California State Archives
State Government Oral History Program

Oral History Interview

with

LAUGHLIN E. WATERS

California State Assemblyman, 1947 - 1953

October 24, November 25 and 30, 1987
Los Angeles, California

By Carlos Vasquez
Oral History Program
University of California, Los Angeles

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:

Oral History Program
History Department
California State University, Fullerton

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University of California, Los Angeles

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

John F. Burns
State Archivist

July 27, 1988

This interview is printed on acid-free paper.

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INTERVIEW HISTORY

Interviewer/Editor:

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Interview Time and Place:

October 24, 1987
Waters's chambers in Los Angeles, California
Session of one and one-half hours

November 25, 1987
Waters's chambers in Los Angeles, California
Session of one and one-half hours

November 30, 1987
Waters's chambers in Los Angeles, California
Session of two hours

Editing

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

Waters reviewed the edited transcript and returned the transcript to the UCLA Oral History Program with only minor corrections. Brackets followed by an asterisk indicate instances in which Waters, while reviewing the draft transcript, added substantial information to the text.

Papers

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

Tapes and Interview Records

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

BIOGRAPHICAL SUMMARY

Laughlin E. Waters was born in Los Angeles, California, on August 16, 1914. He was educated in Los Angeles public and parochial schools and received his bachelor's degree in political science from UCLA and his LL.B. from the University of Southern California. After returning from World War II duty, he was admitted to the California bar by a special legislative act.

Waters served as an infantry captain in the European theater of World War II, with General George C. Patton's Third Army. He earned the Bronze Star and two Purple Hearts, among other commendations. After military service, Waters practiced law in Los Angeles. In 1945 Attorney General Robert W. Kenny appointed him deputy attorney general.

Waters was elected to the Fifty-eighth Assembly District in 1946, where he served until 1953. He succeeded his older brother, Frank J. Jr., who had, in turn, followed their father, Frank J., Sr., in representing that assembly district. A Republican, Laughlin Waters carried legislation on highway construction, education, and reapportionment. He chaired the assembly committee in 1951 that reapportioned the California legislature.

In 1953 Waters was appointed United States Attorney of the Southern California District, serving for eight years, before returning to private practice in 1961. In 1976 President Gerald R. Ford appointed Waters to the Federal Court of Appeals for the Central District of California, where he continues to serve.

I. LIFE HISTORY

[Session 1, October 24, 1987)

[Tape 1, Side A]

Family History

VASQUEZ: Judge Waters, could you tell us something about your life history?

WATERS: All right. Birthplace: Los Angeles. Birth date: August 16, 1914. My parents both came from Chicago. My dad [Frank J. Waters, Sr.] and mother [Ida Pauline Bauman Waters] both were postal clerks in Chicago. [They] came out here and my dad, at least, continued in the post office, and then took the state bar. Studied law, took the state bar, passed that.

VASQUEZ: Where did he study law?

WATERS: In Los Angeles. But at that time, I think he studied in the office of a lawyer. Of course, that's going back quite a bit.

VASQUEZ: When did they come out to California? Do you know?

WATERS: Well, I was born in 1914. I was the third child of four. I really don't know, but I would judge about, oh, 1906 or something like that. They had four children and all were born in Los Angeles. Now, in that regard, my brother [Frank J. Walters, Jr.] was the oldest and my sister, Ethel . . .

VASQUEZ: What is her full name?

WATERS: Ethel Marguerite Waters Vetter. My other sister is younger than I am, Mary Elizabeth Waters. Frank is a lawyer. Ethel became an M.D., [and] practiced down in San Diego and Coronado. Her husband was a dentist and he became involved in local politics, became mayor of Coronado. My sister, Mary, was a teacher. Then she served with the WAVES during World War II. Came back and went to law school, became a lawyer. She practiced law in Los Angeles, then was appointed to the municipal court. She's still active on that court now.

VASQUEZ: Why did your parents come out from Chicago, do you know?

WATERS: I think at that time, probably the impetus was from my father. He just thought there was more opportunity out here. That's my recollection. He was devoted to the country. He used a phrase,

particularly during the Depression years, as I remember, "Don't sell the country short." [Laughter] He believed it and he lived it and acted on it. As a matter of fact, [Laughter] he [moved] from the practice of law into real estate and had a substantial amount of real estate when the Great Depression hit. He got wiped out. But, again, it was during that time that I remember him saying, "Don't sell the country short." He had faith it would come back.

VASQUEZ: What was his background culturally, ethnically?

WATERS: Irish.

Family Background in Chicago

VASQUEZ: Was he born in this country?

WATERS: He was born in Chicago, and I believe he was the first generation born in Chicago. The family roots trace back to County Monaghan in Ireland, which is economically the rough equivalent of West Virginia in the United States. My mother [was] German. Dad [was] Catholic, my mother was Lutheran. She later converted and became Catholic.

VASQUEZ: Was religion important in your home?

WATERS: [Yes.] My mother, even though Lutheran, was the

one that was washing the altar linens and taking care of the altar at church. She spent a lot of time doing that. She always went to mass. Certainly, it was no issue with her and, as I say, later on converted to Catholicism.

VASQUEZ: You were raised in a Catholic home?

WATERS: Yes.

VASQUEZ: Did any of you attend Catholic schools?

WATERS: Oh, goodness, yes.

Formal Education

VASQUEZ: Tell me about your education.

WATERS: Well, let's see, what do I remember? Now, we moved several times. I know we lived in Eagle Rock at one time. We lived out on Rosemead at another. We lived in Santa Monica and then finally moved back into L.A. on Fourth Avenue, where I spent most of my teenage years. At Rosemead, which is, I guess, the first school I remember, I was in maybe kindergarten or first grade there. In Santa Monica, I think I went to a public school, [Ulysses S.] U.S. Grant and then to the Academy of the Holy Name in Santa Monica. When we moved to Fourth Avenue, I went to Saint Paul's Grammar School. We walked to school in

those days. When I mention that to our children, why, they say, "Oh, yes. Really the snow and the hardships you had." They weren't hardships so much, but from time to time I did put cardboard in the soles of my shoes [Laughter] when the soles wore through.

Following Saint Paul's, I went to Loyola High School, and graduated from Loyola High School. And then I went over to Los Angeles City College for a semester or a year--I forget which--then wound up at UCLA [University of California, Los Angeles] and took my undergrad [degree] there. We had had our compulsory ROTC [Reserve Officers Training Corps] at Loyola High School at that time. And they had ROTC at UCLA. I participated in that. I enjoyed that. I guess I've always enjoyed the military life. After UCLA, why, I went to 'SC [University of Southern California] law school.

Now, during this time, when I was still at UCLA, my dad had a stroke. He was the principal breadwinner. My mother did not work outside the home. But, also at that time, my brother was studying law. Indeed, he had gone to Southwestern

[Los Angeles Southwest College] to study law while he was still in high school. I think [during] his last two years in high school he was going to night school at Southwestern, studying law. Dad had a stroke, which ultimately [took him. . . .] Well, let's see, there was an accident, an automobile accident. My dad and mother were driving Ethel and Mary, up to Berkeley, where they took their undergraduate [study], and hit some farmer's wagon full of hay. They were both rather seriously injured. Dad never really recovered from that and, ultimately, died. But principally, [he died] as the result of the stroke.

Working for the Post Office

During that time, when I was at UCLA, I was working nights at the post office. I would report for work there at 6:00 P.M. and, if I was lucky, I would get off at 2:30 in the morning, which was a full eight-hour day. Half an hour off for lunch. Generally, there was an hour overtime. I tried to avoid that, because I almost invariably had 8:00 A.M. classes at UCLA. The way I tried to avoid it that was largely successful was checking in seven minutes early and taking a minimum of twenty-three

minutes for lunch. So, I could save another seven minutes. That gave me a fourteen-minute edge in checking out, and if they didn't call overtime until five minutes before the end of the hour, why, I was gone! [Laughter]

VASQUEZ: Did you work down here at the Terminal Annex?

WATERS: Well, first [at the] Arcade Annex and then Terminal Annex. Arcade was down at Central and Alameda, thereabouts.

VASQUEZ: And you were attending UCLA when it was already out on the Westwood campus?

WATERS: Yeah, yeah.

VASQUEZ: How did you get there? The red cars?

WATERS: Drove. No, no, I had a car. I used my dad's Franklin. And then when he piled that up in that accident, I got a car. I got a Ford at some auction sale. So we used that.

VASQUEZ: Were you a good student?

WATERS: No, not really. I like to think that, at least in part, was the fact that I was kind of sleepy most of the time. I was not good in the sciences. I was pretty good in language, and in political science, I was fine. History. But when you got around to math and that type of subject, it's

clear I would not have made it into medical or into engineering school.

VASQUEZ: What were you favorite topics?

WATERS: Probably political science, history, and language. Those would be the areas that I think I enjoyed most. And, of course, I think you do best at that which you enjoy most.

VASQUEZ: Why did you go to USC law school?

WATERS: It was handy. I was working. My brother and I were the principal support for the family at that time, because Ethel was still in school, Mary was still in school. UCLA, of course, didn't have a law school. If they had had one, I would have enjoyed the cheaper tuition. Although I don't remember the tuition was that high. . . . It was not as monstrous as it is now. I don't think I even looked at another law school. It was simply because of the [location]. . . . I was taking care of my parents.

Caring for Invalid Parents

VASQUEZ: Had your dad died by the time you got to law school?

WATERS: Yes. Dad died when I was still at UCLA. When they were injured, I would come home about 3:00

P.M. Both of them were bedridden for quite a period of time. I'd cook a meal and fix them up and do the things that you've got to do for people that need a little help. Then I'd take off and go to work. I got out at 2:30 A.M., [I would] be home by 3:00 A.M., generally. Then I'd be up by 7:00 A.M. and shag off to school. So I did most of my studying on weekends, because the day was rather full, going and coming.

Social Life at College

VASQUEZ: What was your social life like at college?

WATERS: Not much.

VASQUEZ: Were you in a fraternity or anything like that?

WATERS: No, no. The fellows at Sigma Nu, I had some good friends there, they invited me, but I didn't have the money. And then again that took time. I just simply didn't have the time. So I never became a joiner, at all.

VASQUEZ: So it was a very close-knit family, was it?

WATERS: Yes.

VASQUEZ: Did you have much extended family out here?

WATERS: No.

VASQUEZ: Just your nuclear family?

WATERS: That was it.

VASQUEZ: Who in your family had the greatest impact on you in terms of your social consciousness or your political direction?

WATERS: I suppose I'd divide that up rather equally between my mother and my father. Now, both of them were. . . . They were alert, politically.

VASQUEZ: Had they ever been active politically?

Father's Political Career

WATERS: Well, my dad ran for city council a couple of times, and was beaten.

VASQUEZ: As a Republican or a Democrat?

WATERS: Well, as a nonpartisan. And he was beaten. Then, when he ran for the assembly, he finally made that. I forget whether he made it on the first or second trip. I think it may have been the second trip for the state legislature. But you take a look at Olympic Boulevard today. He headed out the Tenth Street Improvement Association, as I recall, [which resulted in the improvement].

Olympic, at that time, was a very narrow street, and had street cars on it. If you went down into the vicinity of Wilton Avenue, as you left Western you'd come down the center of Olympic as it now is, and as you approach Wilton there's a

little. . . . You slant off and then you turn to the north. . . . The street car would turn left (south) and would go down aways and then it would turn right (west) and then when it got down to Victoria [Avenue], Crenshaw [Boulevard], Victoria, took some sharp jags in there. As a street, in terms of moving traffic, it was terrible. Dad headed up that organization. I think he deserves the principal credit for getting that street improved. It ultimately became a major thoroughfare.

Mother's Interest in Civic Matters

The point here is that he was always interested in civic life and my mother was right there with him all of the time, when he was in the legislature up there. If you recall the configuration of the assembly chamber, there are some chairs behind the pit where the members work. Grandma, as we called her after Frank's boy was born, why Grandma was always there, generally knitting something. But she knew what was on calendar. Later on, she was up there, she visited when my brother was in office.

When I came up there, she came up. When I

was there, a matter would come up for final passage and we'd all vote. The sergeant-at-arms would tap me on the shoulder and say, "Your mother wants to see you." I'd go back and say, "Yup, Grandma, what's on your mind?" [She asked] "Why did you vote that way?" [Laughter] So I had to personally account to a constituent there. [Laughter] She had her own views.

In any event, both of them were very alert politically. I remember my dad was very strongly in favor of public utilities. L.A. Water and Power was one of his favorites and he was extremely active in advancing the interests of public ownership of utilities. I suppose he wasn't all that well received by Southern California Edison [Company] or PG&E [Pacific Gas and Electric Company], but I don't remember any friction that came out of that.

VASQUEZ: Later on, you passed some legislation regarding the metropolitan water districts, as well, didn't you?

WATERS: Did I have some of that?

VASQUEZ: Uh-huh.

WATERS: Well, probably. When I got up there, I. . . .

[Louis] Lou Arnold represented the city. He was a city engineer. And [William] Bill Neal. . . . He was an attorney [representing the city of Los Angeles]. In any event, both the city and the county, as well as the legislative counsel, would come to me with bills and ask me to introduce the bills and be the principal author. I did put in quite a few bills at the request of various public entities. And handled them. Some of them I. . . . Well, I knew, generally, what the subject matter was, so I wasn't flying blind. But I did handle many pieces of public legislation--in the hundreds.

VASQUEZ: Further along we'll get into more details of your legislative accomplishments. Your father represented the Fifty-eighth [Assembly] District. When he was serving in the assembly, did you go up with him as a young man?

WATERS: I went up a little bit. But I was in school at the time.

II. MILITARY SERVICE

World War II Interrupts Education

VASQUEZ: Now, the war came along. Where did that catch

you, the Second World War?

WATERS: War catches me working at the post office and in law school and coming up for finals my second year. I wasn't quite up with the class, unit-wise. I was taking a little lighter load because I did a great deal of my studying when I worked a stamp window down at the post office, [Laughter] and when there weren't customers buying stamps, I was trying to read up on the cases that had been assigned. I don't remember having a great awareness that war was that imminent. I just simply don't. And yet, there are facets of it, for example, that would come to our attention.

We knew there were problems with Japan; the mail service was cut off to Japan. That created a problem for the Buddhists because under the teaching of at least some Buddhist sects, when one dies your ashes have to be interred in a particular cemetery. These Japanese would come in with little packages which were urns containing the ashes of the deceased. I remember on the back wall at Terminal Annex, we just stacked those up on the wall because there was no way to get them to Japan. I suppose they were all delivered after

the war. So I knew something was going on.

But I remember I had gone to mass Sunday morning and I was getting ready to study for finals. Al Scott, who was one of my class members, called and said--this was about 8:00 A.M.--"Did you hear the news?" "What are you talking about, Al?" He said, "Pearl Harbor's been bombed." I said, "Ah, Al, come on." I totally disbelieved him and he kept yelling at me. Now, Al had a [United States Army] Reserve commission, as did I. And so we bickered back and forth. Finally, I said, "Al, I've got to study." He said, "Will you turn on the radio?" I remember finally promising him, "Okay, I'll turn on the radio." Just to get him off [the phone]. Then I turned on the radio and, sure enough, that was the word. [Laughter] I threw my books in the corner because [Laughter] I knew with the reserve commission I'd be called up for active duty. I was called. Oh, we went through finals as I remember. But I was finally called up in, I think, about February. I had a terrible time passing the physical.

Passing the Physical Examination for Induction

VASQUEZ: Why?

WATERS: Rapid pulse. They turned me down. I came out again for another physical, and I was turned down again. My sister Ethel was a doctor by this time. So she gave me some medicine to [Laughter] kind of slow it down. I took the medicine and Frank drove me out to Camp Haan, which had then been activated. I got over this problem of a rapid pulse. So, I reported for active duty up at Camp Roberts.

VASQUEZ: So you wanted to go. You weren't accepting the physical denial?

WATERS: Well, yes, [Laughter] I guess that's the way it reads. I guess I did. Yes, I did.

Reporting for Basic Training

VASQUEZ: You went in at what rank?

WATERS: Second lieutenant. I should have been a first lieutenant, but the paperwork out at the ROTC department at UCLA got screwed up. The reason for that was that we were supposed to attend a meeting some place after we had a certain time in grade, and I couldn't attend the meeting because I was working at the post office. So I wasn't present and they didn't mark me down and I didn't get my promotion to first lieutenant.

Now, let's see, prior to this time, I had joined the National Guard as an enlisted man and I had been in the National Guard for some years. That gave me a little extra money by reporting for duty each week. I'd also attended, when I was in high school, Citizen's Military Training Camp, which used to take place up in. . . . Thirty days up in Presidio Monterey. They had the old horse-drawn field artillery there.

In any event, I reported to Camp Roberts, and I was there for a couple of months. I don't remember precisely how long now. I do remember that my sister Ethel was married while I was up there and I was unable to get a leave to come down to L.A. to be at the wedding. Then I was reassigned [to the Ninetieth Division at Camp Barkeley, Texas.] What we did at Camp Roberts up there was simply start training troops in close-order drill and some marksmanship, the basics of infantry training.

VASQUEZ: So it was the infantry you went into?

WATERS: Yes. Then I reported to the Ninetieth Division down at Camp Barkely in Abilene, Texas, and stayed with the Ninetieth all the way through. I kind of

dwell upon this oversight at UCLA on my promotion to first lieutenant because it had a continuing effect upon time and grade and promotion and so on. But, in any event, I was assigned initially to K company, which was a rifle company.

We went through the usual training and exercises that they had for an infantry division. I became a regimental attachment, S-1. Went back to Fort Benning [Georgia], for some additional refresher training. Benning is the infantry school.

VASQUEZ: In Georgia, isn't it?

Service Overseas

WATERS: Yes. Came back to the Ninetieth. We trained down in Louisiana on maneuvers. And, of course, maneuvered in Texas, too. Then we were transferred out here [to California] to the desert [Camp Granite Mountain] and we trained on the California desert. I think they anticipated, possibly, putting the division in North Africa, although we had no real indication of that. Then I applied for the paratroops and had to get a waiver on that, because I was too tall. I finally got my waiver but, at about that time, the Ninetieth

Division was alerted for overseas in the European theater and so I didn't go to the paratroops.

We took a troop train from the desert to Fort Dix in New Jersey. Again, replacements, physical examinations and a lot of men left the unit for various physical reasons. I remember we referred to it as "gangplank fever." [Laughter] As the date of departure became more imminent, more fellows became sick. We went to Camp Kilmer for final staging and then we boarded the transport HMS Lone Castle, and arrived at Liverpool after [about two weeks]. . . . I think it was an uneventful voyage. You know, we were in convoy and, undoubtedly, there were submarines around but I have no recollection of any action that disturbed the convoy. I think we scattered once or twice. I don't recall looking over the rail of the ship and seeing that little white torpedo line in the water.

In any event, we landed at Liverpool and lay there for quite a while. They have these huge floating piers and substantial tides there, so they were waiting for the tide to change. The GI's, they all lined the rail. There were a bunch

of "limey" longshoremen there and they were yelling back and forth. Then some GI, because they had all been issued condoms, blew one up, and it went "whoosh." It finally landed on this floating dock and a limey ran over and grabbed it and brushed it off and rolled it up. The air became full of them. [Laughter] These guys all had them. They were shooting them up there. [Laughter]

We had been lectured on British customs and traditions by a slender, spic-and-span British brigadier. He looked like the perfect epitome of the individual that caused the coining of the phrase "the sun never sets on the British Empire." Just an interesting guy. A couple of weeks after we had landed, I learned that he had been charged with the smuggling of fountain pens and silk stockings and was being prosecuted. [Laughter] So, in any event, we were in camp where? Near Hertfordshire someplace, but I don't know the precise name. We maneuvered there for a while. Final training, reequiped. Then we were designated as one of the assault divisions for the invasion.

VASQUEZ: What year was this then? You went in in 1942, is that correct?

WATERS: I don't know. When was the invasion? 'Forty-four?

VASQUEZ: I think it's '44.

Views on Allied Commanders

WATERS: So, I remember we had some practice landings down in the southern coast of England and I remember going down there as an umpire. They had other units that were active in that. Our unit hadn't been designated at that point, our division. And we had had some problems. We picked up a new commanding general, a fellow by the name of McKelvie, who. . . . while Omar Bradley speaks well [of him], in my view, he was an incompetent. He upset the division quite a bit by reassigning command personnel to favor his cronies.

VASQUEZ: What was his name?

WATERS: Jay McKelvie. But, in any event, my regiment, the 359th Infantry, was attached to the Fourth Division for the invasion. So they beefed up the Fourth Division. The Fourth was one of the principal assault divisions on Utah Beach. We came in as part of the Fourth Division on that

assault. It lasted nine days. I was hit by American artillery and wounded.

VASQUEZ: Is that when you got your Purple Heart?

WATERS: First one, yeah. We shipped back to England and went back in, I think, about the first of August. That's my recollection. Maybe a little earlier. I was commanding a rifle company at that point, L company on D-Day. When I came back, I was assigned to G company and so we continued with the fighting there. I lasted up until September 16. I was hit again, this time by German artillery. This was up near Metz, when we were attacking Metz.

The incident that has attracted some attention occurred in Chambois in Normandy in August. Some years ago I received a letter from a fellow by the name of [Donald G.] Don Gorton, who was a lieutenant colonel, commanded the Second Battalion, of which G company was a part. He sent a very curt note that said, "Waters, why don't you answer your mail?" He had a letter from a fellow by the name of Eddy Florentin who was writing a book on the fighting in Normandy. And Florentin's theme, which has since been more effectively done

by several other authors, was essentially. . . . that the Germans took as big or a bigger beating in Normandy than they took in Stalingrad. Loss of materiel, personnel, and so on. He called his book Stalingrad en Normandie.

Battle of the Falaise Gap

As part of that history, the term "Falaise Gap" became an important term because it was through the Falaise Gap that von Kluge's Seventh Army was retreating out of Normandy. I was ordered, with my company, to attack the little town of Chambois. In the course of the attack, why, there was just all kinds of artillery and junk flying through the air. A lot of small-arms fire, a lot of automatic fire. We attacked with tank support. Went through a wheatfield, down through a little town called Fel and crossed the Dives River which, at that point, was just really a little creek.

Then we started up this hill. Chambois sat on a little hill. I was supposed to go up, cross a road, and then turn left and sweep through this town of Chambois in order to reduce it. But I had all of this automatic fire and other fire off to

my right flank, and I was a little reluctant to go up there and turn left and not knowing what the dickens was behind me on the right. So I had my rifle company, what we called a line of skirmishers, which is just a line of troops. And I spotted them behind a hedge in an apple orchard, which was just littered with all kinds of German materiel and dead horses and dead soldiers and so on. Because there had been fighting before we got there.

Anyway, I crawled on my belly up to this road. While I was surveying the scene, out came a guy from the other side. He was wearing a British uniform, what appeared to me to be a British uniform. He turned out to be a Major Zgorzelski of the Tenth Polish Dragoons.

They were spearheading for the Canadians who were spearheading for the Brits [Laughter] who had finally left Caen. That was [General Bernard L.] Montgomery's style of conducting warfare. He liked the set-piece thing, but he always put the other troops out in front. Well, anyway, this guy stood there and I concluded that he was friendly, but I certainly didn't want to get up there and

stand out there because there was just too much action: artillery, automatic, and small-arms fire. On the other hand, I didn't have anybody I could send. So, with great reluctance, I got up there. We wound up saluting each other and extending greetings in the names of our respective generals.

Now, he had a much better sense of history than I did and I remember him pointing out to me at the time that this was the first time that American troops and Polish troops had ever met on the field of battle. As a matter of fact, I've got on my desk now, because I just found it, the notes that we executed out of my notebook. His name, Major Zgorzelski, Tenth Dragoon, Polish Dragoons, and then the name of his commanding general, Mazek. In any event, we coordinated our activities there. They went off to the north and the east, and I continued with my assignment.

We went through Chambois, which was in terrible shape. The streets were just clogged with German conveyances [including self-propelled guns, tanks, etc., of various kinds]. Horses were standing there, some killed, some wounded.

Automobiles. I remember there were two ammunition carriers that were burning very vigorously. Chambois is a little town, a village of seven hundred people. They only had one main road there at that point. We had to go by those ammunition carriers and they were burning so vigorously, you tended to move rapidly.

In any event, that meeting [with the Tenth Polish Dragoons] closed the Falaise Gap. It's become something of a point in history in terms of the fighting there. I mention all of this because Florentin found the notes that I executed on behalf of our units in the records of the Tenth Polish Dragoons. Based on that, he addressed a letter to Captain L. E. Waters, Ninetieth Division, United States Army. How it ever got to me finally with that address is a puzzle. . . . But, in any event, that's the big incident. Later I finished up at Metz and I was hit there.

[Interruption]

Winning the Bronze Star

VASQUEZ: How did you get your bronze star?

WATERS: Well, [Laughter] I'm not sure that I remember all that well. I think it was up near Metz and I got

the order that says that I did something right for a change. We were cut off at Metz and the fighting was pretty tough. The Germans had that area well organized. We had to push through an area where the Germans had trained SS troops, who were, as you perhaps recall, an elite fighting group within the German forces.

I took my rifle company in there and, well, we got kicked around. We were attacking through a wooded area, kind of a valley and some gulches on the side. And we flushed the Germans and they began running back and I told my guys. . . . There was a huge, cleared area in front of a place called Moscow Farms, which was an observation point in the defense of Metz. I told them not to get out in the open [where they could be observed], but when the Germans flushed, why, my guys got out there [in the open in pursuing the Germans] and . . .

[End Tape 1, Side A]

[Begin Tape 1, Side B]

Wounded a Second Time and Convalescence

WATERS: The Germans got a good fix on where we were with our machine guns out there [in the open]. And

they began bringing artillery in. I got hit, in my right rear hip, which has always been kind of a. . . . People wanted to know why you were running away when you get hit in that area. Actually, the artillery concentration was so intense. One of the basic tenets of infantry training is, that in an artillery concentration, you move through it rather than retreat. Because they can't drop the range of their concentration back that rapidly. That's what we were doing, and I got stung.

I remember falling to the ground alongside a pile of earth in order to kind of assess the situation. I didn't know how badly I was hit. I concluded that I should go back and have the medics check it out and then get back up. Something stunk where I was and I had taken refuge behind a dead horse, though somebody had piled some dirt on it [and I thought at first it was just a mound of dirt]. It was beginning to decay and I remember that I was extremely disgusted with that. I got up and I started walking back. I turned my map, situation map, over to my second in command, Elridge Rice. Rice was a principal of a

school out here in Whittier. I have never seen him since I've been home, but I did try to look him up and was unsuccessful.

But I went back, found a jeep. There were a couple of aid men who wanted to go back to the aid station. And I remember speaking rather sharply to them because we'd taken some pretty good casualties, and while I was able to walk, a lot of the men couldn't. So I yelled at the aid men to get back up to the front. I found I couldn't sit, I rode out of there lying belly down on the hood of the Jeep. Our regimental surgeon, Murray Franklin, took a look at me. He's the one who treated me the first time [I was wounded]. He patched me up, but instead of returning me [to the fighting], he sent me back to what they call, I think, a collecting station. Their business was pretty good. I remember being on the operating table. They were just really cleaning my wound. It turned out that I had a pretty good gash in my right rear cheek. So they were looking at it and cutting away some of the damaged flesh and so on and shaving it. And I remember hearing a weak voice and, "Hello, Captain." And here on the

stretcher alongside of me was Elridge Rice, the officer to whom I turned over command of the company. He had been nailed. ["G" Company took 100 percent casualties in that engagement.]

So I wound up back in Verdun. They had converted. . . . I don't know whether it was in a regular hospital or not, but at least there was a building that they were using as a hospital. I remember being on a stretcher. You've seen the old military stretcher canvas thing. There was just a whole bunch of us along this hallway lined up there waiting. Apparently, they got to me about 2:00 in the morning and sewed me up. I remember the next morning, about 10:00, in came a couple of doctors and they were looking me over and one said "How do you feel, Lock?" And then one of them said, "You don't remember me, do you, Lock?" And I said, "No. Who are you?" He said, "I'm Doc Bruning." He had operated on me in the morning. He said, "I delivered Frank's boy when he was born." My brother's boy. [Laughter] So then they took me out of that hospital and I was put in a field hospital, alongside an airstrip, due to go back to England. When we were training

in England, we'd seen all of these vacant hospitals that were lying around the countryside. I don't think we fully appreciated how they were going to be utilized.

This second wound was at the time of the Arnhem-Nimegun parachute drop. Montgomery's concept was that he was going to storm up through the lowlands and turn the corner and go down and take the Ruhr and strip the Germans of their ability to produce guns and so on. You may have encountered the book or the picture A Bridge Too Far by Cornelius Ryan [which relates these events]. Of course, the operation was a total flop as far as Montgomery was concerned. The British never got there and the British Red Devils, a parachute unit, got cut up.

There were I suppose hundreds of injured lying in these field hospitals and no airplanes were available because they were all being used to resupply these troops that were cut off in the Arnhem drop. We lay there, as I recall, about a week. Then they began calling out names of people they were going to ship out. That was great when that happened because it was hot and sticky [and

very uncomfortable]. Somebody called out "Waters!" And I shouted, "Here!" and some other guy shouted, "Here!" They took him first. I never did meet him. I went the next day. They took the X rays, and they stuck them under you on the stretcher. Your medical records went with you in that fashion.

We flew back to England. There was a lot of cloud cover. I remember the pilot searching for a way to get down for quite a while and, finally, he spotted a hole in the clouds. I remember very clearly that we took a very steep dive. I wound up in a hospital alongside the airstrip there. We had a pretty little air nurse on the flight over.

After we were in the hospital a doctor came in to examine me, and he enquired, "How do you feel?" Well, again, I said "All right, everything considered." "Do you have any headaches?" "No, no." "Head hurt?" "No." And so he asked me about my head two or three times and then he took the X rays. And I remember him going over to the window and holding the X rays up and studying the things and so on and coming back and, you know, "Your head all right?" "Well, yeah. Sure."

Apparently, what happened was that the X rays from my wound in my rear end went with this other guy Waters [Laughter] the day before [Laughter] and I had the X rays on his head wound. I've often wondered how they treated [Laughter] him.

What Waters Learned about Americans in World War II

VASQUEZ: What did you learn about Americans and yourself in the war?

WATERS: Well, by and large, the Americans were good soldiers. They were willing fighters. You know, we had exceptions. We had fellows with self-inflicted wounds. We had the laggards and the malingerers. But you tell the others to do something, they'd do it.

This little situation in Metz, we were going into some very brushy country and trees. And the Germans had machine guns in position. When you moved into the attack, you'd say, "Scouts out!" You'd designate a couple of scouts. Almost certain death for those guys who went out. And I remember them coming back, you know. Burst of machine gun and their guts just spilling out [motions with hands]. . . . So, anyway, they were good soldiers. They did their job. They were

hesitant and they were concerned but, by god, they did it.

VASQUEZ: Did racial or ethnic divisions crop up? Were they a problem?

WATERS: No. I remember we had some full-blooded Indians in our unit. We had some Hispanics. No blacks. There was a black division, as I recall. And I think there were blacks in transportation units.

VASQUEZ: It was segregated?

WATERS: I don't recall anything of an ethnic problem. Either you were a good soldier and you were doing your job and you were judged on that basis--not only by the officers, but by your peers--or you weren't. And if you did your job, why, race, religion, none of that stuff entered into it. I remember being embarrassed my first inspection down in Camp Barkely. I had this tall, slender [soldier in an inspection], he hadn't shaved, and I chewed him out. Later I learned, he was a full-blooded Cherokee Indian. Indians don't shave. [Laughter] I was terribly embarrassed on that. But, no, I don't remember that segregation as being a problem. The problem were the gold bricks. I don't remember [any ethnic problems]. . . .

If you're going to have a war, World War II was the kind to have. We were fighting against a huge monster, Adolph Hitler, and a terrible . . .

VASQUEZ: "The good war," as Studs Terkel has termed it.

WATERS: Yeah, it was a good war.

VASQUEZ: Everybody was clear, everybody was pretty united on things?

WATERS: Yes. And then, we knew what we wanted to do. So I found it to be. . . . As my wife says, "That was the great experience in your life." And I suppose it was. I just, a couple of weeks ago, returned from a division reunion and saw some of the old comrades. We had some guests there, members of the Sixth German Parachute Regiment, and they were well received. Cordial, friendly. I went up and said hello to them. On the other hand, one of my colleagues, [Laughter] we were at lunch there and he looked over and he said, "There's four of them at a table. Anybody got a hand grenade?" So, I guess, you know, the feelings haven't mellowed all that much for some of them.

III. PROFESSIONAL AND POLITICAL CAREER

Completing Law School and Joining the California Bar

VASQUEZ: What did you do immediately after the war? Come back to finish law school?

WATERS: Shipped back. Went back to law school. Finished up law school. I did not return to the post office, because I had the GI Bill of Rights that paid some expenses there. So, as soon as I finished law school, I was admitted to the bar. The California legislature had passed a bill admitting some of us on a motion, without taking the bar exam, and I was one of those. I think my brother was one of the principal authors of that bill.[1]

Appointed Deputy Attorney General Under Robert Kenny

VASQUEZ: He was already in the assembly?

WATERS: Yeah, he was in there. So, then I was appointed by [Robert W.] Bob Kenny, who was attorney general, I was appointed as a deputy attorney general.

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1. A.B. 66, 56th 1st Ext. Leg. Sess., Cal. Stat. 65 (1946). The Assembly Final History indicates that Frank J. Waters, Jr., was not one of the nineteen bill sponsors.

VASQUEZ: In Los Angeles?

WATERS: That was my first official job.

VASQUEZ: What was your introduction into politics, as such, as actively involved in politics? Would this be it, the deputy attorney general? Or had you been involved before?

WATERS: [Aside from working in my dad's and brother's campaigns?] Well, no. No. As a deputy attorney general, I couldn't participate in politics. On the other hand. . . . But now, wait. I was. I was running. My brother decided that he would drop out of the state legislature. He had an absolute sinecure in our district. He was a cinch for reelection. In those days . . .

VASQUEZ: Why was that?

WATERS: We had cross-filing.

Getting Elected to the Assembly

VASQUEZ: He was a Republican as well?

WATERS: Oh, yes. Yes. And it was a strong Republican district. So, he took out the petitions for reelection. But he and I having discussed that he had to find a job for his little brother. So we circulated the petitions in my name. But this was all done privately and you only needed, I think,

twenty signatures, maybe thirty signatures, on the petition. He was so solid in the district that nobody ran against him. Five minutes to 5:00 P.M. on the last day of filing, he was down at the registrar of voters and he put the petition across the counter and the registrar closed the filings and I had the nominations of both the Republican and Democratic party. [Laughter]

[Chester G.] Chick Hanson was the political writer for the L.A. Times. The next day he said, "Those reelected without opposition include Frank Waters." And, of course, he was wrong because I was in. And old Chick never got over that. He would go up to Sacramento during the sessions. [Laughter] He always held that against me, because he had to put a retraction in and correct his story.

But I was deputy attorney general then. And [John T.] Jack La Follette, who is an attorney in town now, was head of the Young Democrats. He became greatly incensed over this action that had taken place. So he began developing a committee to get voters to not vote in the primary so that they could vote against me, and they could run an

independent against me in the [general elections].

[Robert W.] Bob Kenny, who was then titular head of the Democratic party and was attorney general, Bob would come in to tell me from time to time what the Young Democrats were doing to me. [Laughter] Parenthetically, they were hurting Kenny's candidacy. He was running against Earl Warren for governor. He was reluctant to run, but he was the only one of the Democrats who had had enough name visibility. Their write-in campaign went no place. I reported to Sacramento on the first day of the new session . . .

VASQUEZ: Did you ever get bad press because of the way you reached office?

WATERS: I don't recall it as being significant.

VASQUEZ: Charges of nepotism?

WATERS: Oh, I suppose, yes. All kinds of good adjectives that you could apply to that. Most people kind of enjoyed it. [Laughter] Partisan politics weren't as bitterly contested in those days when you had cross-filing. It put more of a burden on the voter to learn more about the candidate rather than just blindly voting a party ticket.

The Foibles of Partisan Voting

VASQUEZ: And perhaps there wasn't as much at stake in being an assemblyman then as there is now.

WATERS: Well, I think that's correct in terms. . . . The legislature was not in session nearly as much. When we did go into session, we got our business taken care of and we worked days and nights. I personally think it was better government than we have today.

VASQUEZ: Do you?

WATERS: Yes, by far. And I think that there was a better understanding or knowledge on the part of the electorate as to the qualities of the individual candidates than you have today. When somebody just votes a party ticket, why you see he's a Democrat, therefore, he's got to be better than the other guy, or vice versa. That doesn't require any thinking on the part of the electorate.

VASQUEZ: In spite of all the public scrutiny that politicians come under now, you think people got to know a candidate's personal qualities better then?

WATERS: Oh, sure. Yes, Yes. You have a great deal of public scrutiny, but in terms of the amount of

attention that's focused on an individual office, there's just not enough news print available, there's not enough media time available to give people really an in-depth appreciation of a candidate unless there's something really spectacular: he got his hand caught in the cookie jar, or some questionable conduct, or he's really got a spectacular legislative program. And that's pretty hard to achieve.

The Fifty-eighth Assembly District

VASQUEZ: Tell me something about the district, the Fifty-eighth [Assembly] District. Why were the Waters able to establish such a hold on that district?

WATERS: I think, principally, because of my father. Well, the district originally had the southern boundary, as I recall it, about Exposition Boulevard, and the northern boundary in Hollywood [Boulevard]. Eastern boundary, I believe, at Vermont [Avenue], and the western, maybe at La Cienega [Boulevard]. It was a pretty good-sized district then.

Then, in succeeding years and reapportionments, the district contracted. Population became more concentrated. And I believe that when I was running, the southern boundary may have been

Venice Boulevard; western boundary, Fairfax [Avenue]; northern boundary, about Sunset [Boulevard]; and maybe Western Avenue on the east. So it became a much smaller district.

VASQUEZ: What was the composition of the electorate?

WATERS: Well, at that time principally Caucasian, middle-class economic, Protestant, Catholic. A much higher level economic in the Hancock Park, Windsor Square area north of Wilshire Boulevard. With a fair sprinkling of Jewish people, particularly in the Fairfax area. Later on, our home was on Fourth Avenue. It was a mix there. We had Jews, we had blacks. Elwood Liu, who was on the District Court of Appeal for California--a Chinese boy, I think he just retired--Elwood moved into the neighborhood. It kind of flowed. . . . While we were there, they flowed through there in waves. We had middle-class, Protestant, Catholic in the neighborhood. Then they moved out and the Jewish people moved in and it became a very dominant part of the neighborhood. They moved out. Then we had some Boyle Heights Jews move in. Then they moved out--I guess they went to Beverly Hills. And then a lower economic group

came in.

VASQUEZ: This is over a period of how many years?

WATERS: Well, we were. . . . Gosh, I don't know. Let's see. This is probably over a thirty-year span or something. Twenty-five years. But I remember the neighborhood deteriorating a little bit. And then we began getting some blacks in the neighborhood. And then they improved the homes. They painted them up. Things had deteriorated a little bit.

We had a neighbor by the name of Banks. There were flats, four-unit flats, and Banks owned the unit next to us. [Laughter] He was black, but very light-skinned. When I was up for reelection, at that time, the area at Pico and Western--and south of Pico also--had become an integrated neighborhood. So he said, "Let me work some precincts for you over there." He said, "If I come to your people, I can't hurt you, and if I come to mine, I'll put the clincher on them." [Laughter] And he worked my precincts.

But, once you got north of Wilshire, it continued to be largely Caucasian. No, I don't recall any great Hispanic intrusion. Indeed, I don't think the Hispanic wave had really pene-

trated that far north of Wilshire and west of Western at this point in time. Well, we go to church at Saint Basil's now. It's Filipino. At least that's the dominant group.

VASQUEZ: There's a lot of Middle-Easterners moving into that area.

WATERS: Oh, yeah. Oh, yeah, we have Koreatown at Ninth [Street] and Western [Avenue].

Waters's Principal Supporters

VASQUEZ: Who were your principal supporters when you were an assemblyman in that area? Whose interests did you have to look out for?

WATERS: Well, gee. Any group that I had to be cautious with or particularly concerned with?

VASQUEZ: Let's take the example of oil. Was oil an important interest in that area? It seemed to have become that after you left.

WATERS: Well, there were some lobbyists. Let's see, Harold [C.] Morton was an attorney. Hanna and Morton. And Superior Oil, owned by the Keck family. And old Harold had. . . . Let's see, I can't think of his name now [Munroe Butler]. He always had a lobbyist up there. My first term, I remember, he fought . . .

VASQUEZ: Was it a man named [Alfred J.] Shults?

WATERS: Shults, no. Not the San Diego . . .

VASQUEZ: No, the lobbyist for the oil companies, that worked for Morton, would his name be Shults?

WATERS: Shults? No, I don't place that. No, he had another. . . . I'll ask my brother, he'll remember.

VASQUEZ: Go ahead.

WATERS: Yes, but any way, I remember Harold was vigorously fighting the freeways, because Earl Warren had the idea of an increased gas tax in order to finance the freeways. I went up with a clean slate, I didn't have a state of mind one way or the other.

VASQUEZ: You had no commitments that your brother had left behind, or your father?

WATERS: No, none. None. And then, you know, they lobbied me. And I listened, and finally I voted in favor of the freeways. Frank was close to Morton. They may have thought that Frank might have gone the other way on the thing. I don't know what he would have done. He never spoke to me about any pending legislation of any kind. The only one who used to [Laughter] call me was my mother. [Laughter] Wanted to know why I did what I did.

VASQUEZ: [Laughter] She was your closest lobbyist, is that it?

Soliciting Votes Face-to-Face

WATERS: That's right. [Laughter] No, there were no organized groups that I remember, at least that come to mind at the moment. I remember running for reelection and I would get young lawyers, contemporaries, classmates, and so on. We'd buy us some soda pop and some beer, and then we'd select precincts and everybody would go out ringing doorbells in the evening. In those days, we weren't afraid of being mugged in the neighborhood.

VASQUEZ: A lot of face-to-face contact with the electorate, is that it?

WATERS: Yeah, yeah. I remember going up to one guy there, and I had this. . . . The only thing I printed up was a little brochure, which was letter-sized and folded over, and listed the things that I thought might attract the voters' attention and appeared to be nice to say about me. I remember this one guy. I said, "My name's Waters. I'm your assemblyman and here's my record. I'd like you to read it over and if you're so inclined, give me your vote." And he said, "Ah, keep it. I've been

voting for you for fifteen years." [Laughter] So, he was relying on my dad's good name, and Frank's.

VASQUEZ: Any particular pieces of legislation or battles that established your father's name that you can think of?

WATERS: None come to mind. Frank followed Dad, so Frank. . . . I was going to school and throwing mail at night . . .

VASQUEZ: Well, we'll get more into the Waters dynasty at the Fifty-eighth District, but I want to comply with the time restrictions that we set for ourselves for this session and we'll pick it up the next time.

WATERS: All right.

[End Tape 1, Side B]

[Session 2, November 25, 1987]

[Begin Tape 2, Side A]

Waters's Electoral Record

VASQUEZ: Judge Waters, the last time we spoke, we were going over the campaign style that you employed in your assembly races. In the Fifty-eighth District, in the four times you stood for election, no one ever got more than a hundred votes against you. Why is that?

WATERS: Really?

VASQUEZ: Yes. Nineteen forty-six: 24,437 as opposed to 41 votes against you. Nineteen forty-eight: 30,870; 14 votes for the opposition. Nineteen fifty: 26,177; 18 votes for the opposition. Nineteen fifty-two: 51,737; 91 votes for the opposition. To what do you attribute that?

WATERS: My father and my brother, and their good reputations. I was unaware of that statistical projection. I may have been aware of it at one time, but I've certainly forgotten about it.

VASQUEZ: The reason I ask you, it at first seems like a simple, overwhelmingly Republican area that would elect whoever was the Republican or someone. Maybe it is the name Waters, because in the '54

election, when [Joseph C.] Joe Shell ran against [Donald G.] Tollefson [II], that was a closer race: 31,000 to 20,000 votes.

WATERS: Hmm. Well, you know, my dad had been active in the district. I may have mentioned this before in connection with the improvement of Olympic Boulevard. And so, his name was well known. And my brother continued and they both had the same first name, Frank. Of course, I came along with a different name, but I really. . . . I've never thought about it, but I really don't have any quick explanation.

I'd love to say that it was because of the splendid service that we rendered the district, but [Laughter] I'm not sure that would be entirely valid, although I think we did represent the district well and effectively.

Waters's Committee Assignments

VASQUEZ: Well, I thought that was extremely interesting. Your committee assignments while you were in the assembly: you were on the Rules Committee, Governmental Efficiency and Economy, the Judiciary, Legislative and Judicial Process, and the interim committees on Aviation

and Elections and Reapportionment. Of all those committee assignments, which do you think were the most productive for you?

WATERS: Oh, I would say probably Elections and Reapportionment. I was chairman of that. I was not chairman of any other committee. I could have been chairman after reapportionment for the next year, and I declined that. I believe I wound up without any committee chairmanship, although by that time I was beginning to get a little seniority. I was chairman of Aviation, the interim committee.

But, you know, we were interested in the problem of adequate airfields in California, particularly the problems of the private pilots in smaller airfields. I don't really think it was all that significant.

VASQUEZ: Was this the committee that oversaw the transition of many of the airfields that had been built for training in some of the smaller cities in the state to permanent airports?

WATERS: We had some part of it, but I don't remember that as being tremendously significant. Bear in mind, again, it was right after the war. Private pilots were beginning to blossom and become more

numerous, and they needed attention. And that's what we tried to give then. But, what were our results and how successful, I don't have a feel for that at this time.

Waters's Professional Career while in the Legislature

VASQUEZ: While you were an assemblyman, what were your outside activities? Did you practice law? What did you do for the rest of the year?

WATERS: Yes. Yes, at that time, you'll recall, we had a much more limited session that they have now. For example, we had the bifurcated session where each biennial period we would meet for thirty days, commencing the first Monday after the first day in January, or some such.

VASQUEZ: The third or the fourth of the month, usually.

WATERS: That would be the bill-introducing period. Then, we would take a thirty-day recess. And I think, conceptually, the purpose of that in the early days of the history of the state was to permit the members of the legislature to go back to their constituents and say, "These are the bills that have been introduced and I'd like your input on it."

VASQUEZ: Was that the case? Or were most of those bills not ready for your perusal until you got back?

WATERS: Well, actually, it didn't work out that well. But there would be some bills that were significant and highlighted in the public mind. The state printing office would print them up as they were introduced. And so, some of the critical ones did not come in until the very end because they were fighting over language. I had a few bills like that, the tax exemption bill for private schools, that sort of thing. But, even then, our per diem was limited [and there was an incentive to complete our work and get back home to earn a living].

When I first went up there, our salary was a hundred dollars a month. And then that first year that was allocated to us on a per diem basis. And [Laughter] when that ran out, we were literally working for nothing. I remember my dad telling the story about Will Rogers addressing the joint session of the legislature. And he alluded to that, saying that, "I understand that your money has run out and you're not being paid. This is the first time I've ever seen a legislature being

paid what it's worth." [Laughter]

VASQUEZ: [Laughter] Very good.

WATERS: So, we did not have the extensive interim committee arrangement that they apparently have now, either. We would hold a few meetings, but I think most of the members went back and earned a living and were not in any way dependent upon their salary as a member of the legislature for support.

VASQUEZ: That cut down on the number of people, the number of professions that people could be in and still be in the legislature, wouldn't it? Say, salaried workers would have a hard time being an assemblyman.

WATERS: Yes, yes, it clearly would.

IV. OBSERVATIONS ON THE CALIFORNIA LEGISLATURE

The Committee System

VASQUEZ: Tell me, what's your assessment of the committee system at the time? I know there were some members who were critical of interim committees, for example. That they saw them as sops, they just saw them as ongoing committee work that went from one session to the other, that sometimes

people used just to have an assignment that many times they didn't have to work too hard at. Or, if they were being paid per diem in interim sessions, maybe, to make a few dollars on the side. Was that an issue at the time?

WATERS: Some of the committees certainly were sops.

VASQUEZ: Do any examples come to mind?

WATERS: Well, no, none . . .

VASQUEZ: How about the Committee on Public Morals?

WATERS: I don't believe I ever served on that. That might have been one. I'm not sure.

VASQUEZ: It's reputed to be a committee that [Arthur H.] Artie Samish used to effectively kill or revive bills that he was interested in.

WATERS: Well, you know, I don't even now have a present recollection of the kinds of bills that were assigned there. Some could be obvious, but where could Samish have his reach? There's no question that Samish was a significant figure in California at that time. The now defunct Collier's magazine ran a series of articles where. . . . Oh, showing old Artie unscrewing the cupola of the Capitol dome.

I think that Samish, who was representing, I

guess, dog racing, maybe horse racing, and liquor interests--and probably some others--Samish I think did a defensive job for his clients. In other words, if a tax was posed for liquor, he would then attempt to defeat that tax. And that's what his clients wanted. In that regard, I think he was much more effective in the state senate than he was in the assembly. I really don't remember what [the Committee on] Public Morals did, if anything, in the interim period.

The Leadership of the Assembly

VASQUEZ: The leadership in the assembly, when you were there, was, of course, Sam [L.] Collins. He was the speaker.

WATERS: Sam Collins, right.

VASQUEZ: And the speaker pro tempore was Thomas [A.] Maloney.

WATERS: Thomas Maloney, right.

VASQUEZ: With whom, I noticed, you coauthored a lot of legislation. What was your relationship with either of the two of them? And what's your assessment of them as legislative leaders?

WATERS: Well, Sam was a lawyer. Bright, quick. And he was kind of an old "pol" type. And, indeed, Tommy

Maloney was also, but in a different style. Tommy came out of San Francisco; Sam was from Fullerton. They were both well connected with the lobbyist groups--I believe this to be true, I don't know this as a fact--although Tommy was very close to labor, a strong labor man.

VASQUEZ: They were both Republicans, right?

WATERS: Yes, that's right. And, again, you know, we had the great benefit of cross-filing, coming back to your earlier question.

The Advantages of Cross-filing

VASQUEZ: Let's deal with that.

WATERS: I think cross-filing. . . . I liked it better than what we have now. But, in any event, I suspect that Sam probably did what is now really quite an open thing, and that is that he had good contacts with lobbyists and the cash contributions. I understand, for example, that [Assembly Speaker] Willie [L.] Brown [Jr.] sees to it that his favorite candidates get substantial contributions and money is raised in these big banquets and dinners. We didn't have that in those days.

VASQUEZ: At least not openly?

WATERS: Not open. Well, we didn't have the dinners, that

I remember. So I suspect Sam was able to effectively. . . . He undoubtedly campaigned for the position of speaker and, undoubtedly, agreements were reached as to who would be chairman of what committee, and so forth. Elections and Reapportionment except for a reapportionment year is not really that significant a committee, although it assumed some additional importance because at that time it became apparent that our election machinery was not efficient. They were trying to develop concepts of machines that would count the vote and make the vote more readily countable. There were election machines, voting machines used in the eastern part of the country.

The Vote-O-Matic Machine

VASQUEZ: The Vote-O-Matic, I think it was called?

WATERS: Yes. It hadn't reached California.

VASQUEZ: Oh, is that right?

WATERS: Frank [C.] Jordan was secretary of state and Frank came up with a prototype, hole-punching machine which became possible with IBM [International Business Machine] developing these machines that could count cards, and so on. And he proposed legislation. I may have coauthored that with

someone, or I may have been the author. No, I was the author of it, at the request of the secretary of state.[1]

Using the "Spot" Bill

Sam Collins, I remember, had a bill that had to do with election or voting machines. But, again, it was what we called a spot bill. Since I was chairman of the Reapportionment, Elections and Reapportionments Committee, he asked me to author the bill. Or he authored it, and I was coauthor. A spot bill had no significant change. It changed "each" to "every" or "it" to "this" or something like that, with a view of putting in amendments at a later time. Sometimes the amendments weren't ready, and sometimes that was a perfectly valid explanation. Other times, a spot bill might be used by somebody for the purpose of waltzing something through when nobody was really looking. That did happen on occasion.

Well, as chairman of Elections and Reapportionment, I always tried to move the bills through committee as rapidly as possible. I

1. A.B. 2502, vetoed by Governor Earl Warren, May 6, 1949.

didn't want them to wait. So I just set them [on calendar]. When I set Sam's bill, and Sam came up for the committee hearing and he said, "Well, my amendments aren't ready yet, we'll get them ready." I didn't know what he had in mind. He didn't discuss the bill with me, and here my name is on it. So we shooed it out of committee and it came down to th# assembly and came up for third reading. I remember Sam calling me up to the chair saying, "You know, this bill's coming up. Will you present it?" And I said, "I've got a better idea, Sam." I said, "Let me preside and you present it." One of the few times I've presided, although from time to time members are called up to take the gavel.

So Sam presented the bill and, again, there were no amendments to it. He told the assembly that there would be amendments introduced on the senate side. So the bill went out with a due pass. It was voted out of the assembly; went over to the senate. I think [Fred] Freddie Weybret was chairman of [Elections and Reapportionment] over in that house. He was from Monterey. I believe I appeared before that committee and told them that,

"This is Sam's bill and it's his amendment, but we'd like to move it along, anyway." Well, [Laughter] it came out of the Senate Committee on Elections and came down for third reading on the senate floor and it was passed. Why or how I don't know, and I don't know who presented it. Of course, I didn't have standing in that house to present it.

Later, I got a call from Beach Vasey, who later became a superior court judge. Beach was legislative secretary for Governor [Earl] Warren at the time. Beach called me, he said, "Lock, what's this bill all about?" He said, "I can't figure it out." I said, "I don't know." I said, "It's really Sam's bill." "Well," he said, "can you find out what he has in mind?" The governor wanted information to decide whether or not to sign it or to veto it. So, I remember Sam was presiding and I went up and I said, "Sam, I've just got a call from Beach Vasey and he tells me that your bill on so and so is on the desk for the governor's signature, and wants to know what you want done with it." [Laughter] "Tell him to veto it," Sam said. [Laughter] And that was it! The

bill was vetoed and that was the end of it. I never did know what was going on in that bill.

Styles of Leadership in the Assembly

VASQUEZ: Was this a pattern or style of leadership that he employed?

WATERS: No, no. Probably, some guy wanted to do something and maybe it would bring the voting machines into California and a statute needed to be amended. Nothing ever happened. But I thought Sam. . . . He was a good parliamentarian. He handled the assembly very well. I think the committees worked effectively and efficiently. He kept the business of the house moving. Tommy Maloney, in his own way. . . . Of course, you know, the speaker pro tem is . . .

VASQUEZ: In the shadows for the most part?

WATERS: That's right. But he, too, was a good parliamentarian. So I thought Sam was a very effective speaker. I enjoyed his leadership.

VASQUEZ: Later on, [James W.] Silliman replaced him.

WATERS: Jim Silliman.

Struggles over the Speakership

VASQUEZ: I understand there was an acrimonious struggle over the speakership. Do you know what the basis

of that was?

WATERS: Yes, Jim, he was a more volatile guy. And particularly, up in the platform. He'd do a little yelling up there, and Sam didn't. Sam was, I think, a much smoother parliamentarian than Jim. But I'm sure Jim was elected speaker in the same way, that he went out and campaigned the members and undoubtedly said, "You're from San Joaquin Valley, you'll be on the Agriculture Committee." And so on.

VASQUEZ: But this didn't represent any factions within the Republican contingent up there?

WATERS: I don't recall any. I didn't think he was as effective a leader as Sam. When did he come in?

VASQUEZ: Silliman?

WATERS: Yes.

VASQUEZ: I think the last term you were in, 1953 I believe.

WATERS: Last term, huh. Yes.

Leadership in the Senate

VASQUEZ: What about over on the senate side? On the senate side, you had Harold [J.] Powers as the president pro tem.

WATERS: Butch Powers?

VASQUEZ: Yes.

WATERS: Well, you had, as I viewed the senate, group leadership. You had Butch Powers, president pro tem; George [J.] Hatfield, former lieutenant governor, he was from Modesto; [Arthur H.] Artie Breed [Jr.]; [W. P.] Bill Rich. There may have been one or two other fellows there. They were the leadership of the senate.

VASQUEZ: On the basis of what? Seniority?

WATERS: Seniority and brains and know-how, knowledge of parliamentary procedures. I remember old George [Hatfield]. He and I became good friends. I had an idea on something--I forget what the subject was--and I thought, gee, this will be a solution to what I then perceived to be a problem. And I went in to see George. And I said, "About this, can we do so and so and so and so?" "Well, Lockie! [Laughter] Lockie, let me see." He reached up and he pulled up a volume off of the shelves and he went to a particular section. And the precise point had been addressed in prior legislation, which prevented doing what I was suggesting might happen. "Okay, you know. You can't do it." said George.

I became curious and I looked that up later

on. George Hatfield had introduced that amendment to prevent what I was suggesting. He had a long-range legislative vision and a very retentive memory. An exceedingly smart individual! So, I think it was a combination of good brains and sound judgment and long experience.

The Legislative Agenda of Legislators

VASQUEZ: That brings me to what I think is an interesting point. Of the people that were your contemporaries, in both houses, what percentage of the people there had this kind of a long-range legislative agenda, and how many people had the tendency to react to immediate pressures for this or that kind of legislation? Who sticks out in your mind in that respect?

WATERS: Oh, I haven't thought about it. But I would say maybe 15 or 20 percent had the long-range approach. And on the low end, then there'd be another 25 percent that didn't have it. They were susceptible to some of the influences that we didn't think were all that great, even in those days. The rest of them were. . . . I was going to say "single-issue." For example, they were agricultural people or they were labor people and

they had a better view of that particular area. But in terms of a broader umbrella of interests that they covered, it was a fairly narrow group.

VASQUEZ: In your recollection of the people that served with you in the assembly, who would you say had the best or greatest sense of vision in terms of what they were doing there, what the legislative process was, where California was going?

WATERS: Oh, [Robert C.] Bob Kirkwood was a bright, able guy. He was from Saratoga.

VASQUEZ: Highly respected by a lot of people in your period?

WATERS: Oh, a high-class guy. Yes, a high-class guy.

VASQUEZ: What made him that way?

WATERS: He was a gentleman farmer. They had money in the family. He was a lawyer, well-educated Stanford man. Some guys are just classy, and he was one of them. Then, he wasn't beset by the devil that haunts most of us who really have to work hard to earn a living and take care of the family. I seem to think his money was in timber, but I'm not sure of that. He and I were good friends. I had great respect for him. But he was outstanding. [Thomas W.] Tom Caldecott was another fellow that. . . . Again, a lawyer, well educated. I'd have to go

over the list of names here to reflect on that.

The "Young Turks" in the Assembly

VASQUEZ: Those two, both of the people you just mentioned, are people that drew people around them. Caldecott, for example, came in with a group called the "Young Turks." Or, in some references, they're referred to as the "Dirty Seventeen." Do you remember that?

WATERS: Oh, sure. [Laughter]

VASQUEZ: Were you a part of that?

WATERS: Oh, sure. [Laughter] Oh, sure.

VASQUEZ: Who gave you the name "Dirty Seventeen"?

WATERS: I haven't heard that name. It wasn't that big, unless and until after I got out of there. Because Tom continued on. But, as a matter of fact, I. . . . You know, Kirkwood was floor leader for Warren and education matters, generally. Caldecott was very loyal and interested in the University of California.

I wound up with a tax bill my first term there that. . . . Well, let's see what happened. The state had received a lot of revenue during the war years, and the demands for spending the money weren't that intense. [Albert C.] Al Wollenberg

[later a federal judge] was then chairman of Ways and Means. Now, he was another bright guy that had a long-range vision of how government should operate. Al had introduced a bill on behalf of the governor. And in those days, we had a companion measure in the other house. Very often we had the same bill introduced in both houses.

VASQUEZ: The purpose of which was?

WATERS: Well, in case something happened to the one in one house, you had another.

VASQUEZ: So it wouldn't get shot down on its first go-around?

WATERS: That's right. And that's precisely what happened here. Al brought this bill up, and I don't know whether this was to set up the slush fund or not, a seventy-five million dollar slush fund as a reserve. We called it slush in the sense that if an emergency developed in the state, there would be money available that could be used. Although, again, all of us were very sensitive to the idea that the state should not horde money, we shouldn't build up these big reserves. It's just too tempting for special interest groups and so on.

So Al brought the bill up and Jonathan

Hollibaugh, from Huntington Park, who was, you know, a bright, able guy. . . . but he had no use for Earl Warren. And Randal [F.] Dickey, a lawyer from Alameda, he had no use for Warren. And they cut the heart out of that bill and it got shot down in the assembly. Al had brought it up as an urgency measure, because this came up in the first thirty days of the session and we could consider urgency measures then, but only that type, as I recall. So the bill died.

Now, I was neither pro- or anti-Warren. I knew him as governor, and I may have met him, but I didn't have any feeling, really, one way or the other for him. Al came to me after we reconvened, after the constitutional recess, and said that same bill was now coming over from the senate and asked if I would handle it. Well, I was kind of flattered that he even came to me, because I'm a freshman member and, I didn't know my way around, parliamentarily speaking, and so on. But I said, "Let me think about it." I thought about it, and I said, "Well, yes." Well, then, I had to sit down with people from the Department of Finance

and they had to drill me on the subject matter of how this thing came, because we'd seen the terrible fight we'd gotten into in the first session, first part of the session. And so, when it came up for third reading I presented it on the floor and, by golly, we got the thing through.

As a result, this was something the governor wanted, and I got to know him a little better. There were a group of us that then became known as, in effect, the governor's men in the assembly. Now, [Marvin] Marv Sherwin was one, chairman of Ways and Means. Bob Kirkwood, Tom Caldecott, [Stewart L.] Stu Hinckley, who represented agricultural interests, and myself. And then a guy who played with us from time to time, Ralph [M.] Brown, an assemblyman from Modesto. But he was a Democrat. But that group of five was the group that. . . . We were really the Young Turks.

I think I was the guy that brought them together but, it could have been somebody else, we would have. . . . Bear in mind now, the assembly convened in the morning. We would have committee meetings in the afternoon and at night. The

senate, I believe, convened in the afternoon. They would have committee meetings in the morning, so people that had to appear in different committees could spread their efforts. Trying to keep up on everything that was going on was difficult. So somebody--and I believe it was me, but I'm not sure--came up with the idea "let's have a breakfast meeting."

So, every morning, we would take the calendar and we would have breakfast at the Walnut Room of the old Sacramento Hotel, or some place. We would go over the calendar. We had enough representation in this group from the various committees so we could spot bills that there might be some question about or needed an extra push, or whatever. This was particularly important during the closing days of the session, because the bills are always humped up at the point. There was a tremendous drive to get them through and you're working long hours, and that's when a bill could, in effect, be sneaked through if somebody wasn't alert.

VASQUEZ: Was that a tactic that was commonly used, to try and sneak bills through in the later part of the session?

WATERS: Oh, it was done from time to time, yes. It was not unusual. That was one technique. Another technique was each day, as you approached the hour of recess and guys would be drifting out to lunch. . . . You could do it with a devious purpose in mind, or simply because votes that you needed weren't there at the earlier time. The matter would be called up, the speaker would say "Item so-and-so on file. The clerk will read," and then, "Mr. Speaker, could this matter go over?" He'd put the bill over. Then your votes came back, and then you'd call and ask the speaker to refer back to that item on file and you'd take it up.

Well, as votes drifted out and guys would go into committee meetings and so on, somebody would wait until someone he knew was in opposition had gone out. "Mr. Speaker, may we refer back to item so and so?" Well, the speaker may or may not know anything about this. We'd pick it up. So that we could be alert, we'd get together in the morning and go over the calendar.

VASQUEZ: Now, this is a bipartisan group you're talking about?

WATERS: No, this is really just the Republicans. It's

this group that I mentioned, were all Republicans, with occasional help from Brown. I don't remember other names being involved at the moment. Then, when the matter would come up, it would be called by the speaker, "The clerk will read, item so-and-so," one or the other of us would know this was the bill we wanted to do something about. You'd reach for your file copy. We had all of the bills on your desk. The author of the bill, or the guy who was presenting it if it was a senate bill, would stand up and start talking.

Then after he had finished his presentation, the invariable technique was to stand up, "Will Mr. So-and-so yield to a question?" If any one of this group stood up, the others of our group would all reach for their copy of the bill. You would buy a little time by asking a series of questions. They'd come in and somebody else. . . would hear the members from the different parts of the floor, and then you'd get a pretty good debate going.

I remember one--I won't mention his name--but after I left, after I was appointed U.S. attorney and so on, I bumped into one, who was good friend,

nice guy. And he said, "Oh, Lock," he said, "I'm so glad to see you, and it's so nice you're out of the assembly." He said, "Now I can get a bill through." [Laughter]

VASQUEZ: Were there other groups like this, other identifiable affinity groups?

WATERS: I don't recall any. If there were, I don't recall of them.

Minority Democratic Leadership

VASQUEZ: What was your assessment of the minority floor leader at the time, Julian Beck, from San Fernando, a Democrat?

WATERS: A very bright guy. A good thinker. A logical thinker. Spoke effectively, presented the issues. I think Jay was an effective minority opposition leader.

V. GOVERNOR EARL WARREN

The Basis of Governor Warren's Success

VASQUEZ: Some people attribute Earl Warren's success to his ability to keep away or stay away from extremes and to find common ground between opposing forces. Some people attribute his success, his bipartisan legislative movement, to Bob Kenny.

Some attribute it to a bipartisanship that was inherent in modern California politics. Some attribute it to a unity, if you will, that was present in California politics immediately after the Second World War. To what do you attribute Governor Warren's success in being able to move bipartisan legislation and get bipartisan programs through the two houses?

WATERS: I think that Warren was a populist at heart. He occupied the middle of the road. He was sufficiently progressive in questions that concerned the rank and file of the people of this state. He certainly could hold his own with the captains of industry. His position was generally very sound and logical. I think he did provide leadership in areas where there was a demonstrated need for the public.

For example, the highway act was vigorously and bitterly opposed by the oil interests. They fought him every way they possibly could. But Warren was able to carry his message to the people, and they supported him for that. The highway act was passed. Where would California be today without this state network of freeways?

Now, as part of that, you know, he also recognized, on occasion--although he could be a stubborn Swede; there's no argument about that--compromises were in order. We had the Burns-Collier Act. Well, [Michael J.] Burns was in the assembly and [Randolph] Randy Collier was in the state senate. The senate, was predominantly rural in its constituency. For example, Jack [B.] Tenney represented the county of Los Angeles. And we had--what?--40 percent of the population at that time in one county. He had one vote. Randy Collier, who may have represented . . .

VASQUEZ: Fifteen thousand people.

WATERS: Yes. So that bill was passed with a provision that in a five-year period, a portion of the highway funds that were going to be collected had to be spent in the rural counties. The traffic problem wasn't there. The need was in the cities. But the votes, if you were going to get a program through, required that we make that compromise. So Warren was willing to sign the bill in the end; even though in a way money was wasted between competing needs, he was willing to do that. He had that element of compromise. Furthermore, he

was not a doctrinaire Republican. There was health insurance. Socialized medicine in those days.

Warren's Health Insurance Program

VASQUEZ: Did you oppose that at the time?

WATERS: No. No, no, I was for it. It sounded to me like an insurance program. I have a sister who is a doctor, and, boy, I remember her jumping up and down about socialized medicine. She and I sat down and we had a debate about the thing. She said, "Well, of course, there's nothing wrong with that." She had not been informed by the medical profession, and their various publications had misrepresented it.

I don't know if I mentioned the exchange that I passed on to Warren with Norman Chandler, publisher of the Los Angeles Times. I sat next to Norman Chandler at some dinner some place, and Chandler said, "Lock, you know, I don't understand why people call this socialized medicine. It's really just a health insurance program." And I said, "That's right." I went back to see the governor, and I said, "Governor, I sat next to Norman Chandler and he said that this is just an

insurance program. It's not socialized medicine." And Warren said, "Well, why doesn't he print that in his goddamn newspaper then?" [Laughter]

But, the point I'm trying to make in a rather long-winded fashion, is simply that I think Warren did have a capacity to recognize the needs of California, and he supported programs that attempted to reach those needs. As a result, the people recognized him as a. . . . I remember he asked me one time when he was up for reelection, he said, "What do you think of this slogan?"--and you'll find, I think, in the records, that the billboards carried it--"'Reelect a good governor.'" I think the people recognized that he was a "good" governor.

VASQUEZ: Nothing flashy, just generic terms.

WATERS: Yes.

Warren's Relationship with Robert Kenny

VASQUEZ: Good governor. About Bob Kenny's relationship with Earl Warren, does that have any significance?

[End Tape 2, Side A]

[Begin Tape 2, Side B]

WATERS: I really don't know how close or unclose they

were. I would suspect that Earl Warren got along better with Bob Kenny as attorney general, for example, than he did with Edmund G. "Pat" Brown [Sr.]. Kenny was a fellow who really did not want to become governor. Nor did he want to become the Democratic candidate.

And I say that based on a conversation I had with him. I think I've got an autographed picture at home of Bob Kenny showing him sitting on the ledge of the state building in San Francisco looking at parade down below. And he put a note on it, something to the effect that he sat on the edge of his career and fell in. Something to that effect. Remember, he had a quick mind and quick wit and he was good at the quip. Except at some times it didn't ride well. Somebody asked him about his candidacy and he responded to the effect that he was in the position of a pregnant woman, that he didn't want to get into the position that he was in, but having done so he would make the best of it.

VASQUEZ: [Laughter]

WATERS: But in terms of how they got along, there was the interchange that, I guess, still takes place. The

governor asks the attorney general to give an opinion concerning the legal aspects of certain bills and the constitutional considerations, and so on. I believe Warren got along with him, but I really don't know.

VASQUEZ: But you don't see him as someone who helped line up Democrats behind [Warren's] programs, when maybe nobody else could have?

WATERS: If he did, I don't know.

Warren's Record on the Supreme Court

VASQUEZ: Fleshing out this section on Warren. Someone like you, I would imagine, wasn't all that surprised when Warren went on the Supreme Court and began to shape the court in the way that he did. I mean, a lot of Republicans felt that he had been a traitor to Republicanism and he had just given himself over to liberal philosophy. But you seem to indicate that you always saw that in him.

WATERS: Oh, yes. Bear in mind that he was a district attorney, then he was attorney general, then he was governor. He had a law enforcement background. But he also had an understanding of government and how government can become so big and powerful, and while it touches us intimately

in every aspect of our lives, it is also so remote that it can overpower individuals without really knowing what it's doing. I see that today in the conduct of the congress and just trying to address some of the needs that we have in the court.

Warren went on the Supreme Court with a commitment that he was going to. . . . Not a public commitment, but a personal commitment, that the rights of the individual were going to be dominant. And I think that was reflected in his opinions. Now, is that anti-Republican? I don't think so. I think the Republicans, at least in their inception, were strongly individualistic, as indeed were many of their practices. But he was no surprise to me at all. He was a person who, where he perceived wrong, he wanted to correct it. You take the voting cases out of the South. One man, one vote. If this is a democracy, those are great decisions. There is the other school of thought: "home rule" and let the people do what they want, and local considerations. But our society shouldn't go in that direction.

Current Republican Supreme Court Nominees

VASQUEZ: Just moving up to a more contemporary period,

strong Republican voices today at the national level are calling for exactly that kind of home rule: "Let the local communities and local entities decide." And, of course, we're in the middle of a raging battle over who will be appointed to the Supreme Court. Given what you've just said, how would you see the nomination of Judge [Anthony M.] Kennedy in that context? Do you think he's someone who will reflect the individual's rights? Or do you think that he'll give them away?

WATERS: Oh, I think Kennedy will do that. Kennedy is a different kind of craftsman in the law as against Robert [H.] Bork. And, as the press has pointed out, he's not quite as flamboyant in his writing. Kennedy will be inheriting much of the constitutional precedent and tradition of the Supreme Court. He will abide by it. He will be a fellow that will read a matter very tightly. He will not be an adventurer, as Earl Warren, in a sense, was. For example, when he got into the voting rights cases, or Brown v. Board of Education. Warren did do some legislative interpretation in applying the constitution, but

Kennedy, I think, will take what the court has done and will accept it. I don't think that he will attempt to turn back the hands of the clock in terms of cases like these.

Now, sure, there's the argument that certain matters simply should be left to the states. And I like that. I find Washington much too remote in terms of trying to get resolution of many pressing problems.

VASQUEZ: What kinds of things, for example? What kinds of things do you think are best left to the states, in which they most effectively . . .

WATERS: Well, I hadn't given a great deal of thought to that. The one case that comes up, of course, is the abortion question. And the arguments are pretty vigorous on both sides. I'm an anti-abortionist, I suppose. I haven't been called upon to pass on that, and, perhaps, I shouldn't even express a view at this point on it.

But in that sort of thing, we do have a different societal mix in the various states. The states, I think, can fine-tune their legislation involving matters like that in a way that the federal government simply can't, because of such

disparate interests as. . . . You know, Alaska is simply different from Florida, geographically and otherwise. So, I'd have to reflect more upon that. But I think Kennedy will not be an Earl Warren in the sense of going out on a limb, as it were.

More on the Warren Court

VASQUEZ: Breaking new ground you mean?

WATERS: Yes. Yes, Brown v. Board of Education was a superb decision. Pretty novel in those days.

VASQUEZ: That kind of decision belongs at the national level, do you feel? In Kansas City, for example, there's currently an effort to overturn it.

WATERS: Oh, yes. Yes, no question about that. Absolutely no question about it. Indeed, I have a state of mind that had the Supreme Court not gone as far as it did in that case, a revolution in this country was not impossible, because those people were being denied rights. The denial of rights is the sort of thing that precipitates revolutionary conduct. I guess the voting rights cases weren't quite that bad. But they also [merge] into that area.

I think the Supreme Court, having taken the

leadership it did in the Warren years, addressing individual rights, has really focused the attention of everybody on this matter of individual rights. We now come up with the new right of privacy, and, depending on where you sit, you can find all kinds of things in the constitution that nobody ever dreamed were there before.

VI. OBSERVATIONS ON CALIFORNIA POLITICS

Amateur Lawmakers versus Professional Politicians

VASQUEZ: This last comment takes me to something that I wanted to pursue, and that is do you think it's possible to be as good a leader, or as much of a leader, in contemporary California politics as it was, say, during Warren's period? Maybe one way to express that is when you served, you had amateur lawmakers at work. Now you've got professional politicians making laws. Which do you think gives us better laws and is better for democracy?

WATERS: Well, I may be lacking in objectivity in this, but I thought the system we had in those days where we did have amateurs that were competent amateurs, knowledgeable amateurs, but people not totally

dependent upon their living from government, I felt the state had good governance in those days.

You can't talk about the change in the legislative structure alone; you've got to talk about the change in media which, of course, is the fourth branch of government. The technology of communication now has become so good and so omnipresent that, in a way, it creates different problems in achieving good governance. Now I'm sure we had conduct on the part of people holding public office in those days who wouldn't survive critical inspection. But I'm also satisfied that that was not the dominant factor in government. I'm not suggesting it is today. I think it is possible to be a leader and to achieve good government in California today. But the kinds of problems you have simply are different.

I think [Governor George S.] Deukmejian is giving the state of California good leadership. He's a much more conservative individual than the person who preceded him. [Edmund G.] "Jerry" Brown [Jr.] was flakey. There's just no two ways about it. And Jerry Brown was lacking in experience. Now, I read where he's now going to present

himself to the public again. But he sounds like a little different sort of fellow in the articles that I've been reading recently.

I think the. . . . The ratio is still--what?--three Democrats to two Republicans in California. And partisanship has become a much stronger factor in California elections. Deukmejian still won, and still beat Bradley, who has been a very well received individual. Strong Democratic support. You've got all the minority appeal. And I think Deukmejian was reelected because the people felt that he was a good governor.

VASQUEZ: Not on the basis of his image?

WATERS: Well, no. It's on the basis of the substance, not the image. If ever a guy was lacking in charisma, why Deukmejian [Laughter] has to be up there with the finalists.

Image and Substance in Contemporary Politics

VASQUEZ: Well, that takes me to something that you mentioned and that I wanted to pursue, and that is the role of image that seems to be so important and so all-pervasive. On the one hand, you do have much more efficient and effective means of communication and reaching many people with a lot

of information very quickly. On the other, there are times, I suppose, there are periods of hiatus when there's very little substance to report, or what have you, and you get a lot of concern for image. Some people argue this is the trivializing of politics. Do you think that's detrimental to the democratic process?

WATERS: Yeah, I do. I do. I've got great respect for the power of television. And yet, television has its own set of pressures. I've participated in interviews that have gone on thirty and forty-five minutes with the TV cameras grinding, and you wind up with twenty seconds that the public gets, the twenty seconds having been selected by the editors of that program to be the most colorful, spectacular, exciting, but not necessarily substantive twenty seconds that took place. So people get an image. Maybe if you get enough images, you can kind of fill in the hole.

VASQUEZ: Over time, what do you think the impact is on the electorate? I remember last time you were saying that in the past you had to go door to door and meet people face to face, and there was less bombardment of image to the electorate, that the

electorate had to be more on top of issues. Over time, what do you think it means? Do you think it gets people more involved in government, or do you think it gets them further away from the substance of government?

WATERS: Well, probably a little of both. You have to be more involved in order to really reach as informed a judgment as you can under the circumstances. I think we. . . . Try to sort things out, distinguish image from party label. That, from the point of the view of the professional politicians, the party label is the great thing because you don't have to think. You react and you see "Democrat" or "Republican" and you vote the party. Which I think is very poor. In the long run, I think too much emphasis on image can be destructive, because you don't know that much about people.

Now you take [Senator Joseph] Joe Biden, who I think up until the time of the Iran hearings was perceived to be probably a pretty good member of the [United States] senate. My view of him has changed substantially. Although it's changed in part because of the way he presented himself when he was a candidate for the Democratic nomination.

I just lost interest in him. I think, by and large, probably the media, if it does anything, puts a greater burden on the public today to be properly informed. I don't think the media is all that responsible all of the time.

VASQUEZ: On balance, then, you think, that the pervasiveness of electronic media is a positive thing?

WATERS: On balance, it can be positive. I don't necessarily agree that it is positive.

VASQUEZ: How could we help it be more positive?

WATERS: Oh, take recent issues of the L.A. Times. They had an extended article on [Vice President] George Bush, which I thought was pretty doggoned good. They went into all of the facets of his background. And you got an image with dimension of George Bush. Now, this morning, they started out with [Marion Gordon] "Pat" Robertson. I haven't had a chance to finish reading that. So, if they take the time and they go in depth, fine. Again, TV has the problem of rarely being able to spend that much time on it. And yet, TV has such a dramatic impact.

VASQUEZ: And so much so that you have newspapers formatting

themselves to go after the TV audience. USA Today, for example, news being collapsed into one paragraph.

WATERS: That's right. Absolutely.

VASQUEZ: Some people argue, it makes people lazy to read.

WATERS: That's right.

VASQUEZ: What do you say to the argument that people don't want to read more than a few paragraphs? I saw the George Bush article, and I agree with you. Your estimation is that it would be better if you had in-depth reportage like this on all the candidates?

WATERS: Yes. But you give me the answer, and that is that people don't want to take the time to read it. And I agree. They don't. Years ago, I told my wife, I said, "Our problems have all started with instant coffee. You want it now." I said, "Well, they got to have something now. They want to learn about now and they don't want to take the time."

On the other side of it, we've become a society that is much more attuned to the hedonistic side of life, and we'd sooner play tennis, play golf, and not do the hard thinking. There

are a lot of distractions. So, if you've got attractions that are very seductive and so on, there's less time that you really want to spend on the hard work of thinking.

The Lack of an Historical Sense in American Politics

VASQUEZ: Some argue that we are a society that has a very weak sense of history, a poor sense of history, a poor sense of the past. An ignorance of the past, almost. Do you think that's true, first of all? Do you think it's detrimental to the political process?

WATERS: As compared to some other society?

VASQUEZ: As compared to, say, European countries. Or, maybe, in Latin American societies where people with long histories of their societies or their civilizations have them drummed into them. The Mexican, for example, who has a sense of the ancients and the pre-Columbian peoples and a continuity, but a sense of the past. And some argue that in this country, maybe because we have a such a short national history, there's a tendency in the contemporary period for people to have an historical sense that can be reduced to a

thirty-second commercial, for instance. People can't remember what happened six months ago, nine years ago, five years ago, ten years ago. And, consequently, in the political arena, they can be more effectively manipulated.

WATERS: I think that's unfair. Number one, we have a lot more stuff thrown at us today than people had in colonial times. Whatever was thrown at you in colonial times, you clearly had more time in which to digest it and assimilate it. But, except for this handful of founding fathers, whose names we revere this bicentennial year [of the Constitution], I don't know how many people really had the great sense of history in those days, as against a comparable number of people today.

If we asked James Madison about South America, he may have come up with a zero on that because he didn't have time to study it, or just didn't have any information on that. And yet more people today would know more about that. I think they have a different sense of history in those places. But, perhaps even more important, is that they have a sense of tradition. You take a look at these terrible fights between the Turks and the

Greeks and, now, the Iraqis and the Iranians. Or, in my heritage, the Irish, Northern Ireland and the Irish Free State. Some fellow, a wordsmith, summed it up, I thought, beautifully, when he said that, speaking of the situation in Northern Ireland, that "They are hostages of history." And they are. It's a very selective history that they're relying on, and it's a tradition. I think they've got a different sense, but I don't know if they've got a better sense. I think not.

VASQUEZ: Maybe the answer, then, is that Americans don't have all that historical baggage to carry around.

WATERS: I think that's right. Goodness, I think that's so true. We don't have the squabbling over state lines that they have between the micro-countries in Europe and so on. I'd love to see the Irish resolve their differences. And I think the Turks and the Greeks ought to live in the present, instead of the past. The Jews and the Palestinians, I don't know why they can't get together. Oh, I know why they can't, because history tells them they can't.

VASQUEZ: So too much history may not be a good thing, after all. [Laughter]

WATERS: [Laughter]

The Young Republicans in Waters's Day

VASQUEZ: I wanted to shift ground a little bit now and talk for a while about California Republican politics. Tell me a little bit about the period when you were a Young Republican. Who were the Young Republicans at the time? You were an officer in the Young Republicans.

WATERS: Yes.

VASQUEZ: How young and how Republican were they?

WATERS: Well, I was fairly Republican. I became active in it after the war and after I was elected. And I'd go to the meetings. What was a Republican in those days? I ultimately became state chairman. Before that, I was vice-chairman of the Republican State Central Committee.

[T. H.] Tony DeLap was then state chairman. He was a state senator from Contra Costa County. He would be another one of those of the ruling group of the state senate that I alluded to earlier. We had periodic state central committee meetings, and we had it down in San Diego one year. I remember prevailing upon Tony. . . . Republicans are always estranged from labor.

Labor was one of Earl Warren's big strengths. And I said, "The least we can do is to hear from them, see what they have to say." And there was a fellow by the name of [John F.] Jack Henning who is, today, I guess, still around. Executive director of the state AFL-CIO.

VASQUEZ: That's right.

WATERS: So, we invited Jack down to the Republican meeting to address the crowd. Whatever he wanted to say. He came as a labor leader. And they tore my scalp off on that. [Laughter] There was a group of Republicans that didn't like him.

VASQUEZ: Didn't like him, or didn't like labor?

WATERS: Didn't like me for bringing a labor leader to a Republican meeting. And they didn't like labor. I guess they're entitled to their view.

VASQUEZ: Do you think it was well thought out, or do you think it was one of those traditions that all Republicans just don't like labor?

WATERS: Some Republicans just don't like labor. The cleavage was pretty marked in those days. I don't think it's as marked today.

The Political Gamut of California Republicans

VASQUEZ: How wide a variation of Republicans did you have,

say, from conservative to liberal or moderate? And where did you fit in that?

WATERS: I was probably in the middle-left of Republican thinking. Maybe left-left of Republican thinking.

VASQUEZ: Who represented the poles? Who would be the poles that come to your mind within the Republican milieu, on the right and on the left?

WATERS: Well, you had the extreme right, you had. . . . Lloyd Wright who was a lawyer in town. [Laughter] Lloyd was a real right-winger. Who were the leftists in the Republican party? I don't know, maybe Earl Warren was a leftist in Republican thinking. I don't mean left in the political coloration that usually goes with that term. He was just a much more progressive sort of guy. And I probably would fit myself into that category. I think that [Richard M.] Dick Nixon was more on the right-hand side of the spectrum, for example.

We were the Young Republicans of those days . . . . Well, there was some polarization, right and left. There were some Young Republicans out of USC--[Joseph F.] Joe Holt and Tyler MacDonald and [Patrick J.] Pat Hillings, who later became a

member of congress, as did Joe Holt--they were more on the right-hand side. We had some political scrums within the Republican party. Ultimately, we'd get together.

But even then, when the Republican delegation went back to [the national convention in] Philadelphia, or to Chicago, and Warren was a favorite-son candidate, the Nixon people would undercut Warren every chance they got. And those of us--[William F.] Bill Knowland and old [Joseph] Joe Knowland and [Thomas] Tom Mellon and a bunch of others--we were all Republicans. But there was a pretty clear difference in political views. I don't recall it really getting down to specific issues. Maybe socialized medicine or health insurance was an issue at that time. I don't have a specific recollection of that.

Democratic versus Republican Party Discipline

VASQUEZ: Party Democrats, we know, in this century, have pretty much have outnumbered Republicans in registration. But Republicans have been more successful and through this period, especially the period in which you served in, the late forties, when they were a minority party in terms of

registration, but a majority party in terms of holding office. Some attribute it to a number of factors. And one is cross-filing. Another was the question of discipline, that Republicans were much more disciplined in holding together when it came down to an issue than Democrats. Democrats would tend to fracture their numbers much more. What's your assessment of that? Do you think the Republicans were more disciplined?

WATERS: In my day, in terms of discipline, we had almost a totally ineffective party structure. And cross-filing contributed to that, because people could, with impunity, jump a line and go after the individual candidate. We did not have an effective fund-raising program. [Charles] Charlie Thomas, who later became secretary of the navy under Eisenhower, became state finance chairman. And Charlie represented the right-wing factions, the Henry Salvatoris and the Holmes Tuttles and the fellows who are now identified prominently with [President Ronald] Reagan. Of course, in a way, the same thing could be said of the Democrats. They had a loose structure and they could jump over.

And I, personally, think that--to come back to my comment earlier--there was an absence of a strong party structure, and the ability just to vote a straight ticket. This puts a burden on the voter to become a little better informed. As a result, I think the Republicans presented more acceptable candidates. When you get right down to it, in the great middle of both parties, there's not a heck of a lot of difference. And so, how then do you opt in making a decision? You go for the guy.

VASQUEZ: Do you think the Republicans presented better candidates than the Democrats?

WATERS: I think so. I think so.

The Role of the California Republican Assembly

VASQUEZ: How about the California Republican Assembly [CRA]? Was that very active or prominent in Republican politics when you were active?

WATERS: Oh, yes. Yes. That was quite an active group and had its meetings. Now, that was a more moderate group. And then, it was a more grassroots operation. But the conservatives moved in, and they finally took over. I'm trying to think of the name of an attorney [Gardiner Johnson]. He served

in the state legislature. He's from Alameda or Berkeley. A bright guy, very able. He didn't get along with Warren. And, really, things were polarized in those days. In terms of the Republican party, you were either pro-Warren or anti-Warren. They [the right-wingers] gradually moved in. The trouble with being moderate is you're moderate, and you're not militant, then, as against some of these other people.

Anyway, they gradually took over that structure [CRA]. And I remember we had a big fight. I was parliamentarian, and I made some rulings in terms of endorsing. Oh, it was in terms of endorsing the presidential candidate, [Senator Barry] Goldwater or [Governor Nelson] Rockefeller. They finally prevailed. But the right-wing, they stayed. They had greater staying power than the more moderate group. The more moderate group had to get back to their jobs from the over-a-weekend convention. They stayed and finally got the endorsement on behalf of Goldwater. I was a Rockefeller man in that campaign.

The Decline of the CRA

VASQUEZ: To what to you attribute the decline of the CRA?

WATERS: Well, of course, Warren dropped out of state politics when he went on the Supreme Court. There was not a sufficiently strong personality to pick up the load to follow him. I remember Bill Knowland. . . . [Goodwin J.] Goodie Knight followed Warren as governor and Goodie was more in the middle and to the right [but not far enough to the right for the right-wingers] than Warren. So, the leadership factor on the moderate, progressive side of the Republican party kind of disappeared. There was nobody of sufficient maturity. That's kind of what happened to [Senator Thomas H.] Tommy Kuchel. In a way, Tommy might have been the heir apparent to Warren. But he became so engrossed in senate activities and failed to pay sufficient attention to the grass-root politics of California, Max Rafferty knocked him off.

Also, there is this, the conservatives, or the right-wing faction, they were willing to put up the money. You've got to say that for them, they did finance candidates that reflected their point of view. Today we're down to the huckstering of individuals and images and profiles and issues. They took it away from the progressive

side. In no way was I well financed in my campaigns. No way.

The Importance of Money in California Politics

VASQUEZ: So money made that much of a difference?

WATERS: Oh, yes. Yes, you know, Jesse Unruh will be remembered for many things, not the least of which was that "Money is the mother's milk of politics." He was right.

VASQUEZ: And yet, before he died, he was a strong proponent of public campaign financing.

WATERS: Well, yes, he was. And I think that is just a terrible development.

VASQUEZ: You think so?

WATERS: Oh, yes, these people are keeping themselves in office with public funds even now, and there is the problem. If you get five thousand bucks from a given interest whose business is going to be affected by what the legislature does or fails to do, you've at least got to have some acknowledgment as to the source of the money. I personally don't have a problem with that. I think you can acknowledge it, and as long as you assess the problem intelligently and independently, I don't think that you are bound to give somebody a vote

just because they contributed to your campaign. I don't think that should happen.

I think we should elect people that are sufficiently independent in their own thinking so that they wouldn't be swayed by that. But for these people to dip into public funds the way they are now doing, or attempting to do and expand it, I think it's wrong. I'd have no objection, for example, if we had an effective, voluntary check-off on tax returns in financing campaigns.

VASQUEZ: So everybody got the same amount?

WATERS: Yes, I came up with a theory or some kind of a format once. If, for example, I wanted to give fifty bucks, then my fifty bucks would. . . . I couldn't designate it. . . . However, maybe I could designate fifty bucks for one candidate, but if I wanted to give a hundred bucks, then I had to give fifty bucks to one candidate, but twenty-five would go to another and twenty-five would go to another. In other words, it's spread out a little bit.

VASQUEZ: Some people argue that the cost of campaigning is so high that to stay in office, you've got to spend a preponderant amount of time raising money,

and it makes you a less effective and a less independent political figure. What do you say to that?

WATERS: Well, I think that the cost of campaigning is wrong; it's too high. [Laughter] I think it the high cost is wrong in principle. I agree, the cost of campaigning has exceeded all reasonable bounds. I think that a person should be retained in office, not on the effectiveness of his ability to raise campaign funds, but upon the effectiveness of his work in studying and passing upon issues that come to his attention. Now, how you close the gap is something I'm not prepared to give an instant solution to.

[End Tape 2, Side B]

VII. WATER'S MAJOR LEGISLATIVE ACCOMPLISHMENTS

[Session 3, November 30, 1987]

[Begin Tape 3, Side A]

VASQUEZ: Judge Waters, the last time we spoke, we talked about your district and some of the issues you were involved in while in the assembly. What do you consider to have been your major accomplishments during your assembly career?

WATERS: Well, I suppose, reapportionment would be the major one. But, also, tax relief for private schools was a very significant one. And then there was a third one involving highways that, I think, saved the state many millions of dollars. But which one do you want to go after first?

VASQUEZ: Why don't we pick up with the highway bill?

Highway/Freeway Legislation

WATERS: Oh, all right, the highway bill. We had adopted in my first term a freeway system for California. Money wasn't all that plentiful and a lot of the money had to be spread through the rural counties. So, any way to save money was a desirable thing. I introduced a bill that would permit advance acquisition of freeway right-of-way. The problem had been that as the state Division of Highways

would project a freeway in a given area for later development, there wasn't money with which to build that particular segment at that time, the landowners would either develop the property themselves or sell it to some other developer. When the Division of Highways finally got around, then, to acquiring that property for development purposes, the value had increased tremendously. The state had to pay the fair market price and the fair market price put quite a dent in the available funds.

I introduced a bill which set up a revolving fund. The idea was, to borrow twenty million dollars from the construction funds and then, as rights-of-way were determined, the Division of Highways could go out and acquire the fee title of those proposed rights-of-way, paying the then fair market value to the landowner but, at the same time, permitting the state then to just keep that property undeveloped. Then, when the property was finally developed, out of the construction funds, the money was then reimbursed to this revolving fund. Thus, there was always some money available to acquire the critically needed property for rights-of-way.

I introduced the bill; the senate killed me. I think George [J.] Hatfield, who was a prominent senator, participated in that. And it went no place. I introduced it again the following session, and this time, I was able to get enough votes in both houses and the governor signed it into law. I have no idea what the current figures are but I did hear that in later sessions, they supplemented the amount of the twenty million dollars initially appropriated. And someone, some years later, told me that it saved the state billions of dollars. But I have no idea of the figure on it.

VASQUEZ: What was Hatfield's opposition?

WATERS: It was a legal position, that the money raised by the state gas tax was to be used for construction purposes. This was not construction; therefore, it was an improper expenditure. George was a good lawyer and a thinking man. I think, also, that he wanted as much money available to go into construction, particularly since he represented a rural area, principally, and there was the old fight, urban and rural. The more that they could get in construction, the better off the rural

segment of our society would be.

VASQUEZ: Did you have a hard time convincing some of your rural-based colleagues to go along with you on this?

WATERS: Oh, I don't recall how hard it was. The mere fact that it had to be introduced twice indicated there was pretty good opposition. But, you know, they came around. I don't recall trading off votes in order to get votes for this one. [Laughter]

VASQUEZ: That was going to be my next question. But you were able both times to move it through the assembly all right?

WATERS: Yeah, yeah.

VASQUEZ: It was at the senate level that you got the opposition?

WATERS: Yes.

School Financing Legislation

VASQUEZ: How about the school financing bill.

WATERS: School financing. Well, the tradition had been in California for many, many years that when private property was assessed by the local county assessors, they would also assess property used for primary and secondary schools. My recollection is that colleges have a different type of

statutory, or perhaps even constitutional, protection from taxes of that kind. But the real property taxes imposed on the secondary and primary schools were substantial. It applied not only to schools, but to other organizations that were devoted to civic matters.

The Friday Morning Club in Los Angeles, for example, was a group, I think, principally of women who interested themselves in the civic causes. These organizations would go before the local board of supervisors and the board would listen to them and then reduce the taxes on that property by 90 percent. The schools and the Friday Morning Club--and there were other groups like that throughout the state--that would only pay 10 percent of their real property tax.

The Catholic School Controversy

Word came to then Archbishop James Francis McIntyre of the diocese of Los Angeles that this practice was going to be challenged. Whoever informed him told him that it would be taken to the supreme court of California and, in all probability, the tax exemption as then applied would be lost. The story, as I recall, was that

there was a group or groups of Masons in California that were opposing this because the Catholic schools, the Catholic parochial system, was a very substantial beneficiary.

Archbishop McIntyre was a constituent of mine. He came to me and we visited. A charming guy. I enjoyed him thoroughly and we became very good friends. He ultimately married Mrs. Waters and myself and baptized our five children, so we developed quite a friendship out of it. But he presented the problem to me. [James E.] Jim Ludlam, I think, of Musick, Peeler, and Garrett, was an attorney in town, who worked on it. In any event, a bill was prepared. Since I was Catholic, and since the Catholics were going to be beneficiaries, we hunted around for an author who was not Catholic and came up with Ernest [R.] Geddes. Ernie agreed to introduce the bill.

VASQUEZ: He was a non-Catholic?

WATERS: He was non-Catholic--and a sweet guy. Anyway, something happened. I forget what the problem was, but the idea of trying to amend the bill--and it needed amendment--became a serious problem. After the initial session and the recess, and

after we resumed in March, we decided we had to drop Ernie's bill. In those days, each member of the legislature had two additional slots for emergency legislation following the original bill-introducing session. And so, the new bill was drafted and we used one of my slots.[1] I became the lead author on the thing.

From then on, it as a matter of hearings and presenting our case. Everybody in the assembly, with one exception, a very dear friend of mine, [Robert C.] Bob Kirkwood, was sympathetic to the problem. Kirkwood was, I think, chairman of the Committee on Education, or at least on that committee. Archbishop McIntyre came up to Sacramento, and he talked to various members of the legislature. And I, of course, was working with my colleagues and urging their affirmative support.

William Burke, who still represents the Catholic bishops in California and Sacramento, was a lobbyist up there. A good friend of mine. The bill came before the committee for hearing and [Laughter]. . . . There had been a prior provision

1. A.B. 3383, 1951 Leg. Sess., Cal. Stat. 242 (1957).

in the state constitution which, perhaps, suggested that this couldn't be done. A ballot argument had been written by Assemblyman [Charles W.] Charlie Lyon, saying that "eminent legal authority" had concluded that this application to this section would be restricted to a given area which might exclude private schools. We didn't know whether or not that was going to be a problem, but the argument was available to anybody who might want to oppose the bill.

I remember going up to Charlie in the assembly chambers and saying, "Charlie, you signed this argument and it says here 'eminent legal authority' states this can't be expanded." I said, "Who is the eminent legal authority?" He said, "I am!" [Laughter]

In any event, we got it through the assembly and it went over to the senate side. Archbishop McIntyre came up again and we had dinner with that group of leading senators at Bishop Armstrong's home in Sacramento. It was a great dinner. I remember old George Hatfield talking about the "complexities of budget management in the state of California." And I remember he said something to

the archbishop, "Well, Your Grace"--he called him "Your Grace"--he said, "We have pockets in our budget system and we put money in these pockets."

I remember thinking to myself, "Oh, that old so-and-so, he's going to try to get this all screwed up beyond recognition, because who can follow the complexities of budget construction and management?" But McIntyre smiled and he said, "Ah, senator, I don't know about the budget pockets; all I know is the money is coming out of my pocket now." [Laughter]

VASQUEZ: [Laughter]

WATERS: And Hatfield kind of retreated. He recognized a worthy foe there. I do remember in the assembly Bob Kirkwood was the only "no" vote. We were very good friends, and we got into a debate on the floor. He was trying to protect public education. Which is fine. I had prepared a few questions and some arguments. I remember Bob rather scornfully deriding me as a twenty-four-hour budget expert [Laughter] on public education. Well, you know, what the heck. It was part of the debate. In any event, it passed by a substantial margin in both houses and then went to

the governor's desk for signature.

Governor Warren Signs Controversial Bill

As a kind of a footnote story on this, at the time of signing, we wanted a picture taken for the Catholic press. Warren was all for it, but at that time, Warren was campaigning in Wisconsin for the Republican presidential nomination. So Bill Burke came to me, and said, "Gee, the Catholic newspapers would like a picture of the governor signing this bill. Do you think we can get it?" And I said, "Well, I'll talk to him. And I did. I said, "Now, they want the picture. But bear in mind, you're campaigning in the Bible Belt and this may get some coverage back there in the Midwest, so if you think it's going to hurt your chances, why, we can scrub the picture." And he said, "Lock, this is a good bill. It should have been on the books a long time ago, and if that's going to affect my political future, to hell with them. Take all the pictures you want." Which I thought was a pretty good response. But in any event, that was a significant piece of legislation.

Opposition to the Catholic School Bill

VASQUEZ: Who led the opposition? The opposition that there

was, I take it, was mostly in the senate.

WATERS: Oh yeah. Well, I really don't remember the senators. The real opposition came afterwards. There was a referendum. Whitaker and Baxter--is that the name?--was a PR [public relations] outfit. In any event, they initiated a referendum. My recollection is that they used it as a device for raising money. Of course, they had to mount a referendum, but they also tried to work our side of the street. I forget how they tried to do it now, but I remember having an unfavorable impression about some of the ways in which they went about advancing the campaign.

VASQUEZ: Where did they primarily gain their strength? What part of the state?

WATERS: Well, I understood it was the Masonic lodges that were financing it. There were some Masons involved. The names escape me now. They were very prominent. There were articles written. As a result, to fight the referendum, we got together with the Seventh Day Adventists and other church groups. They had schools. The Lutherans, they had schools. The Episcopalians, they had schools.

Jewish Support for Catholic Schools

VASQUEZ: How about Jewish groups?

WATERS: Yes, yes they were active. In fact, I think although there had been contact before between McIntyre--who later became Cardinal--and Rabbi Edgar Magnin of Los Angeles, they became very good friends. But we got a lot of Jewish support there, too. So we were pulling support and developed a very good body of people throughout the state.

Resorting to the Referendum

Frank Jordan was then secretary of state, it was his job to position propositions on that ballot. We talked to Frank, and the referendum wound up as Proposition 13. Proposition 13, at least up to that time, rarely passed. That was a number we wanted. In any event, we beat the referendum and the exemption became final. Then, by golly, Whitaker and Baxter went after it again in an initiative. They finally put it on the ballot again and we had another political campaign. I think it might have been Proposition 4 the first time [for the referendum], and then Proposition 13 the next time. Something like

that. I forget now how the question was phrased: "Shall Act so-and-so became the law?" We wanted a yes vote. I think that was it, "Yes on [Proposition] 4." It was [Proposition] number 4 the first time, and then the second time on the initiative, that became [Proposition] 13. One of our big concerns was what the short title [was] going to look like on the ballot proposition. Pat Brown was then attorney general and his office was an expert in those things [and had the duty to write the short title]. We [the state-wide committee] had a meeting up in Fresno, and we had people who were supporting our position who had come from all over the state. If the short title read, "A tax measure for non-tax-supported schools," now, that was one thing. If it said, "A tax-relief for religious-supported schools," that was another thing, and we didn't want that latter type of phrasing. I remember that meeting broke up with an agreement on the part of the thirty or so people present there, all of whom had a little political moxie agreeing that wherever we saw the attorney general [we would] go up and talk to him and tell him what we wanted.

The Role of Attorney General Edmund G. Brown, Sr.

I bumped into Pat down in San Diego. I went up to him and I said, "Pat, about the . . . " "Lock! My god," he said, "I can't go any place in the state without somebody cornering me . . ." And he said, "It's all right. Don't worry, it's all right." But the short title still came out the wrong way! [Laughter]

VASQUEZ: It still came out the wrong way, huh. [Laughter] Did you get the sense that he was predisposed against . . .

WATERS: Oh, Pat's Catholic and somebody in his office did it, and the phrasing came out wrong. Ultimately, we prevailed, in any event.

VASQUEZ: Were there any aftereffects of this struggle that went on over a period of how many years?

WATERS: I don't think so, no. None that I recall now. At least I anticipated a little adverse political reaction, as far as I, personally, was concerned, because I was rather prominent in the whole fight. But now I don't remember if that was significant.

Anti-Catholicism in California

VASQUEZ: This gives me the opportunity to ask a question:

How much did religion figure into how people received or did not receive political candidates? Was there anti-Catholicism? Was it very prevalent in the state at the time?

WATERS: Well, there may have been. I don't recall having encountered it personally.

VASQUEZ: Not in Los Angeles County?

WATERS: No.

VASQUEZ: Do you remember any incidents where it might have raised its head in any other part of the state?

WATERS: No.

VASQUEZ: You don't remember where the greatest support for the opposition might have been?

WATERS: I think it was in northern California, and I think maybe in the Bay Area.

VASQUEZ: Oh, in the Bay Area? Not in the rural counties, but in the Bay Area?

WATERS: Well, you had San Francisco, but then you also had Contra Costa [County] and Alameda [County], and so on. Marin [County]. That's my recollection, but I'm certainly not sure of that now.

VIII. THE 1951 REAPPORTIONMENT

VASQUEZ: The third area that I think is probably most

significant in your career has to do with your chairmanship and your guidance of the committee to reapportion the assembly in 1951. Can we talk about that for a little while?

WATERS: All right.

Changing Demographics

VASQUEZ: What was the setting, as you remember it, the demographics, the postwar period, the political climate in which that reapportionment came about?

WATERS: California had become a boom state during the [Second World] War because of its geographical location, because of its size, because of its production capabilities, because the air-frame industry was a very dominant industry in California. And because it was a great agricultural state, people came here. We had a huge influx of population. The state probably increased, oh, 50 percent in population.

VASQUEZ: Fifty-two percent, to be exact, between 1940 and 1950.

WATERS: Fifty-two percent. So, you know, following the war years, we just had all kinds of action. And it was a prosperous state, and so on. And then, up came reapportionment. The decennial census and

the injunction upon each state to reapportion according to the census. California acquired a substantial number of. . . . I think our congressional delegation went from twenty-three to thirty. Was that it?

VASQUEZ: To thirty. Twenty-three to thirty, which brought it into the big leagues, with some of the mid-western and eastern states.

WATERS: That's right. Now, New York was beginning to look at us, and Pennsylvania was also.

VASQUEZ: In fact, Pennsylvania, I think, had thirty votes at that time. And Illinois.

How the 1951 Reapportionment was Conducted

WATERS: I don't know if they lost members in the house at that time, but the handwriting was on the wall, they were going to! But, at the same time, how to fit those people and those new congressional districts into our structure just made it a big problem. We tried to find out how somebody should go about logically organizing for reapportionment.

You gave me a copy of an article that I wrote with Ivan Hinderaker.[1] I have at home my copy of

1. "A Case Study in Reapportionment--California 1951," Law and Contemporary Problems, (Spring) 1952, pp.440-69.

the report of the committee, and I thumbed through that. But we really had no guidance on how we should go about it. We had had a lieutenant governor by the name of [Frederick F.] Fred Houser, who later became a superior court judge. He had been chairman of reapportionment the time before. I went to Fred and I asked, "Fred, how did you go about it? I can't find a report that was prepared." He said, "Well, of course not." I said, "How did you go about it?" He said, "Well, we got some maps and we got a locked room in the Capitol, the rotunda of the Capitol, and we'd bring each member in and ask him, 'Where do you think the lines ought to be?'" [Laughter] and then he'd leave and the next guy would come in. And that's the way we put it together."

VASQUEZ: You're talking about the 1941 reapportionment, right?

Developing a More "Scientific" Approach

WATERS: Yes. That system really didn't seem all that scientific. I wasn't sure that I had enough political stroke with the membership of the legislature, anyway, to be able to bludgeon them into that kind of a program. The population, of

course, was the dominant consideration. And we didn't know where the population concentrations were and had to figure them out.

I concluded that what we ought to do was to try to figure out what were the logical areas of interest in California, by geography and by activity. We have rural areas; we have urban areas. We have mountainous areas; we have valley areas. We have sea coast, and we have timber up in the north, and so on. We have desert areas. We tried to figure out who we should write to. And I remember we wrote to newspapers and to chambers of commerce and any other group that might have some concept as to how they divided California for the purposes of their operation.

Then we took all of this information and, ultimately, we were able to identify the mountain areas, the sea coast areas, northern California, the great valley [Central Valley], Salinas Valley, urban areas, and so on. Also, chambers of commerce were included. Then we tried to figure out the population concentrations in those given areas with a view of seeing if we could allocate seats based on population.

The U.S. Bureau of Census was rather slow, from our point of view, in getting the final figures out. A big issue was raised as to whether we could rely on tentative figures, which were the preliminary ones introduced, or did we have to wait for final ones. The legislative counsel assigned a deputy by the name of Robert [G.] Hinshaw to the committee. I saw in the report that we imposed on Bob Hinshaw for a great number of opinions as these various questions came up.

Assessing Members of the Reapportionment Committee

VASQUEZ: Before we go on, let's review the members of the committee, shall we?

WATERS: Oh, okay.

VASQUEZ: And get your assessment of the people and their contributions, and how they worked on the committee. You, of course, were the chairman of the standing Committee on Elections and Reapportionment, which then became the interim committee to take on this task of the reapportionment.

WATERS: Right.

VASQUEZ: Were there any problems in that? Was there any opposition to taking that committee, en masse?

WATERS: Yes, sure, the Republicans. . . . You know, at

that time, this was a Republican state, at least in terms of offices held. Population, I suspect, was still Democrat in registration.

VASQUEZ: Democrat in registration, right.

WATERS: But, so, as a result--and everybody knew this was a political exercise--the Democrats protested the makeup of the committee because they felt there were too many Republicans on it. That's an argument. But, nevertheless, Sam Collins was the speaker. Sam was a strong-willed guy and the committee went out as it was then put together. The Democrats didn't like it, but that's the way it was.

VASQUEZ: Glenn [M.] Anderson was the head of the Democratic party at the time. He was on that committee and resigned.

WATERS: Was he state chairman?

VASQUEZ: Yes, he was.

WATERS: Yes, okay.

VASQUEZ: Why did he resign?

WATERS: I think. . . . Again, I don't have a specific recollection, but I think it was just a political protest on Glenn's part. As state chairman of the Democrats, he did not feel that he could come out

and support the action of the committee. And, indeed, he had to take shots at it. Which he did.

VASQUEZ: Which he did later on.

WATERS: Yes.

VASQUEZ: But at this point, he is replaced by Augustus [F.] Hawkins, also a Democrat.

WATERS: Yes. Yes.

VASQUEZ: Do you think that was a tactic on the Democrats' part?

WATERS: There was a Democrat slot on the committee, and you had to put a Democrat in there. And Gus was just superb. Gus was then, as he is now, a guy that would ask tough questions and he would occupy his philosophical position. When we finally got around to final passage, Gus went with the majority.

VASQUEZ: He was also was on some of the hardest working subcommittees that went around the state with the hearings and all of that, wasn't he?

WATERS: That's right. He's been a good public servant for the people of California.

VASQUEZ: Two nights from now, he's receiving an award at the Bonaventure Hotel, where he is being honored.

WATERS: I saw the story. Yes. It's well deserved. It's

well deserved, because I've watched him in congress.

VASQUEZ: Was he one of the Democrats that would be more inclined to a bipartisan approach to problems at that time?

WATERS: I don't know that you'd call it bipartisan. I think he was a legislator who put objectivity above partisan persuasion on money issues.

VASQUEZ: He was a pretty independent sort of fellow?

WATERS: Yes, I think so. But, again, California was not that kind of a political battlefield between the parties. Our state party structures were relatively weak, and still are relatively weak in California compared with some of the eastern states.

VASQUEZ: Hawkins set pretty much of a pattern of being an independent sort?

WATERS: I think so, yes.

VASQUEZ: Some of the other members: Montivel A. Burke, a Republican from Los Angeles.

WATERS: Monte, a nice gentleman. Quiet, former mayor of Alhambra, as I recall. I don't remember that he did much work on the committee.

VASQUEZ: How about Arthur [W.] Coats [Jr.], a Democrat of Sutter/Yuba?

WATERS: Oh, old Art, "Smiley" as they called him. Tommy Maloney gave him that name. He was contentious, and he represented a different point of view. He later went to congress. And, I think, later also became a superior court judge.

VASQUEZ: Did he try to carry the Democratic banner?

WATERS: He was much more of a partisan in the thing, yes. Yes, absolutely.

VASQUEZ: Charles [J.] Conrad, also of Los Angeles and a Republican.

WATERS: Charlie Conrad. Why, cut him any place you want and it's going to bleed Republican. He was a strong Republican.

VASQUEZ: Was he a force you could count on throughout the whole procedure?

WATERS: Oh, yes.

VASQUEZ: Did he ever feel you were not pulling enough of a Republican line?

WATERS: I don't recall him telling me that, if that was the case. [Laughter]

VASQUEZ: How about George [D.] Collins, Jr., Democrat of San Francisco.

WATERS: He was a lawyer. He was an older fellow out of San Francisco. He was an independent guy. He

went his own way, although he was a very strong Democrat. But you'd talk to George and, by golly, you really wouldn't know what was going to happen until he voted.

VASQUEZ: Is that right.

WATERS: Yes.

VASQUEZ: Circumspect about his position, is that it? William Clifton Berry, a San Francisco Democrat, also.

WATERS: Oh, Cliff Berry, he was a quiet guy. Not a strong personality, and I don't remember him as being a strong participant in the activities of the committee.

VASQUEZ: How about Lester T. Davis?

WATERS: Les Davis came from northern California, way up north.

VASQUEZ: Lassen/Modoc?

WATERS: Yeah. And his wife, when he died . . .

VASQUEZ: Pauline [L.] Davis.

WATERS: Pauline Davis followed him. And she's a very nice lady. Les was a quiet, fair-minded individual.

VASQUEZ: He didn't take a very partisan position, then?

WATERS: No. He wasn't strongly partisan on the thing. He'd listen and then voted the way he thought it

ought to be voted.

VASQUEZ: How about Gordon [R.] Hahn, a Republican from Los Angeles?

WATERS: Well, Gordie comes from the famous Hahn family of Los Angeles, brother of [Kenneth] Kenny. And then there are a couple of other brothers. Jim, and then I think there's still another one. Gordie was a good, strong Republican. He attended, but how much work he did, he'd probably have a better recollection of that than I do.

VASQUEZ: Uh-huh. L. Stewart Hinckley, he was vice-chair of the committee, from San Bernardino.

WATERS: Yes, Stu was a very dear friend of mine. Orange grower, private pilot. He and his wife died when their plane crashed. Stu was a good, solid Republican. But, again, an independent sort of guy. He'd argue with you. None of the stuff really went on a strong party line in that sense. Well, we'll come to that later on.

VASQUEZ: All right. How about Robert [I.] McCarthy from San Francisco, who was a Democrat?

WATERS: Well, Bob, his old man was a contractor in San Francisco; Bob was a lawyer. He was a vigorous Democrat. Good friend. He introduced me, a blind

date, to my wife. But he'd give me some argument.

VASQUEZ: Was he a productive member of the committee, though?

WATERS: Productive? He'd fight me on some of the things that I thought ought to be done. So he was more partisan. And in this kind of a thing there, the more partisan you are, why . . .

VASQUEZ: The harder it is to get things through.

WATERS: So you're not productive, or you're less productive.

VASQUEZ: Right. Earl [W.] Stanley, from Orange County.

WATERS: He was a real estate man from Balboa Island. And a quiet guy, he wasn't a strong. . . . He was forceful in a quiet way. He was a Republican and he represented his district. Not too active in the committee, except that he had a good vote that was handy when . . .

VASQUEZ: You could count on that vote?

WATERS: Yes.

VASQUEZ: Marvin Sherwin of Alameda, Republican?

WATERS: Alameda County. Marv was chairman of Ways and Means, Republican lawyer. Bright, active. He later got in trouble with the law, but he was a good vote. He was more active with the Ways and

Means Committee, so he was just a vote I could count on.

VASQUEZ: What was the problem that he had legally later on?

WATERS: He was indicted for something. I think it may have been taxes, but I'm not sure. I think he served time.

VASQUEZ: Is that right?

WATERS: But he's dead now.

VASQUEZ: Stanley [T.] Tomlinson of Santa Barbara, a Republican?

WATERS: Oh, yes, old Stan. A Republican. He was one of these guys that. . . . He was kind of volatile. But he'd argue with me from time to time. You know, but once we decided where we wanted to go, he'd go along. Once the committee kind of got things together, we recognized some of the things that are reflected in the article that you handed me. For example, if we didn't present a good program, we'd be slaughtered because of vote trading that would go on. "I'll vote for your bill if you vote for my line in a particular district."

The Threat of Federal Intervention

VASQUEZ: You also had a federal bill being considered in

congress, the [Emmanuel] Celler bill that would have given, at least, federal authority to step in and do some of the reapportionment for you.

WATERS: That was partisan politics!

VASQUEZ: Can you tell me what the significance of the Celler bill was? Was that any pressure on you at all?

WATERS: Well, there was a hearing. Emmanuel Celler came out. He had a subcommittee. He was a phoney. It was a Democratic effort to screw up a Republican reapportionment. I remember asking Celler, and his saying, "Oh, of course we'll supply it, the transcript of the hearings." Never produced it. He was just out there to throw some dust in the air and see if it could clutter up things. That was politics. Fine, as long as you knew that was what it was. . . . And that's all he was doing.

Academic Consultants from UCLA

VASQUEZ: We'll get back to the opposition in a few minutes. Let's just finish this part. Professor Ivan Hinderaker from UCLA, how did he get involved in the process and what role did he play?

WATERS: Well, at the outset--and I guess this is a story I told the other day to you--because this was a

political exercise, and because there was no really significant literature available from any state that we were able to discover from past committees that had worked on this problem--and, I suppose, also, because I needed guidance and every little bit helped--I went to the political science department at UCLA where I had [been an] undergrad.

VASQUEZ: Is that why you went, because it was your alma mater?

WATERS: No, it was because I was in L.A. and it was in L.A., and it was handy. I was going to be in my law office down here and I wanted somebody as available as could be. So, I forget with whom I spoke in the political science department. Or I may have gone directly to Hinderaker. Indeed, I think I was referred there by a Professor Wilbur Hindman--I think that was his name--from USC. Anyway, Ivan was attracted to the idea, and so he came along. The idea was to make sure that he was able to extract and preserve as much political learning as we could.

VASQUEZ: Now, he was the consultant to the committee for the whole process?

WATERS: That's correct.

VASQUEZ: Did he bring any graduate students with him?

WATERS: Yes, he brought [in] LeRoy [C.] Hardy. I'd forgotten about LeRoy, but he apparently. . . . Hardy and several others worked with Ivan and they did statistical research and various other kinds of research.

VASQUEZ: Hardy wrote his dissertation on this.[1]

WATERS: Yes, Hardy did. It was a [Laughter]. . . . I thought it was a junky, highly partisan, non-objective exercise on Hardy's part. I think my view then, and my view now, is that he just wrote it because he thought he could generate some political capital with the Democrats by coming out with a highly critical evaluation of the work of the committee. I had a copy of his report once, but I'll be darned if I know where it is now. Have you seen it?

VASQUEZ: Yes. I didn't find it very useful at all, to tell you the truth.

WATERS: Oh, is that right?

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1. "The California Reapportionment of 1951," Ph.D. dissertation, political science, UCLA, 1953.

VASQUEZ: No, I didn't. I didn't even think that the criticisms, such as they were, gave much light or really produced any kind of juxtaposed arguments to what you were doing. They're too scattered.

WATERS: Yes, my recollection is that I thought it was superficial. But I haven't looked at it for years.

[End Tape 3, Side A]

[Begin Tape 3, Side B]

VASQUEZ: We were talking about the Hardy dissertation on the '51 reapportionment.

WATERS: Well, I guess Hardy was bright enough, it's just . . .

VASQUEZ: Well, in all fairness, it is a dissertation and not a book, and so it has the weaknesses of such. Were you able to call upon other consultants?

WATERS: Was I able to? I suppose.

Funds Available for Reapportionment

VASQUEZ: I guess what I'm saying, did you have the money to pay other consultants?

WATERS: No, we had an appropriation which, [if] my recollection is correct, [was] ten thousand dollars. And we had to stretch that. I don't

believe we paid Hinderaker. Now, if we did, it was, perhaps, just expenses. But, of course, money wasn't all that great in those days. No, we did it on kind of a shoe string. We also had an executive director, Joseph R. Donovan.

Partisanship in the Reapportionment

VASQUEZ: Now, how strong were the political battle lines between Republicans and Democrats drawn for this reapportionment? As we said before, most of the offices in the state were held by Republicans. The Republican gubernatorial race at the last election had been no race at all, you know. But in certain areas of the state, you already were beginning to get an upsurge of Democratic aggressiveness, if you will. What do you remember being, the political terrain being at the time?

WATERS: Well, probably two different levels. Being a reapportionment bill, and since it would affect the parties for the next ten years, assuming it became law, it was certainly worth the efforts of both sides, the Republicans and the Democrats, to pay attention to it. As a result, both parties did express their views, did follow what we were doing. We used a statewide clipping service to

receive additional views. But the party structures, as such, were not strong enough to really upset the cohesiveness of the committee and what we were trying to do.

I think the committee, on balance, perceived what we were trying to do was essentially fair. And so, we listened to everybody. Anybody who wanted to say anything, as I recall, we listened to them or they wrote to us. And we read their mail. But trying to generate enough attention to really create a political issue that the public would pay much attention to, well, I don't think that developed.

Opposition to the Reapportionment

VASQUEZ: In the absence of strong political party structures, was there an inclination for political figures to get into the fray? Say, local mayors or national figures from Washington?

WATERS: Oh, yes.

VASQUEZ: Can you remember any cases where that was the case?

WATERS: Well [Laughter], I remember [William M.] Bill Malone who was the. . . . He may have been the chairman of the San Francisco County Democratic

Central Committee. Anyway, Malone had a big voice [Laughter] and when we had our final presentation in the assembly chambers--and that was a big turnout; we loaded the place--and Malone went and he raised Cain at the hearings we had in San Francisco, too. He was after my scalp.

At that time, I was the vice-chairman of the Republican state central committee. He went after me and he would denounce "Waters, the vice-chairman of the Republican party." He loved the word "vice." [Laughter] I represented all that was evil and iniquitous and dishonest to him. Malone really went after me. During that session in the assembly chambers where we had the final public hearing, he read a letter from a member of congress, a letter that had been addressed to me. How he intercepted and stole my mail and had the gall to open something that was private to me, I don't know. But he did. It got on the record.

VASQUEZ: I noticed that when he did make challenges, he threw figures around that he could not substantiate. Was his opposition, or his technique, basically demagogic, would you say?

WATERS: I think so. Oh, yeah, yeah, yeah. I think he

. . . . That's right. That's right. San Francisco had a problem because they were going to lose two seats. And I remember somebody telling me that, "You'll never break San Francisco because they've never lost a seat; they've always acquired them. And so, you're never going to take seats away from San Francisco."

VASQUEZ: I remember in my research, his saying that San Francisco had been undercounted by something like nine hundred thousand people by the Bureau of the Census, but he couldn't prove it.

WATERS: [Laughter] Well, you know, that was Malone, and he was blowing smoke. The committee understood that. Because while we had trouble getting the figures, the final figures from the Bureau of the Census, my recollection is that a member of congress--and it may have been Cecil [R.] King, a Democrat--went to [President] Harry [S] Truman for help. We were then able to get final figures released earlier from the Bureau of the Census which helped us avoid the problem that we hadn't used the final figures. The charge would be that it was a phoney count and so forth. Malone, he'd shoot with anything he had. He didn't have much.

VASQUEZ: Can you remember any other local, state figures that had a significant say in the opposition forces?

WATERS: Richard Richards, a classmate of mine in law school, was state senator from Los Angeles County.

VASQUEZ: Right.

WATERS: "Double Dick," as I used to call him in law school, he went after me. He was a fine public speaker. Great, good voice, sentences all polished, everything. [Laughter] He went after me.

VASQUEZ: What was his opposition?

WATERS: Ultimately, what his opposition got down to was so-called gerrymandering. He attempted to establish that by showing that the districts as we drew the lines, when you looked at them on a map, just had grotesque and contorted shapes. I remember one congressional district. . . . Because, you remember, under the California constitution, congressional districts had to be compact, contiguous, and within a county, consist of assembly districts in their entirety. There were other strictures in the California constitution at the time which prevented equalizing

population in assembly, state senatorial and congressional districts. Double Dick came up with a cartoon in which we had a district which was . . . . Well, I'll call it half-moon shaped. He caricatured this as a dog playing a piano. I mean, they played that up. That was it. As a political argument of substance, it wasn't worth a darn. As a caricature and an opportunity to deride and maybe stimulate opposition if somebody didn't know what it was all about, maybe he had something.

National Opposition

VASQUEZ: How about national figures? Did any national figures get into the fray in opposition to your committee's work?

WATERS: Celler, chairman of the Judiciary [Committee] in the house. If there were others, I don't remember them.

VASQUEZ: Now, as one reads the material on this reapportionment effort, one senses a great frustration on the part of the opposition. And I get the sense that part of the frustration came because of the method and the methodical method you went about tackling the problem. Do you want to recap some of that,

some of the considerations, some of the criteria that you used? You already mentioned that you consulted, and that's very clear with the reports and the public hearings, that you consulted many people at many levels of government throughout the state. But you went about it in a very methodical way which you've laid out in your article. Do you want to recap some of that?

WATERS: Well, that may have been the problem that the opposition ultimately confronted. I think we tried to be logical, and we tried to be fair. And that pretty much undercut cogent argument against us. By the time we had finished analyzing the state and tried to figure out what were the groups of interest that we had within the state--industry, labor, farm, educational, geographic--and just sorting that out, then ultimately we were able to divide the state into areas of logical and somewhat consistent interests. What did I call it? Socioeconomic, and then we tried to achieve a degree of homogeneity in these districts.

The "Desires of the People"

VASQUEZ: And you had something called the "desires of the people." What was that?

WATERS: Well, I suppose . . .

VASQUEZ: Was that a little bit of demagoguery on your own side?

WATERS: Well, I suppose we were trying to get, you know, public interest and support on the thing. I don't know if it was so much demagoguery as it was trying to get. . . . We had the constant threat that if the legislature didn't do this job, there was a reapportionment commission lurking in the background, and goodness knows what they would do. I was a strong believer, and still am, that the legislature ought to be the body that does this job.

VASQUEZ: What do you think happens when courts get involved, or when commissions from the executive branch get involved in these things?

WATERS: I think it's such a complicated affair, and there are so many factors that go into it, I think that it gets distorted. Those people don't have the background or time. Because it's essentially a political process and they're not political creatures. I think they come up with a distorted result. I think when the courts get into it, it's just a mess. And unless you've got some people

that really know politics and government, you lose a real sense of practicality which has to be supplied.

Now, one of the principles we adopted. . . . I guess. I'm not patting myself on the back, I'm taking whatever responsibility is here. Because I spent the time on this thing. I was the principal one. Charlie Conrad, less than me, but still he spent a lot of time. Early on, I made a decision which the committee accepted. That was that we would not use the reapportionment process for the purpose of specifically trying to knock people out of office. Now, that changed later on in subsequent reapportionments. The Democrats, when they took over, used reapportionment for the specific purpose of knocking Republicans out of office.

Keeping Districts Safe for Republicans

VASQUEZ: On the other hand, were you trying to keep some districts safe for Republicans?

WATERS: Well, maybe. I'll come to that. My theory was that the people that were in public office were put there because the electorate had voted for them, and if the electorate didn't want them in

then, it was up to the electorate to vote them out. We should not use this reapportionment procedure as a device to, in effect, defeat the decision of the electorate. Now, it is, as I say, in subsequent legislative reapportionments, the Democrats, who then dominated the scene, who, for the sole purpose of defeating incumbent Republicans, consolidated four Republicans in one reapportioned district, and out went three--just automatic political execution. I think that's wrong. But our committee accepted my approach that reapportionment should not be used as a device to remove incumbents, unless an area lost seats because of population changes.

Another thing that I tried to do was to design districts that were relatively safe districts, both for Republicans and Democrats. I wanted to avoid the real marginal district, where you get one guy in for two years and he gets kicked out and somebody else comes in and he goes two years, because the district is so close that nobody could achieve any continuity in office. Government is something that, I think, needs experience. At the same time, I didn't think that

the districts ought to be so overwhelmingly safe that a guy would have a sinecure and could do anything he wanted, or nothing at all, and still stay in office. You wound up with some districts like that, just by the nature of the communities that were affected. So, those were two fundamental principles that you could get along with. And the committee accepted them.

VASQUEZ: Do you think that helped throughout the whole process?

WATERS: Yes, yes. Since there was a give and take on the population factor. . . . We tried to adhere to the population factor. But, again, because of the provisions of the constitution of California at that time--all of this has been subsequently invalidated--you had some leeway with population factors.

I remember one member of the legislature, a Democrat, said, "Lock, I just. . . . " I showed him what appeared to be the area where he did reside, his district. And he said, "Gee, I just bought a lot up here. It's three blocks out of this area, and I was going to build my home there." Well, you know, three blocks couldn't

make that much difference, so we drew the line he wanted. Another member, a Democrat, came up and said--and this is reflected in that study--that, "Listen, I've got a million-dollar client over here. I'd sure love to have him in my district." "Well, okay. We'll put him in the district." The population wasn't that close a factor in any event.

VASQUEZ: Local considerations were taken?

WATERS: Yes, yes.

VASQUEZ: Is this the reason that academics aren't thrown the problem of reapportionment, because they have no sense of these political realities?

WATERS: I think they'd have real trouble with them, sure. Sure.

VASQUEZ: Because, if I remember correctly, some people did propose that as a method, to get a few political science professors and a few statistical books and some maps and then put them to work.

WATERS: Yes, that's a sure formula for chaos. [Laughter]

Opinions of the Legislative Counsel

VASQUEZ: [Laughter] Okay, tell me a little more about your method then. So you used now, legal considerations? You used population.

WATERS: Yes, I think that's in the report, that we had all kinds of legal opinions given to us by the legislative counsel. As questions would come up, I would then pose those questions to the legislative counsel. Then we'd get an opinion back, and then we would abide by it. Except in one instance.

VASQUEZ: Which was?

WATERS: Well, it just about scuttled the whole program. We presented these bills at the final public hearing and we'd taken over the assembly chamber for the occasion. That's where Mr. Malone made his stentorian pitch, read my mail, and so on, a lot of wind and no substance. We started at District No. 1 and moved, as a logical progression, to the Eightieth [Assembly] District. I remember Coats had some amendments which would shift counties and shift lines, and so on. [Each of these proposals always assumed the proposition that reapportionment should begin with the local community (Marysville, San Francisco, Fresno, San Diego, etc.), perfect that district to their liking, and then spread out from there. This simply was not workable and, for that reason, we

made the decision to divide the state into major areas of interest (Redwood Empire, San Joaquin Valley, San Francisco Bay Area, Central Coast, etc.), compute the population concentrations in these areas, and allocate seat entitlements on that basis. Thus, instead of just one starting point, we had a number of them.]* The committee beat him down. And so, as these amendments came down, we worked our way down the state. If we hadn't held the line on the first amendments, I don't know what have would have happened. I think all kinds of amendments would have gone in and the program would have been an unrecognizable mess. The thinking could well have been: "If I'm not going to get what I want, he is not going to get what he wants."

We held the line until we got down to a problem in--I think it was the Eightieth District, but I'm not sure of the number--Ralph [R.] Cloyed of Chula Vista was affected. A nice guy. Now, I learned of this problem just before the hearing.

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* Mr. Waters added the preceding bracketed material during his review of the draft transcript.

Ralph had gone to the legislative counsel and secured an opinion from them that if some assembly districts were not contiguous, the proposed congressional redistricting was invalid and unconstitutional. And I darned near died. This was the last step and everything else was in order.

In the three assembly districts that comprised the Thirtieth Congressional District, I guess it was, the lines weren't touching and, therefore, not contiguous. They were separated by a body of water, the harbor of San Diego. I marked in the report here Opinion 6272. The legislative counsel with some weasel words that lawyers use, "would be unconstitutional," and then the final blow, "and, consequently, invalid."

Well, if I wasn't able to keep the package together, I was in real trouble. I went in and raised Cain with the legislative counsel. I told them they were all wet, and so forth, but I didn't have a specific argument to meet their analysis. They showed that the damned districts didn't touch, they weren't contiguous, as that word had been construed. I remember reaching for the

Government Code. Yes, Government Code, which provided the legal descriptions of the counties, by metes and bounds. I got the description of San Diego County, which was the one that was affected.

By the most fortuitous set of circumstances--and that's all it was--the Seventy-eighth, Seventy-ninth, and Eightieth assembly districts were the ones that were affected. We had described the Seventy-eighth by metes and bounds, we had described the Seventy-ninth by metes and bounds. The Eightieth, as I recall, was described as "all that portion of San Diego County which is not comprised of the Seventy-seventh, the Seventy-eighth and Seventy-ninth districts, shall be the Eightieth district. And going to the Government Code, I found that the county of San Diego consisted not only of the land mass, but also the harbor and extended three miles out into the ocean. The harbor was part of the district and thus provided the essential contiguity. The legislative counsel then reversed his opinion, and held that it was, in fact, constitutional since there was contiguity with the San Diego harbor.

Now, if we had used that language in any other district, it could have been up in the air.

VASQUEZ: What do you think the motivation was for the legislative council's giving that opinion? Was it just an oversight?

WATERS: Oversight. Just not enough research. [Laughter] They wouldn't give me a copy of the opinion they had given to Cloyed. You know, the attorney-client relationship. They had to give Cloyed another opinion, changing their earlier view. [Laughter]

Public Hearings

VASQUEZ: Now, there were five hearings in February of 1951, all within about a week of one another. In San Diego, Los Angeles, Fresno, San Francisco, and Sacramento. What about those hearings sticks out most in your mind?

WATERS: Well, I don't know that . . .

VASQUEZ: Was there a lot of public interest to those hearings?

WATERS: Yes, yes, they were well attended. And people came and they made reasoned and orderly presentations, and they marshalled their arguments.

VASQUEZ: When you say "well attended," how many people might have attended one of these?

WATERS: Oh, golly. I just don't remember.

VASQUEZ: I notice some were held in courtrooms, others were held in chamber of commerce buildings, others were held in state buildings. Thirty, a hundred people?

WATERS: Oh, why I think closer to a hundred than thirty. When the hearings were being held, we had good public interest.

VASQUEZ: Were they political-activist types, people that were in the local . . .

WATERS: A little of everything. We had the Bill Malones on the one hand, and then we had others who were conservative. Of course, what was interesting was, and finally we understood that, they all brought their provincial point of view. "This is what's good for San Diego." "This is what's good for Sacramento." And, "This is what's good for the Redwood Empire." And that's fine. And what's good for each of those districts is to put seventy-six assemblymen in the county of San Diego, and you scatter the other four throughout the state.

VASQUEZ: [Laughter]

WATERS: Or you put twenty congressmen in Imperial County, and the balance of them. . . . They wanted more representation. So I suppose it's an expression of belief that your representatives do represent you, and you want as many of them as you can get. The hearings were helpful in the sense that we got their sentiment, and what they thought was good for their area. They were not all that helpful in terms of telling us how districts should really be aligned.

When you got down to it, the decision of San Francisco losing two, Kern County perhaps gaining one, L.A. County losing one, going down to San Diego, those were decisions, I guess, that principally I made. Although, obviously, I had the support of the committee. And to the extent that, therefore, these smaller communities wanted as many congressmen or senators or assemblymen as they could get, that just didn't fit into the overall pattern.

VASQUEZ: So the hearings were for public airing of opinion, more than helping to shape any of the final outcomes?

WATERS: I think as it developed, yes. Yes, I think, to serve the purpose of saying, "Here's your chance to be heard. And if you've got something that's helpful, by golly, we want it." I don't recall now any specific instance of something that came to us that we had overlooked.

VASQUEZ: Which were the most contentious to the committee's plans? San Francisco?

WATERS: Oh, San Francisco, by far. The ones that were losing districts. Absolutely. You see, San Francisco for years had dominated the assembly. They had more proportionate representation, they had more business, they had more banking. The sinews of political warfare were fashioned and honed and developed in San Francisco. And Los Angeles was, politically, a very weak creature for many, many years. What happened here tended to put southern California on more of a parity with northern California.

VASQUEZ: But yet, you had opposition, or you had complaints about the reapportionment both in the north and south.

WATERS: Oh, sure. One of the little things that results in these peculiar configurations in the maps, we

worked with the registrars of voters in every county, or the county clerk, and they had already had their precincts laid out. There were council-manic districts, there were supervisorial districts and there were mosquito abatement districts, and so forth. Those were existing political lines. The precincts were existing political lines.

To the extent that we could establish a well-defined, existing political boundary, we did it. If you came to a major street, Spring Street, and you could stay within that existing boundary so the county clerks weren't going to go to a lot of expense and trouble to reconstruct precincts with these other districts lines, we did it. It, I guess, tended to simplify the work of the county clerks and the registrars of voters.

So that was another factor. But those lines weren't drawn initially with a view of how cosmetic they would appear on a map. That's the weakest argument in the world, look at this on a map and it looks funny. It's just a nothing argument.

Hearing with Governor Warren

VASQUEZ: Now, there was enough opposition to the final outcome of your committee's work that, in May, Governor Warren found it necessary to hold a seven-hour hearing in his office.

WATERS: That's right.

VASQUEZ: Do you want to tell me about that?

WATERS: Well, he did hold the hearing. Oh, who was it? [Edward M.] Eddie Gaffney. What happened there? He was a nice, little Irishman from San Francisco. I think Eddie was in there protesting. "San Francisco lost its seats." They wanted them back. "That's a bad bill. You ought to veto it, governor." And so on. [It was simply a local protest.]

VASQUEZ: Which of the three bills was he referring to, do you remember?

WATERS: Assembly.

VASQUEZ: Because there were three: A.B. 41, which dealt with assembly districts; A.B. 42, which dealt with congressional districts; and A.B. 141, which dealt with senate districts.

WATERS: I think Eddie was probably referring to both 41 and 42. In the senatorial bill we shifted Amador

County [from one senatorial district to another], and that was not significant. But I remember Eddie, [Laughter] who could make an impassioned speech on occasion. He was a great guy and went in to the hearing and he was emoting in front of the governor. Then the governor said, "Well, Ed," he said, "you know, I hear what you're saying, but you voted for these bills." And Ed said, "Well, governor, when you see a steamroller coming at you [Laughter] . . . "

VASQUEZ: [Laughter]

WATERS: ". . . the first thing you is to get out of the way!" [Laughter]

VASQUEZ: How many people were in this room, in this hearing with Governor Warren?

WATERS: Well, I suppose fifty or more.

VASQUEZ: Really?

WATERS: Yes, I recall rows of chairs there. And, gee, I remember Warren turning to me, "Oh Lock. . ." Well, see, there were several things that they were carping about, because I had created some Republican districts. I think [Edgar W.] Heistand's district in the Montrose, La Cañada area, was one of those districts. Again, the

constitutional requirement that congressional districts within a county had to consist of assembly districts intact. . . . We had an assembly district which could have gone with this congressional district, or it could have gone with another congressional district. In a couple of those cases--his is the only one I remember at the moment--I put it into a Republican district and, as a result, he had a very strong Republican district. And Eck Heistand, who [was] a nice guy, but not the world's most progressive individual--he was a former Sears Roebuck [and Company] manager. I remember he campaigned on the platform of a return to the gold standard, which gives you, I think, some flavor of his political approach. It turned out to be a good Republican district.

Well, that's the only one I remember at the moment. There might have been one other, but that's the sort of thing that the opposition could use in a public discourse and say that this is a terribly partisan deal. The fact is that with the exception of the two people in San Francisco who had to lose seats because of the population shifts, and one in L.A. County, we didn't take

anybody out of office. And then we only did it because the population numbers required that we do it. On balance, sure, the Republicans came out all right. But then the Republicans dominated the assembly and the senate before we went in. I didn't think that was all that bad. [Laughter]

VASQUEZ: [Laughter] Evidently, neither did Governor Warren.

WATERS: No, he signed them. He signed them. But, you know, how much he was really concerned about it, or felt that in the appearance of propriety, these people are yelling and they want a hearing, so I'll give them a hearing. He asked me questions and I responded. And he finally signed.

Court Challenges

VASQUEZ: Well, that didn't completely quiet the opposition. Glenn Anderson and, I think, eight others filed a writ of mandate before the California Supreme Court, and that was denied. There was even a threat of referendum. Why do you think that never came about?

WATERS: It was a good program. [Laughter] I suspect that when they got around to counting up the pluses and minuses, they figured it just was not that kind of

a sexy issue at that time, that attracted that much attention. If people had gone to their local representatives, their congressman, or their assemblyman, they would have been told, "No, I've got a district that's all right. Yes, I was consulted." I did go back to Washington [and talked with congressmen of both parties].

The only one that I remember getting really provoked with me was [Samuel W.] Sam Yorty, who was in congress. And old Sam, he's still around. You can talk to him. We just couldn't create a district for Sam which included his home. We just had to move the lines. So he raised Cain with me. And I said, "Tell you what I'll do, Sam." I said, "If you'll endorse it, if you'll say this is okay with you, we'll run a one block wide shoestring up six blocks,"--or ten blocks, whatever it was--"and we'll get your home within the district." [Laughter] He wouldn't go for it. And so, the bill went through. I don't blame him. He had his home and he was in an area, and now he had to move. It didn't hurt him politically. He was reelected. So, the end result was that I guess he moved his home. I don't know.

VASQUEZ: The reapportionment was also challenged all the way to the U.S. Supreme Court. Do you remember any of that?

WATERS: Not really.

VASQUEZ: It was defeated, of course. The challenge was defeated. You don't remember that year?

WATERS: I didn't participate in any brief writing, and I sure as heck didn't argue it in the Supreme Court. You know, as we talk now, I wonder did this experience condition Warren when he finally wrote those opinions in one man, one vote? Although that was a different circumstance down South.

VASQUEZ: But I'm sure the experience was a valid one for future consideration.

WATERS: Sure. Sure, well. . . . He was now in a position of the Supreme Court to do something about. . . . You can render things constitutionally invalid by a stroke of the pen in the Supreme Court. The conditions under which we were working, they were required by the constitution of California to do what it said. And we attempted to do that. I think we did achieve that.

Lessons of the 1951 Reapportionment

VASQUEZ: What lessons do you think could be learned by the reapportionment of 1951, both by the contending sides and by the method you went about doing it? And, would you do anything differently?

WATERS: I would not. I think we were fair. Sure, there was some partisan advantage that we took, as I have indicated in the district for Eck Heistand. I have looked at subsequent reapportionments, all of which have been dominated by Democrats, and I just, as a matter of philosophy, disagree with them. I think if somebody's elected to office, then the people ought to be the ones to turn them out. And the Democrats are pretty tough on that.

The real lesson is that it's a difficult issue in trying to draw lines to get the people really interested and doing something about it. And yet I think community participation and voter interest and identifying areas of interest that should receive consideration are important. I wouldn't want to leave that sort of thing solely in the hands of a staff or of a court, as the Democrats have done.

There's this one suggestion that is in the opinion, you put them in the room and let somebody take the figures. You know, it's just a bunch of nonsense. You just couldn't get an effective program that way. At the same time, if the electorate pays no attention to these things and doesn't participate and doesn't have its voice heard, you're going to have gross distortions that, in the long run, I think are adverse to the public interest.

VASQUEZ: Do you think subsequent reapportionments have done a good job of getting public interest as part of the formula?

WATERS: Well, they've been quarrelsome and querulous. And they've done a lot of bickering. I don't think that the public fully appreciates the importance of reapportionment. I think it's a kind of a public dispute that people are inclined to say, "Oh, let there be an end to it." It's been, oh, a little too petty, a little too provincial. I don't think the disputes have really caught public attention.

VASQUEZ: What do you think was the immediate impact of the '51 reapportionment in California politics?

WATERS: The immediate impact? Well, the immediate impact was to give California more representation in the house of representatives, because we picked up seven seats. But I think even more importantly was that we didn't have a drastic political upheaval in the state as a result of reapportionment. We had a continuing stability in government. Again, I look fondly back on those days and believe that we had better and more effective and more responsible government in those days than, perhaps, we have now.

[End Tape 3, Side B]

[Begin Tape 4, Side A]

Long-term Impact of the Reapportionment

VASQUEZ: We were talking about the short-term impact of that reapportionment. What do you think the long-term impact was?

WATERS: California had a good growth program under Earl Warren. The legislature was really addressing the needs of the state. I think of the highway program, for example, was a good case in point. The long range was a ten-year [period], because that's when the next reapportionment came up. That's when the impact of this one ended. I think

you had good government in California, by and large, for that ten-year span. And by that I mean government that in a reasonably progressive fashion, attempted to keep up with the needs of the state, but at the same time, avoided the proliferation of programs that you find in legislative bodies now, I don't remember them as being as rampant then.

For example, we had the childcare centers which became an economic and military necessity during World War II. Earl Warren always included them as a special item in his budget program during the war years. And after the war years, "Rosie the Riveter" in large part had gone back to her home and she could take care of the babies. But there was still a portion of our society that needed that assistance. I remember arguing with Warren. There was a separate bill for childcare programs. He said, "Lock, you know, it's necessary. The humanitarian aspects, and so forth." The well-being of the state indicated that the program ought to be continued.

VASQUEZ: It was a Democratic bill, if I remember correctly.

WATERS: Could well have been. But I told him, I said,

"Governor, I've seen some of the bills that have been introduced." Of course, we always had a great abundance of bills. But I said, "If you sign that, you're going to have all kinds of bills on your desk representing special interests." And I said, "You've got to tell the legislature that you will sign the bill only if it contains its own financing. Otherwise, you're going to be the guy that's killing all these bills that. . . . Sure, they have a good cause, and so on. And it's just going to look like you're the one who is killing them." "Oh," he said, "Lock, those mothers, they need this help." And I said, "Well, okay. But you're going to be the guy that's vetoing bills because it's going to put the budget out of control." And next day, he announced that these special bills would have to carry with them their own financing. [Laughter]

So, the bills were there, but I think we were more cautious in terms of getting them through, the added increments to the budget didn't jump as much. Years later, he and I. . . . I would go back and visit with him in the Supreme Court Building, and we were trying to recall when did we

have. . . . Remember, we had a biennial budget then, because we met every two years. When did we have the first billion dollar budget in California? Because I think at the time we were talking of this, ten billion for one year, something like that. So the budget just sky-rocketed.

VASQUEZ: This must have been during the Reagan administration.

WATERS: Was that it?

VASQUEZ: Right. When Governor Reagan left office, that was his last budget, ten billion dollars.

WATERS: Was that it. Yes. Well, we were probably talking sometime during Pat Brown's administration, that would be my guess.

IX. WATERS'S POST-LEGISLATIVE CAREER

Assessing Edmund G. Brown, Sr.'s "Responsible Liberalism"

VASQUEZ: What is your assessment of the Pat Brown administration?

WATERS: Pat's a nice, genial, well-liked guy. I think he had a good gubernatorial stint. The state did reasonably well under him.

VASQUEZ: What about all the social programs in his

"responsible liberalism" program?

WATERS: Well, I have some reservations about some of those. None come to mind immediately, but I think Pat was one who would call upon government to do things for the people than I would feel, perhaps, not enough effort had been exerted individually to take care of the problems. I don't think every problem deserves or demands a governmental solution. And I think he was a little bit more liberal in that regard than I was. An electable guy, well-received--and still well-received.

Appointment as United States Attorney

VASQUEZ: Let's come back to that point. But before we do talk a little bit about political philosophy, why don't you tell me a little of your career once you left the assembly?

WATERS: Well, I [Laughter] was appointed as U.S. attorney. And I laugh, because it was the practice [Laughter] of the assembly that if something happened to somebody, why they'd pass a resolution. [Laughter] Is this it? Oh, yes. Well, anyway, I think Charlie Conrad introduced a resolution of congratulations in bidding me farewell for moving on to this higher office.

VASQUEZ: Which was?

WATERS: U.S. attorney, Southern District of California, which was Modesto in the north, down to the Mexican border. Jonathan Hollibaugh, a Republican, Huntington Park, hated Earl Warren, he challenged Conrad on his language that I was moving to a "higher" office. [Laughter] I think the resolution passed, but I don't know whether that word stayed in there. [Laughter] Hollibaugh challenged: "What makes you think that a U.S. attorney is a more high, important, responsible position than a member of the legislature?" Oh, gosh, it was a great debate! [Laughter]

I was appointed U.S. attorney, and served in this building. A presidential appointment, confirmed by the senate. Served eight years. Economically, it was a mistake. I should have gotten out much earlier than I did, but I enjoyed it. A great job.

VASQUEZ: What was it you liked about it?

WATERS: Well, you're a maker of waves. I've always enjoyed public service. I had big cases here. You could do something for the public.

VASQUEZ: Do you remember what your biggest case was, the

case you enjoyed most, perhaps?

WATERS: Oh, goodness. Well, we had Mickey Cohen in those days. You know, the big cases that you think of are the criminal cases. Oh, goodness, we had a big Mafia-type case. . . . Well, I indicted that, and I think it was tried after I left office. [Robert F.] Bobby Kennedy was now attorney general. I described my career as U.S. attorney, I served eight years under Mr. [President Dwight D.] Eisenhower, and two weeks under Mr. [President John F.] Kennedy. [Laughter] But, you know, that's all right, too. That's chronologically inaccurate. But it was a political appointment, so I got the job when the Republicans came in, and Walter Binng had to step out. When the Democrats took over [after Kennedy came in], Judge Francis Whelan was appointed. And that's fine.

Private Legal Practice

VASQUEZ: Then, from then on, you were appointed what? You practiced law then?

WATERS: I practiced law for about fifteen, sixteen years. [Gerald R.] Jerry Ford was president, and I was totally satisfied I would never get an appointment as a federal judge. I didn't think I

would get it under [President Richard M.] Nixon.

VASQUEZ: Why is that?

WATERS: Well, because I was an Earl Warren man. Politicians have long memories.

VASQUEZ: [Laughter] I was going to say that.

WATERS: Which is all right. But Mr. Nixon left office and Gerry Ford was there. Nixon had worked out with Alan Cranston an arrangement that for every three Democrats who were appointed at the federal bench, there would be one Republican appointed. So that continued to be an honored formula when Jerry Ford was president.

The problem was that we had two Democratic senators: Cranston and [John V.] Tunney. And how do you get your name recognized? It turned out that they had worked out an arrangement whereby if there was no Republican senator--who would have had the choice in those days--the members of the house, the Republican members, made the choice. They had worked out an arrangement whereby the members of the house [of representatives] from the district that was affected would make the choice and present that to the Republican delegation from the house, and that name would then be sent to the White House.

So, I thought, "What the heck!" Even though I really didn't believe I could make it, because I had been on the shelf, politically, once I became U.S. attorney [I thought I would give it a try]. I went around, took my resume, and went to each Republican member of the house who was willing to see me, and said, "I'm a candidate. I'd like you to consider it." When they went to a roll call, I got it.

Judicial Appointments

VASQUEZ: This is in 1976?

WATERS: Yes.

VASQUEZ: And you've been here since.

WATERS: That's right.

VASQUEZ: Two questions. First, your years in the assembly, how much did they do to prepare you for the judicial branch of government?

WATERS: Well, I think a great deal. I learned the legislative process. I know what goes into the drafting of a bill and to its ultimate acceptance. I, perhaps, respect more the role that the legislature plays in the fashioning of laws than somebody who has not had that exposure. And I recognize that every statute is an act of compro-

mise on the part of some people. Now, given that background, when I look at a statute in my present position, I understand that that's been the result of work and travail and maybe some vigorous discussion. Not every statute has that background, but I respect the process and understand it. Even though we find trouble with language--and that's the role that the lawyers play, in part, to find the holes. . . . But it's a difficult problem. And so, I think they have to be understood and construed in that light.

Comparing Public Service

VASQUEZ: In which of your public-service positions do you think you were able to accomplish the most for the public good?

WATERS: Oh, I don't know if I can really sort that out. Self-evaluation. I thought I was a good legislator. I thought I was a good U.S. attorney. I think I'm an effective judge. I've tried to be fair in each of these positions, tried to be honest, tried to consider the public interest.

VASQUEZ: Perhaps we can do it in categories.

[Interruption]

Maybe we can cast it in a negative sense:

which of the positions has been the least frustrating to you?

WATERS: Oh, I suppose the state legislature, at the time. And what I'm thinking of now is, the judicial position has been the most frustrating in the sense of the failure of the congress and the executive to take care of the needs of the judiciary. That breaks into two categories: salaries for us. And the congress is just a miserable entity when it comes to considering salary bills, for the obvious political reasons [that affect them but hurt the quality of the judiciary].

The other side of it is. . . . I'm chairman of the space committee for this court. Judge [Dickran] Tevrizian, who you just met, doesn't have a courtroom of his own, and he's got a little office upstairs he uses for chambers. We've got six judges like that. And no visible activity on the part of the executive branch or the congress to do anything really constructive. Indeed, between the executive and congress, they have frustrated us.

We are going to split this court now to put,

ultimately, twenty judges about two and a half blocks away. The judges will be the least inconvenienced of the people that will be affected, because if somebody doesn't show up in the courtroom, the judge steps off the bench and goes to his desk. You've always got work there. But with a split court we're going to lose witnesses, we're going to lose lawyers, we're going to lose jurors, and we're going to need additional U.S. attorneys, and additional marshalls and public defenders in order to handle those cases. The burden on the taxpayer will be increased unnecessarily.

We have a Price Waterhouse study which shows that over a twenty-five-year span that we'll have permanently engrafted on the budget some seventy million dollars. [Edwin] Ed Meese [III] said, "Oh, yes. I'll look into it." [He] has done absolutely nothing, won't even give us a hearing. I wrote to [James C.] Miller, the head of OMB [Office of Management and Budget]. He said, "Well, we think it's better if you split the court." [Congressman Edward R.] Roybal is insisting on the split to the detriment of the courts and taxpayers. Their positions are just

nonsense.]*

So, the frustration level that I have here causes me to not hold congress or some of the people in this administration in particularly high regard.

Now, the work, itself, is fine and interesting, one gets a variety of cases here. It's like a kid in the candy store, the choice is marvelous. So, intellectually, it's satisfying.

Waters's Political Philosophy

VASQUEZ: How would you summarize, Judge Waters, your political philosophy or your political commitment to public service, especially as it's developed over the last forty, forty-five years?

WATERS: Well, you told me you were going to pose that question, and I floated it by my wife the other night. And she said, "Well, I think you're more conservative now than you used to be." And yet, I don't think that one can take a broad label like that, whether it's conservative, progressive, moderate, or anything, and just apply it

* Mr. Waters added the preceding bracketed material during his review of the draft transcript.

generally. It has to be applied to specific issues.

I'm still a believer in government. I think it plays a very important role. You look at the stability of our society as against, for example, Haiti or the Middle East or Northern Ireland. Government has really helpd to produce a very effective society here. And I've enjoyed being a part of it. Now, whether or not I would have been a good money-maker on the outside, I'll never know, because that time has passed me by. But I've enjoyed being part of government and, at the same time, I think that we should refrain from asking government to do too much.

I think, there are necessary things. Welfare, properly administered, is a necessary part of our society. Civil rights, properly addressed, is a problem that probably could not be reached except through governmental action. So that's important. Where am I philosophically? I'm not sure. I think I'm reasonably progressive, but I don't fancy the asking too much of government.

I remember asking one of my daughters once, "How did you register to vote?" And she said, "As

a Republican." I said, "I'm surprised." Because she's a kind of a live-and-let-liver. She's our actress daughter. And I said, "Why? Why would you go Republican?" She said, "Well, you know, the Democrats, they've got all of these dreams and these visions." She said, "I wanted to be part of something that's attainable." You know, that's what government should be, something that's attainable, but also practical. [Laughter]

VASQUEZ: Thank you very much for this interview.

[End Tape 4, Side A]