a bill that was his own.

HICKE: When you say far-out, you mean they were a little bit overboard in conservation as opposed to . . .

NEJEDLY: Well, I don't mind going overboard in conservation. They were going overboard in punitive attitudes. They were not out to manage the forest industry, they were out to screw up the forest industry itself. And they had some justification for it. There were a number of forest practices that were being conducted by some members of the industry, and particularly smaller operators, that were pretty reprehensible. They had a good argument, but the point was they weren't out to develop management programs, they were out to develop a managed program.

So I got my bill out of the senate and I asked for a committee hearing in the assembly. Well, Z'berg's bill was pretty--I don't like to use these words, as I say, but I just throw them out for what help they are in describing the scene--it was a pretty radical approach that Z'berg had, but he wasn't ready to come out with it, so he wouldn't give me a hearing.

I remember I went to the speaker of the assembly and I went to members of the assembly committee and I said, "Look, will you vote to put this bill on for a committee hearing in the assembly?" And they all agreed to do it. But when the time came for them to vote, they weren't there. And if they're not there, it's a no vote. So I couldn't get the vote out of Z'berg's committee.

It became kind of a cause celebre up there. I was making an issue of it, and I was going to the speaker, and I was going to the press, and I was saying, "What kind of a

system of government do we have here? The committee won't even hear a bill."

Z'berg was saying it was a lousy bill and he didn't want to hear it, and I said, "If it's a lousy bill, you have a chance to show it's lousy: give it a committee hearing." Because I had the votes on the committee if I could get it to committee. But in those days and I guess now, the chairman of the committee had a pretty effective control over the calendar, and Z'berg wouldn't hear it. Wouldn't give me a hearing. So it died.

Well, the next year. . . . And maybe it was all to the good that it did, because it gave us another year to make a better bill. So we took a look at what he was proposing. . . . Oh hell, we couldn't even get copies of what he was doing; we'd have to play all kinds of CIA [Central Intelligence Agency] operations, and we finally got what he had together from one of his staff who wasn't that happy with the process. We got a copy of what Z'berg was doing and we ran a critique on it. Showed it wasn't going to do the job and it was punitive and it was unprofessional. That made Z'berg even madder, although I'd go over to his campaign things and everything else trying to keep in touch. But in any event, it was pretty antagonistic.

HICKE: You were going to his campaigns? . . .

NEJEDLY: I'd go to his parties. He was a Sacramento assemblyman, and I remember going over to a couple of receptions that he had. I'd go to them deliberately. I don't know what my motives were: either to irritate him or to try to establish some rapport. But I was keeping in touch, and I was saying one thing about him and then saying something nice too.

In any event, he wouldn't give me the hearing and he said, "It's going to be an assembly bill and it's going to be my bill and it's going to be the alleged Sierra Club bill." Gosh, I was going to the present Sierra Club telling them, "This bill's crazy. In fact it's contradictory, it doesn't work, it's not a professionally sound thing."

Gradually he began to get criticism from his own people. So the next year, I got my bill; it was a much better bill the next year. It wasn't a perfect one but it was better.

We got it out of the senate but he still wouldn't hear it. And it kicked around and kicked around and pretty near the end of the session. . . . Because he didn't have his put together, so when he got our bill, the one that was in print, then he began to change his bill to incorporate, for example, the replanting process. We really developed a good reforestation part of the bill and he'd copy parts of that. He'd change words. You'd look at the bill and you'd find mistakes we'd made in printing repeated in his bill, and he'd say, "Well, this is my language." Christ, the words were the same. I said, "How the hell can you get this ESP [extra sensory perception] going that accurately?" But he wouldn't give me a hearing.

But he got his bill together, got it out of the assembly, and he asked for a hearing in the senate. And, of course, at that time everyone said, "Screw him. Don't give him a hearing." And that means we don't get a bill and we need a bill. It's twenty years late. The Supreme Court had ruled that the present Forest Practice Board was unconstitutional and a lot of other things and there was a big vacuum and they needed a bill. So we set a day for the hearing.

I'll never forget that day. All the members of the senate committee knew what was going on; in fact some of them were saying, "Just vote no on the bill." In fact that's even better than not giving him a committee hearing. It's like not bringing a criminal case to trial: it's better to have the jury come in and say, "Not guilty," than just not go to trial and stall it.

We had this long hearing and we began to really point out every one of the inadequacies of the Z'berg language. So he realized he didn't have the votes and he realized that he was going to get killed on a vote if we brought it. So we developed a strategy in advance. One of the members of the committee moved to amend his bill, and the amendment was to take out everything that he had in it and put everything that was in my bill in his bill as his language. Well, he either had that or nothing. Aw, geez, he was banging the podium and he said, "I'm going back to the assembly and tell them this

is happening to my bill," and somebody said, "Well, look. We'll work this out; we'll make it the Z'berg/Nejedly Forest Practice Act and we'll give it a tombstone." Do you know what a tombstone is?

HICKE: No.

NEJEDLY: What they call a tombstone is a bill that has an author attached to it. Like the Donald Grunsky Recreational Finance Program for 1969. That's a tombstone. Like the Williamson Act, the act relating to taxation of agricultural lands, the Davis/Grunsky Act; legislation with a title. And every time you refer to it, you don't refer to it as the act, you refer to it by the names of the authors.

HICKE: And why is it a tombstone?

NEJEDLY: Well, you get your tombstone with the names on it so they call it a tombstone bill.

Well, in any event, he said, "We'll call it the Nejedly/Z'berg Act. And oh, he was pounding the table, "It's piracy and stealing a bill. I'll drop the bill," and then I said, "Why don't we have a recess?" I said, "Everybody's tired. We've been here a couple of hours; let's think this thing out and see if there's any middle ground." So we had a five-minute recess and, I forget who it was, one of the members, told him, "OK, we'll call it the Z'berg/Nejedly Act, and you know damn well it's a better bill than yours and if you're really after an act, you do it, and if the message gets out that we've got a better bill and you refused to go along with this, even if you're the principal author on the tombstone bill, the hypocrisy will be too evident." At the end of the thing, he said, "OK, I'll accept the amendments and we'll put a title on it."

Somebody in Forestry wrote a little history of it one time. It was nowhere like that at all. And I met him [the author] up in Yosemite. We had a meeting on something else. He was up there and I told him the story and he said, "You know, it's funny," he said, "I know I didn't know that much in detail; I knew there was more to it then I wrote." "Yes," I said, "You know, you can't write that." Then Z'berg died; so I guess anybody can write what they want to now. He's not here to defend himself. It was an interesting situation. It

was probably more descriptive of the personalities in the legislative process than any other specific experience that I had.

HICKE: That shows how things get done.

NEJEDLY: That's how they get done. The egos up there are crazy. Not that I'm not touched by it or even motivated by it, but that was probably the worst example that I experienced. But out of it came a pretty good Forest Practice Act. As a matter of fact, it has remained substantially intact. It has become the model for every forest industry state in the United States. As a matter of fact, interestingly enough, we kept in touch with the people in Finland, and they amended their act to put in the replanting and reseeding requirements of the Forest Practice Act. So it's become a model and it's a pretty good bill.

It's lasted now for fifteen years. And the industry has accepted it, the gypos even are beginning to live with it, and it's one of the few monumental, unquote, bills that came out and that's the way it came out. It was a very interesting experience.

HICKE: Did it apply mostly to redwoods?

NEJEDLY: No. It applied to redwoods, but no, the principal application was to the pine forests. It applies to every timber harvest over four acres in the state.

HICKE: Was there any problem in enforcing it?

NEJEDLY: Oh, yes. Terrible problems. First some of the forest people on the state level were vindictive. They were out to screw the industry. There were a lot of people in industry who were out to violate the law. Economics played a very important part in it; some people had to spend more money than they had to in the past. Some people couldn't do things that they'd done before and they circumvented it or evaded it or in fact deliberately broke it. Oh, lots of conflicts, very serious confrontations.

We had one shooting up in Mendocino County of a logger, a gypo logger, in a forest in the permit process. And a couple of court actions. But out of it has come some state land acquisitions, buying some virgin timber areas from

Georgia-Pacific [Corporation]. Right now, if you get the industry people in a good mood and get them a couple of drinks, they'll say it's better than it was before. If you get them in a belligerent situation, they say, "What the hell, what part of Russia are we now living in?" But the sensible professional people are for this situation, rather than the previous one.

Because a lot of them were doing. . . . Weyerhaeuser [Corporation], for example, was doing a great deal of reforestation on their own because they wanted a continuing harvest, and a lot of gypo people were coming in and getting a big profit and just moving out and were selling cheaper, underselling them. So industry began to police itself by policing the unpoliced. They would begin to call Forestry and report on gypos out in the boonies doing something wrong. Then their people became stoolies. In fact, they became stoolies for the marijuana people and a lot of other things. Some of those guys are making a bundle as deputy sheriffs and undercover people and stool pigeons and whatever out in the boonies now on not only Forest Practice Act but watershed management, marijauna growing, the whole bit.

HICKE: After the legislation was passed, did you get involved in any of this?

NEJEDLY: Oh, yes. For five or six years, I was very involved in it. First we had to go out and explain it. We'd go out to meetings in Willits and Ukiah and Eureka, Redding, Weaverville; I'm trying to think of all the places we went. Santa Cruz, the area just below Angel's National Forest in L.A. [Los Angeles] County. We were meeting in Fresno, meeting in Lone Pine, meeting in Truckee. I'd say maybe two dozen, no, more than that--fifty or sixty meetings with industry people.

We met with. . . . Yes, just thinking back on it, we really worked at this thing. And getting them to understand it, telling them why. We went to every board of supervisors in every county. I'd tell them, "In the long run, this is a bill that you're going to support. In the short term, you're going to have to make adjustments." I pointed out the continuing viability of the industry depended upon having

trees growing while trees were being cut down. And growing in a managed program and not just haphazardly by nature.

I would say at this point, particularly because of the increases in taxation that resulted from a managed program and also the continuing tax base, if it was managed correctly, they're now living with it. Some of them are still dragging their feet, but by and large, it's under control.

HICKE: Would this be a normal thing when you have some major legislation that you follow through in explaining it, or did you have some other reason for doing this?

NEJEDLY: I look back on the things that we used to do and it's hard for me to believe we did them, because that's not normally a part of the legislative process.

HICKE: That's what occurs to me.

NEJEDLY: Yes, but we had a kind of a personal interest in it. As a matter of fact, I got a letter the other day from [Robert] Bob Testa, who was a consultant to the committee at that time. Very competent fellow. Vice president of PG&E [Pacific Gas and Electric Company] now. I'll read it to you, because it's kind of indicative of the answer to your question. "This last January, as you requested, here are a couple of copies of the 'River That Never Was.' I must say that your call provided an opportunity to reread a document we worked long and hard at developing. I recall numerous drafts and versions typed from scratch. How did we do it without a computer word-processor? I have many fond memories of those days. Enjoy the paper once again. Bob." He was a consultant to the committee. Speaking of the competence of the staff and the personal equipment they have in Sacramento, that's just a kind of an example of it.

We did a lot of things. We were out there in rainstorms, walking through forests, going to belligerent meetings up in Arcata, driving from Sacramento, leaving at one o'clock in the afternoon, because the fog had shut down the Arcata Airport. Renting a car in Redding, driving over the mountains through Weaverville to Fortuna, and then driving back, getting back to Sacramento at nine or ten o'clock the next morning. Crazy things.

But we were doing it because we wanted the damn thing to survive. And it was having a hell of a time. The governor was fighting us; everybody was fighting. The Sierra Club was fighting this because it wasn't as tough as they wanted, and the industry was fighting us because it was too tough, and the gypos were just violating it left and right. The State Board of Forestry was misinterpreting it. I was having continual fights with [David] Dave Pesonen over the approaches we ought to make, although we've remained friends; in fact, he's chairman of the East Bay Conservation Corps and I'm a member of the board. We get along. But those were violent days. As I say, it survived and we survived with it.

Pesticide Control Act; Liability Insurance; Arbitration; Legislative Leadership

HICKE: Let's just back up to when you first got in the senate. That was about 1969. You did quite a number of things. You proposed a ban to DDT . . .

NEJEDLY: And the chlorinated hydro-carbons . . .

HICKE: Yes, and I found a quote in the newspaper where you said that felt like committing political suicide.

NEJEDLY: It was. People weren't prepared at that time to recognize the need for environmental management. People would be kept so bemused by the, quote, effectiveness, end quote, of DDT that they couldn't understand why you were banning it. People had been through the army, for example, and delousing centers in, well, like in Japan. We used it by the ton. When we'd go around to the prisoner-of-war camps and open up the camp for our prisoners, first thing we would do is dust them with DDT. Everybody saw it and saw its effectiveness for body lice and I presume all kinds of insect life forms that they couldn't understand. They were little prepared.

I first introduced the bill because it was evident to me but not generally to the people about the thin eggshell effect upon peregrine falcons, for example. We went down to the Anacapa Islands and the Channel Islands and saw the mess, saw the shells. At that time, the equipment to evaluate the presence of DDT was just beginning; computers were just

emerging. We ran into people who were way ahead of their field in capacity to find minute parts or particles or evidence of the chlorinated hydro-carbons so we'd see them. . . . [Interruption]

Right now, we have some serious social problems. One of them is that we've required people to have liability insurance for accidents in operating a motor vehicle, and it's become a classic case of noncompliance, almost like the Volstead Act.

HICKE: I just got rear-ended by a guy who doesn't have liability insurance.

NEJEDLY: Now you can talk personally about this situation. Some years ago, I introduced legislation or started to think about it to increase the sale of the gasoline tax or all motor fuel taxes by one cent, put it into a fund, and that would be an insurance fund for up to say 10,000 . . .

[End Tape 3, Side A]

[Begin Tape 3, Side B]

NEJEDLY: . . . so there would be no situation of uninsured motorists; up to that amount you'll be able to finance. So the more you drive, the more you pay. And the less you drive, the less you pay so it's. . . . Right now, you buy an insurance policy, you're paying whether you drive a hundred thousand miles or a hundred miles.

HICKE: What happened to that?

NEJEDLY: Well, the insurance industry gave that the deep six. But things have become critical now. People are evading it, people are driving without licenses, people are driving without the insurance. There's no way you're going to put them in jail; there's no way you can fine them because they don't have any money.

HICKE: I see any number of cars that don't have an up-to-date registration.

NEJEDLY: Right. And it's getting out of hand. Something has to be done; so I'm going to meet Willie Brown Monday and suggest

that they really think this thing out. And the second big social factor that's developing now is that the judicial system is out of control. Absolutely out of control. Yet if you were to bring the case load in Los Angeles County, for example, up to date so that you could have a case heard within a year, you need 124 new judges tomorrow. Right now they're five, six, seven years behind. So a lot of people are agreeing to arbitration where they have a retired judge come in and hear a case just to get their case heard.

Think of it for a moment. You don't have any qualifications for judges; you don't have any standards; there's no publicity; there's no record of the case. A judge is appointed out of a hat. What's going to happen is that human nature has an unlimited opportunity to express itself. All that a person does who is appointed an arbitrator is to figure out where the hell he's going to get the most money out of the case. So anybody that was trying a case would be almost impelled to go up and say, "Hey, how about 5,000 bucks? Gimme a decision." Think of the opportunities.

And people say, "Oh, I wouldn't do it; therefore no one else would do it." That ain't the way life works. So the county clerks become now the head force in judicial administration. They know what cases can go, they urge arbitration, they urge appointment of an outside judge, they select a judge. Out of control. I sit in the muni court here once in a while. A hundred and fifty cases you have to hear in two hours. No way. No way.

I heard one case the other day, a very interesting and involved case; that means to do it right, I'm going to have to drive down to Stockton and see the evidence in the warehouse. Now, how many judges are going to drive to Stockton? The situation has collapsed.

HICKE: And so do you have a proposal to make to Willie Brown on this?

NEJEDLY: Yes. I'll tell him, "First place, you're going to have to do something about the uninsured motorist; you're going to have to do something about the unregistered car; you're going to have to do something about penalties for violations, because there's no way you can reach these people. The jails are

full, so you can't put these kinds of people in jail. They don't have any money, so they're all driving without a license." Now what they're doing is going down to Social Security, getting a Social Security card, taking the card down, getting a driver's license. They're not required to give a thumb print, but they can do it voluntarily, and now there's no way to check them. They've got a valid driver's license. They're fabricating insurance coverage from the California State Automobile Association or the AAA [American Automobile Association], and so the officer out on the beat has to take the card, accept the evidence; he doesn't know anything about it. So everybody is just driving without insurance, without a license, and without registration.

HICKE: So you're proposing penalties?

NEJEDLY: I'm proposing a system that people can live with. Get rid of the insurance requirement by the one-cent gas tax thing, so you don't have the violation of the law to begin with.

HICKE: So you're going to suggest this again? Oh great. I certainly. . . . from my experience. . . . I was hit before by a person who just disappeared.

NEJEDLY: Sure.

HICKE: Well, back to the DDT and the problems of the '70s.

NEJEDLY: So we introduced the bill and I got it out of the senate, believe it or not.

HICKE: This is the Pesticide Control . . . ?

NEJEDLY: Yes. And then they killed it in the assembly because they wanted to be the authors of it. That was Z'berg again. He had a bill of his own and he didn't want to hear it, so we didn't get it heard.

HICKE: So it's really a power struggle.

NEJEDLY: And that's what I'm trying to point out: the actual mechanics, not what you tell the school kids coming up for a day at the capitol. But in any event, that got killed in the assembly. Lot of my bills got killed in the assembly by Z'berg.

HICKE: Again, was it a problem of not coming out of the committee?

NEJEDLY: Yes, he wouldn't hear it. He wouldn't hear it. And if he heard it because he was forced to hear it, he would just kill it. And the other committee members. . . . He operated on a

hard-ball basis, and he'd tell them, "Look, you guys have got some other bills someplace; they're not going to get anywhere unless you support me, and the system requires you to support your committee chairman."

A lot of these people didn't want to be bothered with fighting anybody; they had enough problems of their own. I'd go to Miller and I'd go to [Assemblywoman] March Fong [Eu] and they would agree to everything that we wanted, but then they wouldn't show up for committee hearings. Finally I began to figure out that system; so I told John Miller one time, "Look, you've got a bill requiring. . . ." This was the bill he had on the lifeline rates for utilities. The bill was dead. Nobody in the senate was going to vote for that idea. I was beginning to get smarter by that time, and I told him, "Look, ol' buddy, that bill ain't going to get nowhere in the senate unless I get some help on Forest Practice or something over in the assembly. I don't give a damn how you vote, but at least give me a hearing." It took two years to straighten that out.

But after we got the Forest Practice Act, Z'berg kind of mellowed. From that point on, it was a sort of, "Well, all right, you hear my bills and I'll hear yours. And we'll hear them without any in-committee activity." Some of the committees in the assembly, like the Criminal Justice Committee when [Assemblyman John] Knox and [Assemblyman] Alan Sieroty were the chairman. . . . Christ, you couldn't get anything out of there that the ACLU [American Civil Liberties Union] wasn't supporting. And they wanted all the bills to be assembly bills; they wanted to tombstone their own bills, and they just weren't passing senate bills.

I remember one time I said, "What the hell, I'm not going to. . . . " Normally I'd go along with what Knox said, because he was assemblyman for this district; just as a matter of comity, you'd go along with it. So one day I killed a bill of his in the senate, and. . . . Oh, for Christ's sake, you live by the sword, die by the sword. Don't bitch about it. And, oh jeez, they had to remove him from the floor; he was going bonkers because it was an

emotional thing. But John was pretty good guy; we got along. He was a very competent fellow, but the committee system in the assembly was a deathtrap.

HICKE: For anything that came out of the senate especially.

NEJEDLY: I remember going to every president pro tem and saying, "You've got to stop this. The only way to stop it is just don't hear any assembly bills." And we'd begin to fight back, and gradually the thing improved. As far as I know right now, it's more objective than it ever was.

HICKE: Why is that? Because of leadership?

NEJEDLY: Yes, leadership. People say, "Well, you screw us, we'll screw you."

HICKE: You mentioned that Brown and Roberti had things under control?

NEJEDLY: Yes, I think Willie's a little more sophisticated and a little less. . . . He's more in control than before. Other speakers didn't want to antagonize any committee chairman by telling him what to do, because then he would lose their vote, and if he lost their vote, he wouldn't be speaker any longer.

HICKE: Well, you did get a pesticide control act passed.

NEJEDLY: We finally got a pretty good bill, pretty good bill.[1] Yes, that was the time when I was out talking to [Cesar] Chavez and, Christ, people said, "What the hell are you doing out there with Cesar? You don't talk to Cesar. He's a no-no." Things like that.

I remember when he came in with the Ag. [Agriculture] Labor Relations Act; he was in the back of the chamber, and Moscone said something to me, and I said, "Yes, I'm going to vote for the bill as far as I know. I'm going to listen to the argument but I think I'm going to vote for the bill." And he said, "Would you tell that to Mr. Chavez?" I thought he was joking. And I said, "Hell, I'll tell it to Reagan." "So while he's in the back of the room, I want to introduce

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1. 1972, Cal. Stats. ch 794, p. 1412; and 1972, Cal. Stats. ch. 1231, p. 2373.

you." So we went back, met Cesar Chavez, and I finally voted for the bill.

That was [Rose] Bird's bill; she wrote that. Rose Bird wrote the Ag. Labor Relations Act--California Ag. Labor Relations Act--and that was her entree into the Supreme Court. That was the purchase price. But it was a bad scene, very unrealistic, and it has not worked and will not work. But as a social gesture I thought it was appropriate to recognize the plight of those people, although I wasn't in love with Chavez.

HICKE: What were the problems with the bill?

NEJEDLY: It wasn't realistic. These people were not structured for power. No use giving power to a group that is incapable of managing it. Now sometimes it's socially inappropriate to give power to landlords or bankers or whatever, But at least they have a capacity to manage the power. But the farm working group just didn't have that stability. And once--in any social system--you give power to a group that can't manage it, it's only going to express itself in non-productive ways. If you tell kids to run a high school, the education is down the tubes, because the kids have no capacity to manage that power. I don't mean that disrespectfully. There may be a few in that group who could do it, but the group itself can't.

It's like the girl who had a screwy hairdo and went to school in utterly provocative clothing. So the principal says, "Go on home and clean up." And the school board says, "Nuts to you, old buddy. This is a first amendment problem. She can go to school." She's not learning anything. She's not going to school to learn. She's going to school to exihibit herself and get attention. She's not there for the right reason. So that kind of control is going to destroy itself; it's going to destroy that school. Or at least it's going to destroy it for those who were going to learn something out of it, which is only a small part of the group anyway.

But the point is that if you said, for example, that only people over eighty could drive automobiles because it took seventy years of training to learn how to drive, you've

got a problem, because the system won't work. And giving that kind of power to a group that is not capable of managing it and even the leadership can't control their own group, it creates an impossible situation. It's bad enough in labor unions, but there there's enough stability and social support to keep the group together. But not in farm labor issues. Frankly, it doesn't work.
[Interruption]

Voting with the Party; Constituency

HICKE: What you were saying about talking to Cesar Chavez reminds me that I read in the California Journal that you were one of the few senators. . . . Well, you voted differently from your party something like 40 percent of the time. You were second or third on the list.

NEJEDLY: Yes, I was quite different in attitudes. But surprisingly enough, if you take those votes on those bills in the '70s and see how the Republicans are voting in the '80s, that difference disappears.

HICKE: So you were just in advance of your time.

NEJEDLY: Well, I mean that sounds self-laudatory when you say I'm in advance. Things that impressed me in '70 are beginning to impress Republicans in the '80s. That's why Republican registration is increasing: they finally got the message. If you're going to be successful in politics, you have to appeal to the people who are voting. Not to the voters, to the people who are voting. And then you have to then appeal to the things that appeal to them. So the Republicans finally got that message. You can't buy a vote; you have to convince the vote. It's a big transition. The handing out of ten dollars at the polling place is no longer de rigeur; you just don't do it. So you've got to find an alternate system where the Republicans, who used to have the money to buy an election, now have to earn it.

HICKE: Well, that brings up another question. Your constituency is composed of a lot of people who work for oil companies--oil wealth--not people who are normally considered to be environmentally oriented.

NEJEDLY: That, I think, doesn't disclose the whole picture. Actually these people in a board meeting or a company meeting or in the company compound will have one expression, but when they're out on their own, they'll have another. There are a lot of people who work for Standard Oil [Company of America] who don't like Standard Oil's bay dumping practices. There are a lot of people in Standard Oil who are aware of the need to adjust to environmental problems as well as to economic problems. They'll talk about them and they'll play with them. They're still maybe altogether controlled in the final analysis by an economic decision, but they're aware of what's going on in the community. So it's not that kind of a dichotomy: black and white.

HICKE: So one of the reasons you were able to accomplish as much as you did was because you did attract some support in your constituency.

NEJEDLY: I don't know. I can't explain it. It's unbelievable to me how I would survive the way I would act.

HICKE: Yes, that's kind of what I'm asking.

NEJEDLY: When I became D.A., one of the first things I did was arrest a priest and two nuns for selling raffle tickets in my own parish! How the hell do you survive that? We went after welfare fraud cases. We went after drinking drivers. A drinking driver in the early '60s was the pillar of the community. We just did not get convictions on drinking driving cases. And still we prosecuted them. Jeez, people calling up, Christ, the superintendent of schools, chief of police's son, you know, "We've got to find a way out of this." I'd say, "We've already found a way out." They just didn't like it. I'd still survive.

And then we got into the senate. We were all up into the wild blue yonder in a lot of circumstances. You'd have to ask somebody else in the community why I survived, because the only thing I could tell you are some laudatory things like being honest and all that garbage but, I mean, you have to ask somebody else. I didn't even have competition.

HICKE: What do you mean?

NEJEDLY: Well, I mean serious competition in the . . .

HICKE: Normally a competitor will arise if . . .

NEJEDLY: Yes, but they just weren't there. There was one in 1972, but it really wasn't that serious; then in '76, there's nothing really. Even the Democrats supported me. I'd go to Democrat meetings, Democratic Central Committee picnics in '76.

HICKE: Maybe they saw that you were a person that they could communicate with?

NEJEDLY: Yes, we'd communicate with anybody on anything. Oh yes, we were always kicking around. Those were the halcyon years; those were interesting. What else have you got on your agenda?

Solid Waste Management and Resource Recovery Act of 1972

HICKE: OK, let's see what's next here. Well, 1972, the Solid Waste Management and Resource Recovery [Act of 1972].[1]

NEJEDLY: Oh, that was a classic. It became obvious that not only did we have to readjust to negative forces in the environment but we had to then begin to better manage resources. And one of our resources was the waste stream. During the real economic years, I had been attorney for all the scavengers in the county and in fact in the area. I'm pretty familiar with what they were doing and how they did it, what their problems were, and it was obvious they were living a dream. But this thing just wasn't going to work. And you can begin to see now, twenty years later, the reality of what we were talking about in '60 and nobody was listening. And that was that you had to do something with the solid waste stream, both in quantity and in recovery of resources.

We developed the Solid Waste Management Act, got it through the legislature, and the governor vetoes it for an insipid kind of reason. He has to give reasons, you know; the governor has to give a reason why he vetoes a bill, and he really had no reason. It was simply that industry--a few people, not the whole industry--a few people in industry who

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1. Nejedly-Z'berg-Dills Solid Waste Management and Resource Recovery Act, 1972, Cal. Stats. ch 342, p. 642.

were substantial financial contributors had gotten to him, and without rational basis he just vetoed it.

Well, there had never been an override of a veto since 1946 and no governor wants to have a veto overridden. I got it overridden in the senate; I got it overridden in the assembly. And the governor got to two people in the assembly and asked them to put it on call. I think it was 42 to 38. This may not be accurate, but I'll say it the best way I remember it. The governor was able to change those two votes. All these other Republicans were hanging in there; they were still staying with me on the veto.

Jeez, the press was. . . . Some had their cameras there. Here's a veto overridden on the Solid Waste Management bill. It wasn't a child labor bill or a civil rights bill or any sexy bill; it was solid waste management. And people said, "What the hell is solid waste management?" And here it's got the governor's veto overridden. He got to these two guys, and they changed their vote, and he got a couple of others to change their votes, and I went down by one or two votes. I lost a veto override. I went down and I told him, "I don't care what you do if you've got a good reason. An arguable reason. But you don't have anything to support your veto."

And you know what happened to that thing? The next January the governor's message to the legislature says, "One of the things that we're going to have to do this year is develop a solid waste management program." I put the same damn bill in again; he signs the bill. And I'll always remember, one of the guys who had gone to him was. . . . His last name was something -elli. A lot of Italians got into the garbage business; a lot of them are looking to the future, and the garbage business is one of the best ways of making money. Seleno or something like that: the guy that had gone to the governor and said, "Kill the bill," because he didn't know what the hell he was doing.[1] But in any

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1. Leonard Stefanelli was president of Sunset Scavenger Co., San Francisco.

event, he had enough influence on the governor. I met him at a meeting in L.A., and I could have been the resurrection. Here's this guy all for it now. So anyway, the bill's out. It's a good bill.

HICKE: What was in this bill that caused changes and controversy and . . .

NEJEDLY: These people had been running their own show for a hundred years, and right off the top, couldn't believe that they were going to be managed in any way and didn't want anything to do with it. Now they realize it's the solution to their problem, because now public agencies have to begin to provide waste disposal sites. These guys have no capacity to develop a site on their own; they never realize. . . . You go out and buy some land, start dumping on it. That isn't the world today. So now they realize that they need the bill.

HICKE: That's an interesting story.

NEJEDLY: Very interesting. And that too, by the way, has survived. What's the other one you've got?

California Wilderness Act of 1974

HICKE: OK, next we get to the California Wilderness Act; that was 1974.[1]

NEJEDLY: Oh yes. Nobody believed that there was any land in California that could properly be considered a wilderness and removed from development except in urgent national defense or other reasons. So I started out with no support.

What we wanted to do was pick up those portions of lands owned by the state that were remote areas and should properly be preserved and to also give some more help to the federal government on their wilderness legislation. So we got the bill and got another bill passed. Everybody finally accepted that theory, that there was a reason for it. The big problem was to convince people that there was a potential wilderness area in California.

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1. 1974, Cal. Stats. ch. 1196, p. 2581.

HICKE: And how did you go about convincing them?

NEJEDLY: Well, you'd have to ask other people why some of these bills got passed, because I might give you the wrong reason, but I think the reason wasn't because they were in support of the bill, but they just didn't have any reason not to vote for it. I would go to them and give them enough, I could convince them enough not to oppose it, because they didn't understand it, but to put them to the point where they had to have a reason for opposing it. And they couldn't find a reason, so they said, "All right, I'll vote for your bill." I would say, "It's a turkey; it's meaningless. There're no lands in California that ever meet the description."

And now they realize after I got the bill. . . . they thought they were voting for a nothing bill. They thought they were doing me a favor. "What the hell, if he's carrying that bill, he can't be carrying something else; it might be even worse."

[End Tape 3, Side B]

[Begin Tape 4, Side A]

NEJEDLY: You should ask other people for reasons in that situation, because I really don't know; I didn't care. I'd go around, and I never voted for other bills just to get a vote for my bill, but I would do things for them or be a part of the process, and they'd go along just for comity.

HICKE: Did you make use of the media, or did publicity hurt or help you?

NEJEDLY: I don't think I ever had any good relations with the press. I just had no respect for them. To me they were just simply a collection of ghouls. Very few people in the press are knowledgeable; very few people, for example, in the press today could write intelligently about a universal water problem. Everything is superficial, off the top and. . . . The attitude currently is, "Where can we find a weakness? Where can we find an Achilles heel? Where can we find

something we can drag them down with? How can we destroy? . . . My point was that the less you could do with the press, the better off you would be.

HICKE: So how did you deal with that? You avoided them as much as possible?

NEJEDLY: Yes, because they would never report things fairly, objectively, or intelligently, which was the worst thing. All they were interested in was the hype. Things like solid waste management: you couldn't get them interested in it anyway. And those were the things that I was interested in. There was no reason to go to the press. They'd say, "What's that?" Unless it had something to do with a personality. [Interruption]

Getting back to what we were talking about.

HICKE: Well, we were talking about the media.

NEJEDLY: Oh, the press. When you make a generalization, you do it unfairly, because there were a few people in the press who were really trying to do a job in a constructive way. You didn't find them very often. Whatever could be sensationalized was news. Anything that didn't have attention, although it had tremendous social significance. . . . I'd go over there and talk to them about rehabilitation of prisoners in San Quentin and say, "Let's go over to them next Thursday night." No way. Couldn't get them interested.

Chairman, Select Committee on Penal Institutions; Uniform Determinate Sentencing Act; Bottle Water Tax

HICKE: That brings up a question I was going to ask you: you were chairman of the Select Committee on Penal Institutions.

NEJEDLY: Oh yes, we began to realize that one of the serious problems that we had in the penal system, to make the system that we had—which is a terrible system at best--work at all, you had to have incarceration facilities. And by the way, the system doesn't work. All you're doing is minimizing the exposure, or reducing, not minimizing, but reducing the exposure of society to the objectionable conduct of a few. You're just

putting them away. You're worsening their condition. Nobody who comes out of prison is funny about it.

Years ago we began to change the word prison to reform school, correctional facilities. You could drive up to Sacramento: when you get to Vacaville, what does the sign say? Medical facility. It's a state prison! But you don't call state prisons, prisons anymore. Now it's a medical facility. Or a reformatory or a penitentiary, where you are ostensibly penitent or you become penitent. That's where the word came from. But you're not putting people away; you're treating them. Well, you ain't treating them; if you're treating them, you're treating them unfairly. But when they come out, they're even worse.

I'm not going to take all the time I would take to discuss this situation, but it's a horrible scene and it's getting worse and somebody ought to begin giving it some attention. So we developed this committee. I used to go to San Quentin every Thursday night. I went back to Attica [New York], I went back to Illinois, I went to Michigan during the riots, and we began to get a feeling for what was going on inside the prisons and what could be done. And by the way, there's nothing that can be done to solve the problem; all you do is put a little patchwork over the problem here and there.

One of the principal things that we discovered, particularly at Attica, was the unrest that was caused by uncertainty. People were being sent to prisons with the term prescribed by law, which was then up to some parole board that could be influenced by a number of considerations. They didn't like blacks, they didn't like big people, they didn't like little people, they didn't like people with kinky hair, they didn't like people with no hair, they didn't. . . . whatever their prejudices were, they had a field day being expressed.

So out of it came some pretty intimate contacts with prison people: Willie Holder, in particular, who came to be the president of the Prisoners' Union. But the Seventh Step people and the Friend's Outside and the Quaker Groups and a number of others we became pretty intimate with, and out of

that came the change in the philosophy of imprisonment in California. We just simply said, "Let's be honest, give up this facade of reformation, rehabilitation, or treatment. Let's just call it what it is and that's punishment." And that the theme of incarceration is punishment and everybody pays the same price for the same act.

We found, for example, in California that somebody who was sentenced to state prison from Mendocino County might end ultimately serving ten years; while somebody from Los Angeles County might not even go to San Quentin at all. Different mores, different attitudes in different communities, and different judges, and different D.A.'s. The whole thing was inconsistent. So we said, "You commit Crime A, you pay Penalty A," and so forth down the line. And that changed something that had been around since 1913, and we called it the Determinate Sentence Act [Uniform Determinate Sentencing Act of 1976] and that was it. And out of that committee came that bill.

HICKE: That was in 1975 that you proposed it; was it the same year that it passed?

NEJEDLY: In '76, I think, it was finally passed.[1] We had really to develop some support and overcome a lot of opposition. We finally wound up with [Raymond K.] Procunier, who was the head honcho in the state prison, supporting it; the chief justice of the [California] Supreme Court, [Donald] Wright, was supporting it. We did a lot of work on that bill. The judges opposed it, the D.A.'s were split, but at that time, [D. Lowell] Jensen was the D.A. in Alameda County. He really got the bill through the D.A.'s association and Ed Meese, who was a deputy D.A. at that time and the legislative representative for the D.A.'s association, got the bill.

HICKE: Got the bill?

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1. Uniform Determinate Sentencing Act, 1976, Cal. Stats. ch. 1139, p. 5061.

NEJEDLY: Well, there were a lot of people who, quote, got the bill, unquote, but without Ed Meese you never would have gotten that bill. Without Lowell Jensen, you never would have gotten the bill. Without me, you wouldn't have gotten the bill. Without the governor, you wouldn't have gotten the bill. Without [[J. Anthony] Tony Kline,[1] you wouldn't have gotten the bill. It was a strange combination of people. Here's Jerry Brown and Ed Meese. Leo McCarthy, who was speaker of the assembly that night, got me the two votes ultimately that we needed. That turned it around.

See, that bill never would have gotten out of the legislature without the combination that we had. Here we had a Republican, a former D.A., carrying the bill. And the opposition came only from the ACLU. Crazy. And here's Tony Kline, the governor's honcho, supporting the bill. It was a tough time getting it out of Criminal Justice in the assembly but we finally got it out, and what a combination. Even [H. L.] Richardson and a couple of others, who in fact opposed the bill, couldn't get organized. Where are they going to attack it? They couldn't attack it on a partisan thing and there's no other way to attack it except to say that the sentences were too light. Crazy thing. Absolutely crazy.

Nobody rationalized it at all. Simple arithmetic. If you have long sentences, you put fewer people in the state prison, because there's no room for them. If you have a hotel and it has 500 rooms and everybody stays a year, there are only 500 people who can stay in that hotel in one year. If everybody in the hotel stays six months, then you can put 1,000 people in that hotel a year. You won't believe this and, in fact, I don't think you believe half the things I'm telling you. I don't think there are two or three people in the legislature today that can understand that. Seriously.

HICKE: Well, they just expect that somehow or other more capacity will be around.

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1. Kline was Legal Affairs Secretary.

NEJEDLY: Yes, they go to the public and say, "Look, we increased the crime for attempted rape from one year to two years. That shows I'm against rape. I'm for law and order; I doubled the sentence." That sounds great, but what they don't tell you is that if you doubled it for A, you eliminated it for B, because only one of them can be in that prison at a time. So even with overcrowding and all the rest, there's a point that you reach where you can't shove any more people into it.

Just like Santa Rita prison, where the judge is telling them, "You've got to dump 500 prisoners by the end of the week," and you know who's going out? The tough guys. Because they want to get rid of the tough guys. Crazy. It's unbelievable. Everybody who was in charge of that Santa Rita prison has a problem of unrest. That's their big problem. They don't want it to blow up. Right? How do you prevent it from blowing up? You get rid of the most recalcitrant prisoners. So when the judge says, "You got to eliminate 500 prisoners from Santa Rita because you're overcrowded," whom do they release? The forged checks, the petty theft? Hell no. Bang, get rid of the tough guys. It's unbelievable but nobody recognizes the arithmetic of it.

Like I told the other day, nobody--I say these things like I'm talking down to people; I'm sure I've done the same thing myself--but the president pro tem of the senate can't count to twenty-one, or doesn't recognize that there's a difference between twenty-one and twenty, and calls a meeting for the election of the president pro tem, but he gives up that security by calling for an election.

HICKE: That was Hugh Burns.

NEJEDLY: Yes, so Hugh Burns is no longer president pro tem, because he didn't remember the fatal arithmetic.

HICKE: Well, going back to the indeterminate prison sentences, how do you account for the mixed group that supported it?

NEJEDLY: Well, Jerry Brown is a sensitive person. And if you once got a point across that was clearly correct, he would get emotionally involved in it. I'll give you an example. One time I carried a bill to eliminate sales tax on bottled water. You drink your water out of your tap: no tax. You go down to the store to get a gallon of water because you

don't want the salt-water that's in your tap, you've got to pay a sales tax.

I went down to his office and said, "Let's go down . . ." He said, "My finance chairman, finance director, my legislative people, everybody tells me to veto this bill." And I said, "Give me a half an hour," and he said, "All right. I can talk to you about some other things on the way down," he says. "I want you to come down with me to the Safeway store." At that time the Safeway stores were--and I don't know, maybe they still are--selling these big bottles, gallon jugs of grape drink. Do you remember those?

HICKE: Yes, Welch's or something.

NEJEDLY: I don't see them maybe because I don't look for them. In any event, on the shelf was a gallon of water with some grape flavoring in it. So I went down and said, "I'm going to buy this gallon of water and you buy the grape juice. And we'll go up to the sales counter." So we walked up to the sales counter and on the grape juice that he bought, he didn't pay sales tax. Well, it was a food. But I had to pay sales tax on the bottle of water. So I said, "Look, it's crazy." So he said, "All right," and signed the bill. First thing Deukmejian did was get it repealed.

But that was the kind of person Brown was, in part. There were a lot of things about him, but if you could show something that was socially wrong, had a fundamental social inconsistency, you could get his attention. He was pretty close to the Jesuits, so I got some people in the Jesuit hierarchy to talk to him about it [prisons], because I went with them over to the same prison on Thursday nights, when we would go over there, and they called him, told him what the problems were. It was a minister, you know, that put that resolution of the Attica thing into place, and he called him, and some other people did.

In any event, the governor got the message that what we had was wrong and he got personally motivated. His staff became very helpful and little by little we isolated the opposition to the ACLU. The ACLU does a lot of good things but in that case, they really screwed up the works. They didn't know what they were doing, they didn't know who was

doing what, and they were just articulating garbage because they thought they had to say something and they didn't have anything sincere or intelligent to say and they just went off. Like, "The five industrial states of the East have lighter sentences then are suggested here."

They didn't realize that in California, for example, usually in less offensive crimes, the dog gets one bite, but in some Eastern states where they had greater prison capacity, they'd send up a first offender. But they would give him a lesser sentence because it was the first offense. But they were in the state prison system.

We'd argue these kind of statistics with them. They had crazy things and you couldn't talk to them. You know, if you were a Republican they wouldn't talk to you; if they had some fanciful idea about where you're coming from, they wouldn't talk to you or wouldn't listen. It was a bad scene. I kind of lost a great deal of respect for the ACLU out of that experience, but that may have been the personalities involved. People couldn't really argue with the proposition: here's a D.A. coming in with a bill, he's a Republican, it must be a good bill, got to vote for it. You see, there're two principal attractions to the voters for people in political office: one is security on the street--individual security from crime--and [the other is] taxes. So if you want to talk politics, talk those two issues.

I was making the argument there're going to be more people going to state prison. And they were doubled almost, because the judges now were being required to send them to state prison, and if you went from Mendocino County, you also went from L.A. But in any event they bought that argument--here's the answer to your question--and it was a close case because the ACLU was pumping them up into. . . . They didn't know what they wanted. They admitted that the present system was screwy, but it wasn't their idea; therefore it wasn't acceptable. Crazy.

HICKE: How did this committee happen to be formed in the beginning?

NEJEDLY: Because they wanted to get rid of the problem.

HICKE: Who are they?

NEJEDLY: Well, the management: the governor and the president pro tem, the lieutenant governor, and the speaker of the assembly. They knew there was a problem and people were saying, "Why the hell don't you do something about it?" So what you do in politics when somebody puts the heat on you is to appoint a committee. So they appointed a committee. So then they looked around for somebody to be on the committee, and who the hell wants to be on a prison committee? How are you going to sell that to your voters? Go back to your voters and say, "I'm chairman of the Senate Committee on Penal Institutions. Is that going to grab you for a vote?" Heck no.

HICKE: Not unless I'm in one.

NEJEDLY: Yes, and you don't vote. Because at those times, you know, you take away the right to vote, you never got it back. Perhaps in a pardon, and you didn't get very many pardons. But any event, it was a vacuum, and I was one of the kinds of people who grabbed something for the interest that it might have in it. When we got into it, it was interesting, so we stayed with it. Just like Forest Practice; there are no forests in Contra Costa County.

HICKE: Well, that's right.

NEJEDLY: And there're no prisons in Contra Costa County except the county jail, but I just got interested in it. I think it's a very interesting area of human conduct and human management.

I remember one time I was in a political campaign. I went to some far-out group, my opponent and I, and they said, "What are you going to do about the political prisoners in the state prison?" He [my opponent] said, "There are no political prisoners; everybody's treated fairly." I said, "Hell, everybody in state prison is a political prisoner, because politics is only the mechanism through which Group A controls Group B. So if you're controlling the life of an individual, it's politics. So these people are all political prisoners."

The guy that asked the question couldn't understand my answer. He thought there was only a group of prisoners who were political prisoners: those were blacks, those were uneducated people. It was a social thing to him, not a

realistic, political thing. In any event, he came up after the meeting said, "Hey, you're right. I never realized before; I just heard there were political prisoners and I thought there was discrimination." So you're a political prisoner if you sit in the back of a bus because you're a Negro. In any event, what's the next question?

1974: Tidelands Money for BART; Suisun Marsh Preservation Act

HICKE: In 1974, you had a bill diverting tidelands money for BART [Bay Area Rapid Transit]. It had to do with the tidelands problem in Long Beach. Apparently you wanted to divert some of that money for BART? Maybe that wasn't a very important issue.

NEJEDLY: I think we were looking for every possible source of money for BART, because the thing is, it's a poor system. It'll never work, but the question is, how do you make it work the best that it can? What they needed was money. Every time you got money, they spent it on enhancing their employees' benefits. So I gave up finally.

HICKE: They finally got it from the federal government.

NEJEDLY: Yes, the only thing that's kept BART alive is federal money. That system is for the birds. It never worked. No way it can work, physically.

HICKE: You mean it's just not operable?

NEJEDLY: Well, it's operable obviously, because it's operating. But its not a viable system. We told them that years ago. We lost that by one vote on the board of supervisors. [One of them] changed his mind overnight because he was told by the governor that he could nominate the next judicial appointment. So he changed his vote from no to aye and called me at two o'clock in the morning and told me, "Prepare another resolution not withdrawing from BART."

HICKE: Contra Costa County was thinking of withdrawing?

NEJEDLY: Marin County got out, Santa Clara County got out, San Mateo got out, and there were three counties left. And at ten o'clock at night, I talked to [Joseph] Joe [Silva] on the phone, and the final instruction was, I'd prepare the

resolution for the next day withdrawing from BART. Early the next morning he called me. They met over at the old Francis Cafe in Martinez. [George] Christopher and Adrien Falk came out in a great big limousine, drove up to the county courthouse, and then drove Joe over to this little Francis restaurant two blocks away. They didn't even walk over there; they drove over there. Joe was so enchanted with this power structure telling him that he could nominate one judge, so he changed his mind and kept the east end of the county in BART and the east end of the county has been screwed ever since.

HICKE: Joe who?

NEJEDLY: Joe Silva. He's dead now so I can speak freely. Nice guy, good guy.

HICKE: And the east end doesn't have . . .

NEJEDLY: It has no BART and it'll never get BART. It's got a bus line running out there that runs every once in a while. But no trains, while they were promised in the bond issue.

HICKE: OK. The Suisun Marsh Preservation Act.[1]

NEJEDLY: That was an important one. Originally the Suisun Marsh area was a very highly productive agricultural area. In the First World War, it was one of the chief grain-producing areas in the state, because it had fresh water right in the Montezuma Slough and the others in the area had all the water they needed; very good soil, and very productive.

Then as the state and federal water projects and other people began using more water upstream, the freshwater inflow diminished to the point where the water evaporated and it became so salty only salt-tolerant grasses would grow. Still a big flyway, but for agriculture, no way.

So when agriculture was out and Suisun City was looking that way and Vacaville and Cordelia were beginning to look to expansion of residential areas, there it was. And it was about to go. Couple of sub-divisions had been built up on Highway 24 and a couple more were ready to really move in

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1. Suisun Marsh Preservation Act, 1977, Cal. Stats. ch. 1155, p. 3710 (Div. 19, ch. 1).

there. And I was surprised they got the bill. But we finally convinced a couple of the property owners up there that they would be better off being. . . .

There was one lady, and I'm sorry I don't remember her name, but she was keeping on the family tradition: she was grazing it [the land] and running cattle on it. Dairy cattle. We got her to the point where she wanted to keep the family traditions alive, although they weren't really the family traditions. So she went along--and she was the first one up near the development--so she went along with it and the rest went along with it. Dow Chemical [USA] wanted to move in and that was one where I had a really tough fence to straddle. Dow Chemical was very important in this county and they wanted to move up into Montezuma Slough. You remember that famous thing about . . .

[End Tape 4, Side A]

[Begin Tape 4, Side B]

HICKE: . . . you were just talking about the permabasin.

NEJEDLY: Yes. Finally, they [Dow Chemical] abandoned their project up there and the pressure was off. PG&E gave up their proposed power plant in Collinsville and the situation just was ripe for something to take over or occupy the vacuum. And the bill hit it at the right time. We got the legislature to pass the Suisun Marsh Preservation Act.

HICKE: How did you get into this?

NEJEDLY: [Pause] I can't tell you. I think I recognized that you've got to save something for the future. And that was an opportunity to do that.

HICKE: Did somebody bring the problem to you?

NEJEDLY: No. Nobody would ever report problems to me.

HICKE: You went out looking?

NEJEDLY: Yes, I was out looking for them. But I drove by it every day; I was familiar with it. I'd walked over it. I'll show you a picture. [Rustling] The people I was dealing with were all economic nonentities, no power structure, no force.

HICKE: You mean your constituents?

NEJEDLY: On an act like the Suisun Marsh Preservation Act, the people I dealt with. . . . If you think of an environmentalist as a dirty word, they were the dirty-word environmentalists. They were just those crazy kooks out there that want everything preserved. One of them was an artist, and at any rate, he painted this picture. [Points to picture]

HICKE: Oh, you have a beautiful painting of ducks . . .

NEJEDLY: This was the Suisun Marsh Act of 1974 [sic]. And so he dedicated it to me.

HICKE: His name is Bruce Lattig?

NEJEDLY: Yes. And at any event, that's the kind of thing that came out of it. But nobody knows Bruce Lattig, nobody knows any of the people who were pushing it. I didn't even get help really from the Sierra Club.

HICKE: Did you have to go out and talk to these people yourself: the farmers and hunters and so forth?

NEJEDLY: Yes. Right. Oh, sure. See, they were ready to sell out to some developers: I think at that time it was Ken Hoffman. And we got them to turn around, and "Tom, look, this is all beautiful space. You've seen it all your life. What do you want to look at, a bunch of sewer farms?" This one woman, I'm sorry I forget her name, but anyway she was very instrumental in saying, "Well, I'm not going to sell," so the others said, "If you're not, we're not." So it's pretty much the way it was twenty years ago. I used to drive by there every day. I still can drive by there. Nothing much has changed.

HICKE: That's very impressive.

NEJEDLY: Yes. Well, if it is, it is. I think of it as a positive thing, because it's part of the flyway; it's part of the natural system. It isn't the way it was in the state of nature, but it's as close to it as we have, and it's far closer to it than what otherwise might have happened to it. And there it is. Kind of reminding people that there is a little open space somewhere in the world. Same thing we used to do with Mount Diablo.

HICKE: Well, it's all part of the changes that are coming about in the attitudes towards growth, which I think you were instrumental in . . .

NEJEDLY: Well, people are going to have to realize that. . . . Pogo had a comment years ago, "We have met the enemy and they is us." Remember that? Well, the problem of people is people. We've got five billion people in the world. There's no way this world's going to support five billion people or ten billion people forever, considering the fact that we're losing our surface soil for agricultural production, we're losing our forests, we're losing our petroleum reserves. Maybe there's going to be some new breakthrough in power development, or maybe we're going to get wiped out by an atomic bomb or whatever. But if people impose themselves on more people, there's going to be a point where life ain't going to be that much worthwhile.

There's an old little saying in Isaiah. . . . There're a lot of interesting sayings in the Bible if you just read it not as a religious thing but just as a collection of thoughts of people. It says, "Woe unto them who build house upon house and lay field upon field until no man can be alone." Well, there's a part of our nature that depends upon natural experiences. And if you don't have them, you've lost a lot of the reason for life.

And secondly, if you can't drink the water. . . . You can't eat fish, for example, that you catch in the Suisun Bay right now because of the toxic mercury contamination. If we keep shoving people into this environment, there's going to be a point where the environment can't sustain it.

1975: Surface Mining and Reclamation Act

HICKE: Well, speaking of the environment, the Surface Mining and Reclamation Act of 1975?[1]

NEJEDLY: Yes, that was one. Obviously there's no connection with Contra Costa County, but it was obvious first that you really needed in California a sensible inventory of resources. If

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1. 1975, Cal. Stats. ch. 1131, p. 2793.

you needed the resources, you ought to know where they were and begin to manage them so they're available. It's no use having a resource, for example, if you can't utilize it when you need it. Doesn't mean you have to devastate everything.

But one of the principal things that we need is gravel. Gravel is the most important mineral resource in California today. Forget gold, platinum, silver, mercury, molybdenum, chromium, the rest. Gravel is the thing. All of these, not just gravel but every mineral should be identified and inventoried so we at least know where they are.

Then secondly, we've got to set up a system to determine which of these resources we're going to use. And then third, if we use them, we're going to have to reconstitute the surface so that the taking is not as devastating as it would otherwise be. You can ameliorate the circumstances of mining. You look around California and there's no inventory, there's no planning; somebody wants a quarry, there's no system of reconstruction of that area after the quarry has ended its life. There's no practical way, if you did have a restoration program, to guarantee it economically. How do you set up a bond? How do you set up the money? Every city and every county was going off in every different direction, and there was no certainty to the whole thing.

So the act was very simple, a very simple bill. It said, first, we're going to bring up to date the inventory of all mineral resources of California. The Bureau of Mines and Geology was to do that. Then we were to require every public agency in the state to locate those resources in their planning process. Say which ones of them are inviolate and those which could be utilized, where they were, and set up a program to utilize them. And then, third, at the end of third really, to set up a program for restoration after the mining had been finished, so you developed the mining program looking to the restoration program. Finally, how do you guarantee that all this is going to work? By a bond or say, per ton extraction fee, which you put in a special fund that you can't spend for any other purpose. And we did it. That's what the bill's all about.

HICKE: Again, how did you get into this?

NEJEDLY: I can't remember. I think at some point you saw the problem and you just got into it. And then we had a meeting with the big mining people, Homestake Mining [Company] and some others, and we just had a meeting and I said, "Look, you can't go on this way. You may have resources you'll never be able to use because people will prevent you from mining unless you're zoned for it."

They began to see the point. And I became really a hero to the mining people. Here I was really regulating them, but I convinced them that the regulation was far more acceptable than exclusion and that they were otherwise going to be excluded because people just weren't allowing quarries. They had a little mine going to be reopened up; I think it was in Grass Valley. They had a big flap, plebiscite and everything to prevent it from opening.

One of the people at the last meeting we had in Redding mentioned that and said, "Hey, I was looking up some old notes of what you'd said in 1972-73 about this and it was exactly what happened up there. You must have had a crystal ball." I said, "No, it's just going to happen more and more."

In any event, they supported it. And of course they went to the members of the legislature and said, "Hey, support this," and people wouldn't believe it, because on one hand it was a regulation of the industry but the industry was supporting it.

HICKE: That is rather unusual, to say the least.

NEJEDLY: Yes, but we convinced them that the alternatives were worse than the regulations. And, in fact, this has come true to . . . . We made the point to them that "You're going to excavate this material, you're going to make this profit. If you just leave a big hole in the ground and terminate your corporation so that you're long gone, all you're going to leave behind you is a hole in the ground, and somebody else is going to figure out what the heck to do with it, right? But if you do a good program of mining and you've got something left that if it's handled correctly can be sold, man, you've got it made. You're not only going to get the

value of the minerals, but you're going to get sales for residential use or whatever use later."

So now you go down to southern California. Two of the cities have taken over what is now a beautiful little park area; they've got lakes in the excavated area. Beautiful! And in others, they've got houses just below the excavation. They made a slope out of it, they built some houses, then they built the lakes down below. They've got a beautiful subdivision. They sold it for millions that otherwise they never would have seen.

See, what the old route was, when you got near the end of the excavation, you sold the company to somebody else, a fly-by-night corporation that the owners of were in Thailand. Then when they took out the last of the material, they just left--dissolved the corporation and took off. That was the way things worked. Now they've got permanent control, they've got the money to do the restoration, and they can't touch it. And they can sell the land for a bundle.

HICKE: There's an old quarry near where I live that is now a beautiful housing area.

NEJEDLY: Yes, if you do it right.

HICKE: The money was provided for in bonds, did you say?

NEJEDLY: No, the bond that I'm talking about is the bond that they put up to provide the money at the end of the . . .

HICKE: Oh, I see, the company, the mining company.

NEJEDLY: But bonds are meaningless, because the insurance company goes out of business, or they can't buy a bond. So we said, "Look, you pay 50 cents a ton. You put that in a deposit. It gets interest. At the end of the time, you've got a million bucks to do the work and that's the end of it."

HICKE: And again, how did this go along in the legislature?

NEJEDLY: Once we got industry in support of it there was no problem.

HICKE: Just sailed through?

NEJEDLY: There were very few negative votes, most because they didn't understand it. Some people will vote against anything.

HICKE: I wonder why nobody thought of it before?

NEJEDLY: It's not a sexy bill; it's not going to get you any votes. It doesn't attract anybody. You can say, "Look, we've got those problems." So what? Unless you're an immediate neighbor to a quarry or you're in the quarry business, you don't have any interest in it. It's not a broad-based issue like crime in the street.

HICKE: It's really the old squeaking wheel theory. Whatever is causing the most problems or the most publicity . . .

NEJEDLY: The ones that get the most attention get the most attention.

The State, Urban, and Coastal Bond Act of 1976

HICKE: Well, maybe we can do one more here: the State, Urban, and Coastal Park Bond Act of 1976.[1]

NEJEDLY: That was a classic; that was a real lulu. The governor was opposed to it because he wanted to leave the image of low indebtedness. He was going to run on a program of austerity and his finance director was telling him no bond issues. And certainly no more then what we've got. So we had to get the governor ultimately to sign off and say he would sign the bill. But the governor wanted a lot of garbage. He wanted a clean water provision, he wanted underground water management, he wanted. . . . This was when [Hugh] Hughie Johnson was the head honcho in the Resources Agency, and he wanted a lot of things that were just way out. So in order to get the governor to sign the bill, I had to put them in the bill.

The first vote on the bill was in June. These are things you're not going to believe so I have to go with that story again. So I said, "All right. If that's the only way

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1. Nejedly-Hart State, Urban, and Coastal Park Bond Act, 1976, ch. 259, p. 351.

I can get it, I'll go that route, but it's crazy. It's going to be attacked not only by the Farm Bureau, which attacks every bond for parks, now it's going to be attacked by the farmers and a lot of other people who never otherwise would be interested in it, who are just going to create opposition." "No, it'll pass." Then the governor really screwed me on this one, because he said he would support it and then he. . . . [Pause]

HICKE: Dropped the ball?

NEJEDLY: Once he got started getting some opposition, he dropped off. We lost the election in June. We had another old bill over in the assembly. I don't know whether you're familiar with the mechanics of the legislature process, but we had a bill in the assembly and it was near the end of the session. No, wait a minute. It wasn't near the end; it was getting pretty close. . . . it was about July, and July is the real dog days of the legislative process. It failed in June, we just. . . . "God-damn governor," and that sort of thing.

We took this bill and put the park bond back in it without all the things that the governor wanted and amended the bill, put it in, got it out of the assembly. Then we had to bring it back to the senate for concurrence in the assembly amendments. And I went to the governor and said, "Look, we did everything you wanted to do and it failed. You owe us one. You've got to agree to support this bill and really support this one."

So then we went to everybody else who was opposing the other bill and said, "Look, you said you were opposing it because of clean water and all the other garbage that was in it; that means that you've got to support it if we take it out." That was enough to develop that support or the absence of opposition. We got the bill out of conference, got it out of the senate nearly the last day to put it on the November ballot. We got it on the November ballot. This had never been done before . . .

HICKE: On the November ballot?

NEJEDLY: Yes, for the November election.

HICKE: As an initiative or something?

NEJEDLY: No, no. As a bill. I have another bill. . . . There're two ways to get something on the ballot: one by the initiative process and the other through the legislative process. This was legislative. So we got it on the November ballot and everybody finally went, "What the hell's this bill doing back again? We just killed it." The Farm Bureau had spent all their money thinking they'd killed it in June. They didn't have any money to oppose it in November. The people who had opposed it in June for the reasons of the other things the governor had in it, now had to support it. I got a long list of their support and nobody could believe it. Here was the bill back here; what the hell's this doing here again? And it passed. So we got the bonds money. It was very important to get them too.

HICKE: OK, tell me what was in the bill now.

NEJEDLY: Acquisition: protection of specific availability of funding for coastal acquisitions. Because they had a lot of hot spots that they wanted to acquire on the coast to prevent development. I had my own little turkey in it for Mount Diablo State Park and a couple little things of my own and it passed.

HICKE: Was the East Bay Regional Park District involved in that?

NEJEDLY: Yes, there was one parcel somewhere, I forget, down in Sunol that was earmarked for them and they supported it. Sierra Club supported it and the Park Employees Association supported it and we got enough support to overcome this opposition arising out of the question, "What's this doing here again?" That's the first time in California that a bond issue had failed and still passed.

HICKE: Were the developers opposing it?

NEJEDLY: No. Because they couldn't. . . . I used to represent all the developers, at least the big developers, in the county. I never agreed with them but we never had any problems with them. No, the only people still opposing it was the Farm Bureau and the Farm Bureau didn't have any money left to even send out a letter. They couldn't believe it was there. There was no time for them to develop any opposition, no time to get any money together. The money had already been exhausted.

The people who had opposed it before for particular reasons no longer could do that logically. It was easy for them to say [before], "Look, Nejedly, I love you, but I can't stand this thing that the governor wants in the bill." So then when they had told me that before, they couldn't very well say, "Oh, I'm still opposing the bill." So we got them by saying, "Well, if you're not opposing it then that means you're supporting it." "Yeah." "OK, sign up."

HICKE: Well, now how did the governor get this in the bill in the first place? Did you go in there?

NEJEDLY: He told me, he said he wouldn't sign it unless I put it in.

HICKE: That's what I mean. You went to him and said, "I've got this bill, will you sign it if I get it through?"

NEJEDLY: Oh, sure. I always do that. At least I go to him and say, "If you've got any problems with it, tell me now so I can hopefully respond to your problems."

HICKE: Does that work pretty well?

NEJEDLY: Worked for me. I used to go to everybody same way.

HICKE: Before you ever got started?

NEJEDLY: Sure, before anybody else got to him. See, other people would ultimately come to me, "Oh, he [governor] said, 'I'm sorry but I've already told Nejedly I'd support it.'" I'd do that for everybody. In fact, you asked before how I get things through; I guess that's one of the ways I got them through.

HICKE: Sounds like it.

NEJEDLY: I talked to him on principle and he'd say, "Yes, that's all right." Somebody would come back and talk to him about some practical thing but he'd already been committed. So I'd get the bills.

HICKE: That was very effective.

NEJEDLY: It was for me. I used to spend a lot of time on bills.

[End Tape 4, Side B]

[Session 3, February 26, 1988]

[Begin Tape 5, Side A]

IV. MORE ON THE LEGISLATURE

The Value of an Oral History

HICKE: You have something you want to start out with?

NEJEDLY: Well, I just wanted to make a point--you might want to think about it when you have a chance to read it--and that is that at first I didn't see any real social significance to our discussions, because obviously this is a part of history that doesn't interest people in the present, by and large. It would be a very limited group, if any, that would ever have an interest in it. But I was giving some thought to what it might do in a more interesting way to more people. I'll leave this thought with you and, as I say, when you think it over, you might want to develop a response to it or just ignore it.

But in any event, over the last fifty years, sixty years really, there's been a whole progression of history that leads up to today. You can't understand today without understanding that history and every facet of it. When people talk about issues today, they talk about isolated fragments of issues, they don't talk about the whole issue. To understand that picture. . . . And it's simple; if you really take a few minutes to do it, you can get that whole picture and then relate specifics to the whole scene. Right?

HICKE: Right.

NEJEDLY: Does that make sense up to this point?

HICKE: Absolutely; that's what historians try to do.

NEJEDLY: So what I've done is gone back over everything that I have done in that picture. For example, I took the case up to the Supreme Court on Metropolitan Water District versus Marquardt. That was a validation suit to the revenue bonds. You'll hear, for example, a statement. . . . In fact, it was in a document prepared by DWR about a month ago, saying that the voters had approved the Burns-Porter Act. That's absolutely false. The voters never approved the Burns-Porter Act; the Burns-Porter Act was a legislative act. All that the voters did, if anything, in relation to Burns-Porter Act was to authorize the revenue financing of the act. But still they'll say they approved the act.

Well, those kinds of myths and statements repeated over and over again are read by someone or heard by someone in the current interest group and they take it. . . . They say. . . . For example, Metropolitan Water District got up in a debate I had with Kennedy at the Commonwealth Club one time and said, "The voters approved the Burns-Porter Act." Now there's no one in that room, maybe two or three people, who knew Kennedy was bananas.

HICKE: Which Kennedy was that?

NEJEDLY: Dave Kennedy, the director of the Department of Water Resources. We used to go around debating this Prop. 9, and we had a debate one time over at the Commonwealth Club. It was a big deal--eight hundred, nine hundred people there one day. In any event, he makes this same statement. Well, it's accepted as the truth because nobody really knows the truth.

HICKE: Then it eventually becomes part of history.

NEJEDLY: It becomes part of history. Now for that reason, there could be made something significant about this stuff. Forget the ego trip and the personality. Forget all that; it's just to tell it the way it is. So to do that, I've gone back over at least my participation in it, and I'm getting. . . . But I don't have it yet. I can bring that to you when I have it, because I lost it when I left the district attorney's office or somewhere over there, nobody knows where.

But in any event, with one exception and that is, the briefs and the oral argument on the Metropolitan versus Marquardt in the Supreme Court, I've put together. And what it is is a compilation of all the arguments that we made in the water situation for the last, well, in my case, about forty years. For example, we went back to the Library of Congress and dug out all of the background of the CVP [Central Valley Project] Act[1] in the requirements of the project and all my speeches to the water works people in California, which give a pretty fair summary of it.

Then I put together all the local arguments. For example, when the Sierra Club board of directors and the north and south groups supported Senate Bill 346, the first peripheral canal bill, I wrote letters to the president of the Sierra Club and the BCDC [San Francisco Bay Conservation and Development Commission] explaining why they were wrong. They had analyzed the act completely erroneously.

And then I developed a little history of what we did with it. We went out as members of the Sierra Club and forced a plebiscite to overturn the management's support. And that's something, you know, you really ought to have, because that's the greatest indictment of the Sierra Club as a political mechanism that's extant in the world today. [Sierra Club] people say, "We've always opposed the peripheral canal." That's a. . . . "You're nuts. You're the guys that endorsed it." They don't believe it.

HICKE: OK, that's what we're here for this morning. So why don't you tell me that story.

More on Senate Bill 346

NEJEDLY: OK, I'll tell you the story. The peripheral canal legislation had its finest hour in terms of the pro-group in Senate Bill 346 in 1977, in the first six months of '77.

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1. Central Valley Project Act, 1933, Cal. Stats. ch. 1042, p. 2644.

That was the flow-tide in peripheral canal management of the Delta. And they threw everything into it. People always think the defeat of the peripheral canal occurred in '82 on Prop. 9. But that was the attempted resurrection, really, not the act itself.

Well, in any event, they had all the birds lined up, the pigeons: I guess that's the right word. It reminds me of an old joke. If I get to know you better, I'll tell you. But in any event, this force came into mid-zenith in the first six months of '77.

HICKE: Can you tell me who were all the proponents?

NEJEDLY: Yes, sure, I'll tell you what happened. First, they appointed . . .

HICKE: When you say "they" who do you mean?

NEJEDLY: Well, when I say "they", I can try to give you the cast of characters as we go along, but "they" is an ephemeral thing. It's very loose. It's just like you say the "Mafia." "They" do this and "they" do that--who the hell's the Mafia? One environmental leader suddenly winds up as an official in the Department of Water Resources. Three high officers of the Sierra Club get jobs with the Department of Water Resources. That's the framework.

Jerry Brown really opposed the peripheral canal, believe it or not, as a person, but he had to support it for political reasons. But personally it was against the grain. His father was pushing him into it, his financial people were pushing him into it, and so they had a meeting in Brown's office. I even went back and found the time. It was in the afternoon of June 16th, 1977, about 2:15. I was invited to the meeting. Then Brown was told there was no way I was going to go along with this; therefore they said that the meeting's been canceled.

HICKE: That's what they told you?

NEJEDLY: That's what they told me, but then I found out. . . . In fact, I had a stooge in the meeting who told me what went on, because I knew it was a fake, because of the way the message came to me. "The meeting has been called off." When I had walked by the first floor and I'd seen three of the people

that I knew had been invited still going in the office, I knew there was something screwy.

How was it? Oh yes, I went in the governor's office and Jacke [Habecker] said, "Oh, your office called. There's a message for you." So rather then take the phone in her office because there were a lot of people around. . . . I'm trying to remember the thing. At that time Brown was into the Ag. Labor Relations Act strongly and he had a lot of pictures, things that represented activity concerning the farm workers, and there were a number of people. And as I recall, it was they who were there.

But I didn't want to take Jacke's phone because it was the only phone right there. So I went back up to the office, because there was something I had to do anyway. Well, I went in the office. I said, "Where's the message?" She [the secretary] said, "Oh, the governor called and said the meeting is off." And I said, "Well, did you call. . . ." I used to be in the D.A.'s office and I'm always suspicious about people's motives and I try to find out what they are saying by what they want done. So I just asked the next question, "Did you tell Jacke that there was a message for me down there?" And she said, "No." So I knew that Jacke had been told, "Tell Nejedly that there's a message for him, get him out of here, so he'll go back to his office and . . . ." So I had to go back quick and get one of the people that had been invited to the meeting who owed me one really in a deep way.

They went ahead with the meeting and this thing was structured so that officials in the Sierra Club would get jobs in DWR. One officer would be a leading official, so they would get the support of those two organizations. Then the first one that met was the Sacramento-based chapter of the Sierra Club, the Mother Lode Chapter. They met and endorsed 346 with the pressure from Sacramento officials.

Then after they had that set up, they had a meeting in Monterey in September of '77 with the Southern California Regional Conservation Committee. They were meeting with the Northern California Regional Conservation Committee and on that group the Department of Water Resources was represented;

these people were there from DWR--all they heard was the political pressure, and they voted 22 to 7 to support 346. So they had the Sierra Club supporting it and the Planning and Conservation League. [Ronald B.] Ron Robie was there; he was the director. And Hughie Johnson, who had been named director of the Resources Agency, was there. All big, alleged heavy figures in conservation groups. Imagine, it's hard to believe this but that's what actually happened.

OK, then right after that in late September, the board of directors of the Sierra Club endorsed 346. Then we got together sometime in October, sometime around my birthday, I think—I kind of remember the day--we got together and said, "We've got to beat this and how do we beat it?"

HICKE: "We got together." Who's we?

NEJEDLY: Fellow named [Richard L.] Bower and a couple of heavies in the Sierra Club in this county, leaders of hikes and things. I'd been involved in the Sierra Club in their Sierra cleanup. The names don't always come up that quickly, but he was down at the University of California at Santa Barbara; he was working there. In any event, we had been up in the Sierra for years, cleaning up old campsites, digging up garbage and glass and the rest, and hauling it out.

And he came up—I'll think of it in a minute--he came up; there were five or six of us. We were kind of a naive group. And on the fifth of November we appeared before the board of directors meeting in San Francisco, asking them to rescind this action on a board level. There was some publicity given to it; it was getting a little heavy. We got one of the people who had provided in a will that the Sierra Club got $200,000, as I remember, and she threatened to take that provision out of her will. I said I was going to resign, which really impressed no one.

But in any event, they said, "Look, there's a by-law provision"—I think it was 21--"that you can rescind action of these regional groups or the board action." And they said, "We will." His name was William Futrell. He said we could rescind it by a plebiscite and that he would help. He would give us the membership list so that there would be an open, democratic process. They would help, and if chips fell

that way. . . . Great, big speech about democracy. OK.

We got one petition put together and it was not worth . . . . Somebody did it, and when it got back for us to sign it, we realized that it had not been drafted correctly. So we had to get a new petition. We got that circulating. Then the president refused to give us the membership list. Here is the Sierra Club selling their membership list to a number of commercial groups for money. And they would use it for mailing lists. They wouldn't give us the list of members.

So in order to get the petitions signed, we had to go on every damned hike or every meeting of any Sierra Club thing and be rabble rousers, get up and say, "Hey, before we start on the hike, these guys are screwing us; will you sign the petition?" We'd only get maybe ten or twelve. Gosh, we had to go over to Mount Tamalpais to a meeting and then we'd run up to Alum Rock Park or God knows where. Only six of us doing this.

We finally got the petition signed. We needed 338 signatures, and we got 339. It was just at the absolute deadline. We just got them in. In fact, one of the guys that had been circulating it said, "Hey, I forgot to sign it!" And he signed it, and that gave us what we needed. We turned those in just at the end of the year. Had to be done before the end of the year, and we turned it in.

It was a screwy petition, but it was getting tremendous publicity by that time. Well, there were 180,000 members in December of '77, and that argument. . . . I forget, but it was a misleading one. We asked for a vote of the whole Sierra Club and it was turned down.

HICKE: They wouldn't let you have a vote, is that what you mean? Or did they vote and turn it down?

NEJEDLY: Yes, they voted but they turned it down. I think it was about, say, 29,000 voted; 58 percent said no and 42 percent voted yes. But then we had another petition.

HICKE: This was your proposal that the peripheral canal shouldn't . . .

NEJEDLY: No, this was asking that the whole membership of the Sierra Club vote on it. So that got turned down. Then we had the second petition, "Shall the Sierra Club oppose the building

of the peripheral canal?" And at that time, 52 percent I think it was--about 14,000--voted yes and about 13,000--see how close it was--voted no, but we won. So we turned it down. And all that the press said was, "Sierra Club membership turns down the board of directors." We got more and more publicity.

And after that vote, then 346 was voted on in the legislature and it passed as an act. That is, the first bill, 346, was taken to include financing. As you know, when you have money in a bill, you have to get two-thirds vote, both in the assembly and the senate. So it didn't get out. Then they changed it when they came back in 1980 and when they passed Senate Bill 200 in 1980, it was a simple majority bill. But at that point, because of the previous experience on 346--I've got to get this vote correctly--the regional conservation committees that had originally supported 346 met again on 200 and they voted and they turned it down.

HICKE: The regional conservation committees?

NEJEDLY: Right. This time they turned down 200 and the board of directors voted no. So that time you turned them around. But the tide is on its way out on the peripheral canal. People, as I say, think that the great peripheral canal bill occurred in the defeat of 200. The pigeons were not lined up for 200 the way they were for 346, and people don't see that. They see it as a gradual build-up to the grand crescendo of the Senate Bill 200. That ain't the way it was.

HICKE: It started downhill after 346.

NEJEDLY: Right.

HICKE: And after your petitions in the Sierra Club.

NEJEDLY: I remember that day on the floor. Ayala just couldn't get the votes on 346. It was funny. Because of this pressure from the top, even with the vote against 346 way back in '77, the regional conservation committees voted to support it because they had all this heavy heat coming from these guys that had gotten good jobs with the department. There was a big flap, I resigned from the Sierra Club, and . . .

HICKE: These regional conservation committees are the Sierra Club?

NEJEDLY: Right. North and South.

HICKE: On those bills, can you tell me how the legislators were lined up? Was it north versus south?

NEJEDLY: Not altogether but largely.

HICKE: Urban and rural? Or liberal and conservative?

NEJEDLY: No. We got people surprisingly enough to vote their conscience on a bill. I think the high water was twenty votes. That's all he could put together on the assembly amendments.

HICKE: For 346?

NEJEDLY: Right. And, oh, we were doing a number of things. Maybe some of them were not that great in terms of morality. That was the high. . . . We sensed that if we could defeat it that year, it would lose momentum. We were getting such good publicity then but the Sierra Club thing, that one really. . . . When we publicized what was going on with particularly the president of the Sierra Club just doing things that weren't appropriate, we got a lot of support from the Sierra Club members as they came to know what the heck was going on.

I remember that Futrell, the president, had promised to get them. . . . Now that was a legitimate request, like a stockholders' takeover or plebiscite or whatever. You can always get the names and the addresses of the stockholders, and they agreed to give them to us. They were selling them to other people, and they wouldn't give them to us. As I say, it was a really. . . . Do you remember [J. Michael] Mike McCloskey? Does that ring a bell?

HICKE: Vaguely.

NEJEDLY: He was an executive director of the Sierra Club and he made a point at one of the meetings that the Sierra Club had sold its membership fifty times in that one year and made the money, but wouldn't give it to the members for this plebiscite.

HICKE: Sounds like the Sierra Club was sort of ripped apart.

NEJEDLY: Yes. It only became a cause celebre with the publicity, and those things, like the Forest Practices Act and how the act saw the light of day and things like that, make interesting reading.

Why don't you come down with me and I'll show you what I've put together?[1] I'd say 85-90 percent [of the information comes] out of those papers. Then they [researchers] would have to go back and talk to other people and get the other side of the story. But they would have the lead. Then they would know where to go to get the other side of the coin to feel that this thing is objective. In other words, with a little additional research, you'd have the whole picture. Because the issues are there. It would then be something that people would really go back to and pick up every issue. The Delta islands, reverse flows. . . . Do you have that little paper I just gave you? For example, every issue involving water management in California is related in that one paper.

HICKE: Oh, that's great.

[End Tape 5, Side A]

[Begin Tape 5, Side B]

NEJEDLY: If somebody wanted to make a history of the water problem in California, the only thing I could suggest is that once I get that material from the Supreme Court, we'll have the whole thing together and then someone might want to go through it and give a very brief historical review of this situation. And then this is paper A, paper B, exhibit 3, or whatever and then you'd have a pretty good picture. Then you can tell anybody, "Look, if you want to know a substantial part of the background of water management in California and the various issues related to it, here is the collection of papers."

HICKE: Are you going to let me know when you have that all together?

NEJEDLY: Yes, I'll get in touch with you.

HICKE: I wrote a letter to the State Archives which I sent you a copy of telling them that you had the papers here, so they'll probably get in contact with you too.

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1. Reference to his papers.

NEJEDLY: That's fine, they're welcome to them, because I haven't even used them once except for this bit. For example, that little thing at the Sierra Club isn't very largely known and no one wants to provoke it anyway. Sierra Club's trying to live that one down.

HICKE: Well, that's good to have in the record though. There was a sentence here in this letter that you just gave me that you wrote to Senator Ayala. You said, "While state policy and procedures should be prepared in a framework of responsibility to all interests, that is not the manner in which the present system is structured."[1]

NEJEDLY: That's correct. See, here's the Department of Water Resources managing water only with reference to a very isolated part of water management and that is water export for sale.

HICKE: You said that's their responsibility and that's the only thing they're concerned with.

NEJEDLY: That's right, and that's not right in my opinion. Because there are many uses for water other than sale. Environmental management, for example, salt-water repulsion, the whole bit, a lot of other concerns. But their concern is: how much do we get if we can sell it? That's the point I tried to make in that paper.

HICKE: OK, I look forward to getting that complete file.

NEJEDLY: You'll get the thing from the Supreme Court. But as I say, once you get a feel of this, if you think this is what you're really after, then you can go to Metropolitan Water District or DWR or Sierra Club or Environmental Defense Fund or whatever and there's 85 percent of the water picture.

HICKE: Well, I'm sure that researchers are going to want to do that; you've given them a good start.

NEJEDLY: Because then you'd have something that's salable. A lot of people would want to buy that. In fact, since I put these two little things together, I've already gotten four requests for these.

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1. See Appendix I, p. 7.

HICKE: You're in business.

NEJEDLY: Yes, I'm in business; but it's expensive.

HICKE: Well, you should at least distribute them at cost.

NEJEDLY: Yes, I'd give them away but. . . . [Pause]

HICKE: Shall we move on? Are we finished with this?

NEJEDLY: Oh, I kind of took over this morning.

HICKE: That was great. I wanted to hear that.

NEJEDLY: But in any event, I got my pitch in. So you tell me what you want.

Rare and Endangered Native Plant Act of 1977[1]

HICKE: OK, we were kind of going down the list of your major legislation. The next one on the list is 1977: Rare and Endangered Native Plant Act.

NEJEDLY: Right. That was one of the more important ones. You know the kind of emphasis that has been recently given to endangered forms of animal life. We realized that the same problem existed with plant life but nothing had been done about it.

HICKE: Nothing in California or nothing that you know of anywhere?

NEJEDLY: Nothing legislatively, no program. At least we didn't find any for examples. For example, there are surprisingly a number of plant forms that are very limited in area of activity, and if a subdidvision is built in the right place, you can wipe out a whole species or subspecies of a plant. That happened over on San Bruno Mountain; something was growing over there.

HICKE: It's a micro-climate and it only grows in that one area.

NEJEDLY: Yes, just a very limited climatic experience and that was nowhere else in the world. And this was particularly true of the southwest, down around Palm Springs, where people were just going out in the desert and digging up plants. It's a very fragile ecology there and . . .

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1. California Desert Native Plants Act, 1977, Cal. Stats. ch. 1239, p. 4161 (Div. 23).

HICKE: Those cactus are old.

NEJEDLY: So we got in touch with the Native Plant Society. We did some research on the problems and we developed that act. In fact, that's one of the acts that's still around and it's still working. It's drawn attention to the plant life just as others have drawn attention to animals. And rare and endangered species--we just say rare and endangered plant forms and that was it.

HICKE: What does it provide for?

NEJEDLY: Well, it provides that you can't dig up a native plant and transport it. Transportation or digging up is illegal. The most important part of it is we began to identify them and say where they were so that then you could devote particular attention to something. If somebody approved a subdivision or a big project, they had to make an inventory of what was there, and if it was rare and endangered, they either removed it or did something like the Indian bit. It began to get attention.

HICKE: Were there funds for identifying the plants and for some kind of enforcement?

NEJEDLY: No, we had to appropriate it. That was the tough part. A lot of people like to talk about it but don't want to spend any money. We finally got some money. Just like in the California Surface Mining and Recovery Act, we got some seed money and it was enough. A lot of volunteers in this thing, by the way. And they worked on it and we worked on it and we finally got enough attention drawn to the issue that the political system could react and provide the funding.

HICKE: Was there much opposition other than budgetary?

NEJEDLY: Yes, there was the budgetary one first. The second one was what the hell was this all about? Plants? We've got plants all over. That's a cheap shot to say, "You've seen one Redwood, you've seen them all," but it describes the scene. You know, people have taken it for granted. They go out and see a desert full of plants and think, "Well, that's taken care of; we don't have to worry about that." So we got a little political recognition, and you keep harping on it and harping on it and harping on it and people begin to think,

"Geez, he's talking so much about it, there must be something there."

It's like the story of the two kids, the pessimist and the optimist; did you ever hear that story? A rich fellow had two sons and the one was a perennial optimist and the other was always a negative guy. He was always complaining about things. So then one day, he [the rich fellow] built two stables out in the back and filled them with horse manure. On Christmas day he said, "Your presents are each out in each one of those barns. Yours is in that barn and yours is in the other barn." The pessimist goes out and he opens the door and he sees all this horse manure and he says, "For crying out . . ." and he goes in and wants to shoot his father. The optimist goes and opens his door and its all full of horse manure and he grabs a shovel and he starts digging and he says, "If we've got all this horse manure around here, there must be a horse in here somewhere." [Chuckles] Well, we began to get that kind of an attitude.

HICKE: Where did the idea for this protection of native plants come from?

NEJEDLY: I guess it goes back to the Boy Scouts. We used to do the same thing to a very limited degree in the Boy Scouts. I got interested in it. I got in touch with some people in the Native Plant Society who were very helpful and nice people.

HICKE: Were they already aware of? . . .

NEJEDLY: Yes, they were more aware of it than I. They were aware of it in a practical way; I was only aware of it in a very ephemeral way. So it worked out; we got the bill. People kind of started laughing at it at first and then they started to think about it; then they started to support it.

HICKE: It's important, for sure. OK, and then the next one was 1980, the Parklands and Renewable Resources Investment Program [Act].

NEJEDLY: That was the one I talked to you about before, I think. We talked about the time we lost it in June and won it in November.

HICKE: Right. OK.

NEJEDLY: That was a real classic; that one you ought to write up, because that one doesn't happen. I've never heard of it happening.

Hazardous Substances Information and Training Act[1]

HICKE: OK, Hazardous Substances Information [and Training] Act.

NEJEDLY: Yes, we began to recognize that people were dealing with toxic substances or harmful substances without knowing what they were dealing with, either breathing it or touching it or in some way coming in contact with. . . . Oh, it came out of that case back in southern Illinois or someplace. I'm sorry, obviously my memory isn't that great. But there was a small plant somewhere and these people were mixing it [a toxic substance] by hand and first they came apart inside. They just blew up.

And we thought, hell, these guys at least ought to know what they're dealing with. So I started going around the state, and some companies, like Standard Oil, for example, were already aware of the problem and were prepared for it. Other companies figured they'd just hire labor out of the hall and off the street and they didn't give a damn. So there was really a mixed bag and boy, a lot of opposition to that. Chamber of Commerce was on my back; the California Manufacturers Association was on my back. That one I got split. I had people in the CMA that were really fighting with the other guys.

Gee, I remember one meeting in Los Angeles, "Don't tell lies. You're lying," when the guy would say there's no problem. Because the companies that were doing something were at a competitive disadvantage. They paid for masks and respirators and gloves. Did you see the TV program the other day about the Silicon Valley and the people who were dealing with chips and the problems with chips? Well, you ought to

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1. 1980, Cal. Stats. ch. 874, p. 2735.

see them; they're all wearing masks. When I started with that bill, hell, everybody was out there in street clothes.

We had a lot of static on that bill; that was a tough bill. That was economics.

[Interruption]

So we required them to put on a can what was in it. And there had to be a notice at the plant notifying people both in Spanish and English. Had to be on the bill of lading so that a trucker would know if he broke the can or whatever, what he was exposed to.

That was one of the better ones. It wasn't as good as it should be, because you had to make some compromises, but it was a long way. In fact, other states have now copied that bill and the feds are into the act now in interstate commerce. Almost the same language in the bill. One of those that other people picked up.

HICKE: Where did that one come from? That idea?

NEJEDLY: Just an idea. You read an article in the paper about something—I think it was that plant back in Illinois or Georgia or wherever it was. And I went on and said, "Hell, that same thing could be happening right here in California." So I got interested in it. It was just an obscure thing. That's one of the problems in Sacramento. Most of the interest in bills comes from outside. It's either an environmental group or somebody wants a bill. And all these bills we were developing in our own group, in our own staff. And nobody could believe it.

It was funny, because people'd say, "Who the hell is supporting this?" Or they would suspect that there was support and say, "Well, there must be a lot of support for this thing or you wouldn't be carrying a bill like this. It's not a bill that affects his county, or a bill that bothers people in his county. He wouldn't be carrying that unless he had a lot of support." So you get some respect right away even if there wasn't anything there to justify it. It was fun.

HICKE: Did you have people on your staff that would go out and do research?

NEJEDLY: We would all go out and do it, but we had some good people on the staff, some real smart people. But the problems are obvious; you don't have to do much research.

HICKE: But you have to collect a certain amount of tangible evidence, don't you?

NEJEDLY: No. Once you've got--like the rare and endangered plants--you've got the measure, people begin to think about it; they begin to accept it as a problem. And I had the advantage of being a Republican and a former district attorney, and people would think, "Gee, that guy must be really in there with the right wing." And then it was the right wing that was always opposing me. They didn't know how the hell to deal with it. We had some interesting experiences. What's the next one?

State Toxic Disaster Contingency Plan Act of 1980[1]

HICKE: Along the same lines was the Toxic Disaster Contingency Plan.

NEJEDLY: That's the same thing.

HICKE: It's two acts.

NEJEDLY: We had a couple of big spills and something like the one in the Monongahela River, that ruptured oil tank. [The oil spill] went down the Ohio [River] and the Mississippi [River].

HICKE: That was terrible.

NEJEDLY: Yes, it was terrible in a lot of ways. You know, a lot of manufacturers were saying, "Hey man, they're not drinking the water now, so we're going to dump all that garbage we've been accumulating over twenty years." They dumped it in the river because they thought it would not be noticed because of the problem, and oh, Christ, people are crazy. You'd be amazed what people will do. But it's the same thing, the same thing.

What was the name of that--Three Mile Island? Every once in a while, we'd read a newspaper and see some whiz-bang problem and say, "Hey, let's go." And we had a good staff;

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1. 1980, Cal. Stats. ch. 805, p. 2534.

the staff would really dig in and do the work. I'd get the credit and that was great. Or I'd get the blame. A lot of these things, you know, weren't the greatest. People in the county, Standard Oil, sometimes the big manufacturers were really on my back. "What the hell are you doing to us?" Not for us, to us. And I'd say, "Hey, I'm helping you. I'm saving you from Bhopal, India." I'd read stories like that and I'd say, "Hey, this could happen here." Or, "Could it happen here?" And nine times out of ten, you find out that it could.

HICKE: It probably saved a lot of litigation . . .

NEJEDLY: That's what I kept telling them. "You're saving money down the road. If you're a fly-by-night company and you want to go out of business in three years, fine, go ahead, screw it up. But, if you want to be around in twenty years--where Union Carbide's into that thing for almost a half a billion bucks."

Solid Waste Management Act of 1980[1]

HICKE: OK, Solid Waste Management Act.

NEJEDLY: Oh, that was a great one. We described that the other day. About how the governor vetoed the bill and came back the next year and put it in his message to the legislature. Crazy.

HICKE: Yes, right. Well, there were two of them actually. There was the Solid Waste Management Act of 1972, then there was another one in 1980.

NEJEDLY: Oh, the one in '80 was a different thing. The first one was, let's see, in '72? Was the second one in '80?

HICKE: That's what I have.

NEJEDLY: That was the litter management act, the one where we went out to the other end of the stream to get things recovered, not just recovering them within the waste stream or managing the waste stream, setting up pre-planning for dump sites and that

1. 1980, Cal. Stats. ch. 364, p. 720.

sort of thing. This one was just deposits on bottles, cans, and containers. That one we got nowhere with, although we finally got a bill; it was nine years later, they finally got something. Now it's the one-cent and it goes up to two-cent thing, which really is nothing.[1]

We could have gotten that back ten years ago but these people wouldn't settle for that back then. I told them, "Let's do it gradually and start it off," but no, they wouldn't buy any compromise. So I said, "All right, you're going to lose it," and they did. That's March Fong and I. We had a big thing; we had cans all over the wall. We had a big conference downstairs in the capitol and March Fong and I carried the bill. She had her no-pay-toilet bill and I had the litter tax bill. We got a minor thing going. We set up a system that, for example, El Cerrito picked up and Berkeley pretty well under that bill.

HICKE: The latest thing on toxic substances: is that Proposition 65?

NEJEDLY: Sixty-five, yes. That was a real turkey but it was going in the right direction.

HICKE: You were also on a joint committee to revise the Penal Code [Joint Advisory Committee on State Prison Facilities and Incarceration Alternatives].

NEJEDLY: Yes, we did that. That was SB 42. It changed the whole structure of sentencing in felony criminal cases in California from the indeterminate to the determinate system.

<u>People: Colleagues, Governors Brown, Reagan, Deukmejian, Others</u>

HICKE: OK, that's what came out of that committee. OK, then I just have some general overview questions. First of all, can you talk a little bit about the people that you worked most closely with?

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1. One cent is paid for returned bottles in California.

NEJEDLY: I'd say the staff. I run the staff. We always had pretty good people around.

HICKE: How about colleagues in the senate?

NEJEDLY: Maybe Beilenson and Rodda and [Senator Walter W.] Stiern. That was about it. I really didn't have any strong support for anything that I was doing on a personal level in the senate, on the floor.

HICKE: How about the governors? Can you tell me a little bit about their. . . . Maybe contrast their styles and a little bit about your impressions.

NEJEDLY: Oh jeez. Well, the only ones that I was in touch with were Reagan and Jerry Brown. I liked Ronald Reagan personally and I was in love with Nancy, so I had a close relationship with them. But I never did anything for him to justify his support for me, but the guy was always loyal. I was opposing him on every big project that he had in California, but he would come down to a candidate's night or during a campaign and give me support and whatever.

HICKE: How do you explain that?

NEJEDLY: I don't know. You'd have to ask him or people close to him. I don't know. But he vetoed the Solid Waste Management bill; he was always on my back about environmental bills. And he was pretty well tuned in with the establishment: CMA, NMA [National Manufacturers Association], the Union Club, and that sort of thing. I never got the feeling that he dealt with his own personal feelings about bills. He would get his impressions about legislation from others.

Brown, on the other hand, was indifferent to consistency. He would be involved on a personal level. I remember one time, I was carrying a bill to eliminate the sales tax on bottled water. And all of his people advised him to veto it. I got it to his desk.

HICKE: Oh, this is when you took him to the grocery store . . .

NEJEDLY: OK, then we went down to the Safeway store and we bought two bottles and the guy came back and told the people he wasn't going to veto the bill because he had a personal thing about it.

He had the personal thing about the Determinate Sentencing Act. I went down with him one time and I told

him, "You come over. Either listen to me or come with me and let me tell you the way it is, and if you don't think I'm telling you the truth, you take the time to come." That would force people into accepting what I said, because then they didn't want to take the time to do it. So I said, "You either come to San Quentin with me or take my word for it." So he said, "I'll take your word for it."

Well, then he was stuck, and I would tell him what went on at Attica and what went on in Illinois and what went on in the other prison riots. And I'd tell him, "That's what's going to happen here unless you straighten this thing out." I was going to drop the bill. I got into a real beef with the ACLU who were, I thought, being very irrational about the thing. If I went down and not so much cried on his shoulder, just appealed to his sympathy, I could really get some support, and that's what I would do with him.

I enjoyed working with Brown, but I never could find the handle on Reagan. He'd be very friendly, invite me out to the house for dinners, and he'd every once in a while ask me to come down and talk about somebody he was going to appoint to the court or something. I never had a close relationship, but at least he would communicate, but I never got the lodestone, I never figured out what his combination was. I guess he never could figure out mine either.

But it was a much more fluid, flexible, unmanaged system with Brown than it was with Reagan. You could pretty well predict Reagan. But Brown. . . . Especially when he got into that screwy presidential campaign; that was bonkers. He was all over the place and he had a good looking dolly going over to Africa with him and he flips from that scene and he goes to New Hampshire and screws that one up, and Illinois. God, it was bananas.

But I liked the guy! If I met him today, I'd invite him to go on a hike. He's the kind of a person you'd go on a hike with. I liked the guy. I could really, I think, deal with him. And if he wouldn't go along with me, I'd always know the reason why. But Reagan, no. Reagan was more of a traditionalist; he was more of a "Let's listen to the status quo people."

HICKE: Well, George Deukmejian was in the legislature at the same time that you were. Do you have any impressions of him?

NEJEDLY: George was a plodder. He was an honest guy. George has difficulty seeing the big picture but. . . . for example, on Prop. 65, he blew it. It was a very poorly drawn initiative--like we always say in the legislature, it was a turkey--but it was flying in the right direction. And it had more going for it then it had not going for it. So I supported it. But it had a number of technical problems and it had some very serious quality problems.

Right down the road, George couldn't see. . . . Like in getting into a name-calling contest with [William] Honig, the superintendent of schools; that was stupid, in my opinion. That was a worthless thing: calling somebody a demagogue. You know, what the hell, that's not going to solve any educational problems. Come out and give some statistics and show that you're spending more money for this education every year. You're not getting any education in California to about 70 percent of the students . . .

[End Tape 5, Side B]

[Begin Tape 6, Side A]

NEJEDLY: . . . and 85 percent of your money is going for teachers' salaries. So you're not going to get a better teacher by paying the teacher more. You've got to go way back to the beginning and get some of the basic problems under control like population, language problems, immigration, new language difficulties in communication. Those are the things that have to be straightened out. But principally, if you're going to teach people, you're going to have to teach them what they want to learn. If they don't want to learn what you're teaching them, forget it; they're not going to learn. They're there, their body is there but their mind isn't.

But those fundamentals never got through to Deukmejian. He's not a big picture person. I think Brown, of anyone, was closer to the big picture because he did get emotionally involved. But when George gets emotionally involved, he just flips.

HICKE: Well, what about presidents pro tem? I think James Mills was . . .

NEJEDLY: Jim Mills, oh, they went through a whole gamut of them. Jack Schrade, Howard Way . . .

HICKE: Yes, we did talk about all that.

NEJEDLY: We did talk about that. Of all of them, Mills kept the thing going in a more placid way. Jack Schrade really worked at it. Jack Schrade took the job seriously and constructively. And of course, Mills was the real force behind the rebuilding of the capitol. That's his monument.

HICKE: Were you involved in that at all?

NEJEDLY: No, I supported it but I wasn't really involved.

HICKE: After Mills was, I think, [Senator] David Roberti.

NEJEDLY: I think that was after my time.

HICKE: How about [Lieutenant Governor] Ed Reinecke, did you know him?

NEJEDLY: Oh boy, really a tragic story with Reinecke. It just comes right to the surface, even just to mention the name. I remember one night, we were at some very low-level, Republican whiz-bang at Diablo Country Club. He was seated at my right and his wife was seated at my left. I'll never forget that night. They were the two parents.

I talked to his wife and I said, "Hey, you look kind of glum tonight. You're not with it." And she said, "No, tonight my daughter is graduating from high school." And I thought, "Christ, if anybody's going to dedicate themselves to politics that's one thing, but what they were dedicating was their family." And I thought, "Why the hell aren't they up in Sacramento, or one of them in Sacramento, with the daughter graduating from high school?" If I had been the daughter, I would have disowned them. For that screwy little thing down in Diablo Country Club.

But other than that vignette, I never had any touch with Reinecke. Nice guy, very nice person personally. But that's the only contact I ever had with him. Except one time he was governor of the day or something and he signed a bill of mine. Very nice person, very nice wife, pleasant, but I

didn't see anything much beyond that. Not that it wasn't there, it was just that I had no contact with him.

HICKE: Are there any other important events that come to mind that we haven't talked about?

NEJEDLY: Boy, you'd have to go back over twelve years in a hurry to try to pick something out. No. I don't think I was ever really close to the machinery in Sacramento. I didn't deal much with the lobby group or the Fourth Estate or the Third House or whatever you want to call it. So those kind of personal things, Frank Fat's in the upstairs room and all that bit, I never really got to. So I think some of the more interesting stories are stories that I never had any contact with.

HICKE: Well, everything you've done sounds pretty interesting to me.

NEJEDLY: It was interesting, yes. A lot of fun, learned a lot. Great educational system.

HICKE: What do you think are the best things about having been a state senator?

NEJEDLY: The education.

HICKE: For yourself?

NEJEDLY: Yes, looking at it selfishly, yes. The other is I think we got some things done that would otherwise never would have gotten done.

HICKE: So it's rewarding?

NEJEDLY: Yes, so I'd say it was constructive. You were there where the action was. It wasn't like the congress where you're 1 out of 535. Here you're 1 out of 40, effectively. We were able to understand it well enough to manipulate it and we got a lot of things done.

HICKE: I should certainly agree with that.

NEJEDLY: Hey, you look back over the record, the number of bills I introduced, the number of bills I got signed, and just looking at it from a numerical point of view, it really impresses you. I'd look at it sometimes and "Hey, man." Because there were some times I had more bills signed by the governor than I think it was twenty senators had altogether. It was kind of a meaningless statistic but it always impressed me. So I kept repeating it whenever anybody would listen.

HICKE: On the contrary, I think it's rather meaningful.

NEJEDLY: Well, of course, they could be good bills or bad bills, but when you realize that they were signed by the governor, then they must have had something going for them.

Do you talk to other senators and say, "Hey, what kind of a person was Nejedly?" Do you do that at all?

HICKE: No, what I like to find out is other people's recollections of their relationships with other senators and how they worked with them.

NEJEDLY: That's why I asked the question. I don't think you'd find anybody who would say, "Nejedly is an S.O.B." Bang. Or, "He's a bum." I got along with most people, although we had some very strong differences.

HICKE: Well, it's clear you must have because you couldn't have done the things you did.

NEJEDLY: I could communicate with everybody. There was never any barrier. I tried to find out what I liked about somebody and deal with that instead of figuring out what I didn't like about them. And I never was concerned about the power structure, so nobody considered me a threat.

HICKE: That's interesting.

NEJEDLY: So, I think that was pretty much largely where I was coming from. I was a threat to no one.

HICKE: What are the disadvantages of being in the senate?

NEJEDLY: Oh, a couple of heart attacks and brain surgery and back surgery and a lot of emotional problems in between. But that's just the price you pay for a rough ball game.

HICKE: That sounds like a pretty stiff price.

NEJEDLY: Well, I'm still alive. If I'd have stayed there another four years, I wouldn't have made it but. . . . [Pause]

HICKE: Why did you leave the senate?

NEJEDLY: Jeez, I couldn't drive a car. I had to drive to Sacramento every day.

HICKE: You were ill?

NEJEDLY: Well, my back was killing me. I was injured in the war and as I got older, it returned. And I had brain surgery, and I had multiple by-pass heart surgery. I couldn't run up the stairs anymore. I couldn't do it the way I wanted to do it and I wasn't happy doing it some lesser way. I thought one

of the principal decisions in life is the capacity to know when to quit. And I quit a winner, looking at the big picture. If people ask you, "Why the hell did you quit?" that's the greatest compliment you can get. But if they don't ask the question, then you know it ain't that great.

HICKE: You stuck around too long.

NEJEDLY: Yes. So it worked out. But there was no way I could take another four years and work the way I wanted to work. No way.

HICKE: Well, that just about wraps up all my questions. Thank you very much for a most informative interview.

Concerned Citizens for Improved Quality Water

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Steering Committee: John A. Nejedly, Chairman • Steve Weir (CCWD Treated Water Division Cities)
Kelly Banks (CCWD Untreated Water Division Cities) • Warren Jackman (Labor) • Paul Hughey (Business)

February 22, 1988

Honorable Ruben Ayala, Chairman
Senate Committee on Agriculture and Water Resources
State Capitol, Room 2090
Sacramento, California 95814

Dear Ruben:

I regret the time limitation controlling the hearing precluded any discussion for the record, but perhaps these comments may help to bring into focus issues that otherwise might pass unnoticed. Since the entry into the Bay-Delta on August 5, 1775, of Captain Emanuel de Ayala in the San Carlos and two hundred years later Sergeant Ruben Ayala in Senate Bill 346, things have never been the same except the arguments and the rhetoric. If the walls of Room 4203 could talk, the identical testimony beginning with Porter-Cologne, Delta Protection and County of Origin legislation and enduring for thirty years could have expressed the discussions of Thursday. The only difficulty would have been choosing the speakers to be heard. Obviously Voltaire's comments on change are supported by the evidence.

One general comment concerning Bulletin 160-87 relates the unstated conclusion that planning to 2010 will be an appropriate part of seriously long-term planning. If there is a sensible program beyond 2010, then at least the framework of that program should be made evident. If nothing can reasonably be predicted beyond that point, it seems that fact should be presented so that the necessary alternatives can be identified and steps taken to alter the historical pattern of continuing unmanaged development, in light of then evident inability of a finite resource to accommodate continuously expanding use.

The Bulletin, to the contrary, leaves an impression of perpetual optimism. That all problem can be resolved and all difficulties overcome.

This is a general observation. More specific references may illustrate the point. The Army Corps of Engineers has yet to issue a permit for increased pumping at the Harvey Banks Plant, Page 44, yet increased pumping capacity has been initiated, Page

44, prior to authorization of development of pumping regimens required to provide flows essential to increased capacity.

The point may be illustrated by references to a statement, Page 78, "Virtually nothing can be done to resolve Delta problems by construction that does not require a permit from the Corps of Engineers. Over the years, activities necessary to obtain a permit have evolved into a very substantive process . . . although the Corps of Engineers administers the permit process, federal law requires full coordination with the various environmental agencies such as . . . this can become a highly complex process . . . a permit requires extensive negotiations . . . it would be exceedingly difficult to 'force any conclusion.'" Incredible when in real life, the Department has, in fact, forced the conclusion by implementing pumping capacity without any operating permit whatsoever. Page 44 and Page 116.

The Bulletin refers to the Racanelli Decision and current State Water Resources Control Board hearings to initiate compliance with the mandates of the court. No indication is given, however, of any changes in water management planning to accommodate the directives of the court or the potential orders of the Board, yet while it is clearly evident that these new and significant forces have entered the field of water management, only one brief paragraph, Page 74, is devoted to Bay Delta hearings.

This escape from reality perhaps can best be illustrated by the statements, Page 5, "California's communities have instituted effective water management programs;" Page 91, "Local urban water suppliers, the Department of Water Resources, and most recently local governments are actively conducting research, education and implementation programs to reduce urban water use." The fact of the matter is that the very area in which the Bulletin was prepared is largely unmetered, the City Charter Article II, Section 11, prohibits meters for residential consumption and at a recent SWRCB hearing in Redding, California, Board Member Finster asked the question, "There is no other policy in the City or County?" Mr. Allesandri replied, "Right." Yet the Bulletin would have one believe that universally in the State, conservation is the keystone of water management. While the fact of the matter is that while some programs such as East Bay Municipal Utility District, Irvine, and to varying extents other municipalities and districts have initiated water conservation programs, the State Capitol and its environs continue to waste a sensibly estimated 28 percent of its pumped water supplies. Yet the Bulletin unequivocally claims universal conservation.

Honorable Ruben Ayala

February 22, 1988

Regardless of the text of the Bulletin, what it is taken to be must be the measure of its content. In the January issues of the California Water Resources Association NEWS, the following appears on Page 1: "The future is bright according to Bulletin 160-87 from DWR. We can meet our growing water needs in the coming years. Very simple, we only need to make the Delta a more efficient water transfer facility."

Ignoring consideration of County of Origin and Delta Protection Acts, federal legislation, D1485, Racanelli and current requirements for its restatement, testimony at the hearing that safe operating conditions are not 75 percent but 5 percent, continuing overdraft without San Joaquin Valley groundwater management, potential Army Corps of Engineers additional pumping limitations, increasing upstream development withdrawals, greater salt water intrusion exacerbated by export, a diminishing fishery, worsening water quality problems for the Contra Costa Water District and all Delta consumption, lack of resolution of problems of toxic and other wastes from San Joaquin Valley drainage and a host of existing and potential problems, the CWRA takes Bulletin 160-87 to say the future is bright, "We only need to make the Delta a more efficient transfer facility," i. e., export more water, when it is clear, to some at least, that present exports create problems that obviously will not be solved by increasing export.

This leads to a point that is difficult to discuss for it stems from a comment made by Mr. Kennedy at the hearing. Before any legitimate discussion should follow it would be essential to have the statement by way of the recording. However, Mr. Kennedy made a general observation indicating that export operations did not adversely affect Delta-Bay circumstances. The Chairman noted the point and asked Mr. Graff, a following witness, if he agreed. Mr. Graff replied he did not and a brief discussion followed. Depending on the record, this point may be the most important one adduced at the hearing and the text of the comment, the Chair's questioning and relevant discussion would be important to have for review.

Limiting this discussion to only one factor raised by the statement of Mr. Kennedy, if exports reduce Delta hydraulic pressures permitting greater salt water intrusions at flood tide, if then, in addition to the injury of increased Delta salinity, is added the insult of counting as natural Delta outflow the ebb of that tide and claiming Delta outflow has not been diminished, presents a problem in logic.

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At some point not reached by the unremitting optimism of the Bulletin, the State and its planners must do something more in depicting the future than to so casually ignore the environment that is required to support it.

Bulletin 160-87 includes an excellent presentation of the facts of the groundwater basins of California. However, commencing on Page 33, the same spirit of unsupported optimism and glossing over of reality pervades the report. Obviously an "immediate" overdraft may not be "significant" but continued mining and subsidence of the surface and loss of irreplaceable reservoirs which could have provided storage capacity exceeding surface facilities is significant, Page 47, yet the Bulletin fails to fully discuss the realities of water mining. The most eloquent exhibition of the Department's casual passing off of responsibility to develop meaningful management of this most efficient tool of water management is first the admitted 1,340,000 AF overdraft in the San Joaquin Valley alone (Page 33) and (Page 2) the statement: "A portion of the overdraft cannot economically be replaced by imported water and will simply continue as one-time water mining until pumping costs become excessive."

The result of this level of planning or lack of it is simply that in the unmanaged underground basins of the San Joaquin Valley, water mining will continue, the natural underground reservoirs will be exhausted, the surface will continue to collapse (Page 32) as it already has, permanently destroying the least expensive reservoirs which would have been the most efficient retention areas for water not subject to surface contamination or the evaporative losses of surface reservoirs.

This "planning" to continue "until pumping costs become excessive," for, as the Bulletin admits, (Page 32) "eliminating overdraft is not yet in sight." Interesting to note as well, (Page 34), "the main impact of the overdraft has been higher pumping costs." The reality is that the main impact of water mining is collapse of aquifers destroying the underground reservoirs, "land subsidence, which raises the cost of maintaining roads and bridges, canals and other facilities; sea water intrusions, which occurs in coastal basins and movement of poor quality water into other parts of a basin or into an adjacent basin." (Page 32)

Another example of the failure to seriously come to grips with reality is the suggestion in the Bulletin that the only problem incident to valley drainage is "elements in the drain water that are toxic to fish and wildlife." (Page 2) The fact of the

matter is that San Joaquin Valley drainage is far more significant than its toxicity to fish and wildlife. Over twenty years ago the host of problems of valley drainage were inventoried in the Metcalf and Eddy Report and included effects upon Delta agriculture and recreation, salt content, oxygen depletion, B. O. D., the fishery, water supplies and the Delta-Bay environment generally were carefully expressed, yet the Bulletin passes off concern for valley drainage only because of the suggested new discovery of toxicity.

Illustrating the general structure of the presentation of the Bulletin is the comment, Page 69, "The expression 'reverse flows' has come to be used to characterize a Delta problem that stems from lack of capacity in certain channels." The reality of the situation is that it is not a Delta problem--it is a problem created by pumping. Absent pumping the channels do quite well for all other purposes, accept the Mokulmne in flood circumstances. When export pumping was initiated, the suction of the pumps compelled normal flows to reverse their direction of flow to the suction created by the pumps. "Lack of capacity in certain channels" hardly describes this situation. Further, increases in channel capacity will only permit increased pumping and the "reverse" or unnatural flows will continue so long as the pumping that creates them continues and is increased. Increasing the size of a straw in a drink doesn't change the flow of direction of the liquid--it only increases the volume of flow, Bulletin 160-87 to the contrary notwithstanding.

The simplistic and inaccurate description of reverse flows deserves more attention. Absent the vacuum created by export pumping, both State and federal, the flow of all tributaries to and through the Delta would be governed only by gravity, tidal forces and, to a limited extent, wind. All tributaries would thus move from their source to Suisun and San Francisco Bays. When suction is created by pumping at the South end of the Delta waters otherwise flowing in that previous mode are attracted to the pumps and to varying extents depending on their location and proximity to the pumps have their direction of flow modified or "reversed" by reason of the fact that water levels in the South Delta are lowered by pumping and normal gravity flow to Suisun Bay is overcome by the now stronger gravitational attraction created by lowered water levels in the pumped areas.

At this point one should recognize the fact that reducing or reversing channel flows to the Bay reduces the pressure limiting tidal force and permitting salt water to intrude into the Delta. To avoid this effect increased access to waters not influenced by such salt water intrusion either by channels or a peripheral

canal are still advocated, not to secure more water, as claimed, but to secure higher quality water.

The Bulletin continues this misleading conception of cross-Delta or peripheral transfer by claiming, Page 70, that 400,000 AFY would be "gained." It is interesting to note that in the arguments for Proposition 9 it was claimed that one million AFY would be saved. The fact is, while unfortunately not expressed in the Bulletin, all waters flowing through the Delta environment create the Delta environmental experience. All water removed reduce that circumstance to some degree. Whether the maintenance of Delta-Bay environment is less important than the social product of water removed from the system for other purposes is a question society must answer. But to perpetuate the myth that water flowing into the Bay-Delta is wasted and increased Delta pumping can be created by "saving" waters by creating new channels for greater export and consequent reduced Delta outflow simply questions credibility, something the Bulletin and present management needs more than export channels.

The issue of comparative quality has been referred to above and this point is significant in illustrating the Department's lack of perception of the situation or its failure to discuss it. Except for the abstracts of quality commencing with Page 81, and the comment Page 61, throughout the Bulletin the controlling criteria for water management is volume. Universally when an inventory of water is stated the quantity availability is struck at the measure. Colorado, Sierra, underground agricultural drainage, Delta, and all other sources are unrefined as to quality and the purposes they can serve.

To make this point clear, the volumes of water passing by Union Oil at Oleum, C & H Sugar at Crockett, the Cities of Martinez, Pittsburg and Antioch all at one time in the case of C & H Sugar one hundred years ago, extracted water offshore for M and I purposes. Today, only Antioch, and for increasingly limited periods, can utilize offshore water but the volumes of flow or volumes of water available remain the same. Thus the Department continues to predicate its conception of water management by equating circumstance with flow and postulating that of certain volumes of flow are extent, all circumstance remains constant. Obviously, this is not the case.

To substitute an equal volume of Delta water for the pristine waters of the San Joaquin Sierra watershed removed by Friant Dam doesn't produce the same San Joaquin and the uses and environment it once supported. Or can the now historical Delta outflows that once directly accommodated Union Oil, C & H Sugar and river

cities be replaced by equal volumes of toxic, oxygen depleted, sewage laden, higher chlorides and B. O. D. waters now claimed to equate with former flows because volume is claimed to be equal.

At some point in time the Department must be required to introduce into available water statistics the factors of quality, uses to which waters can be put and the environment that can be supported. This responsibility has not been met in Bulletin 160-87.

To conclude these limited observations of the lack of serious representations of water management circumstance and programs in California by Bulletin 160-87 attention is directed to Page 75 and the dramatic alternations in policy suggested in an offhand and casual manner.

1) The introduction of Central Valley Project intake to Clifton Court in order to remove federal intake from the consequences of the quality problems it created by failure to anticipate and solve San Joaquin Valley drainage problems and the loss of the high quality watershed sources of the San Joaquin.

2) The relocation of the CCWD intake from Rock Slough to Clifton Court to eliminate the need to maintain Delta water quality in order to sustain that District's M & I use, in face of the circumstance that Ch2M Hill and other reports clearly indicate improvement is minimal or nonexistent.

3) The institution of channel improvements and channel flow control structures to permit increased export.

4) The raising of CVP and the State Water Project "efficiencies."

These all involve substantial policy determinations that should provoke a far broader base of involvement than the DWR, yet as in the case of developing pumping capacity without operating permits by the Corps or review by the Environmental Protection Agency the Department, if this paragraph seriously expresses its intention, ex parte, to adopt these broad strategies in water management.

While this analysis may appear critical of DWR and its current report, the real criticism more fairly applies to the system. The essential responsibility of DWR is water export not resource management and the Bulletin faithfully discharges that responsibility. While State policies and procedures should be prepared in a framework of responsibility to all interests, that is not the manner in which the present system is structured.

Honorable Ruben Ayala

February 22, 1988

More properly, confining the suggestion to existing agencies. Any report on resource management should be prepared by the Resources Agency with public participation so that all interests in the resource water can be considered before policies and procedures are inventoried let alone adopted.

The committee hearing was the first of its nature to analyze a department report in this fashion and more important, the first in which the Chairman suggested the Bulletin be revised.

This is a remarkable instance of suggesting departmental consideration of issues and considerations beyond its singular responsibility and represents a unique step in system improvement.

Very truly yours,

JOHN A. NEJEDLY
Chairman

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