

California State Archives
State Government Oral History Program

Oral History Interview

with

HON. ALFRED H. SONG

Deputy Attorney General of California, 1984 - present
Member of the California State Senate, 1966-1978
Member of the California State Assembly, 1962-1966

August 18-19, 1986
Sacramento, California

By Raphael J. Sonenshein
California State University, Fullerton

RESTRICTIONS ON THIS INTERVIEW

None

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PREFACE

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

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

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

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

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

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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

These interviews with former California State Assemblyman and State Senator Alfred H. Song (D., Monterey Park) offer insights into two important areas of California political history: the rise of minority political representation and the transformation of the California Legislature from a fellowship of part-timers into a more professional, visible, and impersonal institution.

When Song, a Korean-American, was elected to the California State Assembly in 1962, he became the first Asian-American to join the legislature. With the current rise of Asian-Americans to political prominence,¹ Song's career takes on added importance.

The first portion of the oral history traces the prejudice Song and his family experienced in his early years and in the U.S. Armed Forces. Since Korea was then under Japanese sovereignty, Song's family was subject to the widespread anti-Japanese feelings then prevalent on the West Coast.

These experiences of prejudice obviously remained with Song, although he rarely saw himself as an ethnic politician. His concern for minority rights emerged in his successful legislative fight to outlaw arbitrary voter challenges against minorities. As he also points out, his minority status helped bring him liberal and labor support in his campaigns.

1. Judy Tachibana, "The Asians," California Journal 17 (1986): 535-43.

In the California State Senate, to which Song was elected in 1966, the conservative Democratic leadership seated him alongside Mervyn Dymally, the senate's only black member. Soon both were involved in an attempt led by Song to establish a progressive Democratic caucus in opposition to senate [Democratic] party leader Hugh Burns. The pitched battles and inconclusive endings of this important intraparty struggle are well described by Song.

Song's career in the legislature spanned several eras separated by two watershed events: 1) the passage of Proposition 1-a in 1966, setting up a full-time, well staffed legislature; and 2) the passage of Proposition 9 in 1974, establishing strict limits on interest group lobbying. In each of these years, unusual governors were elected: Republican Ronald Reagan and Democrat Edmund G. Brown, Jr., respectively. Song served in the legislature during three governorships, beginning with Edmund G. Brown, Sr., and dealt closely with State Senator George Deukmejian, currently the state's governor. Song discusses each man, as well as such other leaders as Jesse Unruh, Mervyn Dymally, Hugh Burns, James Mills, Rose Bird, David Roberti, and Willie Brown.

In the legislative arena, Song quietly but effectively pursued such issues as consumer protection and court reform. He was more successful in the first. The Song-Beverly consumer protection bill became a national model and nearly generated a comparable federal bill.

The Song-Beverly Consumer Warranty Act, originally Senate Bill 272, took effect in 1971. The law made important revisions in the California Commercial Code and greatly strengthened the rights of consumers. The

act "evolved in a response to the call for an end to consumer frustration with products that do not work and warranties that promise much but deliver little."¹ One legal observer concluded:

To the extent that the act creates certain minimum procedural obligations for the manufacturer--and where applicable, the retail merchant--under an express warranty the consumer is in a better position than he was under the [California] Commercial Code. To the extent that the act might be interpreted to subject the manufacturer giving an express warranty to certain minimum legal requirements apart from the bare terms of the warranty, the consumer has won a major round in his fight to obtain equal footing in the marketplace.²

But when Song sought to merge the superior, municipal, and justice courts in the name of court reform, he ran up against the organized opposition of the superior court judges. His 1976 plan called for the merger of the three courts into a single trial court. Under this proposal, pay and status among judges would be equalized and professional administrators would manage the courts' caseloads. The Conference of California Judges lobbied vigorously against the bill, charging that it would dilute the quality of the superior courts. The Senate Finance Committee defeated Song's bill on a 9 to 3 vote.³ On the other hand, Song did play a role in another reform, the historic revision of the State Evidence Code which for a time bore his name.

1. Ralph J. Swanson, "Toward an End to Consumer Frustration - Making the Song-Beverly Consumer Warranty Act Work," Santa Clara Law Review 14 (1974): 577.

2. Swanson, 605.

3. John Cheevers, "Verdict: Guilty - Charge: Perpetuating an Obsolete Court System," California Journal 8 (1977): 23-24.

In his legislative work, Song made surprising use of bipartisan tactics. He often selected Republican cosponsors for his bills in order to secure Governor Reagan's signature. This approach worked in the case of the Song-Beverly consumer protection bill, signed by Reagan despite the governor's ties to business interests. Song also indicates that Reagan was far more moderate as governor than as president. Song also managed to utilize his own links to interest groups or divisions among interest groups to enact his ideas.

Song emerges in these interviews as a politician caught between worlds, nostalgic for the warm personal relations that characterized the pre-reform legislature but an insurgent against the conservative Old Guard. In his telling, the earlier setting was less partisan and more personal. He emphasizes the role of personal trust crossing party lines. He recalls "Moose Milk," the frequent banquets held by lobbyists to entertain legislators. Song has warm words, as well as substantive criticisms, for Governor Reagan's personal style with legislators. He criticizes Jerry Brown's relative aloofness. Song was never quite at home with the strictures and impersonality of the new era, a factor that perhaps contributed to his later troubles.

The last years of Song's political career were unhappy ones. He became enmeshed in a murky Federal Bureau of Investigation inquiry into political corruption in California. Charges were made that he had accepted gifts from lobbyists; he presents his side of the story in this oral history. Song was never indicted or called before the grand jury. However, a district aide and a former law partner were both indicted and eventually acquitted of perjury. Dogged by the well publicized charges,

Song was soundly defeated in the 1978 Democratic primary when he sought a fourth senate term.

After his defeat, Song was appointed by Governor Brown to the Agricultural Labor Relations Board. After Song's term ran out in 1984, he was eventually appointed by Attorney General John Van de Kamp to his present position as deputy attorney general. The last pages offer a few insights on this post-legislative phase of his career.

The Interviews

Initial contact with Song was made with the assistance of his daughter, Los Angeles political consultant Leslie Song-Winner. Over the telephone, Song and I agreed to meet for a series of interviews over a two day period at his office on J Street in Sacramento, beginning on August 18, 1986.

We met on the morning of the eighteenth in Song's neat and orderly office. The walls were decorated with a wide range of political memorabilia, including a photograph of Song on the golf course with Governor Reagan. Song used the photos and awards to illustrate various points during the interviews. The first interview was conducted with very few interruptions, and we adjourned after several hours.

That afternoon, I telephoned two of Song's former legislative associates, whose names were provided by Song. Richard Thomason and Simon Haines were willing to talk, and over the course of nearly two hours on the telephone, much background on Song's legislative style emerged. This material was incorporated into the next day's sessions, which lasted nearly four hours.

Song was an excellent interview subject. He is obviously a person

of high intelligence and expresses himself with great clarity and precision. It was easy to pursue a chronological line of inquiry as Song kept his answers to the point and complete.

Song's candor was both refreshing and disarming. He seemed disinclined to sugarcoat his answers even when his own motives were made to appear less than noble. He was quite explicit about the exchange of favors between governors and legislators used to seal legislation. His colorful accounts of the pre-reform legislature convey the flavor of a fraternity of elected officials and lobbyists at their ease. He also demonstrated a sense of humor about many of the events he described.

In his editing of the transcript, Song made only very minor grammatical changes. In one case, he deleted the name of an obscure judge of whom he had spoken disparagingly. In my editing, I made equally minor grammatical changes in the interest of clarity. The original transcription was done by Garnette Long. Further editing for clarification has been made by Shirley E. Stephenson, Gaye Kouyoumjian, David Cox, and by the project director, Lawrence B. de Graaf. The final text, however, remains very close to our actual interviews. The information and insights provided by this interview may soon be augmented by documents, as Song has made available to the California State Archives a large scrapbook of newspaper clippings collected during his legislative career.

Biographical Summary

ALFRED H. SONG

Born:

February 16, 1919
Waipahu, Hawaii

Education:

McKinley High School
Honolulu, Hawaii 1936
University of Southern California
B.S. 1942; J.D. 1949; L.L.M. 1967; L.L.D.

Military Service:

U.S. Army Air Corps, 1942-1945

Professional Career:

1950-1960 In private legal practice
1960-1962 Elected member and chairman of the Monterey Park Planning
Commission and elected member of the Monterey Park City Council
1962-1966 Member of the California State Assembly (D., Forty-fifth
District)
1966-1974 Member of the California State Senate (D., Twenty-eighth
District)
1974-1978 Member of the California State Senate (D., Twenty-sixth
District)
1979-1981 Private legal practice
1981-1984 Gubernatorial appointee to the California Agricultural Labor
Relations Board, Chairman
1984- Deputy Attorney General, Professional and Vocational Licensing
Section

Publications:

Song, Alfred H. "Politics and Policies of the Oriental Community." In
Eugene P. Dvorin and Arthur J. Misner, eds. California Politics and
Policies. (Reading, Mass.: Addison-Wesley, 1966), 387-411.

Children:

Leslie Song-Winner, Marsha Song Boehling, Mark Elliott Song, Frances Jean
Song

I. BACKGROUND

[Session 1, August 18, 1986]

[Begin Tape 1, Side A]

Family History

SONENSHEIN: Mr. Song, perhaps we could begin with some biographical background, family background, leading up to your involvement in politics. Your parents, your upbringing, sort of a general biographical view.

SONG: I was born on February 16, 1919, in Hawaii. More specifically, in a little sugarcane plantation town, situated in the rural area, a plantation town called Waipahu, situated on the island of Oahu, territory of Hawaii. It was just a territory at that time. My father, whose name was Chin Koo Song, came to Hawaii as a youngster, six years of age. His parents had immigrated at that time to Hawaii as sugarcane plantation laborers, pursuant to a treaty or some kind that existed at that time between Japan--because Korea at that time was under the dominion of Japan--and the United States Department of Labor. I am not too sure exactly when this took place, just several years prior--no, it was quite a few years prior to my birth because my father was just six years of age, and he was married when he was eighteen. So, my father then, to begin with, was six years of age and his

parents were the immigrants under this labor contract and I don't know exactly where they located themselves, but it was in some rural area on the island of Oahu--some sugarcane plantation. So on February 16, 1919, I was born. But preceding that, when my father became eighteen years of age, his parents at that time decided he was old enough to get married. So they negotiated some kind of a picture bride agreement whereby my mother was imported, so to speak, by way of a picture bride arrangement. When my father was eighteen, they were married and I was, of course, a product of that marriage. My parents, I understand, when I was about six years of age, moved from the plantation town part of Hawaii to the city of Honolulu. I am told, and my recollection here is rather flimsy, that my father became a taxicab driver, drove trucks for several oil companies and so forth; but my father did not have the benefit of any education to speak of. But we moved to Honolulu when I was six years of age. I recall attending the Royal School. It's an elementary school in Honolulu. The Normal Training School--that's another elementary school; then to the Central Intermediate School, which was a junior high school; then to the McKinley High School, from which I graduated in 1936. Then I stayed out of school for two years and returned to the University of Hawaii; [I] first enrolled in 1938.

Military Service and Asian-American Discrimination

In 1940, I left Honolulu and came to Los Angeles and enrolled at the University of Southern California. I earned a bachelor's degree in 1942, which I received while I was in the army, because in 1941, on December 7, Pearl Harbor took place and at that time I was a student on the campus at USC. Despite my efforts to join the Navy V-12 Program and other things that might have deferred my being drafted, I failed to do so resulting in my being drafted and the University of Southern California sent me my diploma anyway. I, in effect, missed several months of schooling but I was graduated, anyway, with my bachelor of science degree. It was rather interesting at that time. The fact that I was a native-born American citizen notwithstanding, the complicating factor there was the fact that Korea was under the dominion of Japan. Japan had attacked the United States and the government simply didn't have the experience and knowledge as to what to do with me. As I have indicated, I had tried to defer my being drafted and enrolling in the Navy V-12 Program. I recall so vividly going to the Navy ROTC office on the USC campus a number of times, and finally, the naval captain who was in charge of the office said to me, "Son, I think I'd better just level with you." And I said, "Of course, sir." And he said, "Well, in the Navy we have something

called tradition. If you want to come in and become a steward in the U.S. Navy, we'll take you today. But we simply cannot take you in the V-12 Program." I asked why, of course, and it was because of my racial ancestry.

SONENSHEIN: He was quite explicit about that?

SONG: Yes. It was a matter . . . he put it to naval tradition. But I think it was simply that at that time the Navy had not opened its doors to any nonwhite personage to enter an officer training program. So I was drafted and found myself in the U.S. Army Air Corps, which led to another interesting experience. I remember being in the air corps, and I had just about a week of basic training when I was assigned--detached and assigned--to the classification office, and I found myself administering classification tests to my fellow recruits and fellow draftees. So the officer in charge of that office encouraged and, in fact, eventually insisted that I take the officer candidate examination, which I did. And then, class after class left the base where I was situated, and that's Sheppard Field, Texas. It was a U.S. Air Corps basic training center, simply because the officer examining board just didn't know what to do with a person of Korean extraction. Here again, I found myself caught between tradition and custom, and I suppose you might say, lack of knowledge at that time. Finally, about six months after I had taken the officer

candidate examination, whatever it might have been, the examining board at this training base that I was stationed at, finally received a directive from the U.S. Department of War--at that time it was the Department of War. I regret I didn't keep that letter, but the directive from the War Department was that I was to be treated like "any other friendly enemy alien."

SONENSHEIN: In those exact words?

SONG: So, as a "friendly enemy alien," the fact that I was a citizen by birth notwithstanding, I was allowed to enter the officer candidate school in Miami Beach, Florida, from which I emerged as a second lieutenant.

SONENSHEIN: Now, in what year was that? Was that at the same time as the internment of the Japanese Americans?

SONG: [It was] 1942. Immediately after Pearl Harbor. And, in fact, I recall, too, and I think today the majority of the populace, of course, looks at the situation much differently. Not too long ago, the [United States] Congress enacted the War Reparations Act, taking care of the claims of many people of Japanese extraction. But I recall the hysteria that prevailed in Los Angeles right after Pearl Harbor; and, in effect, I was, I think, fortunate, to leave Los Angeles and enter the protective arms of the U.S. military service. But, at that time, I had just finished college so I did not enroll in law school

until I returned. I started out at the law school at the University of Southern California in November of 1945, and I graduated in June of 1949. When I graduated, I had two children: Leslie, of course, is number one; and I had number two, Marsha. And, it was then, when I finished law school in November of 1949--no, no, I finished in June of 1949 and was admitted to the practice of law in January of 1950.

SONENSHEIN: May I go back a bit to one thing?

SONG: Yes.

Korean-American Community Life in Los Angeles

SONENSHEIN: When you first moved to Los Angeles, was the city segregated by ethnic group? Were you living in an area that was primarily of what would be called a larger group of Japanese Americans, even though you were of Korean background? Where did you live in the city and what sort of housing situation was there at that time?

SONG: In the city of Los Angeles, prior to my entering the armed service, when I moved there I moved in because of the entreaties of one of my aunts, who was a younger sister of my father, who was a resident of Los Angeles. She kept insisting--and, of course, she was aware of the fact that financially things were quite difficult--that I live with them. This is how it happened that I stayed in Los Angeles. Initially, when I had left Hawaii I had intended

to go to Iowa because many students from Hawaii would go to the Midwest, because the general reputation of the Midwest was that they'd be friendlier, so to speak, to the people from Hawaii.

SONENSHEIN: That's interesting.

SONG: So a number of Hawaiians would go to Iowa, Wisconsin, Nebraska, Missouri, and places like that. Very, very few to the West Coast.

SONENSHEIN: So the reputation of the West Coast was very hostile?

SONG: Yes, the reputation of the West Coast, and this is really borne out historically, has been very terribly anti-Asian. In fact, today I find myself, with the benefit of some years in political life, quite aware of how difficult life must have been in California for the Asian people before World War II. So, I lived in Los Angeles there and my aunt did not live in a wealthier part of the city, of course. But at that time, there was no Korean settlement, as such, as you find today with the influx of Koreans after the amendment to the McCarran-Walter Immigration Act.¹ I understand there may be as many as a quarter million Koreans residing in Los Angeles County today. When I first ran for office in 1962, my recollection is that in the

¹ P. L. 414, Immigration and Nationality Act, 66 Stats. at Large (1952), ch. 477.

entire state of California, there may have been 2,500 Koreans, including children. And, of course, when I ran for office in 1962, many, many Koreans were still aliens and had never become citizens because they were simply unable to. In fact, those were some of the things that really were the sources of real problems in my mind: the kind of discrimination that I found the Asians were subject to in the state of California. In fact, after I started practice, which was on January 5, 1950, I did so by renting a small office. I recall the very first month of my law practice, I think my total income was about \$60, which was less than my rent. I think the rent was about \$62. But at the time, it was not possible for me, because of the fact that I am Oriental and notwithstanding the fact that I was a citizen, there were many places in California where I was unable to purchase property. I recall even ten years later when I bought my first home, which was in Monterey Park, at that time I had been practicing for about ten years. My financial lot had somewhat improved; and, my then wife and I thought, finally, this is time to go out and perhaps look for a new home. I looked in the San Fernando Valley, Van Nuys, Sherman Oaks, and found I couldn't buy there. The only way I could have purchased would have been to take a quick look at the property and then use one of my friends who would purchase the property and just quitclaim it to

me. But I decided against it because I could see how difficult it would be. My children could very possibly be ostracized; and this is how, inadvertently, I landed in Monterey Park, where I commenced my political career. Because Monterey Hills was the very first nonsegregated, new housing development that Dan and Edgar Cohen, two developers who lived in Beverly Hills, incidentally, started. This is how we happened to move to Monterey Park.

II. POLITICAL PARTICIPATION

Leadership in Monterey Park Government (1960-1962)

SONENSHEIN: Did they start it intentionally in order to be an integrated community? Is that something they had in mind, or is it just that they did not enforce the sort of segregated practices?

SONG: Raphe, I don't know what the source of it was, but I do know that somehow we had heard about it and we went out and we were told that "I know there are no problems. You can buy right out in the open." We selected the lot, we selected the model, and we watched the home being built. Even had a swimming pool installed. That was a great day, of course, for the Song family at that time. We had two children and moved in there; and, again, a series of coincidences. Like any new housing development, there are

all kinds of problems; so the new residents and homeowners formed a property owners association which was called The Monterey Hills Citizens Committee. I attended a few meetings, and before I knew it, I became the president and the spokesman for this group.

SONENSHEIN: This must be around 1960? You said you had been practicing for about ten years?

SONG: Yes. Roughly, 1960.

SONENSHEIN: OK. I'm sorry. Go ahead.

SONG: We had just moved in there and I found myself representing the association, appearing before the Monterey Park Planning Commission and the Monterey Park City Council. It was because of those appearances that I was named by the mayor to the Monterey Park Planning Commission, because I became a very frequent participant in commission meetings. Within a few months of my appointment to the planning commission, I was by mutual consent of the members--seven members of the planning commission--I was named chairman. And simply because the other members of the [Monterey Park] Planning Commission were property owners and merchants and, you know, coming from all kinds of occupational callings, simply didn't understand parliamentary procedure and how to run a meeting. So they prevailed upon me to become the chairman. So I became the chairman within two or three months of my appointment to the planning commission.

SONENSHEIN: And you were a fairly recent resident of the community.

SONG: That's right. [Laughter] And that was interesting, that planning commission too: another eye-opening experience. People, I have found, have no objections to, for example, a mental hospital. This wasn't even a hospital, just a center for emotionally disturbed kids--a day training center. Sure, we wanted to see facilities for that, but not in our neighborhood and things like this. So it was an interesting experience, serving on the planning commission. And it was during my first year on the planning commission that the next city council elections came up and the people I had worked with in the planning commission, a number of community groups because of my community involvement as president of the homeowners' association, here again I was actually prevailed upon to run for the city council. They said, "We need you from Monterey Hills to be on the city council." And so I was elected to the city council.

SONENSHEIN: That's great.

Campaign Management for State Assembly

SONG: And before I knew it, I was in politics. At that time I had no intentions of entering politics. My law practice was just starting to develop and we had moved into this new home and so forth and so on.

SONENSHEIN: Were you an active Democrat at this time? Tell me about your Democratic roots and how that . . .

SONG: Yes. I had also joined the Monterey Park Democratic Club, an extremely vibrant group, full of vitality and vim and vigor. I would say that the Monterey Park Democratic Club and some of its members were my most vigorous and persuasive advocates and finally convinced me to run for the city council. During my second year on the city council, a [California State] Assembly seat opened up. This was a seat that was occupied by George E. Brown, Jr., who had served in the assembly for two, possibly three terms at that time [and] because of the then current reapportionment was leaving the assembly to run for the congress. And I was prevailed upon by my friends, particularly those in the Monterey Park Democratic Club, to run for the assembly. And that was the Forty-fifth Assembly District, as I have indicated, the seat then occupied by George E. Brown, Jr.

SONENSHEIN: OK.

SONG: There were six of us, I recall, who ran for the Democratic nomination. I think I was one of the most poorly financed candidates. I recall Ed Stegman, who was a very prominent member of the Monterey Park Democratic Club and his former wife, Lillian, who is today Superior [Court] Judge [Lillian Stevens]. Ed went to the bank with me--I've forgotten the bank. I think it was Garfield Bank in Monterey Park, where we borrowed all of \$3,000. I think our campaign treasury

with the \$3,000 amounted to \$6,000. So Ed cosigned, and I signed it, and we borrowed \$3,000 and we were able to raise all of \$3,000. We ran a poor man's campaign.

SONENSHEIN: What sort of strategy did you pursue?

SONG: The best man, something like this. But let's face it, I had the benefit of these just tireless workers, volunteers all, from the Monterey Park Democratic Club. These workers, primarily the women members, would stay up literally for hours night after night hand addressing mailers. The men would go around and they called this activity "sniping": pasting one's sheets, and the last man out was the man who covered the other candidate's sheet. And that was it. No billboards, no mechanized or computerized mailers, at that time. Of course, that was not too prevalent--that art was perfected some years later. But, entirely hand-addressed mailers and mimeographed mailers where people just mimeographed things, and just do a lot of walking, a lot of appearances, a lot of speechmaking, shaking a lot of hands. Somehow or other, and I am really surprised, that organized labor endorsed me in the Democratic primary.

SONENSHEIN: Do you have any idea how that worked?

SONG: I have no idea. I think they did look favorably upon the fact that as a youngster I had worked in the sugarcane plantations in Hawaii. The others, the best financed

candidate was a state college professor and a member of the Monterey Park City Council and an attorney named Gordon Severance. He had the billboards and things of that kind. The other candidate who we felt was a contender was a fellow named Robert [T.] Baca--who also was an attorney--because of his Hispanic heritage and the number of Hispanic voters in that area. Bob, I understand, today is a Superior Court Judge in Kern County.

SONENSHEIN: So ethnicity was a bit of a factor in this campaign. Now, what would you say the balance of the district was in terms of Asian-American, Hispanic-American?

SONG: I think the Spanish surname voters in my district, then the Forty-fifth Assembly District, may have been as many as 25 percent of the registered voters. I'm not too sure. I've learned one thing, though, and I don't know if it's true today, that the number of residents of Latin extraction is not necessarily indicative of the number of, first, the registered voters, and secondly, of those who actually vote.

SONENSHEIN: How about, by comparison, the Asian-American community? Would you say, especially in Monterey Park at that time, it was enough of a bloc and was it heavily registered to be a factor?

SONG: Of course, in Monterey Park, here again the situation has altered radically since my departure from politics. When I lived in Monterey Park, I don't think there was more than 1

percent Asian there, if that. And throughout the district, 1 or 2 percent--certainly nothing like 5 percent. But the situation has changed dramatically, as you've indicated, primarily in Monterey Park because of the Chinese influx. Of course, I recall reading recently they had this English-only problem in Monterey Park. And Lily Chen, who was on the council, apparently was defeated when she ran for reelection. Apparently some negative Chinese thinking has developed in the city of Monterey Park.

SONENSHEIN: Now, did you find that there was any way that your ethnic background was in any sense a factor in the assembly race? Did that come up in any way in the campaign, in your analysis of the voting, or anything like that?

SONG: I think this is really not even an educated guess. I think it helped me, actually. On the other hand, I may be totally wrong. In fact, when Ed Stegman and I went to the bank, we were discussing my candidacy at the time, and Ed was not the only fellow. I received counseling from others who suggested that since I was just starting out and it was difficult to tell from my surname, that I should never use my picture. Because they anticipated a negative reaction, at least to some appreciable extent. And my thinking, of course, was, "Hell, this is one of the reasons I am trying. I want to see whether it can be done." Because by this time, having gone through law school and so forth, I

was to a large extent aware of the terrible history of anti-Oriental feelings in California, reflected not only in the law, and the law was terrible, I just never realized how bad it was until I went to law school--but, just as a matter of custom in California. I recall when I first came out here and I noticed with some dismay on my part that the average Oriental who had gone to college could never expect a decent job. You found so many of them working in the markets and the fruit stands, even with a college degree. They simply couldn't get a job, and I think it was only after World War II that the situation started to change. So, in my case, this was one of the reasons I wanted to run for office. And, in spite of the fact that my then-wife at the time thought that I had rocks in my head to go seeking a job in Sacramento that paid \$500 a month, and that's all it paid: \$500 a month. They gave you per diem; I think at that time it amounted to \$21 a day while we were in session. So with that and my \$500 gross, I was able to make it. And, of course, the law practice starts disintegrating the minute you come up here. Although at that time, beginning of 1963, it was still a biannual session; but, it does hurt your practice. Gradually, as it became a full-time legislature, the law practice was out, of course.

SONENSHEIN: Let me go back again here--it's really going quite well.

The Monterey Park Democratic Club. . . . Of course there was the huge split in the Democratic party involving the club movement and the CDC [California Democratic Council]. Where were you in that? Where was the Monterey Park Club in relation to the Unruh forces and the party versus the sort of much more liberal reformers, who would be the others, the [Edmund G.] Pat Brown, [Sr.] forces, et cetera? Was your club caught in the middle of that faction?

SONG: No. My club, the Monterey Park Democratic Club, when I say my club, was without any question, if you can so categorize any organization, was a CDC club: very liberal. Jesse Unruh, as far as they were concerned, was someone that they just did not want to be identified with and that was during the heyday, of course, of CDC. Each endorsing convention was an exciting affair. All of us, of course, would be seeking the CDC endorsement, because that was meaningful in those days. The CDC slate mailer, I think it was extremely meaningful; and, fortunately for myself, I always had a CDC endorsement. And I think, perhaps, that was the thing that got me through in my first primary: the CDC endorsement and labor. Why I received both, I really can't tell.

SONENSHEIN: That would have been somewhat unusual at the time, wouldn't it? To have had both of those camps united behind a Democratic candidate in a primary?

SONG: Yes. This is why I have to conclude, as I have thought

about it a great deal on many, many occasions, the fact that I was an Oriental with those two organizations was a help to me. I think there were Democratic elements at that time, maybe in the electorate as a whole, who wanted to somehow or other disavow any taint of bigotry. And, I think, and whether this is just sort of a wishful thinking in retrospect, I think that what these individuals and organizations found in me was a sort of a quote, acceptable minority, end quote. I think it was a factor. Of course, I have no affidavit to prove that, but this is one of the assumptions I have formed.

SONENSHEIN: Had any of the other candidates sought CDC help as well?

SONG: Oh, yes.

SONENSHEIN: Without any success then?

SONG: Without any success. I think with reference to CDC, the person who came closest to me, of course, was [Robert] Bob Baca, and of course, maybe for basically the same reasons. Perhaps I outshone him at that time, in addition to both our minority heritages was the fact that perhaps I may have been at the time more articulate than Bob. But Bob had, I think, a much more persuasive background in the fact that he was of Mexican extraction. And that was a real consideration, of course, with the Democratic party.

SONENSHEIN: Was there any sort of meeting to decide the endorsement, or was it all--I presume it was locked up in some way already

for you, but did you have to go and present yourself and seek the endorsement?

SONG: I think to me the determining factor, that is for me, was the Monterey Park Democratic Club. We had a group of activists there with a long history of activism in CDC and I think they're the ones who really were responsible for getting me the endorsement. And they're the ones who just worked their fingers to the bone during the Democratic primary. I first met Jesse [Unruh] after the Democratic primary, then I received a summons from the [California State Assembly] speaker. He had an office someplace on Wilshire Boulevard, and the sign on his door was some--I don't recall--some kind of economic study or something or other. I have no recollection, but that was his front, so to speak. And that was where I first met Jesse.

SONENSHEIN: How did it go? What was the circumstance?

SONG: Well, you know, he didn't put his arm around me and promise me the world or anything like this; but he welcomed me. Apparently, as far as he was concerned, my election was a foregone conclusion. He said I would be getting some help from him. I don't know that I received any. Now, this is just without resorting to the records, I may have received 300 or 500 bucks, or something like that--a contribution. But at that time, of course, the general [election] was not too much of a concern.

III. LEGISLATIVE LEADERSHIP IN ASSEMBLY

Organization, Assignments, and Interns

- SONENSHEIN: What did you think of him? What were your first impressions upon meeting Unruh?
- SONG: My first impression of him was that here was a man who was wise in political ways. He was obviously full of confidence, and so forth. And that was it. I had no more contact with him until after my election and my going to Sacramento.
- SONENSHEIN: I see.
- SONG: Then there, within a month or two, he would summon each member, I assume, of both parties and he'd discuss their committee assignments with them. And it was then when he told me that he was making me vice chairman of G.E. and E. [Governmental Efficiency and Economy]. My other committees were Judiciary, Labor, and I forget what the other one was.
- SONENSHEIN: Had you requested these assignments or were they simply . . . was there some interaction between what you wanted to do and what you were assigned?
- SONG: They were, basically, what I wanted. I think a form was circulated right after I arrived in Sacramento, whereby you indicated your committee choices. I think I got 95 percent of what I had asked for, so I did have Judiciary, Governmental Efficiency and Economy. He didn't give me any money committee or anything else. I found out later what

the so-called money, or "juice" committees were, and I have never served on one of them, even in the senate. And I have no regrets. Why serve on committees like that? But I basically got what I wanted and was just beginning my second term when he summoned me again. At that time, I had worked for one term in the assembly, got certain bills out, including my voter challenge bill. At this time, we were more on a first-name basis. We were to begin with, of course. I guess this is the way politicians comport themselves. I was "Al" immediately to him and I don't think he ever said, "Call me Jesse." But I did.

SONENSHEIN: So it didn't seem necessary to say, "Mr. Speaker," or anything like that? Did other people refer to him by his first name?

SONG: I think they may have. I couldn't say, though. But the second time he summoned me for my audience in anticipation of committee assignments--I'll never forget this--he said to me, "Al, you know, I should make, give you a chairmanship, but," he says, "I'm not going to." And so, naturally, I asked him something like, "Why?" He says, "Because I can't trust you." So I knew what he meant, of course. By this time I was a semiseasoned politician. So I said to him, "Jesse, when I agree with you, I'm going to vote your way. When I don't, I won't." So we talked more, and he finally said to me, "Would you like to be appointed

to the Law Revision Commission? The assembly appoints one member, the senate appoints one." I said, "Sure, I'd love it." And this is one of the nicest things that's happened to me in the legislature, I think. It was because of my membership on the Law Revision Commission that I became the author of the California Evidence Code. This was a Law Revision Commission effort. They had worked on it for seven years and for all realistic purposes I had very little to do with the composition of the code. I did work with the commission on it and it was my privilege--and the commission had worked on it for seven years--and it was really my privilege to work with some real great legal minds who served on that commission. One of them, of course, was Herman Selvin, a longtime Los Angeles attorney with Loeb and Loeb, who also told me quite a bit about the difficulties young attorneys of the Jewish faith have when they try to go into law practice. Outfits like O'Melveny and Myers; Gibson, Dunn and Crutcher--no chance, you know. This is how Loeb and Loeb came to be. And just like certain golf clubs where the same problems existed and the same reasons for the creation of these what turned out to be ultimately swank golf courses for certain Gentiles [Laughter] who complained about not being able to get into them. So Jesse appointed me to the Law Revision Commission--no chairmanship. I continued with the same vice chairmanship of Governmental Efficiency and Economy.

SONENSHEIN: Let me ask, let me go back then to when you first entered the assembly. Obviously, the assembly was quite different then than it is today. What was it like? What was it like to be a new member? How was it structured? What were the party lines? I have a number of questions about that.

SONG: It was quite a difference from what the legislature is today. I had one secretary. That was it. I had a secretary, I think, yes, and an aide in the district.

SONENSHEIN: Yes. Oh, in the district--not up here then, OK. Only a secretary up here.

SONG: Yes. And the first year, I think I tossed in sixty bills. I used to work day and night by myself, with my one secretary, a gal named Ida Casillas. Great gal.

SONENSHEIN: Was she a full-time person up here, who you found up here, or someone that you knew that you brought up from the district?

SONG: No, I was assigned her.

SONENSHEIN: You were assigned her, I see.

Voter Challenge Bill

SONG: She finally went to law school. I don't think she ever finished, but she became quite active in Democratic things around here; and, I've had no contact with her for years. But she was my first secretary and I think she was my secretary when I worked on that voter challenge bill, which was one of the things that I had determined when I came up

here I was going to do something about. As I mentioned on the phone to you, when I read about [Supreme Court Justice William] Rehnquist being quizzed on that, this was a terribly pervasive practice in East Los Angeles. The guys like Rehnquist, you know, dressed with suits and coats and ties and so forth, would approach these Chicano voters and ask for their IDs and ask them, "Are you registered; are you qualified to vote? Where's your this, that?" They would intimidate many voters, and we in campaign headquarters would get the calls. We'd rush down but the voters would have gone.

SONENSHEIN: And were the Republican people still there when you got there, or had they gone as well?

SONG: A couple times . . . when we got there, they'd take off. But it was so easy for them to intimidate these voters. So I think this is what my bill was called, anti-intimidation or something or other. And I don't recall the section. Maybe [Richard] Dick Thomason might recall it or someone else, can dig it up. The law at that time provided that any voter who sought to vote and was not really qualified to vote in terms of possessing probable cause, or something like this, could be challenged. What my bill did, we reversed it to provide that anyone who attempted to challenge and did not at that time have probable cause to do so, could be found guilty of misdemeanor. And I tossed

it in in my very first year and, of course, I couldn't make it. I just didn't know how and it was taken on by [Charles J.] Charlie Conrad, who was the Republican floor leader in the assembly. The Republicans were unanimously opposed to it and I just could not, even with the Democratic party being in the majority--and this is why you've got to be around here for awhile before you pick up little chits and brownie points and so forth and know the ropes, so to speak, and the procedure and process. So it failed. The second time I put it in, beginning of the second term, and you could then only introduce bills every two years, because it was biannual session. Today you can carry over, you know.

SONENSHEIN: Oh, I see.

SONG: When it's killed, it's killed.

SONENSHEIN: Did it make it to a floor vote, or never even make it to a floor vote that first time?

SONG: It got to the floor vote. I got it out of committee.

SONENSHEIN: I see.

SONG: I forgot who was chairman of the Elections [and Reapportionment] Committee at that time, but I got it up strictly on a party line vote. But, you know, it's amazing, some Democrats are not really Democrats and there are just one or two Republicans who are not really Republicans; but, you find more conservative Democrats than you find. . . .

SONENSHEIN: And the conservative Democrats joined with the Republicans to defeat the bill.

Relations between California Legislative Bodies

SONG: Just didn't go along with me, yes. But my second time I got it out. Then the whole question was in the senate and by this time, too, I had developed some acquaintanceship with some of the senators and I had to find someone whom I could depend on and who would be motivated enough and possess the necessary ability to get it out and so I selected [Joseph] Joe Rattigan. And I thought he was a great guy. Pat Brown appointed him to DCA [District Court of Appeal] and Joe, I think, is retired now. But Joe took the bill and he assured me he would do his best. The session went on and on, and I was becoming concerned. Here we were in the closing days of the session and I had got it out of the senate committee and Joe had it on the senate floor and he still hadn't brought it up. He kept telling me, he said, "Al, I've got to wait for the right moment." Because I knew the senate would be tough. At that time, I remember, Luther [E.] Gibson was chairman of the senate G.E. Committee and that's the committee that killed the bills. No matter what the subject matter, if they wanted to kill a bill, they sent it to the senate G.E.

SONENSHEIN: What is G.E.?

SONG: Governmental Efficiency.

SONENSHEIN: Governmental Efficiency, OK.

SONG: That's a committee that would meet on a Tuesday night before the Wednesday meeting or something or other in [Jefferson E.] Jeff Peyser's Senator Hotel suite and they'd kill the bills there. I remember appearing before Gibson on some other bill that I thought was so good and he smiled at me--after they listen to you--then he said, "Well, Mr. Song, we'll take the bill under submission." And I am told when he says that, that's the end of it. You know, what a change today: the [California State] Senate versus the [California State] Assembly. You find today the assembly in many instances is a dominant house where senate bills are killed.

SONENSHEIN: Now, why would you think that the senate was more dominant at that point?

SONG: Because they weren't interested; it's a matter of philosophy, I think. They weren't interested in putting any bills out.

SONENSHEIN: So it was their conservative philosophy that . . .

SONG: A matter of stopping bills.

SONENSHEIN: They could stop things more easily than someone else could start them.

Democratic Party Ethics and Discipline

SONG: In fact, the lobbyist, at that time there was one principal, if not sole, lobbyist for all the oil

companies. He still is, but he's just one of a number now, it's Al Shults. His buddy was George Miller, who was chairman of the Senate Finance Committee and Al did nothing else. He was with George day and night. He never bought a drink for the members of the assembly--nothing. He didn't need them.

SONENSHEIN: He figured all he had to do was stop . . .

SONG: All he did there was kill the bills. And this was Luther Gibson, of course, in the G.E. Committee . . . just kill the bills. So that was it. And so Joe Rattigan has the bill. I think this was either the very last night or the second to the last night when he brought it up--and here I am sitting in the senate floor every night because we're meeting at night now. This was toward the end of the session. So he finally brings it up and, the first roll call, of course, not enough votes. He had to put two, three calls on it, but he got the bill out and Pat Brown signed it. And that was the end of voter challenges in California.

SONENSHEIN: So the bill was well-implemented then, it was . . .

SONG: Yes. I wish I had kept a copy of the bill. You still can get it, of course, from the archives, I suppose. I don't know if they still have the file. All of our files went to the archives. I doubt that they keep the files on certain bills. They may have--perhaps not. But, in fact, that's

one of the bills I wish I had kept. I just discovered, too, in my garage a big scrapbook that when I was in the assembly, I think, one of my secretaries had started. I was going to dig it out but I didn't. But I just thought about it.

SONENSHEIN: Well, it's one of the things the archivist asked me to look for. If there's anything like that we could . . .

SONG: OK, I'll dig it out.

SONENSHEIN: That'd be wonderful.

SONG: I had more than one scrapbook, I think of pictures and certificates which I had galore.

SONENSHEIN: That would be very much what they wanted me to [ask about].

SONG: I've thrown them all away. So, that was it. In the assembly, the Evidence Code, the voter challenge bills.

[End Tape 1, Side A]

[Begin Tape 1, Side B]

SONENSHEIN: It would be the Song and, who was the--was there an author in the senate as well?

SONG: He wasn't the author. He simply carried it on the floor for me.

SONENSHEIN: That's what I mean, sir, just for research.

SONG: That was Joe Rattigan.

SONENSHEIN: OK, so it was the Song-Rattigan . . .

SONG: That bill was not tombstoned. In other words, the authors' names don't appear, like the Song-Beverly Consumer [Warranty] Act.

SONENSHEIN: Oh, I see. OK, I see. OK, just, since we've turned the tape over . . . just to remind where we are. We're talking about your assembly service and the voter challenge bill, which we've just discussed and the existence of some scrapbooks that we can take a look at, which is great. To get back to the assembly again, you were saying that, let's see, it was \$500 a month--\$21 a day--expense money, one secretary. Did you have your own office? Was it really yours?

SONG: I had my own office. An interior office, of course.
[Laughter]

SONENSHEIN: I imagine the leadership, therefore, was maybe even more imposing because you didn't have the large staff in order to do your own. . . . If you wanted to do research, for instance, on a bill, or draft up a bill, would you have to do it yourself or were there analysts who the speaker could be of assistance with?

SONG: No. In the assembly, of course, the legislative counsel will actually write up your bills. You come up with the basic, the beginning draft, so to speak, the idea. Then you sketch up what you think you want said, then you'll take it to the legislative counsel. It'll be assigned to a deputy and then you work with him. They have to determine what code is going to be amended or so forth and so on. So during those days, my beginning years in the assembly, it

was simply a--when you come right down to it--one man effort. I had no assistance in the office as such. I don't recall today just when our staffs started to become enlarged but I would identify that with the time that the people voted on, and I believe it was Proposition 1-a, making the legislature a full-time legislature.¹

SONENSHEIN: It was in 1966.

SONG: That's when I think I had an administrative aide here in Sacramento, as well.

SONENSHEIN: I see. I see. OK. Now, in 1962 these were the newly reapportioned districts as well, just to go back to something that I forgot to ask about back then. When you first were in, your district must have been newly reapportioned. Was that a factor in any way? Let's see, you ran in 1962, which would have been the new districts.

SONG: The 1962 election, of course, was based on a newly realigned district, which resulted, or which was a cause for the departure of the then incumbent Assemblyman George Brown. My recollection is that the district remained strongly Democratic. That had not been changed. It may have been changed to the extent that more Spanish surname voters had been included, the area of East Los Angeles.

1. Proposition 1-a, passed in November 1966, was a broad compendium of constitutional revisions that included annual sessions of the legislature. A.C.A. 13, enacted as Calif. Stats. 1st Ex. Sess. 1966, Res. ch. 139.

SONENSHEIN: I see.

SONG: And this is the reason why at that time, I think, it was the beginning of thinking that, perhaps, the Forty-fifth Assembly District should be represented by a person of Mexican extraction.

SONENSHEIN: So that was part of the intention then . . . was to create a Hispanic district.

SONG: Not as definitively as the thinking may be today.

SONENSHEIN: Yes.

SONG: At that time, I don't think the powers that be in the legislature were considering that to be a so-called Mexican district. That thinking, I think, developed afterward. So, it was a Democratic district, period. And so, therefore, after the primary election, my election was deemed to be a foregone conclusion.

SONENSHEIN: OK. Now, while you were in the assembly, a number of other things were going on, such as the senatorial primary in 1964; it was highly divisive within the party. I think the [Alan] Cranston-[Pierre] Salinger campaign at that point, in which the Unruh forces were going back and forth with the Pat Brown forces. Were you involved in that?

SONG: No, I was not, simply because I was not one of the closer intimates of Jesse Unruh. Nor was I in the so-called Cranston or Salinger camp or anything like that. While in the assembly, I think I could be considered today, thinking

about it in retrospect, as one of the harder working, nonattached, younger members.

SONENSHEIN: So you were sort of nonaligned to the various factions that were there?

SONG: Yes. Politics didn't mean too much to me, although strangely enough at that time, because of my interest in CDC, I actually ran for and became the southern California chairman of the Democratic party. That's the year that [Charles] Charlie Warren, a fellow assemblyman of mine was elected as the state chairman. I would assume, then, that had I continued with my participation in the state party, that I would have become state chairman. But my interest dimmed quite rapidly because the Democratic party structure in the state of California, particularly at that time, was basically meaningless. The party really meant nothing. As a novice politician to begin with, I just assumed that once you won the nomination, I'd be receiving party assistance and so forth and so on. But, actually, there's nothing, nothing at all that I received from the Democratic party as such. Even today, you find that the Democratic candidates have to go out and fend for themselves, basically, and raise their campaign funds, which, of course, today is pretty obscene: the kind of money that has to be raised and spent. But the party as such was meaningless, and while I did serve a term as the southern California chairman, the

term being for two years, I withdrew thereafter and did not take much of a part in any party politics as such.

SONENSHEIN: So including the factional struggles between the Unruh and the Cranston-Brown forces. . . .

SONG: That's right. I simply was not a party to it at all. And my becoming a beneficiary, as I ultimately became in the 1965 reapportionment, making it possible for me to leave the assembly and go to the senate, I think here again was entirely inadvertent. There was no one either in the assembly or the senate who wanted to bestow upon me any kind of favors.

Campaign Management for State Senate

SONG: The [California State] Senate--and I recall Senator [Stephen P.] Steve Teale, at that time, was in charge of reapportionment for the senate--proceeded to reapportion starting in the north and proceeding southward. They just carved out, at that time, the Twenty-eighth Senatorial District, and I found that I was one of four members of the assembly who would be eligible, based on our then residences to run for the seat. And, as I looked at it and began to think about it and studied the possibilities, I decided to go ahead and have a poll taken. So I had a poll taken and, according to this poll, I would have prevailed very easily. So what I did was send out to the other members of the assembly who might have run for that

particular seat a copy of the findings of this poll. And only one of them really made any public utterances about possibly running for this new senate seat, and that was [Phillip L.] Phil Soto. He ultimately decided not to, so I took out papers and it was quite easy. I had no competition at all, with the exception of a fellow named--I can't think of his first name--his last name was Solomon [Jack D. Solomon]. Apparently, he was well-financed. I remember his billboards, reading his name, Solomon, and a picture, a photo of some beautiful mountains--I guess like the Sierras--superimposed, and under his name it said, "At last, a man to match our mountains." The man, of course, was possessed of a healthy amount of ego. [Laughter] Actually, I guess, the people who saw his billboards weren't overly impressed, because I took the nomination rather easily. [In the 1966 Democratic primary, Song won easily; Solomon finished third, just behind Robert Lynch.] And, the general [election], of course, was no problem.

SONENSHEIN: Let's go back then to that reapportionment. This had to do with the supreme court decision and the changes of the senate, et cetera. Can you talk about the background of that a little bit and how that affected things?

SONG: At that time--and I can't now think of the name of the [United States] Supreme Court decision--of course, it's a very famous one: the one man, one vote case [Reynolds v.

Sims, 1964]. Well, all of Los Angeles County was represented by one member in the senate.

SONENSHEIN: And who was that member?

SONG: The last one there was [Thomas M.] Tom Rees. When I first came to Sacramento, it was Richard Richards who represented L.A. County; so after the reapportionment the number of senatorial districts jumped from one to thirteen and one-quarter. And the one-quarter, I think, was combined with certain parts of Orange County at the time. As I have indicated, the reapportionment process was basically a mechanical process at the time where the Senate [Elections and] Reapportionment Committee just started from the northeast, trying to take care of their incumbents, and went south. With many of the northern senatorial districts, the population increase was rather dramatic. There were certain counties, say, with just 15,000 or 25,000 residents, and they were combined with perhaps 15, 20, 25 other counties to come up to the necessary population figure.

SONENSHEIN: Right.

SONG: And so as they proceeded south, they just happened to create a district that was just right for me. And this is the reason, of course, I ran for the senate.

SONENSHEIN: Now, this would sound . . . so the senate, which was itself being changed by this decision, was in a position to create

the plan under which that would go on. So this conservative body, were they able to impose the view they wanted on the new senate through the lines to some extent?

IV. STATE SENATE

Organization, Leadership, and Interns

SONG: Well, that makes for a very interesting chapter in my political life, so to speak. Here I went to the senate because of the 1965 reapportionment election, term commencing in January of 1967.¹ Somehow or other, and of course when we went there the old members of the club still controlled. Hugh [M.] Burns was the pro tem; and, as you know, of course, the pro tem is the controlling figure, the chairman of the Rules Committee. Also sitting on the Rules Committee with him were his buddies, longtime buddies and so forth and so on. And here it comes: this biggest class of new senators because of the reapportionment. And, like the assembly receiving a summons at that time from Jesse Unruh, I received a summons from Hugh Burns. Basically, he gave me the committee I wanted, but no chairmanship or anything like that. I don't know if he made me a vice-chairman of anything. He may have; I don't recall. If he did, it was meaningless. But all in all, it was an

1. The year was 1965 when the legislature approved the apportionment law for new senate districts with no more than 15 percent deviation in population. The election under this law took place in 1966.

entirely different kind of situation. You sensed it; you couldn't help it. And it also, I think, was influenced by my perceptions of the senate while I served in the assembly. The Luther Gibsons and the Hugh Burnses and so forth and so on. So when I went to the senate, a substantial number of the people I had met while in the assembly and who served in the senate, like [James A.] Jim Cobey and Joe Rattigan and so forth, were out. They had retired because of the reapportionment and judicial appointments they'd received from Pat Brown.

SONENSHEIN: Yes.

SONG: Both Cobey and Joe Rattigan went to the [California] Court of Appeals. So it was quite a new thing. This large class of freshmen, who numerically, really could control; but we didn't, of course. As the session opened, it became evident that everything was going to go according to the old rules. I remember my first year there, [Governor] Ronald Reagan appointed a fellow named Burton Smith to be the Real Estate Commissioner. And this was my first experience with the senate confirmation process. I personally held up Smith's confirmation for several months because Smith had gone around making speeches during the time of the Rumford Fair Housing Act, and making quite clear that he believed in segregated housing, racially

restrictive covenants, and so forth. So, as a freshman senator, I was able to hold it up and finally it had to come to a head. I made my impassioned speech on the senate floor, and who killed it? Killed me and my efforts? George Miller, this powerful chairman of the Senate Finance Committee, and whose argument was, "Let's cut out this nonsense. If Ronald Reagan wants to appoint a fox to guard the hen house, that's his business." And blah, blah, blah. You know, according to George Miller, Rehnquist should never be opposed or anything like this.

SONENSHEIN: Right. Now, how were you able to hold it up as long as you did? What procedures did you use?

SONG: Well, I just had the privilege of stalling it somehow or other.

SONENSHEIN: Were the parliamentary rules such that one senator could simply refuse to allow . . .

SONG: Yes. You don't enjoy the same privileges on confirmation, or the confirmation process, as a member of the U.S. Senate does. But I think I was a couple times able to, on some pretext or other, get the thing passed on file. And that was the extent of it. Even among my fellow freshmen, I could not generate too much. Nobody wanted to make an issue of it, and so forth.

SONENSHEIN: Were you under considerable pressure from the Reagan administration to move?

SONG: The Reagan administration didn't pressure me at all at that time, but I did, on some occasions, get pressured, for which they paid . . . by appointing one of my law partners judge, and stuff like this, in that program.

SONENSHEIN: So it cost them a bit?

SONG: And to that extent, they were a hell of a lot easier and more realistic to deal with than [Edmund G.] Jerry Brown [Jr.], who was impossible.

SONENSHEIN: We're going to have to go back and go through the two Brown governorships and the Reagan governorship and make some comparisons.

SONG: Well, I had the privilege of serving with three of them. That's me and Ronald Reagan on a golf course. [Points to photograph]

SONENSHEIN: So I see.

SONG: You know, Reagan really knew how to make you feel good. In fact, after the first year there, when Reagan came into Sacramento, I guess he just assumed like, perhaps this is what governors do in the movies. He'd just say, "This is what you want, you get it." He found out he couldn't. So the second year, he sent to all of us a--it must be this size--color portrait of himself, framed with glass. And, "To Al, With Kindest Regards from Ron." I threw the goddamned thing in the wastebasket. [Laughter] I wish I hadn't. He would invite us to his home, the home that his

friends rented for him because Nancy didn't want to live in the mansion. It was a fire trap, of course.

[Interruption]

SONENSHEIN: Now, let's see if we can recapture where we were. We were in the senate. We had finished talking about reapportionment and you had arrived with a new group of freshmen. Oh, you were talking about dealing with Governor Reagan. Maybe we could compare a little bit your dealings with the first Governor Brown, and then bring us back up to 1966. Did you have some dealings with Pat Brown in your assembly period, or with his administration?

Governor Edmund G. Brown, Sr.

SONG: Pat Brown was, I think, quite a different man from either Reagan and Jerry Brown, of course. I found Pat Brown very accessible, very warm, very human. And, in effect, and I don't say this in any way disparagingly, a simple man. It was either good or bad for him. White or black. And I recall once--and this is customary in the legislature, or at least it was during my time--if a legislator carries a bill creating a new court, for example, and generally it's in his legislative district. Now, in Pat Brown's time, he had something to say about recommending someone to fill that newly created judgeship. And I recall going down and talking with Pat. And he liked people to call him by his first name, so I used to call him Pat. I called Jerry

Brown "Jerry," of course. But not because he asked me to, but because I felt he was so many years junior to me in terms of age. But Pat Brown suggested we call him Pat. So I had just, with one of my bills, created a new municipal court judgeship in the city of Alhambra which adjoins Monterey Park and which is situated in my assembly district. So I had this appointment with Pat Brown. I went there and he was very cordial. He expected me to ask that some friend of mine be appointed, a friend or acquaintance, or someone recommended to me.

SONENSHEIN: Yes.

SONG: So, I recommended a law partner of mine. Well, Pat Brown, without any hesitancy said, "OK, Al. If that's who you want, whom you want, go ahead." I recommended a fellow who really worked hard for my first election: really fun, a nut, so to speak. I recall the days when we used to post signs ourselves, with or without permission of the property owner. And this ex-partner of mine, one evening, got so upset with some other competitor's signs he brought a chain saw with him and he was cutting down signs. Things like this. But, in any event, I recommended him, and his name was submitted to the State Bar for recommendation. It was not a mandatory review, as apparently is the case today because of one of the bills submitted by Leo T. McCarthy, but the State Bar came back and, in its advisory rating,

rated my partner not qualified. He was emotionally something-or-other, some undesirable characterization. So Pat Brown asked me to submit the name of someone else. He didn't want to go contrary to the State Bar's recommendation. So after about a month or so, I submitted the name of a classmate of mine, who happened to be a Republican. I thought it would make no difference. So Pat Brown took the name and he had this fellow processed. And Pat summoned me to his office one day and his statement to me was, "Al, do you really want to recommend this guy? He's a Republican." [Laughter] And so, I said, "Yeah, I don't think it should matter." So he appointed him; and this appointee turned out to be one of the worst judges ever to sit on the bench. [Laughter] Oh, this guy was bad!

SONENSHEIN: Do you recall his name?

SONG: It's been many years ago. So this fellow decided that he wanted to become a superior [court] judge, and no one, no legislator or no other person would recommend him to Governor Reagan or Jerry Brown, so he decided to run for it. And because he has a nice name, he won. The State Bar, in this particular instance, rated him unqualified. But he was elected by the electorate. So that's Pat Brown. Pat signed my voter challenge bill; he signed the Evidence Code . . . numerous photo sessions with Pat Brown on the Evidence Code . . . front page of the L.A. Daily

Journal and so forth. As far as I am concerned, the Evidence Code--at least I had the honor of being the author of it, and that's all it was. Every now and then I run across someone who introduces me as the person who wrote the Evidence Code, and I have to correct them.

SONENSHEIN: I see.

SONG: Although the term "writing" a code or a bill, I suppose, does not necessarily mean that you actually wrote it.

SONENSHEIN: Yes. The author, the legislative author?

SONG: Yes. But, even today, many judges remember that Song was the author of the code, and I relish that.

SONENSHEIN: Oh, I would think so. Now, when Pat Brown would deal with you or you would deal with Pat Brown, it must have been complicated by the fact that he was basically an opponent of Jesse Unruh, who was the head of the lower chamber. Did their interaction affect you?

SONG: No, it didn't. I don't think Pat Brown was as much a competitor or an adversary of Jesse Unruh as it was the other way around. I think Jesse, at the time, may have on certain occasions considered Pat to be an obstacle to his forward progress.

SONENSHEIN: To be governor, presumably.

Assembly Speaker Jesse Unruh

SONG: Jesse was, without any question, an extremely effective politician. He really put the assembly together and made

the legislature as a whole a more forceful part of the political process of the state of California.

SONENSHEIN: And how would you say he did that?

SONG: For example, he was the one, I think, who really wanted the legislature to become a full-time legislature; and he was the one who started improving the caliber of the individual staff of each member, and particularly his own of course. You look today at what has developed. The speaker of the assembly and the [president] pro tem of the senate have a domain that they rule over. You can't even count the people they have on their payrolls. And I think he was the one who started all this.

SONENSHEIN: Now, the current speakers are expected to raise campaign funds and distribute it to the fellow members of the party within the legislature. Was that something that Unruh did to a great degree as far back as when you first came in, or did that develop later?

SONG: I think Jesse, of course, was the first one who did it in any meaningful way at all. Of course, the kind of money he parceled out was not really substantial. My recollection is I received all of \$500 from him. But here again, this is just a recollection. The written reports would have it, of course. Whether it was given to us by him in his name or through some other committee, I don't recall, but he started it. And really, it was not a substantial kind of

contribution. He may have raised money, but nothing even resembling what's being done today by either the speaker or the president pro tem.

SONENSHEIN: Well, how did he exercise his power then? If nowadays you would see the use of the campaign contributions among members, what was, what were the sources of his power?

SONG: His power, I think, was the money from lobbyists, and which was somehow effectively translated into committee composition. Number one, committee chairmanship. I think the speaker necessarily kept a close guard on the committees that really meant something to him moneywise, and that meant dealing with insurance companies, the racetracks, and, of course, people who run the racetracks, and liquor. Those are the three sources of money in California that really are meaningful. And you have others which are not as big but which have some substance. Banks, of course, are another.

SONENSHEIN: So the way it would work then, is that if Unruh could get someone on a committee that would have links to those lobbyists, that elected official could raise money from the lobbyists and, therefore, would owe that to Unruh, rather than the money going through Unruh to the elected official from the lobbyist.

SONG: That, of course, was quite visibly true in the senate, too, when I first went there. Some of the leadership's closest

buddies were lobbyists. They just spent all day and a good part of the night with each other.

SONENSHEIN: So then none of the restrictions that you see today on contact between elected officials and lobbyists . . .

SONG: Not a chance. The restrictions, of course, are not on contact but, in effect, I guess it meant the same thing. When you regulated the amount that could be spent on any legislator in a period of one month--that ten dollars a month thing just killed everything.

SONENSHEIN: Yes, I can imagine. That's a hamburger and a coke.
California Politics and Government since 1951

SONG: Oh, I was never able to buy a lunch or a dinner or a drink in the old days. I remember my very first night in Sacramento. This is something I recall with a lot of pleasure. [Anthony C.] Tony Beilenson, Charlie Warren, and I met at the El Mirador--it's now a senior citizens' home. There's sort of a downstairs bar. And I think it was Tony who said, "If we sit at the bar, we'll get picked up." Something or other. [Laughter] So we all sat at the bar; each had a drink. I really hadn't learned too much about drinking as yet. I don't think Tony ever learned. [Laughter] And lo and behold, we finish a drink, [and] we decided we were going to go to dinner. We call the bartender over, "How much do we owe you?" "All taken care of." "Who took care of it?" Why, there was a lobbyist--I

can't think of who it was. These lobbyists, you know, particularly the first days you have a big new assembly group coming in, I guess they all looked at the pictures to familiarize themselves with what the guys looked like. And it was true: we couldn't buy a dinner or a drink or anything in those days.

SONENSHEIN: So you'd go to a restaurant in Sacramento and someone would be there to pay for the bill?

SONG: Gosh, everything. Just everything.

SONENSHEIN: Unbelievable.

SONG: What a different life it was then. [Laughter]

SONENSHEIN: So the lower salary would not have been such a problem with all the meals paid for and stuff like that.

SONG: Yes. That's true. Of course, you had to pay for things like rent and so forth. I guess some guys got their rent paid because then the reporting thing was quite lax.

SONENSHEIN: Did the lobbyists have to register in those days?

SONG: Yes.

SONENSHEIN: So at the very least they were registered but that was about it basically. And they could spend any amount of money to wine and dine legislators that they wanted to.

SONG: And the only report was how much they spent.

SONENSHEIN: Oh, they did have to report how much they spent.

SONG: They didn't have to name the individual recipients.

SONENSHEIN: Oh, they could just say, "This year we spent \$1 million on lobbying."

SONG: Entertainment or secretarial. . . . Gradually, the process tightened up, of course. In fact, one lobbyist with whom I became pretty good golfing buddies would tell me once a month, "Well, I've got to go home or to my office and start the process of lying again." They got so much money they've spent, now they've got to allocate it. [Laughter]

SONENSHEIN: He'd have to say, "This much was this and this much was that."

SONG: And then the FPPC [Fair Political Practices Commission] started hitting some of these lobbyists so most of them are extremely careful now.

SONENSHEIN: Yes.

SONG: If they know that dinner is going to cost more than ten dollars and if they know you well enough so that they can do that, say, "OK, you'll have to give me a check for so much money to take care of the difference." In the old days, of course, they had no such problem. And with legislators they don't know too well, they won't do that. They'll simply not invite them.

SONENSHEIN: Yes.

SONG: Or invite them to breakfast where they can, out of ten bucks, pay for the entire thing, because they've got to name them. And some legislators don't want to be named by certain lobbyists.

Lobbyists

- SONENSHEIN: Right. What were the lobbyists like? What sort of people were they? What professions did they hold and what was their general approach, especially back in the early days when you were first a senator?
- SONG: Yes. Back in those days, the lobbyists, generally, particularly the ones who kept a contact, an ongoing contact with the legislature, were completely different. They've more or less faded out today. You find today a professional-type lobbyist who knows exactly what he's doing. And they do it with the emphasis on the professional, with some personal put in. But in the old days, it was basically personal. It's a matter of getting to know the guys so well they can come up and, you know, without any hesitancy ask you to do this, do that for him. Today, the process is so different; and some of the lobbyists I know who used to be active in the old days tell me that today they can't count votes. That's their biggest cry: "We can't count the votes until roll call."
- SONENSHEIN: What do they mean by that?
- SONG: Well, in the old days if a guy, a pro says, "Well, I have no problem." It means, "I'm going to vote for it." And he stays with it. But they can't get any commitment. That's why they can't count the votes.
- SONENSHEIN: Oh, I see. So these people sort of had engaging

personalities, to some extent. And then they would get their orders from the organization about what the organization wanted and only from time to time would they pursue that agenda.

SONG: Yes.

SONENSHEIN: A lot of the times it was social and friendly and then, especially close ties to the leaders.

SONG: Before my time, there was this big lobbyist who made a claim that he owned the legislature. He ended up in prison. I can't think of his name now.

SONENSHEIN: Oh, they wrote a book about him. I can't remember his name either.

SONG: Yes. He used to hang out at the Senator Hotel. That used to be his hangout.

SONENSHEIN: Yes. Art . . . [Samish] I know who you mean, though. Yes. So it certainly wasn't quite that way when you were in there.¹

SONG: After his time, and during his heyday, apparently, there weren't too many lobbyists. I can't quite understand that, because California has always been a rich, rich state, with big stakes legislatively. I guess people simply weren't aware of it, or maybe the people weren't aware of the fact that with the legislature they could create things, too.

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

SONENSHEIN: How much awareness was there of the legislature, for instance, back then in terms of media coverage, people in your district really knowing what the issues were up here? I mean, how visible was the legislature at that point?

SONG: Well, of course, not nearly as much as it is today. The sensitivity today is perhaps too much so. It's excessive. But I recall in those days, hell, in my district when I first ran for reelection in my second assembly term, cartoons being circulated in small, little throwaways about my being the coauthor of the [so-called] Rumford-Song Forced Housing Act, or something like this. But even then, I don't think most of the people understood what it was. This "hit piece" thing had not yet been developed into an effective thing. I certainly learned. My last election, this [Joseph B.] Joe Montoya put on a very effective hit piece. Oh, God. It was a deadly thing.

SONENSHEIN: You mean in 1978?

SONG: No, because during that time just two years before the election all the notoriety I suffered from the FBI [Federal Bureau of Investigation] investigating me. He put everything together, you know, out of context and all kinds of things.

SONENSHEIN: Made a mailer or . . .

SONG: Four days before the election, I think, there was a . . . like an eight-page tabloid he sent out. It was deadly. I saw that and I knew I was dead. What can you do?

SONENSHEIN: Yes. Unanswerable. [Laughter] So that kind of stuff didn't really happen until very. . . . Even Unruh was not that active in pursuing that kind of mail, hard-hitting mail stuff back then, sounds like.

SONG: That's true. Unruh didn't. Maybe there was no need for him to do that. I don't know.

SONENSHEIN: Sounds like he . . .

SONG: They used to become pretty vicious, you know. Money--look at what Tom Hayden had to spend.

SONENSHEIN: Right.

SONG: And why he insists on staying in politics, I don't know, because it certainly can't be worth it financially.

SONENSHEIN: Well, not with his salary.

SONG: Unless he still is nurturing a dream that he's going to go to high office someday. But I don't know, with guys like this Gil Ferguson of the Republican party and so forth. You take [Edward M.] Teddy Kennedy. You think his opponents will ever let people forget Chappaquiddick?

SONENSHEIN: Never.

SONG: Goodness sakes!

SONENSHEIN: Never. Well, it sounds like a friendlier, more easygoing time up here, in terms of being a legislator. Then it sounds like there was kind of a feeling of fraternity among the elected officials. Kind of, you'd go out together and go to bars, relax, be friendly. Less money at stake. Less campaign money. Is that true?

SONG: I think so. I think so. I can't say that a person who does not would be typical of the breed today, so to speak, but there's so many more of them who simply do not socialize, don't do anything, you never get to know them.

SONENSHEIN: Yes.

SONG: And I would never dare approach them. I wouldn't want to be a lobbyist approaching these people.

SONENSHEIN: Yes.

SONG: I'd rather do what I'm doing now. Going back to thirty-seven years ago when I began as a lawyer and trying cases. I enjoy this. But it's just a total different ball game. Like I've gone back to the senate. This is the way it was when I first went there. A number of us would sit down and informally talk about it. Finally, we decided to try to do something about it. And that's how we started the Senate Democratic Caucus.

Legislative Leadership, Hugh Burns versus James Mills

SONENSHEIN: Well, maybe you could tell me some more about that. Are we back at the early period of your service there?

SONG: My first year.

SONENSHEIN: Oh, so with the new freshman group coming in. OK.

SONG: This was the first part of 1966. Committee assignments had been made by the Senate Rules Committee, which was really an alter ego for Hugh Burns at the time. And, in fact, one of Hugh's closest drinking buddies was a member of the

Senate Rules Committee, a Republican named John McCarthy, called "Jack." They were all very friendly to us, but they kept all of us at a distance. When I say "us," [I mean] the senate newcomers from the assembly, fellows like [Mervyn M.] Merv Dymally, myself, George [R.] Moscone, who did not come from the senate but had been newly elected after the death of [J. Eugene] Gene McAteer of San Francisco. Moscone very definitely was a liberal.

SONENSHEIN: Yes.

SONG: We started getting together and talking about things and so forth, and how we'd like to see the senate change, to get away from this "old boy" thing and to more accurately reflect the people that we represented in our respective districts. So we started meeting weekly informally and extending invitations, and somehow or other I became the chairman of the Senate Democratic Caucus and Hugh Burns and the other old-time Democrats kept ignoring us. But we gradually eroded that wall of just holding us at a distance, because after every meeting we'd announce the number in attendance at the meeting, and we were closely approaching the majority of the senate Democrats.

SONENSHEIN: And how many people would you be talking about at this point, because how many Democrats were in the senate then?

SONG: I think if we reached--I'm really guessing now--anywhere from thirteen to fifteen, we'd have a majority of the Democrats.

- SONENSHEIN: That's right, because there were close to thirty democrats in the senate, I believe.
- SONG: I think one meeting we had we approached thirteen; and, of course, we disseminated that information immediately [Laughter] and the guys in the old gang, the Democrats, of course, you know, thinking of themselves and their own interests, started to think that, perhaps, we'd better pay a little attention to the guys because if they take over and we're on the outside. . . . So finally, finally the miracle happened and Hugh Burns attended.
- SONENSHEIN: Did he surprise you or did he say he was going to attend or did he just show up?
- SONG: He showed up, although we anticipated this. So finally, after he showed up, a couple of meetings later, we set formal elections. For the very first time we were going to have a Senate Democratic Caucus. There was no such animal in the senate. All the senate belonged to the club. And it made no difference whether you were a Democrat, Republican, whatever it may be.
- SONENSHEIN: In fact, it was probably a fairly conservative, heavily Republican group of people in there, too.
- SONG: Extremely conservative. So this first organizational meeting of the Senate Democratic Caucus. . . . And I thought it was a foregone conclusion [that] I'd get what I wanted out of it. I wanted to become the senate majority

leader. We'd agreed among ourselves, except I wasn't aware of the fact that another guy who was active with us in founding that group had decided that he couldn't compete with me for the votes of my colleagues from the assembly, but he could get the votes of the old-timers who were joining the caucus. And there was George Moscone.

SONENSHEIN: Moscone?

SONG: Fellow liberal. So with their votes, he defeated me and he became the senate majority leader.

SONENSHEIN: How close was the vote?

SONG: One or two. And it was because my friend, Merv Dymally, thought there was no problem, and he had an out-of-the-city engagement, so at that time it was too late to get him and George Moscone became the majority floor leader.

SONENSHEIN: Remarkable.

SONG: Oh, and Merv in absentia, because this was all agreed to, became the Senate Democratic Caucus chairman.

SONENSHEIN: Was there any possibility that Dymally was part of an agreement, a covert agreement or something?

SONG: No. Had he known he would have, you know, cancelled the other thing and so forth. Who knows with politicians? Although Merv and I have always been buddies, but in politics you've got to take care of number one first.
[Laughter]

SONENSHEIN: So Burns clearly must have backed Moscone then?

SONG: Yes.

SONENSHEIN: Burns and his crew then switched their votes to Moscone.

SONG: Yes. They voted for him. They knew they couldn't stop this caucus from forming and so the lesser of the two evils, I guess, they considered to be Moscone. Maybe they found me objectionable, I don't know. In any event, Hugh Burns then tossed me a tidbit--I don't know whether it happened before the election or after. He offered me the chairmanship. No, it was afterward. He offered me the chairmanship of the Senate Business and Professions Committee, which I accepted, and I chaired that for two years. Finally, we succeeded in replacing Hugh Burns.

SONENSHEIN: As pro tem?

SONG: Pro tem. Of course, he'd been replaced already twice: briefly by Jack Schrade and Howard Way, both Republicans. And a few liberal Democrats went with them just to get rid of Hugh Burns.

SONENSHEIN: Because the Republicans had gained control at one point for, what, one term? Right?

SONG: Yes. Jack Schrade and Howard Way and. . . . Of course, we all had deals with them individually.

SONENSHEIN: Maybe you could pursue that a little bit. It's really quite remarkable, the cross-party alliances in the senate. Starting with Burns and his buddies and then the liberal Democrats got together with the Republicans to dump . . .

SONG: Here we are the liberals, the so-called Young Turks, 100 percent unified Democrats, we think, who are able to force the caucus on Hugh Burns and get rid of the old club thing, which was the dominant theme in the senate. Then we go and commit ourselves to two Republicans. I think Schrade was the first one; and Schrade was a guy who promised us the world in personal things. Then why he was replaced with Howard Way, I don't recall.¹ It may come back, but I don't know.

SONENSHEIN: So he went to the Democrats and sought the Democrats' support.

SONG: That's right.

SONENSHEIN: . . . for that position.

SONG: You had to.

SONENSHEIN: . . . through concrete deals and whatever. And you guys held out for the best deal you could get, and he won.

SONG: Yes. Then why he, Schrade, got removed for Way, I don't recall now. But something happened. Maybe some other guys can refresh my recollection.

SONENSHEIN: How was Burns's attitude toward all this? Was he vindictive, unhappy? Did he treat it as business as usual?

SONG: He took it stolidly, it seemed like that.

SONENSHEIN: What was he like? What sort of person was he?

1. Howard Way (R., Exeter) was elected president pro tem in May 1969. Jack Schrade (R., San Diego) replaced him in February 1970.

SONG: Just a real old-time politician, not very articulate. He drank from early morning to early night. You go into his office at eight o'clock; here sits a leading lobbyist in his office with Hugh Burns and maybe Jack McCarthy, each with a highball glass, Early Times over the rocks. First thing in the morning. The place reeking of alcohol. Jesus! After that, Hugh Burns stuck around for awhile then he went out. I think, my second election to the senate he retired, or something like this.

SONENSHEIN: Your second election would have been 1970?

SONG: Yes.

SONENSHEIN: Yes. So he retired at that point without much power left, because you had removed him as pro tem at that point?

SONG: That's right. Yes. But somehow or other his right-hand man, who was named . . . Alexander is his last name, [Clarence Dwight Alexander] who was a Senate Rules Committee executive officer. Somehow or other he retired with a pension that was close to \$100,000, or something like this. He's still drawing his pension.

SONENSHEIN: So he did take care of some people. . . .

SONG: Yes. That was a big scandal at the time. Geez, I don't know how they managed that. But the executive officer. . . . Well, he ran the thing for Hugh Burns.

[End Tape 1, Side B]

[Begin Tape 2, Side A]

SONG: Way served briefly and then, of course, only because he was able to garner enough Democratic votes. But we were working--we, I mean the few really entrenched and acknowledged liberals from the assembly, to get [James R.] Jimmy Mills elected pro tem. I recall the evening that he was finally elected. The Democrats were caucusing in the senate lounge--and this was before the restoration took place, of course, at the Capitol Building.

SONENSHEIN: Yes.

SONG: And we'd ballot after ballot. Just couldn't get enough votes for Jimmy Mills in the Democratic caucus. He finally did, and, of course, word was out to the press that this was taking place, so when they finally walked out there was the press all lined up en masse. Jimmy Mills came out and he was flanked on one side by Merv Dymally and on the other side by myself. One promise that I received from Jimmy Mills--here we are all making deals--what do you want, you know, for our vote and this and that, and George Moscone was still the majority leader and I just didn't want to compete with him for that. I thought once that was settled, that was the end of it. So it was at that time I told Jimmy Mills that I wanted to chair the Senate Judiciary Committee. To me, that was the thing I wanted to do, as a lawyer and this and that. To me it was the most prestigious committee. I didn't care for any "juice"

committee, like Finance and Insurance or things like that, so I had that commitment and so I did vote for Jimmy, and work for him, too. And that did come to pass.

SONENSHEIN: So you did get the majority and you were the chairman of the Judiciary [Committee].

SONG: When he had the majority, that signal went to the Republicans and in a few days the formalities took place on the floor and Jimmy Mills was the pro tem.

SONENSHEIN: So the caucus held together on the floor?

SONG: Yes.

SONENSHEIN: Once they had made their decision, did they vote 100 percent?

SONG: Yes, it was 100 percent vote at the time.

SONENSHEIN: That sounds like a bit of a change, moving toward the caucus being able to hold its ranks, going back and thinking to the first race for senate majority leader, where there seemed to be that big split.

SONG: Yes. Well, I don't think it would have the first time, but I think usually the officeholders are realists. If the votes are there, I can't think of an incident, perhaps with the exception of Willie Brown once, I suppose, who may have voted on the record against Jesse Unruh simply just to express his outrage or something. But usually the guy has the votes, you know; you accomplish nothing.

SONENSHEIN: Right.

- SONG: Except, perhaps, [you] commit hari-kari or something.
[Laughter] I think Willie Brown then was punished by being given a sort of a toilet for an office. [Laughter] So we all made our deals and Jimmy was elected pro tem on the floor unanimously.
- SONENSHEIN: Now what year are we talking about? Was this the year after? Has Burns already departed or is this the removal of Burns?
- SONG: I'm not sure. It may have been during my second term.
- SONENSHEIN: OK, so Burns would have already been out at that point.
- SONG: Yes. Let's see, if the election took place in . . . could have been in 1971.

V. GOVERNOR RONALD REAGAN AND STATE SENATE LEADERSHIP

Senate Majority Leadership

- SONENSHEIN: OK, so then it was in your second term. To go back to Moscone's election, if Moscone is majority leader, was that a new position at that point then? You had created this position?
- SONG: It was created, that and the caucus chairmanship.
- SONENSHEIN: And previously there had only been the pro tem. Now how did the balance of the power of things like committee assignments change? Now that the pro tem was sharing power, I presume he was somewhat subordinate to the majority leader and the caucus chairman. Is that so?

SONG: The Rules Committee generally, and in particular, his favorite buddies on the Rules Committee, they ran the senate.

SONENSHEIN: Even under Moscone, then?

SONG: Yes. They and a few lobbyists. When the Senate Democratic Caucus was formed formally, with the election of the floor leader and the caucus chairman, from that point on the influence of the pro tem began to diminish. The floor leader, however, was strictly when you come down to it, just a ceremonial type thing. Even today it is, to a large extent, because you find situations in the senate where a floor leader may not be in favor of a bill or anything the pro tem might want, and he may not necessarily concur with him and there's no unanimity of effort.

SONENSHEIN: Yes.

SONG: A good example was when [John] Garamendi was floor leader. I remember in particular the confirmation process of certain of Jerry Brown's appointees to the ALRB [Agriculture Labor Relations Board]. Garamendi felt that his political interests lay with the growers and not with the workers, so in spite of the official Democratic position, the caucus position, and [David A.] Roberti, the pro tem, Garamendi never voted for the nominees or the appointees by the Democratic governor to the Agriculture Labor Relations Board.

SONENSHEIN: Including yourself at this point?

SONG: Including myself.

SONENSHEIN: Yes.

SONG: Even after writing me and telling me that he [Garamendi] had no problem, he voted no in the confirmation process.

SONENSHEIN: Now, his position was. . . . He wasn't the caucus leader, was he?

SONG: At the time, he was the senate majority leader.

SONENSHEIN: Oh, he was the majority leader, OK. So by floor leader, you're referring to the majority leader position.

SONG: Correct, yes. The floor leader, that really is in effect a misnomer. It's not like the U.S. Senate, where the majority leader really controls the senate. You would think from the title, at least, he would be leading the floor debate, but not necessarily. The floor leader may not even debate a bill; he may not even have any interest in it. And he certainly does not lead, so to speak, the proceedings on the floor.

SONENSHEIN: Well, when the speaker would want to make his deal with the senate after Moscone's election as majority leader, who would he deal with? Would he deal with Burns, would he deal with Moscone? Would he have to deal with them independently? Who could deliver the senate, basically?

Law and Legislation Lobbying

SONG: Actually, the senate today, perhaps, may be more under the

influence of the leadership, and I would assume that's Dave Roberti. But in my time, the leadership were simply titles for all intents and purposes. I don't recall once a pro tem coming to me and asking me to vote one way or the other. You can see which side he favors by the position he may take. Even in the assembly I never really received a direct request from Jesse Unruh. You know where he stands, though.

SONENSHEIN: How would he communicate that, just make a statement or a speech or something?

SONG: Sometimes if he thinks, for example, going back to the days of Jesse Unruh. . . . If Jesse personally thought enough of a particular bill, either for or against, he would stand up and be heard on the floor. But that happened rarely. His efforts would be really behind the scenes.

SONENSHEIN: And would he come in and horse trade? Or are you saying that he would not come and lobby the individual members?

SONG: Yes. He never lobbied me when I was in the assembly because I guess we never had a situation where the vote was so close where he had to come to someone like me.

Negotiations with Reagan

SONG: So he never did. In the senate, as I mentioned earlier in passing, I recall one bill that for some reason Reagan wanted so badly and the senate was in call until about 4:00 A.M. that day, until I got the measure from [William] Bill

Clark, who was Reagan's executive secretary at the time, that it was a deal. So the call was lifted in the senate, the roll call, and I voted for it and we went home. I just was fortunate enough on that particular occasion to be the vote that they needed, and today I can't even recall what the bill was about.

SONENSHEIN: Yes.

SONG: It didn't affect me at all. I think it had something to do with San Francisco, something like this.

SONENSHEIN: So it was not a matter of major interest to you, but of major interest to them.

SONG: Yes. I suppose Reagan was lobbied by certain interests, so he wanted [it]; he felt you needed it. And here I was the villain who was holding it up, because they couldn't possibly get another vote and I was the only one they could. So my friend got appointed to the superior court. [Laughter] So just a deal.

SONENSHEIN: How did they play their hand? Did they let you know how important your vote was? Or did you already know that you were the critical vote?

SONG: I didn't really know how important it was, except the assembly author kept bugging me for my vote. And I just, I sensed after awhile what my position was and that I might be in a situation that I could bargain effectively.

SONENSHEIN: Yes.

SONG: So I hung tight.

SONENSHEIN: What's the etiquette on that? How do you bargain with the governor at that point? How does the conversation go?

SONG: I came right out and said. . . . I was called down to the governor's office and Bill Clark asked me, "What do you want?" And I told him. And so that was it; I went back to the senate floor and tried to get some sleep in the lounge.

SONENSHEIN: How was it reported in the press the next day? Did they have any knowledge that there'd been all the horse trading?

SONG: Nothing in the press. Somebody wrote a book called Ronnie and Jesse, or something or other.¹

SONENSHEIN: Yes, right.

SONG: I understand it's in that book. I don't know how it got in that book. [Laughter]

SONENSHEIN: So Clark was really the . . . I mean, the future Secretary of Interior--that same Bill Clark?

SONG: Yes. Clark was his first executive secretary, I think. No, no, his second. His first, he got bounced because some scandal evolved. You know, being a gay or something or other.

SONENSHEIN: Right.

SONG: And [Edwin] Meese [III] was his third.

SONENSHEIN: So did you deal with Meese . . . because with the Judiciary Committee. . . .

1. Lou Cannon, Ronnie and Jesse: A Political Odyssey. (Garden City, N.Y.: Doubleday, 1969), 303, 305.

SONG: Yes. Really, he was a very low profile guy when he was here. I saw him several times and talked with him on business, but he was formerly the D.A. [district attorney] from that particular county; I don't know what county it was then. [Meese was Alameda County deputy district attorney, 1958-1966.] And, well, he was Reagan's executive secretary. That was about the size of it.

Administrative Procedure and Reagan Administration

SONENSHEIN: Well, who were the key Reagan people, that as a state senator you would have had contact with? Presumably, Clark was one of the critical ones. [Lyn] Nofziger, was he with him at that time?

SONG: No, Nofziger wasn't around the Sacramento scene, although he did work on his election. He appointed [Ed] Reinecke as lieutenant governor. I don't know who transmitted his orders in the senate. There was an ex-senator who he made a lobbyist for the senate. Now, I can't think of his name, but Reagan, as I have indicated initially, thought the legislature was unimportant, he really made no contacts. He'd just come out and make a speech and that's going to be it, you know. I can't recall where his lines of communication were. They certainly weren't with me though.

SONENSHEIN: But it sounds like your view is that he improved his legislative work quite a bit after he realized he couldn't do it by himself.

SONG: Oh, he's a fast learner.

SONENSHEIN: What would, or how did that proceed then? As he learned the job, dealing with the legislature, how did he change? I know you said that he sent photographs and . . .

SONG: Yeah. Playing golf, and giving the pictures, and putting his hand on your shoulders and things like this. The personal touch. And he was great at telling stag stories. Jesus! I've never heard better.

SONENSHEIN: Is that right?

SONG: He could stand for forty-five minutes and tell you stag stories without looking at notes. He's a very personable fellow.

SONENSHEIN: So you feel positively toward him personally . . .

SONG: Yeah. I think most of the guys would rather think positively. We wouldn't agree with him philosophically certainly.

SONENSHEIN: How did they assess his policy skills or how did you assess his skills, sort of beyond his personality? Did you find him capable . . .

SONG: I'm really uncertain about Ronald Reagan, not just the human being but the politician and philosophically I sometimes wonder if I know--if he knows or if he is aware of what's going on. Whether it's Ronald Reagan who selects a guy like Rehnquist, and [Antonin] Scalia, and who really wants to change the course of the [U.S.] Supreme Court, I don't know. He's really a mystery man to me.

- SONENSHEIN: Can you pursue that? What do you mean, more specifically about the mystery.
- SONG: From what I know of Ronald Reagan, his past and so forth . . . at one time president of the Screen Actors Guild . . . reputedly a liberal to some extent. How he can today, and, for example, just backtracking quickly, he signed Tony Beilenson's therapeutic abortion bill. How he can be today, if he really is this inflexible opponent of abortion, this rock-ribbed conservative, I just. . . . It doesn't square with my perception of Ronald Reagan the man, who I knew confessedly and admittedly somewhat superficially.
- SONENSHEIN: Well, how did he come across to you in a different way than the inflexible conservative?
- SONG: He came across to me as a not-solid type of a man with fixed convictions. And I was unaware of what he really stood for, but for some reason I never conceived of him to be a real solid unwavering right-wing conservative. And I'm still confused about it.
- SONENSHEIN: Well, was he open to discussing sort of sophisticated policy issues with the legislators?
- SONG: I never had the opportunity of discussing . . .
- SONENSHEIN: So mostly it was sort of friendly banter, kind of.
- SONG: Yeah. On the occasions I'd go down and see him, always pleasant. On a personable type thing, you know, you'd

score him at pretty much of a ten. But I never had the opportunity of sitting down and discussing anything with him, anything meaningful.

SONENSHEIN: Did it seem like those discussions took place, from your recollections of other legislators? Did people actually have the experience of. . . . Was he unwilling or even unable to discuss those things?

SONG: I don't know. Not with me, certainly--nothing ever. You're sitting behind a picture of that great [California Supreme] Court. Who appointed that chief justice but Ronald Reagan? [Donald R.] Don Wright, you know, he turned out to be a great chief justice here. Why, he would no sooner appoint Don Wright dogcatcher today. You know why? I think he's got different advisers today. The people who advised him to appoint Don Wright, the likes of those advisers are nowhere near the White House.

SONENSHEIN: What sort of people are you thinking of?

SONG: I don't know who these people could be who would induce him to appoint a Rehnquist, who has a history of total disregard for the rights of minorities. Just absolutely total. . . . I don't think Reagan is a guy who's really saying, "I don't give a damn about anybody." I never thought of him like that, although I never thought of him also as a guy who would say, "You know, these poor people have had it tough all their lives and they are going to, you know, get a break under me," or something like that.

SONENSHEIN: So sort of committed . . .

SONG: I don't think that either.

SONENSHEIN: Yes.

SONG: He's just sort of a nonentity in my mind. Strange. But I think he's really a victim of his advisers. Who they are, and how they get to him, I don't know.

SONENSHEIN: So your view of him when you were in the senate was that he was not quite as right-wing, not quite as rigidly conservative, not surrounded by as many of the right-wing advisers, and therefore that came through.

SONG: That's right.

SONENSHEIN: More flexible, more moderate.

SONG: I still don't know. And as an observer now, with the benefit of having had eight years working with him in the Sacramento scene, I still have no real idea what kind of a man he is. Strange.

SONENSHEIN: You mean in terms of his commitments, or just even beyond just knowing that he's a nice and personable . . .

SONG: Oh, his personal commitment's to himself. I know what he is. I don't know if he is really a right-wing conservative, the Jerry Falwell type, as he makes noises and manifests. I don't know. A strange guy.

Analysis and Comparison of California Governors

SONENSHEIN: Did you consider him an effective governor?

SONG: I'd give him like a seven out of a ten.

- SONENSHEIN: And what would you see as the strengths and the weaknesses that would comprise that rating?
- SONG: I think his greatest accomplishment is that the business of the state progressed in a businesslike way. He didn't really, with reference to state government, leave any kind of the same kind of marks that he's apparently trying to leave in the national scene. But he was to me a sort of a nonentity type person. Pat Brown I'd rate as a nice guy. Jerry Brown . . . I agree with certain people, some of his critics. I think he was an odd person. It's too bad. Jerry could have done a hell of a lot more, but he did do quite a bit though in terms of, particularly, the opening of doors for people who had never had a chance before.
- SONENSHEIN: Well, in comparing Reagan to the first Brown, to Pat Brown, how would you assess, since you worked with both of them in the legislature during both times, how would you compare their governorships as you experienced them?
- SONG: Effectiveness is a tough term to write. I think they were both, in their own way, effective. Pat Brown, of course, you feel more nostalgia about him because he was a human type of guy. Whereas Ronald Reagan, in spite of the fact that he smiles very nicely and speaks well, didn't leave me with any lasting impression of a real human being.
- SONENSHEIN: Jerry Brown sounds like you had very mixed feelings about.
- SONG: I don't think Jerry Brown himself knew what the hell he

wanted to be. Maybe he's still groping. But I know one thing, he felt the need to give minorities and women more of a chance and to that extent he did accomplish quite a bit, even to the extent of going too far sometimes. Rose Bird, he didn't have to create that problem, which he did. He could have put her on the [California] Supreme Court and however distasteful that may have been to many people, you know, they couldn't be opposing her like they do today.

SONENSHEIN: You mean in the decision to make her chief justice, rather than a justice?

SONG: Yes. I don't think she'd make a . . .

VI. ALFRED H. SONG AND LEGISLATION AUTHORSHIP

State Senate Judiciary Committee

SONENSHEIN: Now, you became chairman of the Senate Judiciary Committee then in 1971. Is that right?

SONG: Yes.

SONENSHEIN: So you would have been reviewing all the supreme court nominees of the governor?

SONG: Yes. When Rose Bird was appointed at that time, I was being pushed by a number of people.

SONENSHEIN: You were being pushed for the court?

SONG: For the court.

SONENSHEIN: Oh.

SONG: In fact, George Moscone was pushing me at the time. He was majority leader. He wrote a long letter--I could get a copy around--to Jerry Brown to make me chief justice.

SONENSHEIN: What happened? I mean, how did that take the turn? No response at all?

SONG: Nothing. Well, when a governor is confronted with something like that, for the chief justice, he may have received a couple of thousand recommendations, he'd have to. . . .

SONENSHEIN: Yes. Now, did you get any of the nominees of the Reagan administration while you were chairman of the Judiciary Committee? Were there any nominations in that period?

SONG: No. I didn't seek anything at the time.

SONENSHEIN: No, I mean as far as the review. Were there nominations of the Reagan administration to any of the courts that passed through your committee during the interim?

SONG: No. They never go through the Senate Judiciary Committee.

SONENSHEIN: OK. They do not pass through that committee.

SONG: Not like the U.S. Senate.

SONENSHEIN: OK.

SONG: We wanted that. In fact, I tried to get our rules changed so that they'd come through the Senate Judiciary Committee.

SONENSHEIN: What was the actual procedure?

SONG: Judicial nominees never went through the legislature like they do in the U.S. Congress.¹

SONENSHEIN: Oh, I see.

1. Nominees are confirmed by the backing of two of the three ex officio members of the Judicial Review Panel.

relating to the judiciary, to attorneys, and to bills like abortion--a lot of social legislation: the right to die, and so forth--go to Senate Judiciary. It's an extremely difficult committee to preside over. It's a terribly busy committee. We may have an agenda, say, of forty to sixty bills and try to hear that all in one day, very difficult, but I really liked that because I found it challenging and the subject matter being where most of my interests lie.

SONENSHEIN: Let's go back then to some of the policy interests that you and I had talked about over the telephone that sort of guided your work and some of the legislation that came out of that. We've already talked a little bit about the voter challenge bill. Consumer protection was a major area of your interest and also the Evidence Code. Why don't we start with the Evidence Code and maybe trace back how you got interested in the situation and then what developed from there.

California Evidence Law Code

SONG: Well, the Evidence Code, as I have mentioned, Raphe, was a product of the California Law Revision Commission. It was the culmination of a seven-year effort. Prior to that time, of course, there was no Evidence Code in California and it was necessary at the time when the attorneys or the judges wanted to make reference to a particular rule of law, say, relating to the admissibility of any kind of

particular evidence, that they'd have to go to whatever authority that may exist--that may have existed at the time--a particular case, a particular section of a law in one of the codes. So this was an effort to get together all of the rules of evidence and to codify them into an Evidence Code. For the lawyer and for the judge, of course, it's a daily working instrument. I guess you can refer to it loosely as "The Bible of Courtroom Procedure." So this was finally done by the Law Revision Commission and, as the assembly member--and Jim Cobey was the senate member--each of us was privileged at the time to introduce this entire package of the proposed Evidence Code. I introduced mine in the assembly and it was numbered Assembly Bill 333. I had something to do with selecting that number, [Laughter] looking for available numbers at the time. Jim Cobey introduced his in the senate. And so we both started in our respective houses, trying to get the bill heard, dealing with the objections and so forth. And the objections were multitudinous, because you're dealing with a whole code. All kinds of interest groups who have some kind of an interest in it, of course, insisted upon being heard.

SONENSHEIN: What sort of groups might these be?

SONG: Well, take the newspapers for example. The California Publishers Association were quite concerned about an

evidentiary law called "Newsman's Privilege": what newsmen may be forced to disclose in a court and what they may not. And this, of course, is something that's been a controversial subject for years and years, not only in California but every jurisdiction in the United States. The question being, what information can a newsman not be compelled to disclose. For example, the identity of an informant, things like this. So that was one very controversial proposed section of this proposed code. And a number of other special interests, you find contractors, the defense counsel, prosecutors, all having their own particular position: wanting the Evidence Code to say this instead of that to favor their interests during the course of a trial.

SONENSHEIN: But to whom would they bring their objections?

SONG: To the committee, and directed, of course, to the chairman, and also to me as the author of the bill.

SONENSHEIN: So they would contact you directly, and you'd have to be familiar with a fairly large number of the provisions.

SONG: Yes. Of course, I had a staff working with me and that was the Law Revision Commission staff. For while a member of the assembly, of course, I had no personal staff to speak of.

SONENSHEIN: Right.

SONG: And we had to work that. It took months to get the bill

out of the assembly and somehow or other Jim Cobey on the senate side, his bill got derailed somehow or other, so it was my bill--the assembly bill--that went all the way in and out of the assembly, in and out of the senate, and then finally to the governor for signature. So it was Pat Brown who signed Assembly Bill 333 into law. And it was tombstoned the Cobey-Song Evidence Act. And Jim Cobey talked me into accepting his name as the first because he said, I think, and of course, I was the victim of a "con" job. He said the senate name should appear first. See, we were tombstoning, that is, naming it after the authors.

SONENSHEIN: Yes. That's called tombstoning.

SONG: Yes.

SONENSHEIN: OK, that's a term I've never heard.

SONG: So it was tombstoned the Cobey-Song Evidence Act. I notice today that the publishers have long forgotten that. They don't tombstone it anymore. It's called "The Evidence Act."

SONENSHEIN: Oh.

SONG: So that is something, as I have indicated, [that] was a fortuitous blessing for me: ending up as the author of the California Evidence Code. And I say "author" advisedly, of course.

SONENSHEIN: Yes.

Consumer Protection

SONG: The consumer type thing was the Song-Beverly Consumer

Warranty Act; and I'm not sure as of today whether this is the only consumer warranty protection act in the entire United States. But at the time of the enactment of the Song-Beverly Act, it was, and for some years thereafter. Beverly, of course, is Robert G. Beverly of the senate, who is presently in the senate. The reason I added his name is because I was a little apprehensive about Ronald Reagan vetoing the bill. The bill at the time was rather hotly opposed by the California retailers, the California manufacturers; and I thought surely Governor Reagan will veto this, to hell with the consumer. And so I thought perhaps it might help if I put a Republican name on the bill, and this is how I happened to put Bob Beverly's name on it. Of course, he consented. He had voted for the bill. Bob, I would classify him as a moderate Republican. And this is how it became the Song-Beverly Consumer Warranty Act.¹ This was also written up in the Santa Clara Law Review as the leading consumer protection legislation in California, if not the United States.

SONENSHEIN: Could we go back to the background of how this issue came to be of interest to you and then how the bill developed and the opposition and support, whatever.

SONG: The bill developed because of numerous and unending

1. Calif. Stats. 1970, ch. 1333, originally S.B. 272.

constituent complaints about warranties. People would buy, for example, washing machines, refrigerators, television sets, or radios and they would find that the warranties that accompanied the sale of the product in effect were meaningless. And so the bill was an effort to make the written warranty say, do what they purported to say that they would do by defining what warranties were, what they had to do, who it applied to, what the sanctions were for failing to comply, and so forth and so on. And so it, in effect, tightened up the procedure, clarified what warranties were, and clarified and specified what the negative sanctions would be in the event of noncompliance. So the state administration, following the enactment of that bill, did come out with certain consumer protection agencies and departments and offices, for example, the auto repair enforcement agencies and things like this. So that was a meaningful step forward in terms of consumer protection. A related bill that I introduced, again for the same reason, was the Song-Beverly Credit Card Act.¹ And here again I put Bob Beverly's name in because the credit card companies all opposed the bill. And Reagan signed that one also.

SONENSHEIN: Now, before the addition of Beverly to either of these

1. Calif. Stats. 1971, ch. 1019.

bills was the Reagan administration opposed to these pieces of legislation? Or had they not stated their position?

SONG: They didn't take a position.

SONENSHEIN: But it's your guess that they would have been opposed?

SONG: Certainly, because when you have the manufacturers and the retailers opposing the bill, I would assume that Ronald Reagan's administration likewise would be more sympathetic to their positions than to the position of the Consumer Union or anything like that.

SONENSHEIN: Now, you indicated that when you first got to the legislature, you threw a lot of bills onto the hopper and didn't know your way around and those bills died. And clearly quite a bit had changed, such that now when you introduced major legislation it was working. What had changed? What sort of different techniques were you now using as a legislator?

SONG: I think there were two basic elements there: knowledge of the process, which is extremely important. A newcomer to the legislative scene, of course, is without this particular thing, unless he's been a staffer before. It's my understanding that today you find a number, an appreciable number of former staff members who run for office and are serving. So they've had that benefit of some awareness of the legislative process. In fact, certain staff members probably know more than the members

they serve. And secondly, by being a member, and becoming acquainted with the other legislators and the administration, that also helps. Because you have to know the subject matter and you have to know the people who vote on it. Those are the two important things, of course.

[End of Session 1, August 18, 1986]

[Session 2, August 19, 1986]

SONENSHEIN: OK, what I would like today is start off with some questions about legislative areas we haven't discussed so far. One of the most interesting ones that I've found is about your work with acupuncture and some alternative medical rules that you came up with in the legislature. Could you start by discussing that with us?

Acupuncture Law and Legislation

SONG: At that time, acupuncture, of course, had not been quote legalized, end quote, in California, except perhaps it might have been on rare instances, being a modality of treatment that had been utilized by a recognized licensee, like a medical doctor or a dentist. Of course, that was, I would imagine, quite rare. But the practitioners apparently began to emerge in California at that time, and they wanted to be able to go ahead and practice acupuncture. I recall being approached by several individuals and today I can't recall exactly who they are because my recollection's somewhat dimmed by the passage of time. And they wanted acupuncture, of course, to be legalized. So I started working on it in close concert with Gordon Duffy, a Republican assemblyman who was also interested in this particular subject. Gordon was an optometrist before he was elected to the state assembly, where he served, I think, about sixteen years before he

retired and was appointed Air Resources Secretary by Governor [George] Deukmejian. So Gordon and I worked on it. We started working on a particular bill. Now, I don't know whether it ended up with Gordon introducing the bill or whether I did. But he worked the assembly and I the senate. And what we were able to come out with was a compromise measure. It was necessary to secure the consent of the California Medical Association.

SONENSHEIN: What was their attitude toward that?

SONG: Very unencouraging. But they finally agreed to an acupuncture bill that required a referral or a prescription from a medical doctor or a dentist. The dentists apparently get carried along in these things. So we finally got that bill with the medical society's opposition removed. We got the bill out. And today, as then, the acupuncturists come under the umbrella of the Board of Medical Quality Assurance. Then, I think, it used to be called the Board of Medical Examiners.

SONENSHEIN: Now, previous to your bill, were there any state requirements to be an acupuncturist?

SONG: Absolutely nothing. Acupuncture was something not recognized in California.

SONENSHEIN: So they were also, therefore, not licensed and did not have to meet any test of any kind.

SONG: That's right. So anyone who sought to treat any patient

with acupuncture was actually violating the state law. No one can treat a human for any illnesses or disabilities or anything, unless licensed by the state.

SONENSHEIN: Had anyone been arrested under this, or cited, or anything like that?

SONG: Not to my knowledge. Not to my knowledge. And the acupuncturists have slowly developed since that time. That was a beginning. Shortly after the bill was enacted, it became a sort of a fad-type thing. I recall reading in Beverly Hills, some of these medical practitioners, the more flamboyant ones who would employ an acupuncturist and put him on his staff, so that the M.D. could charge fancier fees. What he would have to do is have the acupuncturist mark on the skin of a patient where the needle should be inserted, with a pencil or pen. And here would come the M.D. and stick the needles in himself. Well, the thing has gradually progressed. Today, no prescription is necessary. An acupuncturist takes patients on his own and he can go ahead and provide whatever treatment he designs or determines should be provided for the patient.

SONENSHEIN: Do they need to meet any professional standards today?

SONG: There is an acupuncturists' examining committee, or something like that, and it's principally if not entirely--and I'm not sure what the situation is today--but to the best of my knowledge, it is still just an oral

examination and a demonstration before an acupuncture advisory examining committee. When my bill was first enacted, or the first bill in acupuncture, it provided for an acupuncture advisory committee to the Board of Medical Quality Assurance, and this body conducted the examinations. So today, while still under the province of the Board of Medical Quality Assurance, there's a separate acupuncturist examining committee. It has its own executive secretary, investigators, and so forth and so on.

SONENSHEIN: Were you lobbied or visited by the members of the acupuncture profession?

SONG: Oh, yes.

SONENSHEIN: How did they appear and how did they present themselves? They must have been fairly new to dealing with government officials, right?

SONG: [Laughter] Yes, I was a principal speaker before a number of acupuncturist organizations on a number of occasions. Of course, it was just a fledgling type of thing, and none of them were too affluent. So, of course, money was not the objective. I believed that acupuncture could do some good. After all, it has been a method of treatment in China, for example, for many, many hundreds of years. To prohibit that simply didn't make sense to me. So there were a number of incidents, of course. One rather amusing one that I recall is, I received through the mail an

invitation to appear before a group in San Francisco that wanted to give me an honorary doctorate of philosophy degree in Oriental medicine. So I said, "What the hell?" [Laughter] My staff arranged it. I don't know whether Simon Haines or Dick Thomason was with me at the time. Probably Simon. So I journeyed to San Francisco and I found these so-called Chinese people, who are in this college--some kind of college of Oriental medicine in San Francisco. They're all Caucasians, dressed in Chinese costumes. [Laughter] A couple of them had mustaches that reminded me of this character Dr. Fu Manchu. So we had photographs taken, and so forth.

SONENSHEIN: Of course no one would believe it without a photograph.

SONG: They gave me a huge certificate. Ye gods, it must have been about two by three or something. I was awarded the honorary degree of Ph.D. in Oriental Medicine.

SONENSHEIN: That's wonderful.

SONG: Today, I wish I had kept it just as a memento.

SONENSHEIN: Oh, you no longer have it?

SONG: Oh, it all went into the trash can with Ronald Reagan's picture. [Laughter]

[End Tape 2, Side A]

[Begin Tape 2, Side B]

SONENSHEIN: Well, that is wonderful. How did your fellow legislators feel about this? They must have thought it was rather. . . .

SONG: Most of them, most of them had no feelings. In so many instances--and this is part of the legislative process, I have found--the individual legislators have either very little knowledge of, or very little awareness of, or it's just a subject that's unimportant to them. And they'll go with the wind, so to speak. And this is why it's so very important, a very important, essential part of the legislative process: the friendships and "brownie" points, and so forth, that a legislator over the years develops. And of second importance, of course, would be the lobbyists. So here, if this is a typical situation where a legislator generally has no particular feelings, a situation where the average legislator has no particular interest in this kind of a bill, so this would be a situation where if an influential lobbyist would come in and say, "We don't like the bill," they'd have no compunctions in voting against it. However, if it's a bill that's being carried by one of their colleagues in the legislature, who sort of commands respect, then, of course, some of the legislators might have a sort of a problem.

SONENSHEIN: Well, now in this case, there was obviously a very strong lobbying organization against it. The acupuncture association had a very weak lobbying organization in favor. Now how did that happen?

SONG: I would say, without any hesitancy, that the medical

association lobby is one of the most influential in Sacramento and that it could easily have killed this bill, simply because the proponents of the bill--those who wanted to be licensed acupuncturists--had no clout. They'd made no contributions. How could they possibly compete with the medical association, which is one of the most generous lobbying efforts in Sacramento?

SONENSHEIN: Yes. So how did it happen in that sense? How were they able to overcome that situation?

SONG: Now, here again, I have to attribute this to the stature of the legislators who were carrying the bill. Between Gordon [Duffy] and myself, we were both friendly with the medical association lobbyists. And being on a very, very friendly first-name basis--I remember the lobbyist at the time was Paul Brown, who is now deceased--and this probably is the kind of dialogue that takes place at Frank Fat's over a drink: "Paul, what the hell are you opposing this goddamned bill for? It's not going to take any money out of your clients' pockets. Maybe it'll enhance that." And blah, blah, blah. It was just kind of informal dialogues. Conversation would take place between legislators and lobbyists, in those days.

SONENSHEIN: Now, was the lobbyist in the position to substantively talk to you or only to convey what you were saying to his principals back at the association? Could he actually negotiate with you on the substantive aspects?

- SONG: In this particular instance, yes. So it would depend, number one, upon the kind of interest and, number two, the representative or the advocate or lobbyists.
- SONENSHEIN: But in this case he was able to make sure this won't kill us either way?
- SONG: Yes, he was. This really was just a pocketbook type issue. Not dealing with any technical phase of the medical practice or anything like this, so the lobbyist was empowered to negotiate. And, frankly, I can't see how any medical doctor could have opposed this. And the lobbyist, I think, was able to assuage their fears without any problem at all.
- SONENSHEIN: Because you were their friend already, they were able to not feel that you were an enemy that they had to worry about on this and they could go ahead and deal with the open . . .
- SONG: That's true. Here again is another instance of the importance of the legislator as an individual: his experience, his knowledge, his stature versus the lobbyist and how effective he is and how close to the power structure he may be in his particular interest group that he represents.
- SONENSHEIN: Well, in this case, both were in that position.
- SONG: That's correct. And I think this likewise applies to the consumer warranty bill that I carried, which ended up as

the Song-Beverly Consumer Protection Act. I was on very friendly terms with the California Manufacturers Association lobbyist, and likewise with the California Retailers Association. And between those two very important lobbyists, and my staff and myself, we were able to negotiate a bill that was acceptable to them. Still coming out with a bill that was "first of a kind," if you can so refer to it, in the nation. I recall receiving communication from Washington, D. C. Then Senator Warren Magnuson of the U.S. Senate, from the state of Washington, wanted me to come out and testify on a possible federal bill that was to be patterned after the Song-Beverly Consumers Act. It never came to pass.

SONENSHEIN: The testimony never came to pass or the bill?

SONG: I'm not sure whether the bill had in fact been introduced. I think not. What he was thinking about was possibly going ahead and introducing it. But I get the impression that somehow or other he was dissuaded from doing so. I imagine the manufacturers' lobby on the federal level would be that much bigger.

SONENSHEIN: Oh, yes.

SONG: Although they had to give up in California.

Legislative Leadership and Political Planning

SONENSHEIN: I notice that in a lot of your legislation, successful legislation, you coauthor your bills with a Republican.

Would you comment on this? At the federal level that would not be quite as likely. Is that your own approach, or was that fairly common in the California legislature when you were there to cross party lines that way?

SONG: I would say that it was somewhat uncommon, particularly in a bill that's a special, personal type of an approach to begin with. I did it, as I have indicated previously, because of my constituent complaints and I thought that this might be the solution to at least relieving some of the problems here--some of the more blatant problems. But just as a practical matter, I wanted Bob Beverly in on it simply to. . . . Perhaps anticipating a possible veto by then Governor Ronald Reagan--by putting a Republican on the bill. Now whether or not that was the reason for a nonveto, of course, I don't know.

SONENSHEIN: Apparently it may have also helped with the lobbyists as well. It would seem with the Duffy case that the bipartisan . . . did it illustrate bipartisan support to the lobbyists in some way? I'm just guessing.

SONG: Yes. It may be a factor. Yes, here again, how can we measure that?

SONENSHEIN: Maybe not, how could we know? Did your partisan colleagues ever get irritated at your introducing stuff with a Republican coauthor instead of a Democrat, especially on popular things like a consumer protection thing?

SONG: If that is the situation, none was ever expressed to me. Here again, some legislators are fortunate, and I consider myself to be included among them, to have developed some kind of a reputation for--I don't know exactly how to phrase this--genuine concern for whatever the problem may be that the legislation is intended to either improve or relieve or so forth and so on. I suppose you could refer to that as integrity or some kind of reputation. It's a matter of personal stature, I guess. I never had the opportunity of really taking in a lot of money. In fact, I was just reading in today's [Sacramento] Bee about in Dan Walter's column. I have it here if you want to see it. About the departure of Alister McAlister from the assembly. He chaired the Assembly Finance and Insurance Committee, supposedly the best money committee in the legislature. For many years Dan Walters and others have without exception extolled the virtues of Alister McAlister: the honest man. But here he is serving on the committee that guarantees a generous campaign war chest for all of the members. But I've never had that opportunity. I never served on a "juice" committee, a money committee, and never asked to serve on one. I was busy enough with my committee assignments, particularly Senate Judiciary, and that kept me very busy. That's all I wanted to do.

Political Questions of Judicial Power

SONENSHEIN: Yes. Along the lines of your judiciary committee membership that brought you onto the Judicial Council, could you address how you got on the Judicial Council, what the council does, and what your role was on that?

SONG: The Judicial Council is chaired by the chief justice of the state of California. And it's composed of, I think this is spelled out in the state constitution, so many appellate justices and so many superior court and municipal court judges and one or two justices of the peace. A certain prescribed number of members of the State Bar of California, one assemblyman and one member of the state senate. So it was my privilege to serve on that body for, I think, roughly about seven years.

SONENSHEIN: Now, what years would those be?

SONG: From 1971 to 1978.

SONENSHEIN: Now was that ex officio? Were you automatically on the council by being chairman of the committee, or were you appointed by . . .

SONG: I was appointed by the Senate Rules Committee, but I think it usually was an appointment reserved for the chairman of the Senate Judiciary Committee. I think prior to my being appointed to that, [Donald L.] Don Grunsky, who is retired and a Republican who chaired the Senate Judiciary Committee, was a member of the Judicial Council. This is

the body, of course, that was in charge, the administrative body for the administration of the court system in the state of California. For example, court rules, or rules of the court are promulgated by the Judicial Council and shortly before I left the council was preoccupied at the time with designing and devising certain official court forms that were to be used. And that apparently has just progressed to the point where now the average practitioner is faced with a plethora of court forms. In the old days, I remember an important course in law school was called "Code Pleading." We had to, you know, work out our own pleadings for the various types of civil cases. Today it's all a matter of forms, where you just go ahead and check certain squares and things like that. Perhaps it's just as well, I don't know.

SONENSHEIN: The original idea was to streamline and standardize the process.

SONG: That's correct, yes. And, in effect, it just simplified in one respect the responsibilities of a practitioner of the law, and some others made it a hell of a lot more inconvenient. You have much more filing space for the hundreds of forms that they have to deal with now. But so much of the practice of law is just fiction anyway. For example, divorce. For so many years in California one could get a divorce only if you could prove to the court

that the other, your wife or husband, was guilty, say, of mental cruelty or adultery or other things like this. Of course, that's all been eliminated with a bill that Don Grunsky carried while we were both serving in the senate. And today it's so-called no fault divorce. So if you just simply go to court and say that you and your wife or husband have irreconcilable differences, and that's said, you get a divorce. I suppose that's much more honest.

SONENSHEIN: Yes.

SONG: But one thing that's bothered me for some reason, and perhaps I'm old-fashioned in this respect and I've inherited from my parents this kind of thinking, the ratio of divorces in the state of California, I think, exceed the number of marriages. And on, and on. That, of course, doesn't include out-of-state divorces and things like that. So I've seen some pretty revolutionary type changes in legal philosophy in the state during my time.

SONENSHEIN: Now, for a new idea like that to come through, say, something like no-fault divorce, would the Judicial Council have played a role or is that strictly the legislature that way? Would the council be someone to present new ideas that the legislature might pick up on, or just internal . . .

SONG: Yes. To answer your question, definitely no. The Judicial Council never got involved as far as I recall in any

philosophical change of the law. The Judicial Council was strictly a nuts and bolts, day-to-day operation of the court system. If a particular court is becoming overwhelmed with work and unable to produce its expected amount of work, then it would be the Judicial Council that would conduct a study and then make a recommendation to the legislature that another court should be added or things of that kind.

SONENSHEIN: Oh. Did you enjoy working with the council? Was that kind of a diversion or interesting or what did you think of that?

SONG: I found it interesting, but really just nominally. It was, as I have indicated, just a nuts and bolts, day-to-day operation of the court system and it was nothing innovative, except for the designing of the various printed forms. But, oh, another thing they'd be concerned about would be the disciplining of an errant, wayward judge, or things like this.

SONENSHEIN: Oh. Would the judge have to appear before the council?

SONG: Not the council itself. A separate commission had been created. I think, I'm not too sure, but I think on a constitutional basis and that is . . .

SONENSHEIN: The [Commission on] Judicial Performance?

SONG: Yes. Judicial Performance.

SONENSHEIN: Oh, I see. OK. Now I know that one of the main areas of your interest was court reorganization, when you were in

the senate. Now, that seems like a pretty big area. I don't know much about how that turned out or what your interests were. But court reorganization . . . could you talk a little bit about your programs there?

SONG: Basically in California we have a two-court trial system. We have the municipal court and superior court. For civil jurisdiction, municipal court's jurisdiction would be involving money up to but not to exceed a certain amount. During my time, I think it was \$5,000. It's gone up and up, simply because the superior court calendar has just become overwhelming. So I think civilly now, the jurisdictional limit of a municipal court has gone up to \$15,000. Criminally, the municipal court, the jurisdiction thereof has not changed. All of the minor crimes, including all misdemeanors, and, perhaps, even certain felonies provided, and this is the dividing line with a municipal court's criminal jurisdiction, providing the maximum penalty in a criminal case that could be imposed would be county jail. If the judge can impose the death penalty or a state prison sentence, that's a felony and that goes to the superior court. And in a superior court, of course, the monetary jurisdiction would be unlimited: \$15,000 and up.

So what we have is this continuing problem of trying to determine why, in a certain court, for example--usually

it's the superior court--things are so slow. For example, in Los Angeles County, I think the situation is even worse. During my time, there was a wait, once a civil action is filed. For example, in superior court of Los Angeles County, a wait for at least three years before the date of trial. And during that three-year period, of course, witnesses' memories would dim, witnesses would disappear, and things like this. Of course, there are other ways of perpetuating testimony by way of deposition and so forth; but, all in all, it's very undesirable to wait three to four years to go to trial. And the superior court calendar so frequently is unnecessarily congested simply because an attorney will file a lawsuit asking for \$100,000 when the lawsuit isn't worth more than \$2,000. But simply because of the prayer of the amount sought, he'd be filing in the superior court. So the superior court's civil calendar just became impossible.

Then another thing that has really created a logjam in our criminal courts, both in superior and municipal, certain judgments and orders of the U.S. Supreme Court, particularly under the [Chief Justice Earl] Warren Court: the Miranda Rule, and Escobedo, and, you know, cases of this kind. So this court reorganization was by way of a joint committee, which I chaired--joint committee, of course, is composed of members from both houses--was, what

could be done in the trial courts to somehow relieve the congestion problem.

SONENSHEIN: Now, what year would we be talking about here?

SONG: My recollection is bad in this respect. I had a commission. We had a joint committee composed of members and then I as a chairman composed an advisory commission composed of judges and lay people who were interested in law. It was a sizeable committee and Blair Reynolds acted as the consultant to that joint committee.

SONENSHEIN: It's one of the names that you . . .

SONG: Yes. Blair is presently the general counsel for the California Bankers Association. My guess, and I'm really guessing, would be the early seventies. And the ultimate recommendation of the commission, which the joint committee adopted, was the unification of the trial courts. Here we had a problem with the judges themselves. Superior court judges were opposed to this. They were quite obstinate about it. And the muni court judges wanted it.

SONENSHEIN: So it would have merged those two levels.

SONG: Merged the two courts and in effect eliminated the muni court because it was, as far as I, we were able to see then--and I still believe this--an artificial barrier. Because, as I've indicated, the unnecessary accumulation of superior court civil cases, which really belong in the municipal court.

[Interruption]

SONENSHEIN: OK, now, where were we? We were talking about the court reorganization and about the plan that was put forward by the commission and then ran into some trouble.

SONG: Yes. I was commenting on the reactions of the judges. Superior court judges, without exception, were opposed to court unification. However, you may talk about the virtues of unification, efficiency, economy, and so forth and so on, relieving court congestion. It seems to me, it's so obvious, that this was an artificial distinction, but the superior court judges felt that they were much superior to the municipal court judges [Laughter] and the muni court judges, again without exception, wanted to be called superior judges.

SONENSHEIN: So did they both come up and lobby?

SONG: Oh, yes. And what they'd do is lobby their own legislators. And this is the way it . . . this kind of nonspecial interest. When I say special interest, like the medical society or contractors, or whatever it is, with their paid lobbyists. Now this is an issue where there was no paid lobbyist, so to speak, but the various judges who generally command the respect of their respective legislators. So the bill was dead going in. No matter how hard I tried, and recognizing this, you know, you don't go to one of your colleagues and really try to bend an arm,

because, what for? He's never going to do it anyway. He wants to be friendly with his judges in his district. So one compromise we tried to sell to the superior court judges, because they were our problem in this court unification battle.

SONENSHEIN: They were the only real opposition to it.

SONG: The only real opposition, and what a substantive opposition that was: just insurmountable. It's hard to believe, isn't it, that judges can be so effective. Because judges normally command a lot of respect in their various communities. Well, we thought of a two-tiered superior court based on the number of years that the judge had been a judge.

SONENSHEIN: So at least they could be different somehow.

SONG: That's right. They're all called superior court judges, but the superior [court] judges would not bend.
[Laughter] And so that was the end of the effort.

SONENSHEIN: They killed the whole proposal?

SONG: They just killed it. I didn't have the votes so why even . . . I'm not even sure they put a bill in, but I may have put a bill in.

SONENSHEIN: That never came to a vote.

SONG: Yes. Never did. Yes, I can tell who on the committee is going to go for it; and if I had one vote other than myself, I just wasn't aware of it. And this wasn't the

kind of a bill where I would go, or any legislator would go out and attempt to induce his colleagues to vote for because for what? You know, I'd have to give up things, too, for this. Yes, one can be for efficiency and economy, but not if it's not going to help him personally.

SONENSHEIN: Right. So did you produce a report that is still available or did the commission produce a report then?

SONG: We did issue a rather lengthy report. I have no further copies of it. If anyone knows about it, it would be Blair Reynolds or the archives. It was a study of the joint committee on court unification.

SONENSHEIN: Did you select the members of the joint committee yourself?

SONG: Yes, I did. It was entirely my province as the chairman to do that.

SONENSHEIN: So you decided you were interested in this issue. How did you go ahead? I mean, it's interesting to me that in the legislature you could simply promote your issue and collect the people and put together the committee that you need to go through: the pro tem, or the majority leader.

SONG: A joint committee, of course, would require the consent of the Senate Rules Committee and of the assembly speaker. The Assembly Rules Committee is just another extension of the speaker, of course. And usually there's no problem. It depends on who, again, is asking for what. I, as the chairman of Senate Judiciary [Committee]--and this is an

acknowledged problem in the legislative process and particularly in the judicial circles--so when I came out and said, "I'm going to create, or I'd like to create a joint committee for the purpose of studying court unification," of course, there was no problem at all. So it was a matter of my persuading the pro tem and the speaker to approve an allocation of so much money for staff expense and so forth and so on. And the various commission members, their travel expenses and per diems. We had meetings, as I recall, at least in Los Angeles and in Sacramento. Perhaps in other areas, too, which could be a day's meeting, or two days, or for three days--a weekend or something like this. And the state, of course, would have to pay the travel and per diem of all of the commission members.

SONENSHEIN: So what would you say this whole thing cost?

Marshals versus Sheriffs

SONG: I have no idea. Blair Reynolds might be able to give you an educated guess on that. I appointed as chairman of this commission then Associate Justice Jim Cobey of the District Court of Appeals, former member of the state senate. He has retired sometime ago. Another subject that we engaged in, in conjunction with that court unification, was a merger of the sheriff's and marshal's departments. The marshal is a statutory creation and generally the

jurisdiction of a marshal as defined in statute, the enabling statute, is to act as bailiffs in the municipal courts and to serve process, civil process. And so it's another function that's a duplicating process. Under the law, and I'm not sure if this is statutory or constitutional in origin, but the sheriff acts as a bailiff in the superior court and also serves process. In Sacramento, for the very first time, a year ago the marshal was merged into the sheriff's office and, in effect, eliminated. So that duplication of process in Sacramento County has been eliminated. The marshal was taken into the sheriff's department. He has become a chief deputy, or something like this, in the sheriff's department.

SONENSHEIN: And this is one of your original proposals of the commission?

SONG: Well, it's the only merger that has taken place, but strictly on the initiative vote--the people in Sacramento. Not because of the merger bill, because that never went through.

SONENSHEIN: Right.

SONG: In that particular instance, though, and speaking with all possible candor, personally I really had no particular interest. Certainly it was not as efficient to have both the marshals and the sheriff in any particular county; but, I happened to be a friend of the marshals, so I personally

resisted any merger effort, although the effort continued. It seemed, almost every session someone would put a bill in to, in effect, eliminate the marshals by merging them into the sheriff's department.

SONENSHEIN: And you were a defender of the marshals.

SONG: I was a friend of the marshals. [Laughter]

SONENSHEIN: It is remarkable that even within the court system there's all these subgroups, each of which has a little area to protect--the superior court judges, the marshals.

SONG: That's true. Now here again, I think there was evidence of my hypocrisy. [Laughter] I wasn't overly concerned about efficiency and economy because the marshals were my friend. They were great to us. In Los Angeles County, their wings were clipped on more than one occasion by the [Los Angeles] County Board of Supervisors, and, of course, that is the county in terms of money and personnel. They've absolutely forbidden the marshal's office from coming to Sacramento and doing any lobbying. So the way the marshal's deputies do, they go on leave and come here on their own expenses, which, of course, would be expenses paid for by their marshals' association. But they can't come up here otherwise while they're on duty as the sheriffs do, the district attorneys do.

SONENSHEIN: The sheriffs can come up while they're on duty and lobby?

SONG: That's right. In other words, they've never been forbidden

to do any lobbying. And the district attorneys appear regularly before the judiciary committees, obviously always seeking stiffer penalties.

SONENSHEIN: So it makes a great deal of difference whether or not you can do that on company time, doesn't it, in terms of your advantages.

SONG: It sure can, yes. And the marshals are great. Somehow or other they manage. And the fact that they're the underdogs, I suppose, did appeal to me. And the fact that they're a bunch of nice guys. So here, forget the economy, why, I'm with the marshals and the sheriffs knew that, so I think for a number of years I was the marshals' protector here in Sacramento.

SONENSHEIN: Very interesting.

SONG: But that's the human aspect of it, I guess. It just wasn't that important to me. Although if I was a strict dollars and cents man and really dedicated to the concept of economy, I think there would have been no choice on my part. So basically, while I am, obviously I was willing to make exceptions for my friends.

SONENSHEIN: Yes. Well, that's certainly honest. What about medical malpractice?

Medical Personnel Malpractice

SONG: Well, that came to the fore, of course, during, I think, the early or mid-seventies and started from some pretty

substantial verdicts against medical doctors. I think it started right here in Sacramento. There was an M.D. named Dr. Nork, who found himself being sued by a number of former patients. And some of the verdicts were just horrendous from their point of view, running into the millions of dollars. And that's when the malpractice verdicts, the malpractice insurance started becoming just totally beyond control. So the California Medical Association, CMA, which I described previously--it's one of the most potent and influential lobby groups in Sacramento--came to the legislature seeking some kind of legislative relief. They were given this relief because they were able to demonstrate without too much trouble that the average medical doctor simply could not, if this trend continued, afford to pay for malpractice insurance. And many of them still can't. You take an ophthalmologist, for example. Of course, the situation has not improved since my departure from the senate in 1978, but they pay today on the average a minimum of \$40,000 per year for malpractice coverage. You may have read about certain obstetricians who've simply gone out of business because they simply cannot afford to pay for malpractice insurance. And the way the legislature tried to grant them relief: we couldn't obviously put a cap on the premiums, but we put a cap on the recovery. So much for pain and suffering, you

cannot exceed that, and so forth and so on. I have forgotten the limits, but I think generally that was the approach: putting a limit on the amount of recovery. There was a big contest now between two very powerful lobbying groups: the California Medical Association and the California Trial Lawyers Association. That was a direct banging of the heads there.

SONENSHEIN: What was your role in this and how did this all . . . How did you experience all this?

SONG: Well, here I am now, caught between two very influential groups that I am friendly with on a personal basis. But what persuaded me here was just plain old common sense, I think. I can see the problems of the medical doctor; and his problems, of course, are reflected upon whatever a medical doctor can do for the patient, for the average Mr. and Mrs. John Doe. So for that reason, I was able to convince myself that the medical doctors really needed this relief. It was a genuine need, and so I was able to go with them. My staff, of course, did an exhaustive study of this subject.

SONENSHEIN: Now, was this under one of your committees, or were you the lead legislator in this, or what was your . . .

SONG: I was not the lead legislator. I didn't want to be. But it did go through the Senate Judiciary Committee.

SONENSHEIN: Oh, it went through the Judiciary Committee?

SONG: Yes. The Judiciary Committee, for some reason, was assigned most of the vital issues of the day type bills, like the right to die bill, for example. What was the name of this patient? Kathy [Karen] Quinlan, who I understand finally passed away after ten, fifteen or more years, who was a mere shadow of herself. Even after they had "pulled the plug" so to speak, she continued to live for years. But when she died, she was about sixty pounds. Just continued to vegetate for years and years . . . it was strange. So the California legislature finally approved some kind of a bill making it possible to pull the plug. But no one, even with that legislation, ever wanted to assume that responsibility, as I have observed from my reading of certain cases and the news media. Even with that Kathy [Karen] Quinlan bill, the right to die bill which we passed, people are very hesitant to do so, both the doctors, the hospital, and, of course, relatives of the patients.

SONENSHEIN: So did the Rules Committee send these bills? Who would determine if the bills would go to the Judiciary Committee, such that the issue of the day bills were ending up in your hands?

SONG: Well, the bills in the senate are assigned by the Rules Committee. And, here again, it's the Rules Committee that composes the committee and designates who is going to chair the various committees.

SONENSHEIN: And who were their key people there who were sending the bills over to you?

VII. POLITICAL LEADERSHIP AND RECOLLECTIONS

James Mills and David Roberti

SONG: Well, during most of the time I was in the senate, Jimmy Mills was the man that I had worked with others to put in as pro tem. Before my departure we were working very hard trying to replace him. We could never get the votes. And Jimmy Mills was turning out to be a rather vindictive guy. I was informed that he was going to get me one way or the other. [Laughter]

SONENSHEIN: So once again you are a member of the Young Turks faction.

SONG: Yes. He was not an active, real active member of the Young Turks, because Jimmy is basically an extremely conservative guy. Conservative in terms of his personal life, not the issues, of course. He was a liberal on the issues, but he just is the type of guy who didn't want to stick his neck out. And when you go ahead and get involved in an effort to unseat a pro tem, you're putting your neck in a possible noose there. And I don't know whether I have a suicidal complex, or not, I just didn't give a damn. So Jimmy had become [a hopeless case], and we in the senate, the "movers" so to speak, were convinced of this, that he was really not good for our personal interests in one respect.

And that is, he was absolutely no help during campaign time. And campaigns were becoming more and more difficult and were obviously crucial. It's a matter of survival to stay in office. And, of course, it's really necessary to continue in office for a number of reasons, aside from the personal considerations, your effectiveness as a legislator. And, you know, the more experience you have, I think the more proficient you become in terms of either stopping or promoting legislation. And Jimmy was absolutely no help in campaign time. What's happened today, of course, we read about in the press and has just gone to the extreme the other way, where Dave Roberti, the pro tem, raises over a million bucks for the election and for the help of his colleagues.

SONENSHEIN: Yes. So Mills would raise no money, provide no organization, provide no backing.

SONG: Jimmy Mills I don't think ever raised a penny for any of his colleagues. And we kept exerting more and more pressure and he just was not the type who wanted to go to the lobbyists--and you have to use a heavy hand. Dave Roberti, I think is only, of course, second to Willie [L.] Brown, [Jr.]. The kind of money they raise really is just not commendable, but simply a necessary evil today. You have to have the money to campaign. So Jimmy Mills was finally ousted but he was ousted after my departure from

the senate. That's when Dave Roberti who, to me, was the most unlikely possible pro tem who made it.

SONENSHEIN: Why do you say he was unlikely?

SONG: Well, Dave Roberti is not the sociable type of a guy. Even today, he'll avoid these occasions. And I don't think he was ever able to hit a lobbyist [for campaign money] when he was just a member of the senate and how he developed this skill and this determination and so forth, I don't know.

SONENSHEIN: Well, it certainly served him well. He certainly grew into it, didn't he?

SONG: Oh, yes. The last amount that I read about, he had raised over a million dollars the last time and usually this is what he has been doing since he became pro tem, which is just, of course, several years. But every now and then, I read about his staff or something or other and, goodness, the way they have enlarged their staffs--I'm talking about the speaker and the pro tem--just incredible. I can't believe that.

SONENSHEIN: Yes. Well, let's go back a minute to one more policy area because we're going to come back to Jimmy Mills and talk about him after our break. But what about no-fault insurance? Did you have some involvement in that?

No-fault Automobile Insurance

SONG: Yes. I, in fact, introduced during the time I chaired the

Senate Judiciary Committee, a no-fault insurance bill, because at that time I really believed in it. Automobile insurance still is, in a number of instances, impossible to purchase, depending on where you live and what the color of your skin is. They call that "redlining," I think. And it was because of the recoveries, primarily. Here again, you go right back to the economic, the pocketbook question. So no-fault insurance, of course, would make it easier to obtain some kind of a settlement but would limit the amount of recovery. So this is basically the concept of no-fault. Because I really believed in it, I created some kind of a subcommittee, I think, joint committee, or whether it was just the Senate Judiciary Committee--but during the interim we did quite a bit of traveling to investigate this concept of no-fault.

SONENSHEIN: I would imagine, as in the medical malpractice, you would have had two major lobbies opposed to each other on this one as well: the insurance and the trial lawyers.

SONG: That's right. It was the California Trial Lawyers Association who were opposed to no-fault and the insurance companies--a certain segment of it, not all of them.

SONENSHEIN: Which segment would you say was most . . .

SONG: I think the lobbyist who represented the group that favored no-fault was [Clayton] Clay Jackson, one of the influential and prominent lobbyists in Sacramento.

SONENSHEIN: But some of them did not. Some of the insurance companies were either not involved or they were opposed.

SONG: Well, the trial lawyers even managed to get one insurance company to make an appearance before the Senate Judiciary Committee to testify against no-fault. I can't recall the man's name. I think the individual's name was Clarence Joseph--I don't recall the company he represented. But, other than that, it was the insurance companies versus the trial lawyers.

SONENSHEIN: How fierce was it?

SONG: Oh, the trial lawyers are extremely effective--not only in Sacramento, but in congress in Washington, D. C.

SONENSHEIN: What's their approach? How do they deal with you?

SONG: Well, the right of individual choice. For example, they can come out with pictures of a horribly mangled victim of an auto accident; and, here we're going to limit the recovery, you know.

SONENSHEIN: And they would just pass this to a legislator and say, "Take a look at this picture"?

SONG: That's right. [Herbert] Herb Hafif at the time was the president of the California Trial Lawyers Association, and he's an extremely articulate and obviously a successful trial lawyer. I think I read about one of his verdicts while he was president and I was chairing Senate Judiciary about a roofer who had fallen off the roof, or something or

other. He got a judgment of \$6 million, and, of course, no-fault would have made that impossible.

SONENSHEIN: Right.

SONG: And he spent a great deal of time in Sacramento in a number of offices of the [California] Trial Lawyers Association. I was invited to their conventions and dinners, and I recall one where Rose Bird sat next to me. But they succeeded in defeating no-fault. Just couldn't do it.

SONENSHEIN: Oh, they did.

SONG: Couldn't get the votes.

SONENSHEIN: Now was it. . . . Are they big donors as well? Or is it mostly the personal lobbying that they did that's the most important?

SONG: In effect, personal lobbying. And then the more I got into it, after the bill was killed, no-fault never stopped. It was revived again by Jack Fenton two years later. Jack's in the assembly. I don't know how Jack feels about it today, but at that time I had been lobbied so thoroughly, and I had also been thinking about this. And I then began to, at least conclude on my part, that perhaps it was not that good an idea.

SONENSHEIN: And what led you to that?

SONG: Oh, the recoveries. My study of the various states, particularly Massachusetts, where no-fault had been in force for some years, and how unhappy the people were in that state.

[Interruption]

SONENSHEIN: You were saying that your opinion on no-fault changed when you looked at the experience of places like Massachusetts.

SONG: I think my opinion changed simply because I gradually acquired a more extended knowledge of the problems involved in that particular field. I think no-fault was sort of a superficial type remedy for a deep, festering boil. This problem of automobile insurance premiums is a multifaceted problem. The amount of premiums is just one problem. The amount of recovery is another. The unavailability of the insurance to certain potential insureds is another problem. And, of course, another consideration is what should an injured party be recompensed for. Should he be limited, just like in workman's compensation situations, which basically would be the situation in no-fault insurance. What happened in workers comp, of course, the old common-law defenses of contributory negligence, and so forth were removed. All you had to do was prove scope of employment, but then your recovery is sorely limited. Even if you have suffered from permanent disability--and this is, of course, what we're concerned with in accident cases: not just pain and suffering, but permanent disability, and how much, what should the award be for. And so I gradually became convinced that no-fault was, at best, just a superficial kind of remedy and didn't really

address the real basic problems. And, thinking at that time--and my thinking about no-fault is unchanged today--but that was not the real solution to the problem. I withdrew my support from that.

SONENSHEIN: Oh, OK.

SONG: So that shows you that people can change their minds.

SONENSHEIN: Yes. What I'd like to do now is shift direction and cover some other areas.

SONG: Very good.

Mervyn Dymally

SONENSHEIN: And go back to a few areas from the 1960s that we didn't talk about yesterday. I'd like to go back to [some areas] partly based on some conversations with some of your former staff people. One of the things that they both suggested we ought to talk about is your working relationship with Mervyn Dymally and what both of your aides indicated is that you were the only two minority group members within the senate, and that that had some effect on the way you were treated in the senate, the way you felt toward each other, the way you worked with each other. They even implied a bit of isolation in some ways, including being seatmates, et cetera. So I just want to throw that out and have you talk a little bit about the two minority members of the state senate.

SONG: I think Merv Dymally obviously is a unique person and he

and I shared a number of, I think, intangibles. In addition to each of us being and constituting the only two minority members of the senate at that time. Both of our origins, I think, in some indescribable way have shaped our respective philosophies of life. Merv came from Trinidad, of course. He was actually an immigrant to the United States and his speech still contains some lingering residue of his native accent. And he is also not just . . . You would call him a black person, but he is not of African origin, as many of the American blacks are by virtue of their ancestries. Merv's ancestry also includes, I think, on his mother's side a so-called Asiatic strain which comes from the . . .

[End Tape 2, Side B]

[Begin Tape 3, Side A]

SONENSHEIN: Maybe you can repeat where you were.

SONG: I remember Merv mentioning to me his sister's immigration problem, because she came within. . . . And this was during the effective period of the McCarran-Walter Immigration Act where severe quotas were imposed on anyone who had within his, you know, bloodstream, his ancestry, the so-called Asian-Pacific Triangle ancestry. And because his parents, their parents on one side could be attributed to that particular quota, her entry into the United States had been long delayed. For example, I recall the quota

from Korea at the time, when the McCarran-Walter Act was first enacted, was all of twenty-five people per year. Or was it a hundred? I forget. It was some ridiculously low figure. And that, of course, has been drastically changed since that time. So Merv had that in his background; and, of course, my being of Korean extraction . . . And it was rather unusual how we both ended up in the senate as seatmates. Whether it was by design or whether it was inadvertent, I have no idea. At the time we were first seated like this, it could have been. I can just picture Hugh Burns discussing this with his confidants: "Well, why don't we let that Jap and that nigger sit down together," because that's the way Hugh Burns used to talk.

SONENSHEIN: Is that right?

SONG: Hugh Burns was just a rough-and-ready type of a guy, as I have indicated earlier with his customary Early Times on the rocks at 9:00 A.M. And he could have talked like that, or on the other hand it just could have happened inadvertently, I don't know. I never thought about it because it really didn't trouble me and because then I enjoyed sitting next to Merv because he and I were good friends, and became better friends as a consequence of sitting together for eight years. I recall Merv telling me that, Merv on his rounds of speechmaking would customarily include this little bit about his seeing more of Al Song

than he would of his wife, because he saw Al Song every working day while we were sitting in the senate for so many hours per day. On the other hand, his wife sometimes wouldn't see him for a long, long time. But Merv and I became quite good friends and I could always count on his vote. When we both went to the senate, of course, he and I were out in the forefront with the Young Turks. And my losing to George Moscone, when we had our first formal organizational election, because of Merv's absence could be legitimately that Merv didn't think his presence was needed, or as you raised that rather unkind thought, perhaps Merv knew. [Laughter] And, if he did, I wouldn't say that would be beyond Merv.

SONENSHEIN: It sounds like . . .

SONG: It may be entirely possible because George Moscone was a rather persuasive, likable type of a person, and he may well have lobbied Merv Dymally, I don't know. But I certainly have no feelings of remorse or anything like that about that. I've kept a close touch with Merv. Of course, he, after eight years in the senate, became the lieutenant governor. Then he was defeated for reelection and, I don't know for how long, he remained out of the political sphere, then went back because there was a good congressional seat that opened up for him. And I still keep in touch with him. I've gone to Washington and been

his personal guest and things like this. So Merv Dymally and I still keep in touch. I believe that Merv will stay in congress for as long as he wants to. I doubt that he could ever be defeated. And I doubt that the congressional seats could ever be reapportioned to defeat him. I don't think the Republicans would really target him, so to speak. Just simply impossible.

SONENSHEIN: So he's pretty safe there.

SONG: Yes, I think he's quite safe. One thing surprises me about Merv, because I think--that is, during the time that he's been in congress--I believe that Merv is one of the most skillful politicians that I've ever met. And so far he's been maintaining in the congress a low profile, and perhaps deliberately so.

SONENSHEIN: He may not have the same base there that he had in the California legislature as well, with all of his allies in the assembly.

SONG: Yes. One thing about Merv though: he never hesitated to strike out and accuse someone of bigotry.

SONENSHEIN: He never hesitated, you say.

SONG: He never hesitated to do so. And people know that. Whereas I've always hesitated to do anything like that. My ethnic origin is something I don't think I have to proclaim. It's so evident to anyone. But . . . and I cannot come out and say, "Oh, yeah. I'm a victim of

bigotry," or something like this. I never have. But Merv Dymally's and my relationship has been more on a personal basis than anything else.

Travel to Vietnam and East Asia (1967)

SONENSHEIN: Well, then let's move on to your visit to Vietnam in 1967 at the height of the Vietnam War. What brought this about and what did you find when you went there?

SONG: My recollection of this Vietnam thing is: number one, I was in the senate. Number two, President Johnson, Lyndon B. Johnson, was the president. And some people in the State Department apparently felt that it might be a good thing with the Koreans in Vietnam--the Korean armies--to put on display someone from the United States of Korean extraction. So I was questioned about whether I would be willing to go on what amounted to a one-man State Department tour.

SONENSHEIN: Who contacted you actually?

SONG: I don't recall. Someone from the State Department.

SONENSHEIN: State Department, OK.

SONG: They told me what the arrangements would be, and how I would go, and so forth, the countries that I would visit. And so I said, "Why not?" So I was summoned to Washington for a briefing by some kind of an assistant secretary. Here again, I have no recollection who it was. I presume he sat on a desk relating to the Far East. And I was going

to Vietnam, Japan, Korea, the Philippines and Malaysia. My trip was cut short after my Vietnam exposure. I was going from there to Malaysia, I think, or the Philippines. But Ronald Reagan called a special session of the legislature, so I had to come back. So, in effect, my trip was cut short.

SONENSHEIN: Now, were you on U.S. Air Force planes?

SONG: No, I went commercial all the way.

SONENSHEIN: Oh, you went commercial.

SONG: All first class.

SONENSHEIN: Did they pay for it? The State Department paid for the trip, right?

SONG: State Department paid for everything. I spent ten days in Korea, ten days or two weeks, I'm not too sure, in Japan, and the same time in Vietnam. Then I was summoned to return to Sacramento.

SONENSHEIN: And what were your impressions? Especially in Vietnam.

SONG: My impressions of Vietnam. . . . It's strange, you know. When I came back, somehow or other, I appeared on a one-man invitee talk show in L.A. on one of the channels. I forget whether it was NBC, CBS, or ABC, one of the three. I also recall that after I completed my interview they gave me a little portable radio as a gift with everything inscribed on the back. I don't know if the State Department paid for that. But my impressions of Vietnam--and they really gave

it to me--and I'll tell you what my impressions were. I spent an hour with General [William] Westmoreland. I got the VIP treatment all the way. An hour or two hours, being briefed by six colonels on the state of the war in Vietnam. And in the Vietnam . . . what do you call the Defense Department building now?

SONENSHEIN: The Pentagon?

SONG: Yes. The Vietnam Pentagon, designed after that.

SONENSHEIN: Is that right?

SONG: Yes. Just on a small scale, of course. So I really was given that treatment there, what the hell do I know about the war and so forth. And listening to all their justification or attempts at justification. I found Westmoreland to be a personable fellow; he probably considered me a pain in the ass, but he had to do it. Then came the real reason for it. I spent three days with the Korean troops: the Tiger Division and the White Horse Division from the Republic of Korea. The Tiger Division was a combat division. The White Horse's primary function was pacification. And quite interesting--the latter. The Tiger Division, of course, was quite impressive, and they passed in review for me. This is, you know, the State Department, and my escorts never bothered to introduce me as a state senator from California.

SONENSHEIN: Just a senator.

SONG: A senator from the United States. [Laughter] And, goodness, I went all over Vietnam on helicopters, observation airplanes, and things like this. And the army helicopters guarded by two marines, with a marine pilot and things like this. Then the two or three days I spent with the Korean forces . . . I was quite impressed with Korea as such. I guess, when you visit a country or spend time with people of [the] same ethnic origin, however little that you may have in common with them, there is that ethnic bond.

SONENSHEIN: Do you speak Korean?

SONG: No. My kids don't even understand Korean. I understand a little of the very basic Korean but I don't speak it. And, with spending time with the Korean forces, I always had to have an interpreter. But, as I have stated, the Tiger Division passed in review for me and I learned while in Vietnam that the Korean Tiger Division was probably the most feared group of soldiers in Vietnam. In their headquarters they had a big sign at the entry that read something like, "The number of kills today," or something like that. I spent two nights, I think, at the villa of the commanding Korean general of the Tiger Division, a lieutenant general. I can't think of his name now. And both divisions gave me all kinds of citations, and plaques, and so forth. But that was really the State Department's

reason for sending me to Vietnam. And also, Korea, because I'm of Korean extraction. Here again, not just a state senator but I was front-page material in Korea every day that I was. And Japan was quite interesting. And I would have enjoyed the Philippines and Malaysia. And I would have, but for Ronald Reagan, of course. But that was it. My impressions of the whole Vietnam thing: it was just a fiasco. And that was in substance what I expressed when I appeared on television.

SONENSHEIN: That must have been very pleasing to the State Department.

SONG: Yes. And I really anticipated some adverse reaction from the so-called Hawks. But that goes to show you though, that any opinions expressed by a state senator are just totally disregarded. Oh, it was just such a total waste of time.

SONENSHEIN: So the briefings did not particularly convince you, when you were over in Vietnam, the briefings by the military?

SONG: I thought, number one, that obviously we had no business there and our presence was so ineffectual and just constituted total waste of time and money and human lives. Flying over Vietnam as I did, goodness sakes, I didn't realize Vietnam was such a jungle--a real jungle. And you see the various pit holes that the U.S. bombing effort resulted in. It seems like the air force would fly around Vietnam dropping bombs and making holes in the jungle,

which really was of no tactical benefit. But this is all they had to do. And a couple times, while visiting the particular sights that I was visiting, would be attacked by the Viet Cong with their mortars and so forth. And other than that, the American soldiers in Vietnam were just unhappy. They didn't want to be there because they could see that nothing was really being gained. I still couldn't determine, after visiting it, why we were there. And I guess nobody can really understand why we were there. I read about this Nicaragua thing and it's so unfortunate the congress could not stop Reagan. But Vietnam, from my personal point of view, was quite educational. I don't think I contributed one iota to any kind of an effort, except possibly the public relations purpose with the Korean forces there. But that was Vietnam for me.

SONENSHEIN: Yes. Oh, very interesting. When you went to Korea, by the way, one last question. Did they treat you as a United States senator or a state senator?

SONG: That was the implication, I think. [Laughter]

SONENSHEIN: So you were the first Korean-American U.S. senator.

SONG: I had a great time. I recall some movie producer or something came up to meet me at the Cho Sun Hotel where I was booked. All, as I have indicated, first class all the way. Kisaeng houses--that's geisha houses in Korean--and all kinds of things. Geisha, kisaeng girls of my choice.

I recall one gal I pointed out to my guide. I think he was a brigadier general in the Korean army. He laughed and he said to me I had excellent choice. He says, "That's the prime minister's girl friend." So, unavailable. And the hotels would not allow gals to go up to your room, but the general would come and talk to the fellow that was guarding the elevators and who would turn around, turn his back to the elevator as my companion and I would get in the elevator to go up to my room. It was a lot of fun in Korea.

SONENSHEIN: Sounds like it.

SONG: Oh, and this movie producer arranged for a tailor to come up there and in one day had a ready-made suit ready for me, tailor made suit, not ready-made, which was lined on the inside with silk and this and that, just great looking suit.

SONENSHEIN: Fantastic.

SONG: Those little perks were enjoyable. And I suppose if you want to really be straitlaced about it, you don't accept anything. But I couldn't see what I could do for this movie producer that might in some way taint me, so I accepted the suit. [Laughter]

Impact of Proposition 1-a (1966), Referendum

SONENSHEIN: Now, to two more loose ends from the 1960s. One I wanted to ask you about is the proposition in 1966 that restructured the legislature. We didn't quite talk about that, about the Unruh-inspired statewide proposition. I think it was Proposition 1-a. Was it 1-a?

SONG: I think it was number 1-a.

SONENSHEIN: Can you tell me something about the effect that had? Of course, that was also the year that you moved into the senate.

SONG: I think the immediate effect of that after the proposition was passed, was the enlargement of my personal staff. That's how I felt it, of course.

SONENSHEIN: Yes.

SONG: I was for that because operating here on a part-time basis salary of \$500 a month just created an impossible and awkward and ineffective type legislative office. So little you can do, just coming up here for a few months, working it yourself without any assistance, and at the same time trying to keep in touch with the district was just an impossible situation. So in terms of effectiveness and efficiency and productivity, of course, going to a full-time session made a world of change. Whether in the long run it's been beneficial for the state, is something that can be debated and I suppose is being debated. You find a few individuals, and I think they're on the few side, like [H. R.] "Bill" Richardson of the senate, who'd like to go back to the old days. I don't think that would be the answer nor do I think should we continue to enlarge as we have. It's just reached the position now where staffs, the cost of the legislative staff on the part of

the leadership and the individual legislator is just getting out of hand. And the cost of elections, which seem to be a part of, a product of that kind of enlargement. Some control is necessary and is indicated but I wouldn't know how because I certainly have not devoted any study to it.

SONENSHEIN: Well, given the increase of individual member staffs, as well as of the leadership, did it change the balance of power between the leaders and the members in any way--that's this proposition.

SONG: No, it hasn't. If anything, I think, it's made the leadership's power more entrenched. Because they have utilized, in many ways, the influence of their respective leadership offices to amass fortunes in terms of contributions. I read about Roberti's being in excess of a million dollars--the funds that he's collected and disbursed. And Willie Brown, into the millions of dollars, \$3 million, \$4 million. No individual member can possibly compete with that.

SONENSHEIN: Now, do the individual members, after the passage of Proposition 1-a, depend on the leadership for even the things that were authorized, like office staff, space, location? Did they become perquisites that were controlled by the leadership, or were you entitled to a certain number of things regardless of what the leadership said?

SONG: Well, in response to your question directly, it seems to have come to pass that after my time, even after [Proposition] 1-a, as I've indicated, our developing and increasing unhappiness with Jimmy Mills because he did nothing to help us in the campaign time and money becoming more and more important with each passing election. The influence and the impact of the leadership became more fully developed after my departure and that's what we were trying to institute with the ousting of Jimmy Mills, which we never succeeded in doing while I was in the senate.

SONENSHEIN: So even after Prop. 1-a in the senate you did not have the development of leadership comparable to the leadership in the assembly in the lower chamber . . .

SONG: The leadership in the assembly, when we talk about the present practice and the influence of the current leadership in the legislature and particularly here in the assembly started with Willie Brown. His predecessor Leo McCarthy I don't think ever raised anything that could even suggest the scope of the influence that Willie Brown has developed from a financial point of view.

SONENSHEIN: Well, it sounds from some of your responses that you would evaluate the campaign function of the leaders and those resources to be much more important than the office resources. Such as, you get another staff member or you get a nicer office and things like that. That those seem

to be less important than this question of the campaign money.

Office Management and Resource Allocation

SONG: Yes. The individual legislators--now here again this would depend on their closeness with the leadership. We, apparently, automatically were entitled to an administrative aide in the district and later also in Sacramento.

SONENSHEIN: I see.

SONG: Which is well and good. For example, my last administrative aide was Simon Haines. I definitely needed him because I certainly couldn't cope with my individual responsibilities as a legislator and my responsibilities as chairman of Senate Judiciary Committee. I found that demands on my time were just impossible for me to cope with. So an administrative aide like Dick Thomason, Simon Haines, played a very essential part in my functioning here. In fact, they ran things. I just couldn't cut up my time enough to take care of the demands. Now, in addition to that, to have more staff members depended upon what you wanted, what you asked for, and your relationship with the leadership, of course.

SONENSHEIN: I see.

SONG: I noticed there were certain members of the senate who had many more members in their staff than I ever had. In some

areas, justified. You take some northern California legislators with their district encompassing a number of counties, able to put up two, three, possibly even four district offices; and each one, of course, had to be staffed which meant your going to the Rules Committee and getting their permission. Of course, every time they . . . Like every other area of human activity, when you get another office, you're never going to close that. So their budgets go up and up and up. I read in the paper about [William] Bill Campbell of the senate being the biggest spender, and this means spending on his staff. I can't conceive of that because he comes from Los Angeles County, as I did, in fact, one of my adjoining districts. I can't see the need for his spending that kind of money. I think his last expenditures I read about, being the top spender, was in excess of \$400,000. I can't imagine that because I spent nothing close to that.

SONENSHEIN: His office spending was \$400,000?

SONG: That's right. Staff and office expenditures. And, as I've indicated, I occupied an adjoining district with Bill Campbell. But apparently he has a way of doing it and getting the Senate Rules Committee to approve this.

SONENSHEIN: Well, given the battles over the position of president pro tem in the late sixties and early seventies, is it possible that some of this was factions: that whoever was with the

winning side would get, would be able to get those office resources?

SONG: That's possible.

SONENSHEIN: Or do you think it might have also been personal?

SONG: Yes. Another consideration that we must keep in mind was that Bill was, until just a year or two ago, the senate Republican leader, which again demonstrates that if you ever have something, you never let go. Because by virtue of his office, senate minority leader, I guess he was so made possible to get more and different kinds of staff, and to pay his staff more money. I'm sure that his A.A. [administrative assistant] here is probably being paid twice as much as I paid Simon Haines simply because Bill was the Republican leader. And once the same A.A. gets paid that, his salary's never going to be reduced. So I suppose a combination of those considerations probably constitute the reasons why Bill Campbell spends that kind of dough.

SONENSHEIN: So there was never any limit where each of the members received "X" amount of staff money, a budget and that's it. You got a minimum, and then what you could get above that was negotiable.

SONG: Yes. That's right. I got the minimum. Then I was able to put on, in my district, another field representative, then another one, to aid the administrative aide who was in charge of the operations. I think in my district I had two

field "rep" positions: one field "rep" position I split between two part-time workers. That way--and I think a couple of them were housewives--they could attend meetings in my name and so forth and so on and it'd just be a part-time job for them. But that's all the staff I ever had. A secretary--no, no. Two gals, finally. First of all, I started with an administrative aide and a secretary in the district. Finally, when I left I had a second girl as a secretary and two field "reps" in addition to my administrative aide. In effect, one of the small spenders.

[Laughter]

SONENSHEIN: Sounds like it. Last item before we take our first break here: "Moose Milk."

Lobbying

SONG: Oh, "Moose Milk." Now, this is one of the daily lunches put on by lobbyists and my one regret about "Moose Milk" is that I didn't attend more frequently. This was every Thursday at noon on the top of the El Mirador Hotel.

SONENSHEIN: Now, when and what years are we thinking of here?

SONG: From the very beginning until the passage of Proposition 1-a stopped that.

SONENSHEIN: So until 1974, then.

SONG: No, not Proposition 1-a.

SONENSHEIN: Nine.

SONG: Proposition 9 in 1974. But this was popped by maybe a half

a dozen of the affluent lobbyists and it was basically a softsell operation. All legislators are invited [to "Moose Milk"], and legislators who wanted to bring a personal guest on occasion were never discouraged from doing so. This was one of the most lavish buffet spreads that I've ever seen. And, before you go to the buffet table, of course, it's drinks unlimited. You want to go there and get drunk, you can. It's so easy to become an alcoholic. [Laughter] So I would have one or two drinks and I would go so infrequently because Thursdays I'd always have things to do that I couldn't go to "Moose Milk." In a sense it was good, because I'd overeat, I suppose. But here is, as I have indicated, the most lavish buffet. I guess I must have taken Dick Thomason and I must have taken Simon Haines. But here again you can't overdo this. But I just wanted to show them what "Moose Milk" was like. And they, of course, really enjoyed it. Have a couple of drinks and go to the buffet table, eat as much as you want, and that buffet spread, as I've indicated, was really generous. I don't know what each lobbyist put out for it but, obviously, he put out a bundle. And these lobbyists, of course, were the only lobbyists. That was one unwritten rule, of course. No legislator could bring another lobbyist as his guest, although I think I did bring Dick Brown once because Dick became a very popular lobbyist. He represented the L.A.

County Employees Association. He came to Sacramento with me. Oh, and I put out his big bill when I was in the assembly, which made him firmly entrenched. The county employees had been trying with the board of supervisors for a payroll deduction for their dues. The board just refused to do it for them and they tried and tried. So they finally came to Sacramento and, of course, if we put it out they got to do it. The way we did this to apply only to Sacramento County was making it applicable only to counties with so many or more people residing there. Obviously, it was easy to make it applicable only to Sacramento County. As an assemblyman I got the thing out and signed. So Dick Brown became a hero with the L.A. County Employees Association. His tenure there was assured for life. [Laughter]

SONENSHEIN: Brown?

SONG: Yes. He took me to Hawaii one year. This was before Prop. 9--no more after that. We went to Hawaii and had a ball. He paid for all the expenses. But I think I took him up to "Moose Milk" once. But Dick became quickly a very popular guy among the lobbyists, too. So, other than that, you never took lobbyists up there because these lobbyists who were popping wanted to be the only lobbyists who were there, of course, understandably.

SONENSHEIN: Yes.

SONG: And that's "Moose Milk." As I say, my only regret is I
 didn't go often enough. [Laughter]

[End of Session 2, August 19, 1986]]

[Session 3, August 19, 1986]

VIII. GOVERNOR EDMUND G. BROWN, JR., AND REFERENDUM

Proposition 9 (1974), Referendum

SONENSHEIN: OK, I think what I'd like to do now is move into the 1970s and start with talking about Proposition 9, the election of Jerry Brown, the background of those, and of course, the changes that that brought about which were obviously very significant within the legislature. So why don't we start talking about Prop. 9 in 1974, the background of that, your views of that and then most of all the effect that it had on government in Sacramento.

SONG: My recollection is that at the time Prop. 9 went on the ballot, Jerry Brown was occupying the office of secretary of state, and he had begun to demonstrate at that time his adroitness as a politician. And he, of course, was espousing very much reforms and [public] campaign financing and related considerations. I'm not sure if he was in fact, or in substance or form the sponsor of Prop. 9, but he was actively campaigning for its passage and I don't know exactly who put it on the ballot. But I think most of us in the legislature at that time anticipated it would pass. Anything that deals with the subject of lessening the influence of the dollar on the public officeholder, I'm sure would pass. Because as it is the legislators, for

some reason, like attorneys, don't enjoy too good a reputation with the public. So the immediate effect of the passage of Proposition 9 was one that referred directly to the personal comfort of the officeholder, because the lobbyist was limited to no more than ten dollars for expenditures for a single legislator or officeholder. And this is after years of our becoming accustomed to these luxury gourmet dinners with two, three, four, five French wines and so forth and so on. Prior to the passage of Prop. 9, the average legislator had more invitations than he could cope with. I imagine the average legislator, to begin with, would accept just about all of the invitations, and, after some years, would become quite selective. Because going to dinner was something that became, in some instances, not simply a pleasure but a chore. So the selections and acceptances would become on a very selective basis. But with the passage of Proposition 9, it brought a traumatic end to these various lunches and dinners and drinks that were purchased by lobbyists. It was a dramatic and sudden end to all of this. Obviously, buying a dinner for a legislator could not be limited to ten dollars, unless you want to go to someplace like McDonald's. The effect of it was quite dramatically felt in Sacramento, that I was able to observe. Restaurants like Frank Fat's, which is a favorite hangout for legislators and

lobbyists. . . . I remember one night I was sitting there when a local television channel came in and interviewed Wing Fat [the son of restaurant owner Frank Fat]. The place was practically empty. The immediate effect of Prop. 9 was like, in many respects, the immediate effect of the immediate aftermath of the Watts riots. No one went out. So Wing Fat was being interviewed and he was, I think, bemoaning the loss of business here from a bar that usually during the days that the legislators were in town might have been three deep. You'd find maybe two or three people sitting at the entire bar. I recall listening to him being interviewed and watching the program on local television: how he felt that this was the wrong thing; it was preventing the public and the legislators and so forth from meeting and talking about prospective laws and so forth and so on. I noticed though thereafter that Frank Fat's eventually picked up again but never with the same kind of exuberance and free-wheeling money being expended, of course. So that was the immediate effect that we felt: the legislators going out and having this social intercourse with the lobbyists over dinner and wine and things like this.

SONENSHEIN: Had it begun to tail off even before the passage on the belief that it was likely to pass?

SONG: Yes. It began to. We began to see it. But with the

passage of [Proposition] 9, it was like the sudden amputation of a limb because everything seemed to just totally come to an end. Then, gradually, I guess, people became accustomed to the fact that life could still go on. So what came to pass toward my last years in the legislature was that certain lobbyists, when inviting legislators with whom they were more or less on personal terms would make it quite clear to them that what they would have to do would be to ask the legislator for a check. They wanted checks because they wanted to prove these things, to prove that they were spending in effect less than ten dollars for the legislator's dinners. As time went on, the lobbyists suddenly realized that the restraints were on the lobbyists themselves, not on the organizations they represented. So what the lobbyists would do would invite whomever they wanted to invite, say, for a dinner at the Fire House, a fancy restaurant, or Aldo's, and have their president come up, or some officer of the organization that employed the lobbyist. For example, take the Medical Society. It would be the president of the Medical Society who came up and he would be the host for the dinner and he would pay for the dinner. So it wasn't the lobbyist. So they suddenly discovered that they could get around Prop. 9 in that fashion.

SONENSHEIN: That was legal under Proposition 9?

SONG: That's right. And it's still being done. But it's not like the lobbyists taking an individual out and spending money.

SONENSHEIN: So there'd be more than one legislator at these dinners?

SONG: Otherwise, it wouldn't be worth the officers coming up. So this is one way they got around it. And, also, the lobbyists right after the passage of [Proposition] 9 felt that their participation and campaign contributions would end, as everyone believed. But I think it was the state supreme court ruled on that particular question, which was presented to them by this association of lobbyists. I forget what they're called. The supreme court did rule that, yes, the lobbyist himself or herself could not make contributions but he could advise his clients to whom they should contribute. So that was clarified by the state supreme court.¹ So what, in effect, has happened is that since the lobbyists were prohibited from making personal contributions, could not spend money on entertainment, the emphasis has become, obviously, on campaign contributions, and the number of invitations to fund raising affairs certainly has not diminished but increased in number and

1. Fair Political Practices Commission v. The Superior Court of Los Angeles County. 599 P 2d 46, 25 Cal 3d 33, Sup., 157 Cal. Rptr. 855 (1979).

developed in sophistication and things like that. And some, perhaps, more blatantly so. An obvious effort to extract money from the various interest groups via their lobbyists. So the lobbyist, now that it's been clearly established, can participate in the political campaign contribution process. Our being hit, as I read in the press, more and more frequently and maybe with even more vigor . . . In fact, I feel sorry for some of the lobbyists. With 120 legislators, and the leadership of both houses, they must be overwhelmed with invitations.

SONENSHEIN: So it's actually far more expensive for the lobbyists than it was to, say, take forty people out to dinner over the course of . . .

SONG: Never forty. Maybe over the course of the session.

SONENSHEIN: That's what I mean, over the course of the session. But they have to make \$5,000 to \$10,000 contributions.

SONG: The lobbyists would concentrate on certain legislators who occupy certain positions. Like, I'm sure, the chairman of the assembly committee on INFI, Insurance and Financial Institutions, or Finance and Insurance, whatever it's called, gets many, many invitations. The current chairman perhaps not too many, because he has made clear that he doesn't look with favor upon things like that. But a vote is a vote on the Finance and Insurance Committee, so I'm sure the members receive many, many invitations. Of

course, the lobbyists also receive many invitations from the members of the Finance and Insurance Committee. But at least the lobbyists are limited in terms of the contacts they have to make, if their main concern is with the Finance and Insurance Committee in the assembly. Of course, that committee membership has been greatly enlarged by Willie Brown. I'm told instead of eleven or thirteen, they've got over twenty or something like that.

SONENSHEIN: I'm sure it's a very lucrative spot at this point.

SONG: Apparently. According to Dan Walters in today's column [in the Sacramento Bee] that's a committee assignment that all members of the assembly look forward to.

SONENSHEIN: So how quickly did it take them to realize that campaign contributions would be acceptable?

SONG: I think it took the lobbyists a couple of years. First of all, they had to organize. There was no organization as such. Then they finally got together. And they were holding their meetings in a number of places that could justify their expenditures because here they were suddenly impoverished also. You know, when they were taking these legislators out to these fancy dinners, they likewise were participating. But suddenly it became a starvation spell. So they would hold meetings at South Shore and North Shore Tahoe and things like this. I inadvertently ran across a couple of them when I'd be up there myself on personal

things. So, first of all, it was necessary for the lobbyists to organize. And once organized, hiring and employing legal counsel and so forth, and they never really tried to invalidate Proposition 9 in its entirety, but hit at various aspects of it. One was campaign contributions and the other was, of course, the ten-dollar limit for entertainment. They never tried to invalidate that, but they did get the court to clarify that. So they got around that, in a sense, by having these larger dinners with the officers of the groups coming up.

SONENSHEIN: What would stop the lobbyists from, say, if there was himself and the legislator, dividing the check into three parts and then saying, "I took two people out to dinner, and therefore it's under ten dollars"?

SONG: Yes. I suppose that can be done, depending on the relationship between the lobbyist and the legislators involved. But the simplest way of doing it and the most foolproof that I can see--and this has been done, was done to me a number of times by certain lobbyists--where they'd actually display and make available to me the amount of the total tab and the way it was going to be apportioned. And, of course, as far as the lobbyist's concerned, they wanted to protect themselves at all times.

SONENSHEIN: Did that feel awkward, compared to the sort of easygoing . . .

SONG: Oh, yes, of course. Of course. But you have to understand. I think we all did, or most of us, that this is reality. It had to be done this way. Either that, or no dinner at all.

SONENSHEIN: How did this affect the personal relations between the legislators and the lobbyists, which you had described as very warm at one point?

SONG: I think it had a very, very definite effect on that, to the extent that it apparently just curtailed further development of it and just, in effect, eliminated much of it--most of it. I just couldn't conceive of--and this simply wasn't done--a poorly paid legislator taking a lobbyist out to dinner. [Laughter] You know, after Proposition 1-a passed, our salaries were increased to \$16,000 a year from \$6,000. So that was \$10,000 per annum more but it was still \$16,000. And nothing grandiose. In fact, the legislature, what does it get today? About \$30,000, I'm not too sure.¹ But the legislators, every time they're confronted with the question of voting for their pay increase, you will find certain legislators who will always vote against that for a number of reasons. I would imagine they're 99 percent political. Some of them fear that there'll be a negative effect in their district

1. As of FY 1987-1988, legislators were paid \$37,105 per year, plus expenses.

among their constituency. But I have yet to read about a legislator who refuses to accept the pay increase. But that's the way that part of it is. I guess you can call it, in this particular sense, obviously, "That's the way the game is played."

Governor Edmund G. Brown, Jr., Ability, Powers, and Duties

SONENSHEIN: At the same time that Proposition 9 came in, Jerry Brown, who is the sponsor of Proposition 9, was elected governor, which, obviously, must have also changed the climate in Sacramento after Pat Brown and Ronald Reagan. Maybe you could talk to us a bit about Jerry Brown.

SONG: I think Jerry Brown, at least in the light of my personal experience and perceptions, was the governor who entered office with the least amount of respect from his fellow officeholders. I refer, of course, to members of the legislature. I think most of us felt that someone like Jerry Brown, who simply wanted to come in and take advantage of what we considered to be a fad and one which appealed solely to negative considerations--negative against the legislators on the part of the public. So he came in with very little respect. And I think when he left office he didn't enjoy an excess of respect on the part of the legislature. My personal feelings are that Jerry Brown obviously is a man of considerable talent, but in a sense I regarded him the way I did Reagan. I always question in my

mind just what kind of a person Jerry Brown really is. Reagan, I thought, was a sort of a nonperson, subject to the influence of his advisers. Jerry Brown, on the other hand, was a nonperson to the extent that I really am not and was not ever sure of.

[End Tape 3, Side A]

[Begin Tape 3, Side B]

Unlike Reagan, I don't think Jerry Brown was ever a victim of undue influence by his advisers. In fact, I imagine he kept his advisers jumping because they never knew where he'd go to next, although it was fairly predictable. Number one, we knew that he wanted to increase the influence of the public so to speak on the various boards and agencies in the state. You take, for example, the State Bar of California, putting lay people on the State Bar committees, whether for discipline or selection of judges or anything like that, to me seemed to make no sense. Because, particularly with Jerry Brown's appointees, he invariably would put on these various boards and agencies political activists who could go in there and create more, I think, confusion than anything else. But his approach was a popular one for the public. Here was a man who was defying all kinds of tradition and getting the members of the public on board, so to speak. So with legislation that I opposed, but which was enacted, all of

the state boards and agencies were in some instances expanded and where they weren't expanded the public members who were appointed simply took the place of the professional members.

In some respects, too, I have to admit that it was a healthy approach: an improvement over the existing situation. While the public members depending upon the caliber of these individuals may have tended to infuse confusion, at the same time they would tend to cause the professional members to look to more than just their personal interests and the interests of their colleagues in the profession, but also for the welfare of the public at large. So with reference to the State Bar [of California], the Medical Board, and all of the other boards and agencies, I imagine it had a fairly healthy effect, eventually, after the first initial confusion took place. And then he proceeded as part of the process to rename a number of the state boards, like . . . Here again, though, I'm not sure whether it was under his administration or with Reagan, for example, the Board of Medical Examiners, that was changed to the Board of Medical Quality Assurance [in 1975], under the Brown administration. I opposed that very much. I thought that was a sort of a silly thing.

SONENSHEIN: What was the motivation of making the change, do you think?

SONG: To make the public aware that there was a greater sensitivity to the welfare of the public.

SONENSHEIN: From kind of a consumer perspective?

SONG: From a consumer perspective, yes. Consumer Affairs, that department, or is it division, at one time was called Professional and Vocational Standards. That was changed to the Department of Consumer Affairs.¹ So perhaps this is part of the trend, I don't know, but I resisted those things. Maybe I just have an old-fashioned strain in me. To me the Board of Medical Examiners was just that, and this business about Board of Medical Quality Assurance was just for the public consumption and nothing else. I thought this was part of the Jerry Brown approach, just appealing to the public sentiments. For example, his coming out and purchasing a Buick, no, not. . . . Pardon me. I think it was a 1976 Plymouth or something like this. He was not going to use the Cadillac limousine that Ronald Reagan had used and so here is Jerry Brown coming out, the common man, and so forth and so on. And I suppose it did appeal to many people among the electorate. Just what the people don't realize: it cost the state more money. And I was aware of it.

SONENSHEIN: Why did it cost the state more money?

SONG: He bought two supercharged Plymouths, one for L.A., one for here [Sacramento]; and, otherwise he could have just

1. The Department of Consumer Affairs was created by the Consumer Affairs Act, Calif. Stats. 1970, ch. 1394.

continued to use the Cadillacs that Ronald Reagan had been using. So the very fact that he bought two cars cost the state that much more money. So the state really didn't save any money. Then his refusal to live in the governor's mansion, which had been constructed during Reagan's time but which Reagan had never had a chance to use. Brown refused to live in it, calling it "Taj Mahal" or something like this. So the state had to continue paying for its upkeep, guards and so forth. Not rented, occupied just by a caretaker all the time that Brown was in office. And so he goes and rents not one apartment, but two, at 1400 N Street, which, of course, the state's paying for. One unit occupied by security, the other by himself. So here again Governor Brown refuses to live in a mansion and the people are unaware of the fact that it's costing the taxpayers more money to cater to his decision to appeal to the public in that sense.

SONENSHEIN: Why didn't the Republicans publicize that information at the time?

Appointments and Legislative Relations

SONG: Well, he was promoting this image of himself: one who didn't care about formalities and the perks of office and so forth. He's a common man type guy, who may practice a bit of yoga on the side and so forth. And here he was actually costing the state more money. To me that was just

sheer hypocrisy and nothing else. But the things he did that were good was his opening the door for so many minority members to go into certain appointive offices. I think obviously he appointed more minority people to the bench than will ever be done by any other governor. I can't think of anyone else who would exceed or even equal what he did. And in some instances, of course, he overdid it, because he would decide, "I've got to have a woman for this particular judgeship," and he'd go out and find one. And in some instances, find someone who was inferior, actually. But he had to do it and he did it. So he would target something and he would go about doing just that. And when that chief justice vacancy opened up when Don Wright retired, he [Brown] of course received many, many applications. And I guess he just decided that number one he liked Rose Bird. He had appointed her as secretary to one of his agencies¹ and at that time I think she had had about five years experience as a deputy public defender. So he decided he was going to make her chief justice, and damn the consequences. And a number of people are reaping the consequences today.

SONENSHEIN: Did you feel reluctant to support that? I know you didn't

1. She was secretary of the Agriculture and Services Agency, 1975-1976.

have a formal voice in that, but were you concerned about that appointment at the time?

SONG: Yes. Or had I had, I would have disapproved, because I don't think she was qualified. Aside from philosophy or anything else, philosophically her judicial philosophy I would have favored, of course, over someone like Rehnquist. But she certainly wasn't qualified. Even to just sit on the supreme court, I would really have to be pushed to vote for her, had I had a vote. But not for chief justice. Then she came over and took over the Judicial Council during the last months that I served on it and my belief that she was unqualified was further fortified.

SONENSHEIN: Why?

SONG: She couldn't even run a Judicial Council meeting. She [was] just totally unqualified. Maybe she has now, you know. It's said that sometimes people grow up in office and obviously she's had to learn things, occupying the position of chief justice and chairman of the Judicial Council and so forth. But at the time of her appointment I think there was no question that she was not qualified.

SONENSHEIN: OK. How did Governor Brown deal with the legislature, from your personal experience, and obviously now this is the third governor with whom you served in the legislature. Could you comment on that?

SONG: Well, Jerry Brown was pretty bad in his legislative relationship. Like Reagan, though, he did improve. Not as rapidly as Reagan because Reagan made a studied effort, you know. As I've mentioned, the dinners he'd throw and select legislators he'd invite to his home, the stag stories he'd tell, sending out his photograph, and making it clear to the legislature that if any legislators needed something just come down and see him. I could get in to see Reagan in two hours. It would take me two, three days, sometimes even longer, to get in to see Jerry Brown. And here at that time I was chairman of [the] Senate Judiciary [Committee]. I think with Reagan I could have got down in one hour. He would make time for the guys, but not Jerry Brown. And this is why, of course, there was the absence of any reciprocating feeling from the legislature to Jerry Brown. Jerry Brown just, apparently, didn't give a damn. Like his first speech, or his first address to both houses when after his election, I think he spoke for six minutes.

SONENSHEIN: Yes.

SONG: And gradually he began to learn that you can't do it this way. But he was almost impossible to deal with.

SONENSHEIN: What was he like in the personal meetings?

SONG: Oh, when I would sit down with him and talk with him on a one-to-one basis, I found him very unimpressing. Sometimes I wonder about his intellectual prowess that's talked about

in the press. I didn't think he was an impressive intellectual, or an accomplished intellectual. And our conversation was really in the most basic of terms. I'd get upset with him and I said, "Jesus Christ, why the hell can't you give me this judgeship?" and stuff like this. I'd never talk like that with Reagan. But, you know, once I had to force Jerry Brown to appoint a friend of mine judge who was totally qualified and I had every reason to get it from him. He would just keep putting it off. So I said, "God damn it, I'm not going to leave until you tell me yes or no." I am sitting down in his office, so he yells out to Byron Georgiou who was his legal affairs secretary. "Byron, bring his file in here," or something like this. He comes in, so Jerry says, "Well, what about this guy? Al wants him so badly," and this and that. "You got anything bad about the guy?" He looks at him. "No, nothing bad." "How'd the State Bar rate him?" Like, you know, he's never heard of this thing before, and here I've been after him for months. So Jerry Brown looks at Byron and says, "Well, is there any reason why we can't do it?" Byron said, "No." "Well," he said, "OK, do it." So I said to Jerry, "Get on the phone now and call." This is the customary way it's handled. The governor calls the guy and says, "I'm going to appoint you." So he did. I had to just force him to do it.

- SONENSHEIN: And if you hadn't said anything, he might never have even looked at the file.
- SONG: Never have done it. Like he was unable to fill all of the existing judicial vacancies when he left. The night before he left he was calling people and appointing them like this. And he obviously couldn't do it all. He just would not do things. He became rather famous for that: just putting things over, never doing things, and not paying any attention. And it became really bad when he decided to go out campaigning the second time for the presidency. Just neglect things completely. Gray Davis was running the routine things, but none of the things like appointing judges, filling vacancies and so forth. So Jerry Brown, as a governor, in my opinion, scored pretty low.
- SONENSHEIN: How about his staff? Gray Davis and the others. Were they able to balance some of these things?
- SONG: Well, Gray Davis took care of things that had to be taken care of, but I never developed, and I don't know of any legislator who developed, any warm working relationship with Gray Davis. Gray was really an introvert. I'm just amazed how he's developed into a fund raiser, for example. But toward the end, he was doing Jerry Brown's fund raising and things like that. I know, for example, he, Gray Davis, hit the Korean community quite a bit. And promising somehow all kinds of things which never materialized.

Jerry Brown didn't know how to pay off, and I don't mean pay off in a criminal sense. Christ, you go and try and tie up a community like an ethnic group, and get them to back you pretty solidly, then come around and you don't do anything for the Koreans, you know, and they know that.

SONENSHEIN: But would he, when he wanted something? When he wanted your vote for instance, would he say, "What do you want?" Or do you remember him asking for your vote?

SONG: Yes. I'd hear from his representative. The chances are with Jerry Brown, I'd go along with him 50 percent of the time. Like one of the big issues he had is he wanted to cut down the judges' salaries and their pensions. And I was being lobbied very heavily by the judges themselves, because that bill would go through Senate Judiciary. I remember he succeeded in cutting down the pensions that were billed by appointing [Robert S.] Bob Stevens to the superior court. Bob was just a lousy committee member, never there. So we killed that bill which John [T.] Knox was carrying for the governor's office, an assembly bill, we killed it. And this was during the closing days of the session--we were meeting at night. So the committee recessed for dinner, came back at, say, 8:00 P.M. or something like this, prepared to work until twelve, one o'clock. Knox comes back. The bill had been killed, Knox gets Bob Stevens to move for reconsideration. We grant

this as a matter of courtesy, and the bill had died by one vote. So Bob Stevens came to the evening session, moved for reconsideration, voted for the bill, and as he was leaving, [Dennis E.] Denny Carpenter yelled out to him. He says, "What court are you going to go to?" [Laughter] Apparently, Bob had discussed that with Denny, a fellow Republican. So, sure enough, Jerry Brown appointed him to the L.A. County Superior Court. But he did, in answer to your question, work certain bills. And, for some reason, he disliked judges. I don't. Maybe he just . . . the rumor is because he couldn't make the bar exam the first time, and things like that. [Laughter]

SONENSHEIN: So then he had a hostility about even the court getting into the question of appointments. . . . in spending time . . .

SONG: Yes. I think that's why initially it took him ever so long to start appointing judges. It seemed that any time he could do something to detract from the judges he would do it. And the judges hated him.

SONENSHEIN: Do you think so?

SONG: Yes. As I've said, the judges, all their legislation comes through the Senate Judiciary Committee. A couple of them, like [Joseph A.] Joe Wapner, who today is the richest nonworking judge. He was president of the California

Judges Association and a classmate of mine from the USC Law School. He practically lived in my office.

SONENSHEIN: No kidding. Oh, that's one of the great celebrities in the country these days.¹

SONG: He is, isn't he? [Laughter] I don't know if he'd talk to me--I doubt it today. But he practically lived in my office, just made available one of the desks there and the telephone. Because during the session they had so many bills. Not just bills relating to judges, but other things, too, that somehow the judiciary would be indirectly affected, so he spent a lot of time up here. So I don't know who ran the superior judges in L.A. County, but Joe Wapner was here, and I guess the assistant presiding judge took care of the calendar.

SONENSHEIN: So it sounds like he [Brown] was probably fairly well disliked by a lot of professionals: lawyers, and . . .

SONG: Oh, they did.

SONENSHEIN: Because of his desire to challenge their profession.

SONG: Yes. And his approach would be at least purportedly one that would benefit the poor consumer, like putting these consumers on these various boards and agencies and so forth. At first, as I say, it was pretty tough because some of these activists were pretty bad going on these things, and one vote on a board, like the Board of Bar

1. Judge Wapner is a retired superior court judge and star of the popular television program, "The People's Court." (American Bench, 1979).

Governors, can really create a problem. So Jerry Brown was not particularly popular, and after he became kind of persona non grata in a strict sense, because of his presidential efforts, his closing time in the gubernatorial office was not a popular one for him.

SONENSHEIN: Yes, it doesn't sound like it.

SONG: He could have come out though and really done something, which I'm sorry he didn't. But he was pretty adept, like what he did after the passage of Proposition 13, boy, that was fast! Oh, these political commentators who've commented on the fact that after the passage of 13 they actually began to believe that he was the sponsor of it.

SONENSHEIN: Well, there was an opinion poll at the time that showed that a majority of the voters, or some large number, thought that he had been a backer.

SONG: And that Proposition 13 was just disastrous. God, people in the state college level certainly felt it.

SONENSHEIN: Oh, yes.

SONG: City councils, local police departments, the libraries were devastated. But that was Jerry Brown for you.

SONENSHEIN: Yes. In 1974, was there a new group of legislators that came in along with the wave of political reform?

SONG: Yes. They were the so-called Proposition 13 babies, particularly on the Republican side in the assembly. Somehow or other, the name "cavemen" was assigned to them.

SONENSHEIN: Now, were you thinking of 1974 or 1978 with. . . . I was thinking of Prop. 9 with the political. . . .

SONG: Gee, I don't recall that. I think with 13 there came the . . .

SONENSHEIN: Was that when the "cavemen" came in?

SONG: Yes, came in. Yes. They're the ones who would vote against any measure that would appropriate funds. And if you had enough in one house, that's enough, of course, to kill it.

SONENSHEIN: Right.

SONG: And they became a pretty effective force. I guess they still are.

SONENSHEIN: They still are.

SONG: Yes.

James Mills and David Roberti

SONENSHEIN: Well, let's go back to Jimmy Mills, then. Because now you supported him very strongly in 1971 for that leadership position. What's the year where you started to want to remove him?

SONG: I think roughly about 1975.

SONENSHEIN: So around this same period, then. And did that have something to do with the rise of campaign contributions and importance as well?

SONG: Yes. I think that was it, because getting money for political campaigns was becoming more and more critically

important. It became apparent to us that the leadership was in a position to get the dough for us, and we felt that he should do more of something like that rather than just play the part of the professorial head of the senate, which he did. Here he was, the former either teacher or museum curator or something like this, which was his background. How he got into politics, I'll never know. But we began to get weary of it because we needed the help.

SONENSHEIN: Who were the "we"? Who were the people who are most active?

SONG: Oh, let's see, who would meet? We were meeting for breakfast, and it seemed like the minute we met this information would reach Mills. No secrets are possible in Sacramento. At the time, [Alfred E.] Al Alquist was in the group. Al really continued, and he helped dump Mills and put Roberti in.¹ That's why he was made chairman of Finance. Al Alquist, George Zenovich, myself, Dymally. . . . no, no, Dymally wasn't there. He'd left. Oh, and a Republican joined us: Denny Carpenter. Those were the . . . several of them, just Alquist, Zenovich, and myself among the Democrats.

SONENSHEIN: And he was very aware that you were undertaking these efforts.

SONG: Yes. That's when he came out one day after a Judiciary

1. James Mills was defeated for president pro tem in December 1980 by David Roberti after serving in that position for nearly ten years.

Committee meeting. I came out, and Jimmy was standing out there in the hallway, leaning against the wall waiting for me. He approached me and said, "Al, I'm going to get you one of these days." And I said, "Go ahead, take your best shot." He couldn't have me removed right then because he'd have to get two more votes in the Senate Rules Committee. Had it been the speaker, of course, I would have been out. It somehow worked out, too. He succeeded in stripping George Zenovich of his chairmanship.

SONENSHEIN: Of which committee? A major committee?

SONG: George? No. He was chairing, I think, Industrial Relations at the time.

SONENSHEIN: Was Roberti in the senate at this time?

SONG: Yes.

SONENSHEIN: And was he sympathetic to your effort?

SONG: No.

SONENSHEIN: Not at all?

SONG: He didn't take part in anything, and I don't think he could even recognize a lobbyist when he saw one at that time. This is why I am amazed at the fantastic change in Dave Roberti.

SONENSHEIN: So he was hardly a force behind the scenes, hoping to take over?

SONG: None whatsoever. He was just, if anything, a bystander. And I look at his staff today and I'm just amazed at the transformation. It's certainly almost as drastic as a Dr.

Jekyll and Mr. Hyde type thing. He even has a protocol adviser on his staff. [Laughter]

SONENSHEIN: For what?

SONG: For what is right. I don't know. Maybe someday he's going to entertain Prince Charles at lunch. [Laughter] Which is another fiasco with that Jerry Brown. Do you know what he did? He ordered ready-made sandwiches for Prince Charles's lunch. And that was the talk of the town.

SONENSHEIN: What do you mean? Like things in cellophane?

SONG: Yes.

SONENSHEIN: What did the prince think of that?

SONG: Well, in fact, that's what we had. The one and only lunch I had with Jerry Brown, he invited certain members of the senate. We had a choice of turkey, ham, or beef, I think. [Laughter] Cellophane covered sandwiches. And we had to buy our own lunch. He wouldn't treat us for lunch.

SONENSHEIN: You had to buy your own? How did you do that? I mean, you had to bring cash and pay right there?

SONG: Yes, we were told in advance it was going to cost us three bucks, or whatever it was, for lunch.

SONENSHEIN: Were you somewhat insulted by that?

SONG: Well, I think most of us were resigned to it with Jerry Brown. [Laughter] I think I had a diet Pepsi with it, or something like this. What a guy. So Prince Charles comes around and he gets the same kind of lunch. [Laughter]

SONENSHEIN: Was that covered in the press?

SONG: Yes. And I think by this time the legislators were accustomed to Jerry Brown. You know, "That flake, that's the way he's going to do things."

SONENSHEIN: That was just the way people talked about him. Kind of offhandedly?

SONG: Yes. And as I say, the things that we were aware of, his Plymouths, his apartments, all so phony. And there was another well-publicized trip that he took to England where he went on People's airline, or something or other. They must issue press releases. "Here's Jerry Brown going on economy," or something like this. Whereas Ronald Reagan would rent a private jet, you know. But I don't know. Hell, the state of California ended up in a terrible financial hole after Jerry Brown.

Willie L. Brown, Jr.

SONENSHEIN: The leadership in the assembly, let's see, in this period was Leo McCarthy, not yet Willie Brown, although Willie Brown was trying. Was there any interaction? I know you've said that senate people would stay away from leadership battles in the assembly. Was there any interaction with Willie Brown, Leo McCarthy, that you can recall during that period?

SONG: No. I became familiar with one aspect of it. When Willie Brown first tried, and he first tried against Leo McCarthy,

and everyone thought that Willie had it. But Leo really took him on, beat him narrowly. At that time it was because a couple of black assemblymen turned around and didn't vote for Willie. And, of course, he was furious. He really believed that they should have, without any question, supported him.

SONENSHEIN: Was Dymally behind this?

SONG: I believe so. That's how I became familiar with it. Because I am Merv's seatmate, and Merv passes along all these tidbits to me. Willie Brown came over and promised Merv he'd raise \$50,000 for him. Willie had the vision. He could see what the speaker could do. But Merv Dymally turned him down because he didn't like him, just like Willie Brown doesn't like [Thomas A.] Tom Bradley.

SONENSHEIN: Right.

SONG: You know, Willie felt that--what were the names of the black assemblymen? I can't think of them.

SONENSHEIN: There's Bill Greene and . . .

SONG: Leon . . .

SONENSHEIN: Leon Ralph.

SONG: Yes. [He] was one of them. Leon became a minister.

SONENSHEIN: Right.

SONG: But Willie feels that if you're black and running for something, if you're Willie Brown, the other blacks got to support him. But he, in turn, doesn't feel the same way

about his obligations. He doesn't feel that's enough of a basis to demand loyalty, as witness Tom Bradley. Willie has never felt kindly about Tom Bradley. And I think it's strictly a personal thing because he doesn't want anyone to threaten his position as the black political leader. But he offered fifty grand to Merv and promised he would raise him the fifty grand within a year of his being speaker. Deliver Leon and the other black vote . . .

SONENSHEIN: Bill Greene, then.

SONG: . . . who were close to Merv Dymally. And Merv was the sort of titular head of that little clique. Merv refused because he doesn't like Willie Brown. [Laughter]

SONENSHEIN: So what did he do? He just told Bill Greene and Leon Ralph not to vote for Willie Brown then basically. Or at least did not tell them to vote for Willie Brown.

SONG: I think he told them to do anything but vote for Willie Brown. [Laughter] Because these guys really had to take a stand which was not too popular with certain forces, particularly those who Willie Brown had carried. Not just the blacks, but those who would be simpatico with that kind of a thing, seeing a black as speaker. So Willie lost the first time out. Then you read about the second time. He won because he got the Republicans to support him and these poor Republicans thought they were really getting something, and Willie Brown turned around after a year and put the shaft in them.

- SONENSHEIN: And did he win? That was your last year. You were still there, weren't you? Wasn't it 1978 that he won?¹
- SONG: Yes, I think so.
- SONENSHEIN: So you were a witness to one of the bloodiest speakership battles of all time.
- SONG: Yes. It was. Although it was really. . . . We in the senate were detached from it. But certainly I read about and I'd hear things all the time from members of the assembly with whom I was still close and maintained a contact. There's still a few of them who came up when I came up. In fact, I just got an invitation here. They're having a sort of an affair called "The Class of '63 Reunion."
- SONENSHEIN: So the capitol class of 1963 invites you for cocktails and buffet. So this means people who were first elected in 1963, is that what they mean by the "Class of '63"?
- SONG: Yes. That's the Class of '63.
- SONENSHEIN: I wonder how many people that is.
- SONG: Well, it says, "P.S., it's Wadie's birthday." That's Wadie [P.] Deddeh, of course. There's still a handful in the assembly. I'm not sure if there's anyone in the assembly anymore. Goodness sakes, who is in the assembly? Leroy Greene was there; now he's in the senate, of course.

1. Willie Brown was elected speaker December 1, 1980. (Legislative Handbook) 1982.

There's not more than a handful. God, how time flies . . . and attrition and this and that. But it's Wadie's birthday. And these two gals were secretaries in the assembly: Helen Jones and Paula Parks. So it's going to be at Paula's home. She married an extremely wealthy contractor who passed away recently, so she's a wealthy widow.

Wadie Deddeh

SONENSHEIN: Well, who is the name Wadie that you mentioned?

SONG: Wadie Deddeh.

SONENSHEIN: Who is Wadie Deddeh?

SONG: He is in the senate from San Diego.

SONENSHEIN: Oh.

SONG: He came to the assembly when I did, so he was in '63 there. He and Jimmy Mills. No, he took Jimmy Mills's place when he moved up from the assembly.

SONENSHEIN: Oh, I see. From San Diego.

SONG: Yes. He, during [President James E. "Jimmy"] Carter's administration, was striving very hard to get appointed to be ambassador to Lebanon because Wadie Deddeh is from Iraq or someplace like that. I'm not sure what you call it. But Carter didn't do that, of course. So Wadie ran for the senate. It's reputed that he must own at least twenty liquor stores in San Diego County, but this is pure rumor. I think he was a schoolteacher when he first ran for the

legislature. I remember one incident. This was about like 1976 or thereabouts when a group of us went to Israel. It was a fun trip. I think we were guests of the Israeli government, so everything was economy. We flew from L.A. to New York City, some American airline economy. Then from New York City to Tel Aviv on El Al. And I remember sitting in the very last row of the airplane--so uncomfortable. But as we were boarding the plane in New York City and going through a search of our luggage by the El Al security--and they are really careful. No X ray type thing. You open everything and they go through everything that you have. And right in front of me standing in line is [Louis J.] Lou Papan, assemblyman who is now running for the senate. And in front of him was Wadie Deddeh. So the attendants there, the guards, were going through Wadie's suitcase with Lou Papan right behind them, [who] says to them, "You know, this guy here is an Arab." Oh, Jesus, Wadie Deddeh was sweating. I could see the perspiration. And these two security guards looked at Wadie and they proceeded to literally tear apart his suitcases. [Laughter] That Lou Papan is funny. So we went to Israel and, I tell you, after three or four days there I got so weary of that diet they had there: terrible food, particularly the breakfasts. So one day we were out having lunch and we stopped in what you'd call the Arab quarter or

something like that. I had said something like, "God, what wouldn't I give for a damn hamburger sandwich." Lou stands up and says, "I'll take care of it." Lou is Greek. So he goes in the kitchen and out comes Lou and the waiter. Lou is carrying a tray with a napkin over his arm, and he puts in front of me a hamburger sandwich. Smiles and says, "There's your hamburger." [Laughter] So I picked it up. I took one bite of it. I could barely keep the food in my mouth. It was ground mutton, strong odor. [Laughter]

That is one of the nice things about holding office: those trips that we used to take. I really enjoy that. I've had the good fortune of going there and Jamaica and Puerto Rico and many of the states. That's kind of minimized today, again as a consequence of Proposition 9. Even though it would not cost any more money, say, to hold a meeting in Palm Springs, you just don't go there anymore. I used to have quite a few meetings in Palm Springs because I was at one time an avid golfer and that's a great place to hold a meeting--go into recess and play golf. [Laughter]

SONENSHEIN: Very convenient. Very comfortable.

SONG: Oh, yes.

SONENSHEIN: Well, let's pick up the thread now, as we're moving toward the end here. We'll have one more flip of the tape probably. You were reelected in 1970, 1974?

SONG: Yes.

SONENSHEIN: Did you have any major opposition in those elections?

SONG: No. In both elections my plurality was becoming increasingly substantial. I think in 1970 it may have been 70 percent, and in 1974, 74 percent. In 1978, I came in a dismal third.

SONENSHEIN: Right. We'll go back to that in a minute.

SONG: Yes. After all that publicity I was the unfortunate recipient of . . .

IX. ROCKY TIMES AND CAREER CHANGES

Inquiry by Federal Bureau of Investigation

SONENSHEIN: At what stage did the bad publicity. . . . Are we talking about 1976?

SONG: About 1976, I think. My thinking at this point was that this woman I had mistakenly married was the primary mover behind most of it.

SONENSHEIN: Could you elaborate on this a bit so that we can put it into the record?

SONG: OK. This was a woman whom I met at a political affair in San Francisco. And, having a weakness for women, particularly beautiful women, this is how I met her.

SONENSHEIN: And what year would that be that you had a . . .

SONG: Could have been in 1975, I think.

SONENSHEIN: OK.

SONG: And I somehow or other ended up getting married to her, which was really a bad mistake. So recognizing that almost immediately after the marriage, I asked her to go ahead and arrange for divorce. This is a personal aspect of it. From that point on, apparently I created an enemy of some kind. Very bad situation. I got involved in a terrible divorce case. I filed the action, because she refused to. But I filed the action in L.A. County, because under the laws when you file a divorce action you, as the plaintiff, have to file it in the county in which you reside. Normally, the jurisdiction otherwise is where the defendant resides. So I filed in L.A. County and she proceeded to employ an attorney who officed in the San Fernando Valley. Eventually married him. But that little divorce case, with nothing involved monetarily, property minimal, just a residence or the equity in the residence, they took up to the court of appeal four times and state supreme court once.

SONENSHEIN: In questioning the property divisions?

SONG: Question? There was nothing to question, really. Because I had told her, "What do you want? You take it." She just wanted to make it miserable for me. And then at that time, I think, coincidentally the FBI had come to Sacramento to investigate under the antiracketeering federal statute. I think I know why they came here. Specifically, to begin with, to investigate one member of the senate.

SONENSHEIN: A different member of the senate?

SONG: Yes. Not me. In fact, he was in the leadership. It started with, I'm told, an airport situation in Orange County. Somehow or other this guy got involved trying to get a car rental outfit space in an airport for a consideration, or something like this. So somehow or other when the news started to break there, it seemed like the FBI was concentrating on this one legislator and two or three lobbyists, including a lobbyist whose name is Don Brown. He was getting the benefit of all kinds of adverse publicity and he was really suffering at the time. Then my name started creeping in.

SONENSHEIN: Into press reports, or into private . . .

SONG: Press reports. I was just shocked when I first read that. And so it went on and on and it became evident to me that it was this ex-wife of mine who apparently was spending a great deal of time at the L.A. FBI office, accusing me of all kinds of things. I don't know who arranges for the leaks of these things to the press. It reached the point where it was so bad I was afraid to look at the newspaper or watch television news at six o'clock at night. The frequency with which I appeared in both media was just shocking to me.

SONENSHEIN: Well, were you being presented with specific charges that you had to rebut that a reporter would come up to you and say, "What about this particular charge?"

SONG: Yes. They'd ask me if it was true, and I reached the point where I just developed a phobia so to speak. But it just ended up that I had had so much coverage that it was just disastrous to me--the fact that the grand jury did not indict me notwithstanding. But that was after the election.

SONENSHEIN: And you and your staff were called before . . .

SONG: I was never called before the grand jury. My administrative aide in the district was called. And he was eventually indicted for perjury. A fellow whose law office I was in for just two months in downtown L.A., he was called. He was indicted, also, for perjury. Both defendants were totally acquitted.

SONENSHEIN: They were acquitted. They had a jury trial and were acquitted or was it never even brought to trial?

SONG: Yes, my administrative aide. And you know, this is really shameful. He was indicted; I think there were twelve counts.

SONG: Through pretrial proceedings and so forth, I think he ended up with either two or four counts of perjury, went to trial, acquitted. He had to indebt himself to an attorney for \$50,000. I helped him raise \$5,000 and he really felt I should have come up with more money, but I said, "Where am I going to get the money from?" The other fellow who was publicized as my law partner, who was not--and I was there just two months--was indicted because of alleged

perjury with reference to fixing of traffic tickets. And obviously my name came up in that.

SONENSHEIN: So this was a separate thing, but your name was connected because you had been seen as his partner.

SONG: Separate, yes. So they indicted him for perjury because of the way he answered the grand jury questions about that. What the hell would I do fixing a traffic ticket? So everything was just my name all the time. Song's administrative aide, Song's law partner, on and on and on. I just couldn't believe this. I went to the district one day and there was the headline, banner headline on page one that the FBI had gone to the L.A. police files and the article was right on the right-hand side of page one following the headline. The report was that the L.A. police had bribed me with \$5,000. You know, I called the reporter and I just . . . because he has a by-line. I said, "Aren't you guys overdoing this? You know, to think, number one, the cops are going to give me \$5,000? And for what?" I said, "Why don't you guys exercise a little judgment?" this and that. But you know, these newspaper reporters. Sometimes I regret the fact that I worked so hard to protect their interests as I did. But that was one charge. And another charge, big article headlines in the L.A. Times about a lobbyist having paid my country club dues, which was true. He did, but long before there was

any problem. When I thought about it, I said, "Gee, I don't feel good, the people might misunderstand that." So I reimbursed the lobbyist. Today the last FPPC report I read about in the press, Deukmejian reported gifts of four country club memberships. I mean, it was never illegal.

SONENSHEIN: It was never illegal?

SONG: No, never illegal. There's nothing illegal about accepting a gift of a country club membership. But I knew people would misconstrue that.

SONENSHEIN: What are the other main lines they were looking at? What was it that you were getting that was coming in on you at that point? Were they looking at gifts from lobbyists? Was that their main concern?

SONG: That was the main thing. About the only gift from lobbyists they could get their hands on, which they tried to make it appear improper, was that country club thing. They couldn't talk too much about fishing trips or other trips which everybody was taking. I say "everybody," but many people. So they couldn't bring that up. They just went down the line and just interviewed every lobbyist. One, this lobbyist I told you was a fairly good friend of mine. He said, he called me up and he said, "God damn, I just spent two days before the grand jury." So my reply was, "Jesus Christ, what the hell did you have to talk to them about me for two days?" He said, "No, not two days

about you, Al. Just twenty minutes about you." "Oh, what did you spend all of your time on?" "Oh, other legislators and I don't think I better tell you what their names are." But I'm the only guy who had the publicity.

SONENSHEIN: So there were things coming out about other people but not being released.

SONG: Yes. Merv Dymally, too, got the benefit of some of that crap. And Merv wanted he and I to hold a joint press conference. He says, "It has to be because you and I are the only two minority members." He wanted to take that approach. I said, "No, Merv. I can't believe that." I thought by that time I knew why my name was coming up. I knew that my ex-wife may have been the inspirer of much of this. But why all the leaks and these things? Obviously, I don't think she controlled the press.

SONENSHEIN: Oh, was she contacting the press directly, do you think?

SONG: She must have been, yes. Her husband, the attorney.

SONENSHEIN: So what would she do? She would take materials that might be damaging and she'd take it to them?

SONG: Yes. She'd taken [them] during the time I had asked her for a divorce, and you know we were really in a state of war, so to speak, before I finally filed. She had been filching my personal material, taking things out of my coat pocket. I'd go home and hang it up every night. I guess she would remove the things. And there might be a

scribbled note or this or that, whatever it was. I suppose there are certain things you can look at and, if you want to, make it seem improper. FBI had everything on me. They subpoenaed every bank account that I'd had. I remember someone at the Union Bank calling me. I had borrowed \$15,000 from them because I needed the money when I was buying this home here in Sacramento. And the question of the FBI was, "Why did you loan him the money?" "Well, he filled out the financial statement, and so forth, and we thought we could loan it to him."

SONENSHEIN: So they were treating that as a benefit to a legislator?

SONG: Yes. Why would a bank loan me money? They were trying to inject something improper into it.

SONENSHEIN: Did you have direct contact with the FBI as well? Did they interview you?

SONG: They never contacted me directly.

SONENSHEIN: So you were never contacted by the government in any way, either the grand jury or the FBI?

[End Tape 3, Side B]

[Begin Tape 4, Side A]

SONG: Nothing personally. Never, personally. But I know Simon was interviewed, Simon Haines. Joan Barton, now Joan--she's married and another surname. She was interviewed twice. In fact, she was one of the few members of my staff summoned before the grand jury. And, here

again, it just mystifies me. I'm just totally mystified about this. This is what she related to me about her appearance before the grand jury. She was put in a little waiting room. And when one appears before the grand jury, you go before the grand jury physically without counsel. Attorneys are not permitted. So she was told to wait in this room; and when she went into the room she said she noticed a fellow, a younger man in a suit, was sitting in there. She just couldn't identify him, and didn't think anything about it. Then, after that, she says a few minutes later in comes another man whom she recognizes. Oh, no, no, no. She doesn't recognize him. He was just another stranger. Then, somebody else comes in to tell Joan, "Well, Miss Barton, it'll be just another few more minutes, then we'll be calling you."

So he departs. Then the second man who appeared says to Joan, "Are you Joan Barton, Senator Song's secretary?" She said, "Yes." "Well I am Bob So-and-So." So Joan recognizes him then, says, "Oh, are you Mr. So-and-So?" Then when she greets him and they shake hands or something like this he complains and says, "I don't know why they subpoenaed me and I've got so much work to do," and so forth. Then at that point the other man who had been sitting there leaves. It turns out he was an FBI agent. They set this up just to see whether or not Joan knew this

guy. Who is this guy that the FBI made so much about? This I could never understand.

When I married this woman who gave me all this problem, I could thereafter add her to my health insurance but only at certain open enrollment times. It seems almost immediately after we got married--I didn't realize this woman had so many things wrong with her health. She developed cancer and so forth after that. She had to go into the hospital. So I'm in trouble. So I said to Joan, who was my principal secretary here in Sacramento, "Joan, find out about my health insurance." She called. She says, "Well, the open enrollment period, you're going to have to wait for that, or you can just file an application for a waiver or something like this. It goes before a certain board," or something like this. And this fellow that Joan met there in that waiting room for the grand jury was the executive officer of that group. So I filed the application and all you do is you file the application and hope that they will give you waiver so your wife can be covered. Well, the FBI found out and this is how thorough the investigation was, that this board had granted me a waiver. And they thought there was something improper there. You know, that board will grant a waiver to every legislator.

SONENSHEIN: So that's why this person was called in, to see if there was collusion.

SONG: Yes, and he was convinced that obviously Joan was meeting this guy for the first time, but had talked with him on the telephone. But this was apparently suspected as being something bad. I still, for the life of me, can't figure out what the hell the illegality was. So all that charade. Then, Joan was summoned before the grand jury. She said they got upset at her. The U.S. attorney was questioning her, because so many questions that she had to say she didn't know. One question was, "Did you ever see anyone, any lobbyist, giving Senator Song money?" The lobbyists aren't going to be so stupid that they're going to transfer money in her presence. These are the things that happened.

SONENSHEIN: So how long. . . . Well, did this last about. . . . At what point did you know you were cleared? I mean, if you figure the trouble started in 1976.

SONG: Oh, this started about 1976 and after several exposures in the news media I was becoming disturbed. I talked with a couple of friends of mine, and they'd say, "Oh, shit. You know, forget it. It can't be worth anything at all," blah, blah, blah. But finally as it continued, I talked with a guy who belonged to the same golf club I did, who used to be an assistant U.S. attorney, and he said to me, "I advise you, you'd better go hire an attorney. First of all," he told me, "let me see what I can find out for you." So I

guess he called someone in the U.S. attorney's office and he was told that they were really after my ass. So he said, "You hire an attorney." I said, "Well, since you were an assistant U.S. attorney, you want to handle this for me?" He says, "I better not, but here's So-and-So, and he used to be an assistant U.S. attorney, too, but longer removed." So I employed him. I had to raise \$1,000 cash for a retainer. Today it would have been \$25,000.

SONENSHEIN: Right.

SONG: So he followed this thing all the way through and he was becoming more and more mystified what they're after. He couldn't find out what they're after. Any kind of impropriety, like the country club membership, this thing of adding my wife to the insurance rolls. God almighty.

Oh, another big article I had in the Los Angeles Times said I had a party and used the L.A. County marshals as parking lot attendants, which is so untrue. Just . . . maybe a couple of them were helping the people voluntarily, telling them where the cars could be parked. But I tell you, that thing, there may be some clippings there, I don't know.

SONENSHEIN: Well, I'll look through there.

SONG: It just increased, increased, it just became so bad.

SONENSHEIN: And this ran right into the campaign basically?

Primary Campaign Management (1978)

SONG: Yes.

SONENSHEIN: Because the campaign primary is what, spring, summer of '78.

SONG: I should have dug up a copy of that hit piece of Joe Montoya. If I can, I'll mail it to you.

SONENSHEIN: Would you mail it to me? I'd love to see that.

SONG: Yes. Oh, that was just devastating. Devastating, yes.

SONENSHEIN: And that was just a few days before the end of the campaign, right? OK. So who were . . . there were how many candidates filed? How many major candidates filed?

SONG: There were two big candidates: a fellow named George Hensel. He runs a driver education school. He teaches people how to drive, in Montebello. His wife is also on the Montebello City Council. He is reputedly a millionaire. He spent a lot of money. He ran the same kind of a hit piece. Montoya, of course, was in the assembly for I think two, possibly three terms when he opposed me. And the fact that he was an assemblyman, I think.

SONENSHEIN: So he represented one half of the district?

SONG: Yes, one half of the district.

SONENSHEIN: Was he Hispanic?

SONG: Hispanic, yes.

SONENSHEIN: And there was presumably a decently sized, still a decently sized Hispanic population in the district.

SONG: Yes, yes. Very much so. I think the Spanish surname . . . there was about 30 percent of the district. As we discussed earlier, the Chinese population has increased substantially in Monterey Park, but still the number of voters must be minimal as witnessed by Lily Chen's defeat when she ran for reelection to the Monterey Park City Council.

SONENSHEIN: And did you get any backing from any of the leadership in the senate, or any of your colleagues at this point? Or were they being cautious because of the charges?

SONG: George Zenovich had been able to raise quite a bit of money, so he sent me \$5,000. But, other than that, no leadership. Jimmy Mills, of course, not a penny because he never did. And Zenovich this one time was trying to wrest the leadership from him, so he had succeeded in raising some money.

SONENSHEIN: I see.

SONG: And he was going to show us it can be done, and he did show it to me by sending me five grand. And that was the biggest I've ever received.

SONENSHEIN: So did you have consultants running the campaign or anything? I know you were in a tough spot at that time.

SONG: No. I never had a professional outfit run my campaigns. Maybe I should have at that time, but there was no money for something like that. The most I have ever been able to

raise, for example, at a fund raiser dinner would be like maybe forty grand, or something like this. And that would be big money. But at that time, with that election, there were a number of special interests who felt that I should be retained, I guess because they felt they could work with me and they knew more or less what I could do. The medical association, dental association, the trial lawyers, they just gave me the maximum that they could spare. And I spent more money than I ever did.

SONENSHEIN: How much would you say you spent?

SONG: I must have spent close to a hundred grand.

SONENSHEIN: Yes, and you had been virtually unopposed in previous races.

SONG: Yes. So previous races, \$25,000, \$40,000, or something, put out one or two mailers, a few billboards, but never any serious contenders.

SONENSHEIN: So did you put out quite a bit of mail in this one?

SONG: I did. That was all costly. Just the postage itself is quite heavy, and then the printing of the materials. I would employ someone to design the brochures, mailers and so forth. But it was a losing proposition. My personal polls showed it.

SONENSHEIN: Oh, really. So you knew almost from the start that it was going to be . . .

SONG: Because, you know, this publicity had been going on and

anytime the readers read something that is bad, that's it. And when they read that the FBI is investigating me, they just. . . . The FBI is synonymous with, you know, I suppose, gangs and crooks and racketeers and so forth.

SONENSHEIN: And then did your polls show a fairly high awareness of the charges, then?

SONG: Apparently, yes.

SONENSHEIN: Even before the hit piece went out in that sense.

SONG: Although there was one deceiving aspect of the poll. One element of the electorate that they poll is those most likely to vote or things like that. Among them, I was still managing to maintain my own. But what came out was, I suppose, the vast silent masses, to vote in protest against Song, that big crook.

SONENSHEIN: Yes. And with a mailer then. So both of those candidates ran hit pieces and then Montoya's was simply more successful and was later than the others.

SONG: Yes. I know I've got some of that Montoya mailer someplace and I tell you that was really just the coup de grace.

SONENSHEIN: Yes. I'd really appreciate it if you'd send me a copy of that if you have that somewhere.

SONG: You know, when I left here in 1978, I just wanted to disappear from sight. It was a bad time in my life.

Defeat and Emotions

SONENSHEIN: Did you go away? Did you go and travel or something?

- SONG: No, I rented a place in Newport Beach. Number one, it was the beach, and second, it was fairly close to the kids in Orange County, but not too close. [Laughter] So I lived there for a year. I leased a place for a year, then I moved back to Monterey Park.
- SONENSHEIN: So you just got your spirits together. It must have been really difficult.
- SONG: Well, you have to. You've got to survive somehow or other. I tell you, the low point in my life was election night. Oh, that was bad.
- SONENSHEIN: Yes, I can imagine. Extremely painful.
- SONG: After the other two pluralities, you know, I thought . . . one would think I was invincible in the district. I'd even encouraged Leslie [his daughter, Leslie Song-Winner] to go ahead and run for the assembly in that area.
- SONENSHEIN: I remember.
- SONG: Because I said, "The name Song's a good name there politically."
- SONENSHEIN: Yes. I remember she considered it at one point.
- SONG: So I went to Newport and I kind of vegetated and got drunk quite a bit, too. Then went back to work. The practice of law was deadly.
- SONENSHEIN: Of course, you went back to law practice for the first time really in more than quite a bit of time.
- SONG: For the first time in several years. And I couldn't take

it. I had got a number of assignments, or appointments from my friends on the bench--criminal assignments. More than I could handle. Gosh, it's hard to get a judge to assign cases, appoint you to cases, but because of my relationship with many of the judges whom I've known for so long, a couple of my appointees so to speak, before I knew it I had forty drunk driving trials scheduled. [Laughter] I tried about a half a dozen. I gave them all away to other attorneys, friends of mine. I couldn't take that.

SONENSHEIN: So the practice of law was not quite . . . after public affairs.

SONG: It just wasn't. And I tried other kinds of law practice. And finally out of desperation I called Jerry Brown.

SONENSHEIN: And when would this be? This would be 1979?

Agricultural Labor Relations Board

SONG: Towards the end of 1980. And that's when he put me finally on the ALRB. He refused to put me on the bench.

SONENSHEIN: So did you specifically say, "I'd like to be a judge"?

SONG: I told him I wanted to go to on the court of appeal. Because having gone back to the law practice like that, I couldn't envision a trial court. It's like presiding over Senate Judiciary Committee. Hell, when I was on that committee there frequently I wouldn't even go out and urinate because of the pressure of business. And the minute I left, things seemed to get disorganized. So, I wanted the court of appeal; he just refused to do it.

SONENSHEIN: Explicitly, he just said right then, "That's out," when you were talking to him?

SONG: No, he never said that, but I knew he was thinking of that. So finally I got a call from Byron Georgiou. They put me on to Gerald Brown, and the big problem was they could not get anyone on the ALRB that the senate would confirm. That was their big problem. See, he reappointed a fellow named Jerry Brown also, but his name was Gerald Brown, who was chairman of the ALRB. Jerry Brown reappointed [him], and the senate refused to confirm him.

SONENSHEIN: Why?

SONG: The growers worked so actively. Oh, the growers made it impossible for any Brown appointee to be confirmed. So at that time when he called on me, he had two other names. One was a guy from the NLRB [National Labor Relations Board] in Washington or something or other. Two names to fill the two vacancies, then he was suddenly, finally convinced that it would be impossible, so somehow someone suggested the names of Al Song and [Jerome R.] Jerry Waldie. So someone apparently finally prevailed upon him to do that, and it was true with me there was no problem getting senate confirmation. Jerry Waldie took a couple more roll calls, but he's an ex-assemblyman, as you know.

SONENSHEIN: Right. So he could be assured of getting an appointment through them.

SONG: Jerry Brown was really. . . . He's really the dedicated labor advocate. Man, he's for the UFW [United Farm Workers] 100 percent of the way, whereas I was a little more moderate. But still . . .

SONENSHEIN: While you were on the board, did he want you to follow his position on that? Did he contact you frequently, or were you pretty much on your own?

SONG: I guess we just followed our natural feelings, something like that. The first big issue that came up was the question of strike access. And that is giving access to the union, to the strike sites, which is unheard of in labor law. But we were able to find some kind of NLRB precedent to justify that and because agriculture is such a unique type situation where, you know, the strike may be taking place on some farm situated miles and miles away from any other farms, so we granted them strike access under carefully controlled conditions. And, goodness sakes, you would think that we were giving away the world. I'll never forget. You know what can happen when you develop friendships when you're in office. For example, when my senate confirmation was being debated on the floor, and I had made the rounds, talked with the guys and this Majority Leader Garamendi told me there was no problem, he votes no, simply because he didn't want to offend the growers. One guy who was in the heart of the farm belt, a

Republican, not only votes for me but he stands up and speaks for me. That's [Kenneth L.] Ken Maddy. And when I had approached him, he said, "Al, don't even bother. You know you got my vote." And he stood up on the senate floor and he said, in effect, that he had absolutely no concern about the fact that I would be fair. My integrity, this and that, was impeccable and so forth. That very day, he was approached by about six people from the growers' interest who told him flat out that, "When you come up for reelection, Maddy, we are going to run someone against you." He threw them out of his office.

SONENSHEIN: And it was because of this?

SONG: Yes, because of me. So the next election, he comes up, he has no opposition in the primary or general. [Laughter]

SONENSHEIN: Empty threat.

SONG: So I contacted Ken. I said, "You know this happened only because what you did for me." So you never know the kind of friends you make.

SONENSHEIN: How long did you serve on the ALRB?

SONG: Just three years.

SONENSHEIN: So until the end of the administration.

SONG: Yes. No, until the end of Gerald Brown's term.

SONENSHEIN: Yes, and then . . .

SONG: Gerald Brown's term. Because he had been refused confirmation and Jerry Brown just let the thing lie without

doing anything about it because, you know, he didn't want to devote too much effort in trying to find successors. And I think he finally did because of Cesar Chavez's exhortations to him. Hell, the board was operating with only three people.

SONENSHEIN: With no chairman?

SONG: Just an acting chairman.

SONENSHEIN: An acting chairman. Did your term go past the end of his term? Of Governor Jerry Brown's term?

SONG: Yes.

SONENSHEIN: It did?

SONG: Yes.

SONENSHEIN: So it went until 1983 or 1984 or . . .

SONG: It was 1984, I think. Yes, 1981 to 1984.

SONENSHEIN: Was this a part-time . . .

SONG: No, full-time job.

SONENSHEIN: Full-time, oh so this is how you were occupied for those three years.

Governor George Deukmejian

SONG: Under the code, completely a full-time job. It was close to the end of my term there when Deukmejian here . . . you know, I was again confronted with the question of what are you going to do. I don't want to go into the practice of law. That, too, was pretty well established in my mind. So I called Deukmejian, made an appointment, and he was

very gracious. He came out to meet me. See, he and I had served for sixteen years, same time he came. He's in the "Class of '63." I'll bet you he may be there.

SONENSHEIN: Oh, he's in the "Class of '63." You know, I'd be curious to know your observations on him as well, since he's our incumbent governor right now. That gives you four governors that you've had experience with.

SONG: That's right. That's right, but not in the legislature.

SONENSHEIN: Right, right.

SONG: So we went in and he was very cordial, I'll tell you. Going to visit him was not like going to visit Jerry Brown. I guess I think I looked at Jerry Brown with a little disdain anyway, which is fortified by things that happened afterward and input from others, like his father. This little incident, I went to San Diego for some kind of a hearing, and I hop on the plane coming back to Sacramento, put my head back and was going to take a nap. I felt someone sitting next to me, then the voice addressed to me, "Al, turn around." Pat Brown. The whole flight was about his son Jerry and how his son Jerry is mistreating him and the fact that he cannot understand his son. Anytime he recommends that Jerry Brown does something, that means he's going to do something that's completely the opposite and so forth. Just Jerry Brown complaint all the way, how he was becoming a pain in the ass.

But here was Deukmejian. I said, "George." I don't know where this "Duke" came out, I guess during the campaign. I said to him, "You know my term's expiring and I know I won't even ask you to reappoint me." Because he's come out publicly, first thing he did was cut the budget by over 30 percent. And make public speeches about this bad board and this and that. I knew he'd never appoint me because the growers hated my guts. Although I was not that bad, but they thought so.

SONENSHEIN: They probably thought they could get someone more favorable to them.

SONG: Yes. As they have now.

SONENSHEIN: Yes.

SONG: So we talked. We talked about the bench first and, you know, with the bench there's a mandatory seventy year retirement type thing. If you don't, your pension decreases every year. And he told me very candidly, he says, "You know the bench is kind of tough, Al, because we got a long waiting line of Republicans, and I just couldn't do that. But," he says, "there's got to be something else." Very sympathetic. He called in [Marvin R.] Marv Baxter, his appointments guy. With a big book, went through the whole thing, Deukmejian patiently participating in this discussion. So we settled on one thing, state public defender. Because at first I said I don't know if I

want to be state public defender, then the more we talked about it, because among other things he'd done, he'd cut the budget there by 50 percent. He did not like the state public defender. And I thought, you know, this might be a graceful way for me to withdraw finally. Because among the other things was the coincidence that one of my bills had created that office. And Deukmejian said, "Gee, I don't see why we can't do it. Let me kick it around." Somebody in his office killed it. It seems two days later there's a big leak in the press, the [Sacramento] Bee, says in a leak floated by the governor's office about my impending appointment, and that generated hordes of opposition, not from the public defenders but from certain Republicans, I guess, who thought it had to go to a Republican. So he eventually appointed a Republican. About a month later he called me personally on the phone, asked me to take this thing in Cal-OSHA [Occupational Safety and Health Administration], the appeals board. And he told me this was supposedly for a person from the field of labor. I said, "Well, you know, I'm not from the field of labor." He said, "Well, you were always a good vote." And he said to me, "How can they oppose you?" And they came out and opposed me.

SONENSHEIN: Who is they, the labor . . .

SONG: Jack Henning. [Head of the California AFL-CIO]

SONENSHEIN: Jack Henning did, really?

Deputy Attorney General

SONG: Yeah. He wanted someone whom he could recommend from the field of labor and Deukmejian will never give him the time of the day, so that's why I came over here. Dave Roberti had arranged with [Attorney General John] Van de Kamp to create an appointed job for me. Not the one I have now, but an appointed job as his consultant on nursing homes. So that's why I decided, OK, I will leave that place. Dave Roberti didn't want to subject themselves to having to vote against Henning, although he assured me they would confirm me. And I didn't care that much for that job anyway.

SONENSHEIN: Are you talking about the OSHA job?

SONG: Yes.

SONENSHEIN: Yes. So that . . .

SONG: So I had to take a \$10,000 a year pay cut to come here.

SONENSHEIN: Now wait. This is after the nursing home consulting?

SONG: Yes.

SONENSHEIN: And then Roberti arranged. . . .

SONG: We had agreed in advance that after the appointed job term ended, assuming I passed the civil service test, I could be promoted very quickly. I would have to enter as a legal counsel. That's the lowest entry civil service rank. Law school grads do that. And I was told it might be possible maybe in a couple of weeks, you know, to be promoted to

Deputy AG [attorney general] grade three, which I am now. Well, it took two months, not two weeks, and only after I had taken a promotional exam. Goodness, that legal counsel I didn't realize that there were 1,500 people who took that. You know, these law school graduates there are having a hell of a time finding a job, so I took that exam and I think I placed fourth. It's an all oral exam. How can anybody flunk that? And I'm surprised they made me fourth. And later in the promotional exam I was ranked second. And so they promoted me to this deputy III after two months, and the salary is still less than what I earned at Cal-OSHA, but what the hell.

SONENSHEIN: Yes. What do they have you doing?

SONG: I'm in the professional and vocational licensing section. We prosecute state licensees; contractors are the most plentiful cases. Medical doctors, dentists, pharmacists, nurses, and they're all disciplined for . . . the terminology used in the code is "unprofessional conduct." If a doctor takes dope, that's being guilty of unprofessional conduct. Pharmacists, too. That's the biggest problem with those in the medical fields: their resorting to drugs or selling drugs.

SONENSHEIN: And that sort of case would come through your division?

SONG: Yes, unprofessional conduct, so the various boards file, the attorney general's office represents the boards. That's how we get involved.

SONENSHEIN: So these are administrative hearings that are held, not criminal hearings.

SONG: Yes. All before administrative law judges. In fact, this call I had was from an administrative judge trying to set a hearing on a case. So we get to know them quite well, because we're there all the time.

Ends and Means

SONENSHEIN: Yes, well it sounds like it. So now is this where you expect to be for awhile then?

SONG: Oh, for awhile, but I think for a limited while. It's interesting enough, but I think within a very short time it can become rather stultifying. But of course, realistically, and I have to be realistic about this, there's only certain fields of endeavor that would be open to me now because of my age.

SONENSHEIN: Yes. How old are you now?

SONG: I'm sixty-seven. No law firm's going to want to hire me and I don't want to go into private practice. And working for the AG's office is a fairly comfortable setup, so I really shouldn't complain, and I'm not complaining.

SONENSHEIN: Is there a retirement?

SONG: I could retire now.

SONENSHEIN: You could retire. Is there a mandatory retirement of some sort?

SONG: No. In fact, under the law, they can't discriminate against me because of my age.

SONENSHEIN: Great.

SONG: But how much longer will I work, I don't know. As long as I feel better working than being retired, I'll work. If I reach the point where it's going to be easier not to do anything, then I'll quit, of course. But I can retire and draw on my Public Employee Retirement System pension. That requires a minimum five-year vesting and starting with the ALRB I have that. I would tack onto my not too grand legislative pension. People get the impression that the legislative pension is so grandiose, but it isn't. Because it's based upon the salary I was receiving as a legislator, which when I left was about, what, \$20,000, \$24,000 per annum? So it can't be that big.

SONENSHEIN: Yes. So it'd be much larger today than it would if you were in the assembly today or senate today.

SONG: Yes, but it's still not that big. In fact, I know a former deputy sheriff who was pretty high up in the L.A. County Sheriff's Office who retired after twenty or thirty years and he's now working for the governor's office. He was drawing ten years ago more than \$40,000 retirement because of his deputy sheriff's job. No legislator draws anything close to that. My legislative retirement based on sixteen years of service is less than \$2,000 a month gross. So it's not that magnificent as people would have you believe. I would almost have to supplement that somehow or other.

SONENSHEIN: Well, it sounds like you intend though as long as you're working to continue to work in public affairs in some capacity.

SONG: Yes, I guess that will be it.

SONENSHEIN: You're pretty hooked on it.

SONG: I enjoy it and at the same time I'm pretty well off under the circumstances. I'd much rather be the beneficiary of a generous trust fund. [Laughter] But that not being the case. . . .

SONENSHEIN: Well, now that we're near the end of our interview, do you have any sort of overall observations on anything you'd want to sum up on or anything? Because we've talked about a lot of things that covered a very wide range of things. Are there any things, looking back on your career, that stand out in your mind now?

SONG: No, I can't. As you've indicated, Raphe, I think you've somehow guided this thing into a pretty comprehensive coverage of my past. I'm just amazed, as I say, when you first mentioned six hours, I wondered how you'd fill one hour. But, obviously, you're a man of experience about things like this. No, I think just by way of a brief summary of my so-called public life, I think I've been blessed by having been given these opportunities. Certainly my parents and their parents before them would have considered this completely out of the question,

particularly in the United States. Let's face it, it would seem to me that as long as we remain mortals this thing called racial prejudice will never be eliminated. Not completely, and so I think in that . . . for that one consideration, to begin with, I am blessed to have had these opportunities. And I think, on the whole, I've had a good life. I can't complain about that. I've got great kids and at least I'm enjoying a modicum of good health, so no complaints. I want to thank you. I'd like to see what this all develops into someday.

SONENSHEIN: Oh, you'll see it very soon.

SONG: Good.

SONENSHEIN: Very soon. Well, thank you very much.

SONG: Thank you.



MARC MATTEO / Los Angeles Times

Former Sen. Al Song says he blames Sen. Joseph B. Montoya for wrecking his political career. Montoya defeated Song nearly 12 years ago.

Montoya Case Turns the Tables for Ex-Sen. Song

By CARL INGRAM
TIMES STAFF WRITER

SACRAMENTO—Almost 12 years ago, challenger Joseph B. Montoya drove veteran Sen. Alfred H. Song from the Legislature with a pointed reminder to voters that Song was under investigation by the FBI for suspected political corruption.

The tables turned Feb. 7 when Montoya himself was convicted of seven federal corruption counts of using his Senate office for personal gain.

Song was never charged with a crime, but he went into political oblivion. Montoya, who took Song's seat as a "good government" candidate, may go to prison.

But for Song the irony is beside the point. He holds Montoya responsible for wrecking his 16-year-long career in the Capitol and robbing him of the credit he feels he is owed for his legislative achievements.

As for Montoya's current troubles, Song finds it impossible
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SONG: No Sympathy for Montoya

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either to gloat over his successor's downfall or to express sympathy for him.

"I'm sorry for his family, but, in all candor, I don't like Joe Montoya for what he did to me in the election," Song told *The Times* in an interview in which he broke a self-imposed silence on the predicament of Montoya.

In the 1978 Democratic primary, Montoya successfully seized upon the highly publicized investigation of Song as a political springboard to attack Song's ethics. Only days before the election, Montoya sent out a tabloid-style hit piece suggesting, as Song put it, that "I was going to be indicted tomorrow. I was dead [politically]."

Song, formerly of Monterey Park, finished a distant third in a three-way race for the 26th Senate District seat.

During the interview, the 70-year-old Song—his hair now snowy white—showed traces of his trademark cockiness as he surveyed the landscape of the past 12 years.

But he indicated he has not found peace. The father of four and grandfather of 11, Song was anxious to put forward his record, contending that his accomplishments as a legislator have been overshadowed by the attention paid to his fall from power.

"This is something like my last hurrah," he said, handing a reporter a newspaper clipping recalling Montoya's campaign attacks on his integrity and a sheaf of documents outlining Song's legal and political career. Included were copies of 1978 Senate and Assembly retirement resolutions commending Song's service.

He recalled that shortly after his first election to the Assembly in 1962 as the Legislature's first Asian-American, he won enactment of pioneering legislation designed to protect minority voters from harassment at the polls. He called the bill "probably my proudest" achievement.

Later, he successfully carried major bills giving credit card customers greater protection from hidden costs and substantially toughening restrictions against sham appliance warranties. He also routed through the Legislature a bill that overhauled the

California evidence code.

Song has conceded making "mistakes in judgment." But he said he did nothing illegal and attributed his fall to FBI "leaks," news media reports, a vengeful ex-wife and ultimately Montoya.

But to this day, Song, an attorney and once considered one of the sharpest legal minds in the Legislature, insists that "I never knew what in the hell they were investigating me for."

"There is one overriding question that I'll never find the answer to and it has troubled me for years—that is the *why* of the investigation. . . . I will never know why, or what was behind it, or for what reasons," he said.

News stories at the time reported that he received favors and expensive gifts from persons who had an interest in legislation. Song did not deny receiving gifts but insisted he never accepted anything in return for his vote or use of his legislative power. Two associates of Song were indicted on perjury charges but their trials ended in hung juries.

From news accounts, Song said, he discovered that he was being investigated for accepting a membership from a prominent lobbyist in a tony Sacramento golf and country club. He said that before the investigation began in 1977 he repaid the lobbyist in increments for the membership.

"It seemed like an almost daily occurrence that every time I'd pick up a paper or look at a television news program, there was something more about me, things I just could not believe," he said.

Eighteen months after Song's defeat at the polls, the U.S. attorney issued a note saying "Prosecution is not warranted."

Since leaving the Senate, Song—who now lives in Sacramento—has worked at a variety of part-time jobs, some of them patronage appointments from Democratic Gov. Edmund G. Brown Jr. and Republican Gov. George Deukmejian.

A former chairman of the Senate Judiciary Committee, Song said he had figured he certainly would be in line to receive offers from powerhouse law firms. None arrived.

So, he left Sacramento and "hibernated" for a year in Los Angeles. In 1980, he returned to the practice of law, a short-lived venture. The next year, he was ap-

pointed by Brown to the Agricultural Labor Relations Board after Brown's first choice could not get confirmed by the Senate.

In 1984, Deukmejian appointed him to the California Occupational Safety and Health Appeals Board. In 1985, Democratic Atty. Gen. John K. Van de Kamp hired him as a special consultant on nursing homes and in 1986 he was named a deputy attorney general.

Song said he once asked Deukmejian to name him the state public defender, an office that was created by legislation that Song authored. He said the signs looked favorable, but a news story recalling the FBI investigation popped up and apparently dashed the appointment.

Currently, Song is a Deukmejian appointee to the Medical Board of California, which licenses physicians, and also is a state administrative law judge, both part-time positions. But they take only a few hours a month of his time.

"I think I could be happier if I could work for 15 or 20 hours a week" to supplement his state pension, Song said.

Song, whose outwardly suave and cosmopolitan demeanor earned him a nickname of the "Korean Cary Grant" among some at the Capitol, said he has maintained cordial relations with his former colleagues in the Senate.

He said that since the conviction of Montoya they have greeted him even more warmly in the Capitol: "They say, 'What goes around comes around.'"