

California State Archives  
State Government Oral History Program

Oral History Interview

with

**HON. GORDON H. WINTON, JR.**

California State Assemblyman, 1956 - 1966

November 6, 1986 and January 17, 1987  
Fresno and Merced, California

By Enid Hart Douglass  
Oral History Program  
Claremont Graduate School

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

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

Oral History Program  
Claremont Graduate School

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

Oral History Program  
University of California, Los Angeles

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

John F. Burns  
State Archivist

July 27, 1988

This interview is printed on acid-free paper.

## INTERVIEW HISTORY

### Interviewer/Editor:

Enid H. Douglass  
Director, Oral History Program and Lecturer in  
History Claremont Graduate School  
B.A., Pomona College [Government]  
M.A., Claremont Graduate School [Government]

### Interview Time and Place:

November 6, 1986  
Smuggler's Inn, Fresno, California  
Session of two hours, fifteen minutes

January 17, 1987  
Home of Gordon H. Winton, Jr. in Merced, California  
Afternoon session of three hours, forty-five  
minutes  
Evening session of one and one-half hours

### Editing:

The interviewer/editor 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.

In the spring of 1987, the edited transcript was forwarded to Gordon H. Winton, Jr. He returned the approved manuscript in June 1987.

The interviewer/editor prepared the introductory materials.

Papers:

The papers of Gordon H. Winton, Jr. are deposited in the library of California State College, Stanislaus.

Tapes and Interview Records:

The original tape recordings of the interviews are in the Oral History Program Office, Claremont Graduate School, along with the records relating to the interview. Master tapes are deposited in the California State Archives.

## BIOGRAPHICAL SUMMARY

Gordon H. Winton, Jr. was born in Merced, California, on August 21, 1913. His mother, Mildred Stoddard Winton, was born in Merced in 1888, and his father, Gordon H. Winton, was born in Lakeport, California in 1884. He attended the public schools in Livingston, fourteen miles outside of Merced, where he grew up. His father was in banking, and he set up his own insurance business. Gordon Winton earned his B.A. degree in Political Science from the University of California, Berkeley, in 1935. In 1938, he married Agnes Mattson of San Bruno, California, and they have two children. He served in the U.S. Navy during World War from 1941 to 1945, and he holds the rank of commander.

After the war, Mr. Winton attended San Francisco Law School and graduated with his LL.B degree in 1946. He joined the law firm of Adams and Griswold in Merced, but in 1951 he left that firm to establish his own practice. The firm later was known as Winton and Edelfsen and then Winton, Edelfsen and Murphy.

Mr. Winton was elected to the Merced City Board of Education in 1951, serving until 1955. After running unsuccessfully against James Cobey in 1954 for the state senate, he was elected to the state assembly in 1956. He served in the assembly until he was defeated in the 1966 election.

His first activity as a member of the Democratic party was serving on the Merced County Central Committee, 1936-1938. He was vice-chairman of the Democratic State Central Committee from 1960 to 1962. In 1950, he served as county campaign chairman for Helen Gahagan Douglas in Merced County. He also served as Merced County Democratic campaign chairman for Earl Warren in 1948.

Mr. Winton served as State Commander of the Veterans of Foreign Wars in 1953-54. He has served as president of the Merced County Bar Association and as president of the Merced County Board of Freeholders. From 1967 to 1982, he served as a lobbyist for the Association of California School Administrators.

I. FAMILY BACKGROUND AND EARLY YEARS  
[Session 1, November 6, 1986]

[Begin Tape 1, Side A]

Parent's Families

DOUGLASS: Mr. Winton, you were born in 1913 in Merced.

WINTON: Right.

DOUGLASS: Tell me about your parents.

WINTON: Well, first I'll tell you where I live now. It's no more than a block and a half away from the house where I was born. Which is kind of interesting.

But my mother came from a New England family. Her father was Scotch. His mother and father were both born in New York, but they were first generation from Scotland. I always loved her grandfather's name, which was Ebenezer Maxwell Stoddard. [Laughter] And her grandfather came to California in the Gold Rush. Found no gold and set up a freight business. He hauled freight from Stockton to what they called the southern mines--Sonora, Angel's Camp, that area. He finally moved his family to near Angel's Camp, and there is an argument in the family as to where my grandfather was actually

born. Whether it was Carson Hill, which is about three miles out of Angel's Camp, and there is now a plaque on Highway 49, or whether it was actually in Angel's Camp itself.

When the Central Pacific Railroad was built through the valley (I think that was in the 1870s), his father got a contract. Well, first, his mother didn't come to California until about 1856. His father had been here seven years, and they were married in New York. So his mother came around the Horn in 1856, and he was born in Angel's Camp or Carson Hill in 1858. And, in the 1870s, I guess around 1873-84, they built the Central Pacific Railroad through the valley, and his father got a contract with the Central Pacific Railroad with his team to grade the right-of-way for the track. And when they got to Merced, why the Central Pacific gave him a block in the new town site as part pay for some of his work.

He set up a livery stable business in Merced. They ran the stage lines from Merced to Yosemite. They had the first horse-stage lines from Merced to Yosemite. Mother and the family used to spend every summer in Yosemite after she was born in 1888. I am not sure just when they started the stage line, the 1880s or 1890s. My grandfather, whose name was Dower (another good

Scotch name), was in business with his father in the El Capitan Stables, the name of the stables. And they ran what was called the Yosemite Transportation System Stage lines. They were partly owned by the Santa Fe Railroad. The Southern Pacific ran stages to Yosemite out of a place named Raymond in Madera County. A family by the name of Washburn ran that, and they were in competition with the Washburns.

My mother was born in Merced in 1888, and she was a twin. And she and her sister attended the University of California for two years. They would have been in the class 1911, but their father's business deteriorated. It was evidently quite expensive then to send young ladies to college. They belonged to a sorority. So they came home.

To get where my parents met. My father's family came from Missouri. And the whole Winton family in Missouri, I think all the males were Methodist ministers. [Laughter] Almost all of them that I ever heard about. And his father was a Methodist minister. And he had an uncle that came to California to be a teacher, or professor, or whatever you want to call it, at what was then the College of Pacific. At that time it was in Santa Rosa. Later they moved to

San Jose and finally to Stockton. This uncle came out there then, and then he brought his nephew, my grandfather, out to be an instructor at the College of the Pacific also. It was a Methodist School, a religious school.

And after a year or two there, he became pastor of the Methodist Church at Lakeport, in Lake County, on Clear Lake. And that's where my father [Gordon H. Winton] was born. My grandfather had been married before he came to California, because the oldest in the family, my oldest uncle, Edgar, had been born in Missouri before they came to California. But Dad had three sisters and himself, beside the older brother, and they were all born in California.

I don't know whether they were all born at Lakeport, or where they were born, but I know my father was born in Lakeport. And the family came to Merced, actually to a place called Plainsburg, which is I don't think any longer on the map. It's a little town about eight or ten miles outside of Merced. My dad told me once that when he was growing up, he could remember there were three churches and six saloons in Plainsburg. When the Santa Fe Railroad came through the valley, which was around 1906, somewhere around there, why, they took

Plainsburg up, lock, stock, and barrel, and moved it about two miles and put it on the Santa Fe Railroad. And it is now known as Le Grand. But before that happened, my grandfather was transferred by the Methodist Church from Plainsburg, although the family was still living there, and he became a circuit rider, I guess they call it. He covered the Mother Lode, the southern Mother Lode, down from Oakhurst to Miami, and I don't know what area. And he kept the family in Plainsburg, and he was riding the circuit, staying overnight with a parishioner. And they had some food that was tainted, and he died of botulism, or food poisoning. My dad was seven years old, his oldest brother was eleven. There were five children, the oldest was eleven.

The parishioners bought my grandmother ten acres of land and built her a house. And she got a pension of ten dollars a month from the Methodist Church. And one of dad's sisters dropped out of school to stay home and help her mother--the oldest girl. And, finally, after a year or two, Edgar was old enough to go to high school, why, they moved into town. I don't know how my grandmother did it, but she bought a two-story house and had boarders. And then she bought another two-story house next to it. So

she had probably twelve or fifteen boarders, all male. And that's the way she raised the family.

Father

DOUGLASS: So your father was living in town.

WINTON: In Merced, and he went to Merced High School. And, in those days, the high schools had two courses. They had an academic course and a commercial course. The commercial course was two years, and the academic course was four. So he took the commercial course and graduated. And I don't know what decided him--I think it was one of his teachers at the high school who said, "You ought to go on to college." So he went back and took the academic course. But there was enough lapover so he could finish it out in another two years. And he graduated from high school, I think in 1904.

He wanted to go to Stanford [University]. One of his teachers in high school was the daughter of David Starr Jordan, who was then president of Stanford, and she wrote her father, and, according to my father, he wrote back a letter saying that he could get my father a job for his board and room, but my father would have to have enough money to pay the registration fee. Which wasn't very much in those days, of course. So he got a job as a hod carrier that summer and worked all summer. He got a dollar a

day, ten hours a day. And he had to help his mother too. So by the time summer ended, he did not have enough money to feel that he could go to Stanford. So he never went on to college. It was a thing that he really regretted.

One of the reasons I mention this to you is this. My father had a real love of knowledge. Shortly after he and my mother married, and they were married in 1911, he bought an Encyclopedia Britannica, which was fairly expensive in those days (he later traded it in on a more modern edition). It was real leather bound and onionskin pages and just beautiful. But when he came home, when I was a boy growing up, he used to sit down, pull at random a volume of the Encyclopedia Britannica out and read at least three articles. He just wanted to find out.

When he graduated from high school--in those days you didn't have to go to college to get a teacher's credential--they had set up, a few miles outside of Merced, an academy called the Athlone Academy, which was to train teachers. And when he graduated, the principal of the high school wanted to show that people who went through high school could pass the teacher's examination just as well as graduates of the academy. So he talked my dad into taking the examination. Dad took it. But never taught

school. He got his teaching credential.

DOUGLASS: So what did he do?

WINTON: Well, he went to work for a bank, one of the local banks in Merced, as a bookkeeper, or something, which was all done by hand then. He got up to be a teller, and, in 1913, just two years after they were married, they opened a new bank in Livingston, called the First Bank of Livingston, and the cashier from the bank he was working with in Merced went down to Livingston as the first president, and he took my father down with him as cashier of this new local bank.

In about three or four years, Mr. Spencer, the fellow's name, went back to Merced and dad became president of the First Bank of Livingston. Which he held until 1922. The agricultural depression in the valley here started in 1921, and, in 1922, things were getting tough. Farmers weren't able to make payments on their loans. Dad wanted to voluntarily close the doors and go into a process of trying to realize on their assets and pay back their deposits. But the rest of the board of directors outvoted him and voted a hundred dollar share assessment on all the stockholders. My dad owned the majority of the stock at the time, but he did not have the wherewithall.

So he left the bank and went into the insurance business. Actually, from the time he had gone there, in 1913, the bank was in the insurance business. Dad had been the actual person who handled the insurance business. So when he went out of the bank and turned his stock back in, he made an agreement with the bank where they turned the insurance business over to him, as an individual. And so he kept that for the rest of his life.

DOUGLASS: So your father was head of the bank when you were born?

WINTON: Yes.

DOUGLASS: And you have siblings?

WINTON: Yes, I do. I have two younger brothers. My next brother is three and a half years younger than I am. My youngest brother was eleven years younger, but he died two years ago of Alzheimer's at the age of fifty-nine. It was very sad.

#### Family Interest in Politics

But, coming back to politics, at one time when I was young, my grandfather, my mother's father, Dower K. Stoddard, was on the Republican Central Committee of the county, and my father was on Democratic Central Committee at the same time. The tradition carried on in the family.

When I was first elected to the assembly, in 1956, my youngest brother, Keith, the one who died, was on the State Republican Central Committee. He resigned from that because he didn't think a member of the State Republican Central Committee ought to have a brother who was a Democratic assemblyman. But my mother always maintained registration as a Republican. My father served on the Democratic Central Committee a great deal. He was the mayor of the town. It was not incorporated, I think; until 1924. He was the second mayor, and then he was city clerk for years. The city clerk there was in his insurance office. He got paid very small. If you wanted to pay your water bill or anything else, you came to his insurance office. He ran the insurance business too. The city clerk was just part-time.

Dad was always interested in politics. Mother not so much. In fact, when I first got elected to the assembly, she wondered how a son of hers could get mixed up in such a dirty thing [Laughter] as politics.

#### Education

DOUGLASS: Did you go through the public schools in Merced?

WINTON: I went in Livingston. I went through elementary school. No kindergarten in those days. First

through eight. Livingston High School was started in 1924. Before, they took those old Ford Model-T buses that ran fifteen miles from Livingston to Merced every day. Of course, farm families, not too many kids finished high school in those days. But they started the high school in 1924; the first graduating class was 1926. And I graduated from high school in 1931. So I was about the fifth graduating class, something like that.

And I went to the University of California at Berkeley. I wanted to go to Stanford, but here, like my father, I didn't have the money in 1931. The fact is that when I went to Berkeley, I went up there, and the first thing I did was get a job, before I registered, because if I couldn't find a job, there was no way. . . . But I was fortunate. My aunt was county librarian in Merced County at the time, and she wrote to a fellow by the name of Gordon Leupp, who was University Librarian at Berkeley, and said she had a nephew that needed a job. And, fortunately, they were hiring about twenty or thirty new pages that year. And this was in the fall of '31, and we got paid forty cents an hour, which was good wages. In 1932, they dropped it back to thirty-five cents an hour.

DOUGLASS: That's pretty good. So that enabled you to go to the university?

WINTON: I averaged an income of about forty dollars a month. I know one month I wanted to buy a new overcoat which would cost about fifty dollars, so anybody that wanted time off, I would work for them. I was working [Laughter] almost all the time I wasn't in class, Saturdays and Sundays. And I earned a hundred dollars that month. So that meant I must have put in close tp 300 hours.

DOUGLASS: So did you live in a boarding house in Berkeley?

WINTON: The first year I was there, I lived in a private home. A friend of mine, who was a junior and also from Livingston, and I shared a room in a private home. The second year, there were four of us that worked in the library, got together and rented an apartment and "batched." I either lived in a boarding house or batched from then on.

DOUGLASS: What was your major at Berkeley?

WINTON: Political science.

DOUGLASS: Did you have any notables you studied with, in terms of impressions on you?

WINTON: Yes. One very. . . . I can't remember his first name, his last name was Aiken. He was a graduate, I think, of Harvard and Brookings Institute. He got his Ph.D., I think, at

Brookings Institute, and a law degree at Harvard. He had been law clerk for Justice Oliver Wendell Holmes, on the court. I took two courses from him. One was constitutional law, as a political science course; and the other was a course in state and county government. He probably influenced me as much as anybody.

I also had a teaching fellow in Poly Sci [Political Science] 1AB, who came from the same town I did, Livingston, and had gone to Pomona College, and he was at Berkeley working on his master's degree and got a job as a teaching fellow in political science.

DOUGLASS: Do you remember his name?

WINTON: Yes. Don C. Mayes. It is very interesting. When I was in grammar school, he was in high school, and he had been my Sunday School teacher. And I got up to college, and I will never forget, I only had him one semester. But in the semester, I got a "B." And I went in to see him, and I said (I called him "Don"), "How come I didn't get an 'A'?" He said, "Well, you were right on the borderline between an 'A' and a 'B'; and I didn't want to think that my friendship influenced my grading, so I gave you a 'B.'" So the next semester, I got a different section leader. [Laughter]

DOUGLASS: What year did you graduate from Berkeley?

WINTON: I graduated in '35. I think it was in '34, he (Mayes) decided to run for the assembly from Merced County. And that's cross-filing and everything else. But even to cross-file, you had to get a petition signed by at least twenty members of that party, Democrat or Republican. The old Hiram Johnson-La Follette Progressive party was still an official party on the ballot in 1934. He looked it over, and there were maybe twenty-five or thirty people in the county that were registered Progressives.

So he got myself and nineteen others. I was just twenty-one before the general election. I wasn't even twenty-one in the primary, because the primary was the first week in August. But you could register if you were going to be twenty-one in the general, I think. Anyway, I registered as a Progressive. A Japanese boy from Livingston by the name of Masao Hoshino, who was also at Cal with me, also changed his registration to Progressive.

We got enough signatures to get Don Mayes on the ballot, and so he ran as a Progressive. Well, nobody else got enough signatures to cross-file on the Progressive Party. So he won the Progressive nomination. He ran against

an assemblyman by the name of James G. Garibaldi, who was not an incumbent. It was an open seat. And Garibaldi won handily.

But I got put on the State Central Committee of the Progressive Party. We had a meeting in Sacramento. I think we could have met in a telephone booth.

DOUGLASS: That was an experience.

WINTON: So it was a good experience. And then later, I started Boalt [Law School]. I graduated in '35, started Boalt in '36, and, very frankly, rolled out.

DOUGLASS: A very tough place.

WINTON: Well, it was my fault. I was in love, and the gal that I was going with was a senior. And she didn't see why I needed a law degree. Her father was purchasing agent, or something, for Sherwin Williams, and he could give me a job. And if I told her that I had to study--you know, I was still working and averaging around 100 hours a month--she got upset. I fooled around too much. At the end of the first year, I was down four grade points. Well, you couldn't start the second year if you were down more than three grade points. I will never forget. Anyway, one grade point made the difference. But I am not sure. I probably would have just postponed the inevitable.

### Employment and Early Politics

I got out and went back to Livingston and tried to find a job, which were pretty nonexistent. And I finally got a job working for a grain buyer, taking samples of grain as they harvested it throughout the county.

In 1936, in the fall, I ran for County Democratic Central Committee. There were so many to be elected from each supervisorial district. I think in our supervisorial district, there were five to be elected. And the county Democratic chairman always handpicked the people to run, but I filed on my own. So there were six running for five spots. And after the election, they had to count the absentee votes to see if I was number five, or somebody else was number five. And I think I won because my father had been on it so long that if the name was G. H. Winton, why they didn't know they were voting for a kid instead of my dad.

But I found that experience on the central committee to be very disillusioning. Because in those days, that was the Depression, about all the central committee did was to make recommendations as to who should be appointed to postmasterships. I'll tell you, any time there was a postmastership vacant, there were about

fifty people who wanted it. And I was working out in the field one day--I've forgotten what I was doing--and here three or four people came trudging across the field. They wanted to talk to me because they were applying for postmaster in Hilmar or some other place that's equally unknown.

And then the other things I found out was one of the things the members of the central committee were expected to do was to make donations for political campaigns. And I didn't have any money. So I dropped out of that.

DOUGLASS: How long did you do that, a year or two?

WINTON: Two years I was on the central committee.

DOUGLASS: This would be 1936 to . . .

WINTON: To 1938.

DOUGLASS: And so you were trying to pick up some cash during this period too, then?

WINTON: Well, what I did. I finally. . . . I broke my leg playing football in '37, semi-pro football, and they had to do a bone graft. And I was laid up for about nine months. And when my leg healed finally in about March of '37, I went to San Francisco and went to an employment agency and started walking the streets looking for a job. And it took me about a month and a half. I can remember one of the places I went was

Fireman's Fund Insurance Company. They wouldn't hire me because I had had a broken leg some time before. No, that was Del Monte California Packing Corporation. At Fireman's Fund, I went there, and they said, "Well, it's during vacation period, but I think we'll have a job for you. But it will be two or three months before we sort it out." And I was living with friends, and I needed work right away.

I finally got a job with an insurance company, and it required you be a college graduate to get the job. I became the mail clerk, and it paid seventy-five dollars a month. My fee to the employment agency for getting me the job was seventy-five dollars. I had to pay them twenty-five dollars a month for the first three months. In fact, I didn't even pay them. The insurance company had to deal with them. I got fifty dollars a month for the first three months. But I got out of that into the claims department very shortly. They moved me as a sort of a clerk in the claims department. And my father, who had then been in the insurance business from 1913 said, "Well, if you are going to be in the insurance business, you might as well go ahead and try to get a law degree, because almost all the executives in the insurance business are lawyers."

DOUGLASS: How did that appeal to you at that point, after your earlier experience?

WINTON: Well, all right, because I was married in February of 1938 to a young lady that I had known at Cal. We never seriously dated. But she had been in the [Hawaiian] Islands. When she graduated in '34, she had a sister who lived in the islands and went over there. And she got a job with the Bishop Trust Company and stayed. And she came back for a visit in 1937 and called me up. So we had dinner together and kindled the flame. She went back, and we then corresponded. She came back in 1937, I guess that was it, because we got married in 1938. And her brother-in-law in the islands was an attorney, and she told me, "I know you are as smart as he is. If he can be a lawyer, so can you." So I started night law school.

DOUGLASS: In 1938, did you start law school? After you were married?

WINTON: Yes, after I was married.

DOUGLASS: And did you work part time? Or did she work?

WINTON: I worked full-time.

DOUGLASS: In the insurance business?

WINTON: In the insurance business. She worked half-time for about a year, because our first child was born in April of 1939.

DOUGLASS: So the Depression was easing up a little bit, in the sense that jobs were beginning to open up a tiny bit.

WINTON: That's right. In fact, in 1940, I had gotten up to \$115 a month. When I got married, I remember, I was still making \$75 a month, I went in and I told the boss, "Gee, I've got to have more money. I'm getting married." So he raised me to \$80. When our child came along, I was about \$85 a month. And I said, "I've got more responsibility." I think he raised me to \$95 a month.

DOUGLASS: This was your son, who was born in April of '39?

WINTON: Yes. Shortly thereafter, in 1940, I don't know how I got up there, but I got up to \$115 a month. By that time, I was head of the fire claims department. I handled all the fire claims for the company. I saw an ad in a little insurance journal that went around that one of the other companies was looking for a fire claims man. It happened to be Pacific National Fire Insurance Company, which was an A. P. Gianinni TransAmerican Company. And I went over and interviewed, and they offered me the job at \$150 a month (and I was making \$115).

So I went to the boss. The firm I was with was Cravens, Dargan and Fox. I went to Malcolm Cravens. Their headquarters were in Houston. I

went to Mr. Cravens, and I said, "I have an offer at another place, and they'll pay me \$150. I've been here three years, and I like it here. And I'd like to stay here. But, you know, \$35 a month is a 30 percent increase." And he said, "Well, let me call Houston, and I'll see. . . ." Well, about three days later, he called me in the office and said, "Gordon, I've got good news for you. I can raise you to \$125 a month." And I'll never forget what I said, I said, "Mr. Cravens, for \$25 more a month, I'd work for the devil himself." [Laughter]

DOUGLASS: So that was "goodbye" then?

World War II Service, U. S. Navy (1941-45)

WINSTON: Yes. I went to work for Pacific National Insurance Company, and I hadn't been there more than six months. . . . When I was at Cal [University of California], I had been in naval ROTC [Reserve Officers' Training Corps], and when I graduated in '35, I got an ensign's commission. Well, in June of 1941, I was called back to duty as an ensign in the Navy, about six months before Pearl Harbor.

DOUGLASS: So then you were in the war until 1945?

WINTON: I was discharged, separated is the correct word because I stayed in the naval reserve, on December 20th, I think it was. I had terminal

leave. That's why I am not sure of the exact date.

DOUGLASS: Of 1945?

WINTON: Yes.

DOUGLASS: And did you see service in French Morocco?

WINTON: Yes. I was a deck officer when I was called to active duty. I thought I had it made. I was just finishing my third year of night law school. Night law school takes four years. I was just finishing my third year when it became apparent that I was going to be called to active duty. So I went down to the Twelfth Naval District headquarters in San Francisco and talked to the personnel officer. I still remember his name. I never heard a name like this before. Commander [ ] Tooze. I don't know the first name. He said, "I've got just the spot for you. We are starting Treasure Island." They were just starting to make a navy base out of it. He said, "You've finished three years of law school. We need somebody in the judge-advocate's office there. We have a lawyer there, but you'd be assistant judge-advocate, if he agrees. So why don't you go over and talk to the personnel officer over there and the judge-advocate." So I went to Treasure Island, and I saw the personnel officer; and it was all set.

So I went back to Tooze and said, "Okay. I

volunteer for active duty." Oh, I was going to get called anyway. It was just a matter of weeks. But I went back because I felt this way I could finish my fourth year of law school. I'll be right here, and I'll have law books and everything else. And they'll think it's fine that I am going to night law school. So it took about two weeks, June 13, 1941, my orders came through to report to active duty. So I went to the Twelfth Naval District. Reported. Fine.

They endorsed my orders. Sent me over to Treasure Island. I go over there, and the personnel officer that I talked to is home ill that day. And the executive officer was an old-line naval academy guy, a commander who had been retired and called back to active duty. And I told him. He said, "Young man, how much sea duty have you had?" And I said, "Well, I had thirty days midshipman's cruise in 1933 and thirty days midshipman's cruise in '34." "Oh, young officers should have at least a year's sea duty before they get any shore duty."

[Laughter]

So I was assigned to a small ship, a World War I relic, as a deck officer of the U.S.S. Eagle 32. And it was a good experience, but I didn't finish my last year of law school. And

we were on patrol off the Golden Gate. In fact, we were tied up to Treasure Island on December 7, 1941, when the war broke out.

That was funny. We had five officers. We had a captain, I guess he was a lieutenant commander, and four ensigns. Three of us were from Cal, I guess, and one of the officers was from V7 or V12--I had the duty Sunday, December 7. The other four officers were all gone. None of them were left aboard, including the captain. And I was asleep in my cabin. We had black mess attendants. This one's particular name happened to be Pipkin. I don't know his first name. He came in and woke me and said, "Mr. Winton, Mr. Winton, the Japanese have bombed Pearl Harbor." Only he didn't say "Japanese," [Laughter] but I don't like the abbreviated term. I said, "Pipkin, you've been listening to one of those Orson Welle's things." And I turned over, and about ten minutes later, Pipkin said, "Mr. Winton, it can't be an Orson Welle's thing. It's on every station."

So I got up and about that time got a message by messenger from the commander of the patrol forces, whose name was Admiral [Hugh W.] Osterhaus. It's an old navy name. Three or four generations of them have gone to the naval academy. But he had been retired and called

back to active duty. But he wanted our ship to inform him as soon as we had enough crew aboard to go to sea.

Well, I got down on the telephone. I have all the names and numbers, and I start calling people and trying to get them to come back to the ship. And in the midst of all this, my mother- and father-in-law, my wife, and our son arrive for Sunday dinner, which I had arranged for them to have aboard ship with me. The one and only time they were going to have . . .

DOUGLASS: Pearl Harbor Day.

WINTON: Pearl Harbor Day. It was a mess. I never did eat lunch. They got served lunch but took off. And, finally, we got enough men back the next morning.

DOUGLASS: So did you go to sea?

WINTON: Yes. We went out and patrolled the Farallon Islands.

DOUGLASS: Did you finish law school after the war?

WINTON: Yes.

DOUGLASS: So you had another year, part-time.

WINTON: Yes.

DOUGLASS: Then you went overseas?

WINTON: First, I was on this small ship, and we were on patrol. Before the war broke out, we were on what they called neutrality patrol off of the

San Francisco area. After the war broke out, we were on patrol out there, and our job was to positively identify every ship that was entering what they called the swept channel into San Francisco. Which was an interesting experience. And then we were sent down to San Diego to be a school ship for the fleet sound school, where they learned how to use sonar. We got a new captain. They discovered our former captain had diabetes and gave him shore duty only. The new captain we got was a Norwegian who had first gone to sea as a sailmaker's apprentice on sailing ships. Captain [ ] Hallin was a Swede, and he knew the navy book by heart, rules and regs, but that's about all he knew. He didn't know much about seamanship. But Captain [Sigurd] Hansen, the Norwegian, was a seaman. He'd been a merchant skipper. He was the one who set up the Pan American base on Midway when they were first establishing the bases across the Pacific. And he'd been in the merchant marine reserve. Both Hallin and Hansen had served in World War I.

DOUGLASS: How did they get along?

WINTON: Well, they were never there at the same time. But Hansen's son was at Pensacola as an instructor in aeronautics. And Hansen had worked with Pan American, and he said that

aviation was the only way to go. He said, "Why don't you. . . ." By this time it was 1942, and, in '42, I would have been twenty-nine years old. You could not put in for flight training if you were over twenty-eight. And we'd been transferred to San Diego to put in a sound school.

So, along about that time, the lighter-than-air is expanding. So here comes what they call an All NAV, and it says that they want volunteers who are qualified officers of the deck underway at sea to volunteer for lighter-than-air. And Captain Hallin said, "This is just the thing for you, Gordon. You really ought to try for this."

DOUGLASS: Excuse me, what is "lighter-than-air"?

WINTON: A blimp. And you could get flight training there up to thirty-two. And so I volunteered for it and got sent back to Lakehurst for lighter-than-air training.

DOUGLASS: Meanwhile, where was your family?

WINTON: They had moved to San Diego with me, and when I went back to Lakehurst for flight training, we went on the train. A very trying experience. Of course, it was such a small burg. I had heard about the Hindenberg burning there. We got off the train there, and I couldn't see any

town. I had come down from New York, and there was a Packard taxi there. I got the cab driver, and I said, "Where's the hotel?" He said, "There's no hotels in Lakehurst." I said, "Where can you stay?" Well, you could stay in places that were about eight or ten miles away, and I didn't have a car. He said, "Mrs. Jones has a boarding house over here, and I think she's got a room."

DOUGLASS: So how long was your training?

WINTON: Before the war, it was a year, and after the war, it was three months. So we were there three months.

DOUGLASS: So where did you go after that?

WINTON: Elizabeth City, North Carolina, where they had a blimp base. And I was there for twenty months. Before I left the ship, I had made lieutenant junior grade. I was just senior in ROTC numbers. You know, the navy gives you a rank of precedence you first get your commission. And Franklin Delano Roosevelt, Jr. was just junior to me in seniority. So every time they moved officers up, they went down to get him; and I moved along with him. So I was a lieutenant junior grade, and it dated back to July 1, 1941.

And then, while I was in flight training, I got my promotion to lieutenant, second grade. I went to Elizabeth City, and I went down there to

a blimp squadron. The reason they brought our class in from sea, about all they had in blimps were people who were [United States Naval] Academy graduates that had been in blimps like eight or ten years before, or AVCADS, Aviation Cadets, who were just fresh out. They had no middle rank of officers. So that's why they brought us in from sea. There were something like ninety-five officers in my class.

DOUGLASS: So what did you do in Elizabeth City for all that time?

WINTON: Well, we were there twenty months. We patrolled off of Cape Hatteras. At that time, the Germans were really wreaking havoc with our shipping. And during that time, I went from just another aviator up to crew captain. I had my own ship. Then I became flight officer, then operations officer, and then executive officer for the squadron.

DOUGLASS: What years would this be--1942-43?

WINTON: Forty-two, '43, up to June of '44.

DOUGLASS: Where did you go then?

WINTON: Then they transferred the whole squadron from Elizabeth City to Port Lyautey, French Morocco. I was executive officer of the first blimps were supposed to land. And I had to set up a base for them. They had nothing there. And they

gave me a pretty good crew. Of course, they didn't build any hangars or anything like that.

DOUGLASS: Remind me, in terms of the war, this would have been after the African campaign?

WINTON: This was later.

[End Tape 1, Side A]

[Begin Tape 1, Side B]

WINTON: Our job was to patrol the Straits of Gibraltar. The Germans were running submarines through the Straits and creating a great deal of difficulty for allied convoys in the Mediterranean. And we had a new type of electronic gear, called MAD (Magnetic Anomaly Detector), which was a measure of the forces of gravity in magnetism. Wherever there is the presence of iron or anything, why, it would give a magnetic reading. A shipwreck, we found a lot of them off of Cape Hatteras. We had them all marked. Whenever we discovered a shipwreck, we marked them on all the charts. So they had a squadron of PBYS [Patrol Bomber Y] that had MAD, seaplanes flying the straits. The part we patrolled was only three miles long, and that meant, for them, a turn about every minute and a half. These had very limited range, 300 feet maximum. So from 300 feet above the water, you could only detect things on the surface. And so we had to be right down on the water. We flew at about fifty feet.

DOUGLASS: Now, we are talking about blimps?

WINTON: Blimps.

DOUGLASS: It's hard to imagine. Were these big blimps?

WINTON: There were 250 feet long. They weren't as big as a dirigible.

DOUGLASS: Not as big as the Goodyear blimp?

WINTON: No. We were about twice as large as the Goodyear blimp, and we carried a crew of ten. And we moved faster and were more maneuverable. But these seaplanes would not fly when it was dark, because they couldn't trust even the radio altimeter. And if they got lower than fifty feet, got down to twenty-five feet, and made the turn, they tipped their wing, and they could touch a wing.

So they sent us over to patrol at night, and the PBYS patrolled during the day. And we took over at dusk and flew all night patrol. Just three miles back and forth. It got awful boring. Sometimes the winds got very heavy. I remember one night, I never made a 180 degree turn. I put my nose into the wind, and we would go across this way; and then I'd pull my nose back, and we would go this way. We crabbed back and forth. I was there until around September of 1944. I didn't go over there until June of '44. And I got malaria, and I got the worst

kind. It's the kind that they say that if you have it, it very seldom reoccurs, but the mortality rate is very high. I came through it, but I went from around 200 pounds down to 160 pounds. Commander [Earle W.] Mills, who was over four squadrons, came over from Lakehurst for a visit and saw me, and he gave me a transfer back to the States.

From there, I went to Lakehurst, where at first I was on Admiral [Charles E.] Rosendahl's staff. This was toward September-October, 1944. My orders read, "For further transfer," when I got back. So I had thirty days overseas and sick leave, and when I went back to report at Lakehurst, my family had moved back to San Bruno, where we had lived before the war. I went back to Washington to see what kind of sea duty I'd get if I went back to sea. I had two things available for me, I was a lieutenant commander at the time.

I could either become a beachmaster and go in with the first wave and then tell the rest of the landing craft how to come in. You had to volunteer for that. Or I could become a navigator on a baby flat-top. Well, I had done so little navigating on that little ship that I had been on before the war. We navigated by seeing where we were going, not by shooting the

stars. So I felt I would have been embarrassed by being a navigator.

So I went back to Lakehurst and took my chances. The first thing they did was to transfer me to Admiral Rosendahl's staff. He is sort the father of lighter-than-air in the U. S. Navy. And he made me his Experimental Officer, which was very interesting. We tried out a lot of things. Like airplanes, when we still had props. We finally got a reversible pitch propeller so they could slow down. They didn't want to try them on airplanes, because if they didn't work, they would be disastrous. So we tested all those on blimps. Then they transferred me from Admiral Rosendahl's staff to the base as operations officer on the base at Lakehurst. And that's where I was until I got out of service.

DOUGLASS: You were separated, you said, in December . . .

WINTON: The final date was December 20, 1945.

DOUGLASS: So you went immediately then to San Bruno?

Law Degree and Entering Practice

WINTON: In fact, I got out around the first of October, and the rest of the time was terminal leave. I went back, and the first thing I did was check to see if I could get to law school again. And I got in. I was a couple of weeks late.

DOUGLASS: Did you get back to your position in the insurance business?

WINTON: No. That was gone. I had saved quite a bit of money when I was in service.

DOUGLASS: Did you get flight pay?

WINTON: Oh, sure. I was a lieutenant commander. I was making around \$700 a month, with flight pay. And the included family support and all the rest. We saved quite a bit.

DOUGLASS: Then you had the GI bill then, too?

WINTON: Yes. But I got very little on the GI bill because I was only going part time. I wasn't taking a full load.

DOUGLASS: Yes. This was San Francisco Law School again?

WINTON: And while I was on terminal leave, I got promoted to commander. So I got some back pay for that. So that helped.

DOUGLASS: So then you were a full-time student for that year?

WINTON: No. I got a job with an insurance adjuster, and I worked as a part-time insurance adjuster for an independent insurance adjuster. Whatever jobs he gave, and if I thought I had too heavy a load, I'd tell him. And he'd back off.

DOUGLASS: In law school, was there a particular part of law you were interested in? Were you going to specialize?

WINTON: No. In those days, 1945-46, in these small

towns in the valley, it was pretty much general practice.

DOUGLASS: So what was your goal at that point?

WINTON: Well, I just wanted to get back to Merced County and practice law and make some money.

DOUGLASS: And your wife was from where originally?

WINTON: San Bruno.

DOUGLASS: So how did she feel about that? [Laughter]

WINTON: Well, her family wanted us to stay in San Bruno; but I looked at San Bruno, and I didn't see an awful lot of prospect for it. San Mateo, yes, it's a county seat. Before I got out of law school, a law partnership in Merced contacted me and said that they had a job for me. So I came back and went in with them. I graduated in June of 1946 and came down to Merced in June of '46 and bought a house in August of '46--and we still live in the house.

DOUGLASS: That sounds like a good decision. How old was this law firm you went into then? What was the name of the firm?

WINTON: Adams and Griswold. I think there was a governor of Nebraska by the name of Griswold at one time.

DOUGLASS: And how old a firm were they? And, also, what were your contacts? How did you happen to go into that firm?

WINTON: Well, in the first place, Mr. [Hugh] Griswold

was city attorney of Livingston, and he and my dad had worked together. And Claude Adams, at the time, was district attorney. And Griswold had been in practice in Merced since the twenties. He came there as a deputy district attorney, and then went into private practice.

DOUGLASS: So they were general law practice?

WINTON: General law practice.

DOUGLASS: And how big would Merced have been at about that time?

WINTON: I think, in '46, it was about 12,000 population.

DOUGLASS: That small, it's a nice size. What were your first duties there?

WINTON: [Laughter] A gopher and anything that the other partners didn't want to do.

DOUGLASS: So you were all over the map, in terms of the kinds of cases you handled?

WINTON: In those days, there was no public defender in the county. And there were only about thirty attorneys in the whole county. So the two superior court judges went right down the list and assigned for us. So I got about ten percent of all the public defender cases because if they assigned it to Mr. Adams or Mr. Griswold or me, I did it.

DOUGLASS: Yes. But that's how most young attorneys start out, don't they? They learn a lot very quickly.

Was that the beginning of your interest in criminal procedures in the legislature?

WINTON: [Pause] Probably. Although I did not seek ever to be put on the Criminal Procedure Committee. It gave me a background. I had office hours in Livingston. My father had a back room in his office.

DOUGLASS: So how big was Livingston at the time?

WINTON: Oh, 1,500-1,800.

DOUGLASS: And it was how many miles from Merced?

WINTON: Fourteen miles.

DOUGLASS: So the firm had its outreach into Livingston through you?

WINTON: Yes. My dad never charged me rent for using the back room.

DOUGLASS: I'll bet he loved to have you there.

WINTON: I think I hadn't been home two months when he got me into Rotary. He was the secretary, the past president of the Rotary Club. They didn't have any attorney in Livingston, and they met on Fridays. So I'd go to Livingston on Friday for Rotary lunch and then hold office hours from one to five in the back of his office. But I didn't keep that up very long because I soon found out that if their business wasn't important enough for them to go to Turlock, which is ten miles the other way, or to Merced, to see a lawyer, it

wasn't important enough for me to handle in Livingston.

DOUGLASS: So you didn't really do a lot there?

WINTON: No. But I met a lot of friends.

## II. RUNNING FOR ELECTED OFFICE

### Merced City School Board (1951-1955)

DOUGLASS: When did you get this urge to run for the school board in Merced?

WINTON: That's funny. That is a story. Our children were there. My wife had been very active in PTA [Parent-Teacher Association]. One year, she arranged to have one of these traveling theaters for children come in, and the PTA was going to sponsor it. No charge to the children. She got the high school auditorium for them to put it on. And she had gone over and talked to the superintendent, whose name was [ ? ] Max Smith, and told him about it and got his "okay" before the PTA went ahead. And, you know, PTA does things so far in advance. They made me program chairman one year, for one of the PTAs, and they wanted me to give them a list of all the programs for the year in September so they could put it in the yearbook. And I said, "I can't do that. I want topical programs that people will be interested in." So they put all of them, "To Be Announced."

But, anyway, she had done it according to Hoyle. So about a month before they were to come, she went back to check with Mr. Smith and see if they could get the school to furnish the transportation from the elementary schools. He said, "Well, I can't let the children out of the schools." And she said, "You can't let the children out of school! Why we arranged this six months ago." And she came home so mad. He finally let them go.

There were two members of the board whose terms were to expire shortly after that, and a couple of friends of mine who were interested in education, as I was, we got together and said, "It doesn't look like they are going to run for reelection. We ought to get some people to run." And we had never had a woman on the board. So we said, "We ought to get a woman to run. How about your wife?" I said, "Sure. I'll talk to her." [Laughter] Well, the long story is she talked faster than I did, and I ran and she didn't. [Laughter] So that's how I happened to run for the school board.

DOUGLASS: That's very interesting, though. Because, often, as you know, young lawyers will run for public office to get their names in the media. Your really weren't thinking of that?

WINTON: No.

DOUGLASS: Was it fun running? Was it a lively campaign?

WINTON: Well, what happened. Up to that time, the superintendent had always picked the candidates for the school board. He picked them, and it was his board. So he talked one of the people who said he wasn't going to run, to run for the board again. And the other guy was the one he had picked to succeed the other one that wasn't returning. And I was the sore thumb.

DOUGLASS: So there were two openings and three running?

WINTON: There were two openings and three running, one incumbent. The two non-incumbents won, and I got the highest number of votes. I got on the board. The agenda was all laid out. We met once a month, never longer than two hours. We had a school district that was in the process of building five new schools. We had about 4,500 ADA [Average Daily Attendance], maybe less than that.

Well, I got on the board, and he had on the agenda the action we were to take--approve, or whatever. It was right on the agenda. And that sort of disturbed me.

DOUGLASS: It didn't disturb the others too much, I gather?

WINTON: Well, a couple of them. I can remember, we had the United Airlines station manager for Merced. They flew into Merced then, they don't any more. [Joseph] Joe Dunham. And Joe was pretty good on

fiscal matters, and a lot of these suppliers offered 10 percent discount if they paid by the 10th. And we weren't taking any of that. I remember Joe jumping on that. I got upset because I wanted to discuss some of these things. No just a matter of rote.

I remember, I had a very good friend by the name of [Daniel T.] Dan Dawson. Dan had worked in the Merced County's schools' office. He had gone over to Stanford to get his doctorate in education and kept a friendship with me. And one time, we had all these schools. We had three people in the central office; we had the superintendent and two secretaries. The superintendent arranged the bus schedules, hired and fired all the custodians, bus drivers, hired and fired all the teachers.

Dan said to me one time, "You know, you really ought to have an assistant superintendent for business. He can handle a lot of those details. You know, we have a program at Stanford where they get their master's of education and master's of business in a combined program." And he said, "You could hire one of those people for about \$6,000 a year." So I brought it up one night. And Mr. Smith just went through the ceiling. I was trying to

undercut his authority. I was trying to get somebody in who we would have take over as superintendent. He was one of the old, autocratic school superintendents. I mean autocratic.

DOUGLASS: What was his educational level? Did he have a master's degree in school administration?

WINTON: Yes. He didn't have a doctorate. I think he had a master's, I don't remember. But he'd been there since the year "one."

Another time, we had put \$600 in the budget for musical instruments, to loan to kids that didn't have the money. And the bill came in for five hundred and some dollars for one bass clarinet. And I just got mad as the dickens. I said, "Those things you could buy, a trumpet or a clarinet, cheap ones, for \$25, that kids could learn on. Instead of getting, you know, like twenty instruments." Merced High School always had a good school band. They used to take sweepstakes at the Long Beach band review. I said, "Does the high school have a bass clarinet?" "No." And so Smith got very unhappy at me at that.

I was elected to the school board in April or May of 1951. In 1954, the senate race came up, which we will talk about later. But I had run for the senate, and I decided I didn't want

to serve on the board any more. Incidentally, one thing that happened when we were on the board. . . . All five members came from a six-block area within the city. All five members. And our board chairman, John Fleutsch, who had served quite awhile, had a heart attack, a rather serious one, and resigned. The rest of us got together and said, "We have got to have somebody from the other side of the tracks." So we appointed the first woman to the board, and also she was black. She was just a great gal.

During that time, we hired our first black teacher, two of them, and we also hired our first Oriental teacher. I remember we just had this one black teacher, who had tremendous credentials, and everybody said she was a great teacher. She finally left Merced two or three years later because there were no eligible black men in Merced. All the men in Merced were, she thought, farm laborers.

Anyway, she [the black school board member], Sarah Brown, was going off at the same time I did, because we had appointed her for the rest of Fleutsch's term. She ran for the city council and got elected. So that meant that there were going to be two new people.

DOUGLASS: So yours would be a vacancy because you had

finished your four-year term.

WINTON: Yes. And hers would be a vacancy too. In 1951, when I was first elected, along towards this time of year, just before Thanksgiving, three of us were talking and said, "We really ought to take a look at Mr. Smith's contract." Because it was up the next year. Merced was a city school district, not unified, but a city school district.

DOUGLASS: It was not a unified school district?

WINTON: No. It still isn't unified. It was a city school district.

DOUGLASS: So what board were you on? The elementary district?

WINTON: Elementary. The Merced City School Board.

DOUGLASS: Was he superintendent of just elementary?

WINTON: Yes. So we decided we ought to talk about renewing his contract. It was pretty close to Thanksgiving, and we said, "Well, let's wait until after the holidays." At our meeting in January, he came in and thanked us for renewing his contract for another four years. Because at that time, the law provided that if you didn't notify a city or unified [school district] superintendent by December 31st, he had automatically a contract on the same terms and conditions for another four years.

DOUGLASS: I think that, in another version, still exists.

WINTON: I thought they had corrected that.

DOUGLASS: I think they have to notify well ahead of time.

WINTON: Well, I think you have to notify before December 31st, but they only get it for another year, not another four years.

DOUGLASS: Yes.

WINTON: He thanked us for another four years.

DOUGLASS: My, you were charmed, I'll bet.

WINTON: But then I made the motion to raise his salary. And I'll tell you why. Because I felt it wasn't the man, it was the position, and we were not paying what a superintendent should get. And he should get a raise whether we might have fired him or not.

So, anyway, when these two new members of the board were coming on, I got a hold of them. I said, "Look, if you are going to do anything about Mr. Smith," and one of them campaigned on the grounds that he was going to get a new superintendent, "you've got to notify him by December 31st." So they told Mr. Smith that they were not going to renew his contract. The board got together and decided that. So then he pleaded with them that he only needed two more years to get full retirement and wouldn't they give him two years. Well, the way the law read, you had to give him four years or nothing.

Well, one of them was smart enough to write to the State Teacher's Retirement Board and found out he was already old enough to get his full retirement. He was prevaricating to the tune of two years. And that was the end of Mr. Smith.

I only give you that because it was a background. It was a very interesting four years. Let's put it that way.

DOUGLASS: There were a lot of things you could use later in the legislature, in terms of your knowledge. Tell me why you decided to run for the state senate, since you had gotten your feet wet in the school board.

Running for State Senate (1954)

WINTON: Well, actually, why I ran for the state senate. I was State Commander of the Veterans of Foreign Wars, that was in 1953-54. And George Hatfield, former lieutenant governor, was our state senator from Merced County, and he died in 1953, late in the year. And I remember I was making a visit as state commander to the veterans' home in Yountville, the only state veterans' home there is. And I got a call from one of my very good VFW friends in Merced who said, "George Hatfield died. Why don't you run for the state senate?" I said, "Well, let me think about it. I will be home in a couple of days, and we'll talk about it."

The county board of supervisors asked the governor not to call a special election, because it was coming up in June of 1954. That was late '53 he died. And I got home, and I decided to run.

DOUGLASS: We also have to bear in mind that this was the old days when there was the budget year, the pressure year. That would have been a budget year.

WINTON: Yes, 1954 is a budget year, because that was the election year, and that was always the budget year. So I got home and decided to file. And so did [James A.] Jim Cobey, who was the water expert in C. Ray Robinson's law office. (He just retired about a year or two ago as an appellate court judge in Los Angeles. And he is now a professor of law at Southwestern Law School in Los Angeles.)

Well, I decided to run, and the fellow who had been more or less my role model when I was young, Don C. Mayes, decided to run as a Democrat. A former mayor of Merced by the name of Kenneth [E.] Morley (whose uncle was a fellow by the name of Andrew Shottky who at one time been senator from Merced) decided [to run]. An old, old, family. [Milton M.] Milt Reiman, who was a turkey rancher, but had been a school

teacher and gotten into turkey ranching because he married a rancher's daughter, [ran]. (But he became very wealthy because he had developed what was called the bronze broadbreasted turkey, and he made a lot of money selling eggs and poults, rather than selling the meat birds.) And Dean [S.] Leshner, who was owner of the Merced SunStar. [Governor C. George] Deukmejian just appointed, or reappointed him, to the State College Board of Trustees. He decided to run.

So we had three Republicans and three Democrats, and you had cross-filing. And, as I recall, I ran second on Democratic ticket and second on the Republican ticket. You would have to check this, but I think I got more votes than anybody else but didn't win either ticket.

DOUGLASS: Who won the Republican ticket?

WINTON: This is the turkey rancher by the name of Milt Reiman. And Cobey won the Democratic ticket. And I learned one lesson in politics there. When the primary came, I was commander of the VFW [Veterans of Foreign Wars] until July 1st, and so I didn't have too much time to campaign. I spent most of the time in Madera and Merced Counties in the heavily populated areas. I did get around in the country, but Madera County, about half of it is up in the foothills of the Sierras. In fact, it goes clear to the crest of

the Sierras. It adjoins Inyo County--Mammoth is just on the other side of Madera County.

Well, I didn't get up in that mountain country. I learned that the people in those rural areas want to see the candidate. I went to bed about three o'clock election night, thinking I had won the Democratic nomination. They had not driven down. . . . Well, up in the mountains, sometimes they went to bed and slept and didn't bring in the ballots to the county office until the next morning. I think I lost by 288 votes on the Democratic ticket. So that was the end that.

DOUGLASS: You are talking about the senatorial district now?

WINTON: It was identical--the assembly and senatorial districts are identical. Both Merced and Madera Counties. That was before "one man, one vote," when the law provided you could have no more than one [senator] per county and no more than three [counties] in a senatorial district.<sup>1</sup>

Running for State Assembly (1956)

But, two years later, our assemblyman was a man by the name of George A. Clarke. George was an interesting character in California history. He was first elected to the California Assembly

1. The 1926 "federal plan."

in 1912, from Inyo County. He served one term and then ran for the board of supervisors over there. Then, when the Los Angeles Department of Water and Power started moving up that way, he decided that maybe he could do more to keep L.A. out of the Owens Valley by being an assemblyman. So he ran for the assembly again in 1922 and served two years. And then the battle was lost. So he moved his family over to the valley. In fact, there are a lot of people in Merced that came from the Owens Valley.

And, in 1938, I don't know how they talked him into running for the assembly, but he ran for the assembly in 1938 from Merced County. And he served until the end of 1956. So his first service in the assembly was in 1913, and his last service was 1956. With two long breaks. He was eighty-four years old when he retired.

In cross-filing days. . . . I liked George, and I always circulated his Democratic petition, because you had to have a member of that party circulate the petition. So, it was along in the early part of '56, I'm sure that it was after Christmas, but you didn't have all these early deadlines like they have now. At that time I was attorney for the Merced County Mosquito Abatement District, which was just a part-time deal, and one of the members of

the board of trustees was a fellow by the name of Will Wyre.

Will had been a very successful contractor in Los Angeles County. His wife's family owned property in Merced, and he'd retired and come up to Merced; and he was on board of directors, appointed by the board of supervisors. He was chairman that year of a little farm center by the name of Planada-Tuttle Farm Center, and I was a member, as a lawyer--that's one thing, I didn't run for office to get my name out, but I joined a lot of things--I was a member of the Planada-Tuttle Farm Bureau Center.

Will Wyre was chairman, and he called me-- maybe it was November, because it seems to me it was around Thanksgiving time--and said, "We're having a potluck. You know, George Clarke's a member, he's from Planada, and he is going to give his report on what happened in legislature this session. And then he is going to announce he isn't going to run again." And he said, "Why don't you be there in the audience. And I'll ask you, 'Why don't you run, Gordon?'" And they were both Republicans. [Laughter]

DOUGLASS: That's interesting. That was this bipartisan view that we were talking about.

WINTON: So we went. It was a potluck dinner. George

gave his report on what he thought had happened in the legislature that year, and then he announced he wasn't going to run again. He was eighty-four years old, and he thought he had served enough. And he had a gimpy leg. He had to walk with one crutch. So Will Wyre said, "Well, you know, we have had a member of this Farm Center as our assemblyman for the last eighteen years." And he sort of hesitated. He says, "Gordon, you ran two years ago for senate. How about running for assembly this time?" I said, "Well, yeah, it sounds like a good idea." [Laughter] And George Clarke was the honorary chairman of my campaign.

DOUGLASS: And I gather he was well thought of.

WINTON: Oh, yeah, very well thought of. In eighteen years, I think he had opposition once, and that was on the Republican ticket.

DOUGLASS: So the first experience of running and losing didn't really discourage you very much?

WINTON: Well, I learned a lot of things. First thing, that was just a primary I lost in. But I had a total of \$900 to spend for my campaign, and \$100 of that was unexpected. [Joseph] Joe Gallo, the younger brother of Ernest and Julio Gallo, lived in Livingston. He got a hold of me one day, and he said, "We are going to contribute \$100 to your campaign." I said, "That's great, Joe." I

spent it. [Laughter] And I never got it. So that came out of my pocket.

DOUGLASS: Oh, you never got it.

WINTON: No. I don't know what happened, but I didn't call him. But, in 1956, an interesting thing happened. My opponent in 1956 was the same Don C. Mayes that had run for senate and had been my role model. But the funny thing about him, I didn't mention this, in the campaign for senate, both Senator Cobey, his wife, and my wife were both registered Republicans. So Mayes would get up and say, "Well, I'm the only real Democrat. Here, these other two have Republican wives. They're wolves in sheep's clothing."

To come back to 1956, on the last day (you can't do it now), but on the day before on Thursday--filing closed on Friday--he went in to the county clerk, changed his registration from Democrat to Republican, and filed against me as a Republican. He beat me with cross-filing. He beat me on the Republican ticket by about eighty votes in the primary, and I just massacred him in the general election.

DOUGLASS: Yes. You almost had it in the primary. On the Democratic ticket in the primary . . .

WINTON: Nobody.

DOUGLASS: Were you it?

WINTON: I was it. No opposition.

DOUGLASS: So with the backing of Clarke. . . .

WINTON: Yes, Republican, and all the Democrats. I know this isn't in good sequence, but I was active in politics from the time I got there in the law office. In 1948, when Earl Warren ran for governor, I was Earl Warren's Democratic campaign chairman for Merced County. And he won in the primary that year. He beat [James A.] Jimmie Roosevelt in the primary with cross-filing. In 1946, I had been campaign chairman for a candidate, a fellow who back in the thirties had been a Democratic assemblyman from Merced County. [Laughter] I was his campaign manager for county coroner. He was running for coroner.

DOUGLASS: So you were really well-known, you and your family.

WINTON: Oh, yes. And when I ran for senate, we had a big meeting of all six senate candidates in Los Banos one night. I got up and said, "You know, I really don't know how to tell about myself because it sounds like I'm tooting my own horn. But I have something here I would like to read to you, because I didn't say it. I was written by somebody else. It is an editorial from the Merced SunStar on such-and-such a date." And I read it. It was just after I had finished as State Commander of the VFW. The editor of the

SunStar, the local daily paper that Dean Lesher owned (who was one of the guys running), had written a glowing editorial, saying I ought to go on to higher things, and so on. So I read it. And Dean Lesher was so mad. He almost fired the editor that wrote that over it. And his wife, who had a delightful sense of humor at times, she thought it was funny.

DOUGLASS: Were there were any statewide issues that had effect on your campaign? It sounds like you had it pretty easily in the bag.

WINTON: Not in 1954 or '56. There really weren't any. I can't remember any.

DOUGLASS: You don't remember being nailed because you were a Democrat to any particular candidate statewide?

WINTON: No. Because in those days, Merced and Madera Counties were pretty heavily Democratic. They were southern Democrats. A lot of them had come here from the Dust Bowl in the early thirties. They were from Oklahoma, Arkansas, Texas. Conservative Democrats, very conservative.

I have forgotten to mention one other thing. I was county campaign chairman for Helen Gahagan Douglas when she ran for the U.S. Senate in 1950. And that is when I got so mad at [Richard M.] Nixon that I couldn't abide him

because he had his people calling up and saying, "Do you know Helen Gahagan Douglas is Communist." Bing. She was a delightful person.

DOUGLASS: Yes, I met her. I was head of the Campus Forum at the [Claremont] Colleges, and we had her out to speak. We went to her house to pick her up.

WINTON: Good. She came into Merced on a helicopter, one of the first helicopters that ever came to Merced, and landed in a parking lot. But when I was in college, I had gone to San Francisco and I saw her in a musical.

DOUGLASS: How did you happen to be her campaign manager in the county?

WINTON: Oh, I don't know who asked me. Somebody asked me if I would do it, and I said, "Sure."

DOUGLASS: All this time you were active in the party.

WINTON: I had been for Warren two years before.

[Laughter]

Part-time Legislator and Law Practice

DOUGLASS: What was your game plan for making a living, as you entered the assembly?

WINTON: I had a law practice. In fact, there wasn't a year out of the ten that I was in the assembly that I didn't make a lot more money out of the law practice.

DOUGLASS: So with the nature of the legislature being part time, you were able to do this. And you said the physical proximity helped.

WINTON: Yes. Very often I would drive back to Merced on Wednesdays and have office hours in the evening on Wednesdays. I had office hours on Saturdays when the legislature was in session. But, in those days, the legislature met five days a week and sometimes on Saturdays, and I think twice while I was there we met on Sunday, to get the business done. We had 120 calendar days to the general session.

DOUGLASS: This was a pretty typical story, particularly for professional people, wasn't it, the way you handled it?

WINTON: Yes.

DOUGLASS: And it was easier for you, maybe, because you were a little closer. But, still, that's a fair drive.

WINTON: Oh, in those days, it was two and a half hours. Then, when they got up to sixty-five or seventy [miles per hour], it was only an hour and a half. And now it is two hours again, or two hours and fifteen minutes, at fifty-five miles an hour.

DOUGLASS: So that worked for you. It wasn't a terrible hardship, but it was a lot of hard work.

WINTON: It brought some business in to the office. By that time, I had left Mr. Griswold's office. I left Griswold's office in '51, after I got elected junior vice-commander of the VFW, the

end of that year. In '51, he and his wife went to Europe for three months. Mr. Adams had died. I was the only one left in the office. And, to put it very bluntly, I worked my butt off. And he got 60 percent of the income, and I got 40 percent. He had investments, he owned stock and he owned some farm property, and he wasn't too interested in how much income there was. Just as long as there was some. And I had used up all the savings I had in the war and everything else by then.

So I went in to see him when he got back. I went through the books. One night I was down there working. So I tallied for the whole year, and either it was his business and I had done the work, or it was my business and I had done the work on about 80 percent of the fees we had developed that year. And I went in and I said, "Mr. Griswold, there has just got to be a change in this. I just can't make it." And this was before I ever thought of running for the legislature. He said he just couldn't see it. I had to wait a few years. And I said, "Well, I'm sorry. January 1st, I'm opening my own office." We had an entry way, and he had an office on that side and I had an office on the other side. We just divided the office in half,

and I stayed where I was and he stayed where he was.

DOUGLASS: What did you call your new firm?

WINTON: I just called it the law office of Gordon H. Winton. I don't know whether I used "junior" not. I probably did because my dad was still alive. And I took my secretary with me. Griswold pinch-pennied. He never wanted to spend anything.

So the first thing I said to my secretary was, "Helen [Wright], I would like to give you a raise, right off the first year, but I can't." Incidentally, she was a gal who graduated in the same class I did at Cal, but I didn't know her. She was a French major at Cal. But, anyway, she had rather elderly parents. I said, "We are not going to open our office on Saturday." I was the first law office in Merced County that didn't open on Saturday. She got the same salary and only worked five days instead of five and a half.

And, Mr. Griswold, when I wasn't around, he would have his secretary come over around the door and find out if I wasn't there. He'd come over. Helen's father had been a school board member for years, he was secretary of the Masonic Lodge, he had been on the city council, very well-known. Charlie Wright. Everybody

loved him. Griswold was a good friend of Charlie's. And he would come over to Helen and say, "I hope Mr. Winton is making enough money so he can pay you." And I made more money the first month I was on my own, than I ever did.

DOUGLASS: This was 1952?

WINTON: This was '52, I opened my own law office.

DOUGLASS: And this was before you had had all this public exposure.

WINTON: That's right. But it was funny how many of the clients had originally been Mr. Griswold's.

[End of Tape 1, Side B]

[Begin Tape 2, Side A]

Law Partners

WINTON: A cousin of mine, a Stoddard, one of my mother's cousins, inherited the property where my great-grandfather's home had been. And it's only a block from the courthouse, and he decided to put in an office building there. I had probated his father's estate. His father was a very good businessman. He came around and wanted to know if I didn't want a law office there. So, by that time I had a partner, whose name was [Leon] Edlefsen.

DOUGLASS: Was it Winton and Edlefsen?

WINTON: Winton and Edlefsen, at that time. And, so we more or less designed our own offices. And he

built an office building on the property where my great-grandfather's home had been.

DOUGLASS: Did the nature of your practice change? Was it still general, or did you begin to have more specialization?

WINTON: I began to have more specialization as I got Mr. Edlefsen in there with me. Later, we took another attorney in by the name of George Murphy. Both of them had been in Merced for a while. They both worked for a rather prominent attorney by the name of C. Ray Robinson; but wanted out. And so Edlefsen came with me first, and then Murphy came with me. Edlefsen's background, he had been an accountant before he got his law degree, and we became, on contract, the Merced County Counsel.

Although, I was still in the legislature at the time, I could not be paid as as the assistant county counsel, because there is a conflict of jobs. But I remember, I used to write all the opinions on education, and I would give them to Murphy, and he would sign them. And he would say, "Are you sure this is right?" And I would say, "Yes."

But things were so different then. I can remember a question I used to get fairly often. At lot of small school districts, in Merced County. So-and-so was on the school board,

"Could they hire his wife as a cafeteria employee, or "could they hire the husband as a bus driver," and so on. In those days, it was absolutely forbidden, a conflict of interest. Now, they have gotten around that.

DOUGLASS: Because of the whole equal rights approach.

WINTON: Yes. But there were opinions like that which didn't take an awful lot of research.

DOUGLASS: So the kinds of things you had expertise in from your legislative experience began to skew the practice.

WINTON: Yes. But then I got mostly into probate, because I was the oldest of the three and I had family connections going way back. So friends of my mother's and grandparents were dying, and if they hadn't had a family attorney, they quite often came to me.

DOUGLASS: What about agriculture? Did you ever get into that from a legal standpoint?

WINTON: Yes. Mostly, it was drafting leases and really. . . . [Laughter] One deal I had (and I'm not going to mention the names here, but you'll see why), it was an agricultural co-op [cooperative] that had sold fruit to a broker in New York City. The broker in New York City claimed the car had broken down before it got there and wouldn't pay. So we corresponded with the

lawyer of the railroad, and the railroad swore up and down that it hadn't [broken down]. So we were all involved in this, and I arranged a combination business trip and vacation to New York City for my wife and I. Well, about four days before we were to make the trip, we got a settlement offer, which we accepted. But my wife and I went back, and I was very honest. I only charged my portion. I didn't charge hers. But I did meet them, and we drafted the settlement agreement that we had talked about on the telephone. And we did do that when I was there. [Laughter] That was one of the few agricultural cases I handled.

But, I got mostly into probate law. And I finally dropped out of law practice entirely in 1968. I had had a heart attack in December of '67, and I dropped out. By that time, I was lobbying, and I figured I couldn't spend my time lobbying in Sacramento and run back to Merced and handle law cases at the same time. So my partner and I made a deal that we take my salary as a lobbyist and deduct that from the net income of the office. And then we would split above that. Because it was still my name, and I was still at the office.

So that worked out. In fact, when I was an assemblyman, that was my arrangement with

Edlefsen and Murphy--that we took the \$6,000 a year that I got as an assemblyman and credited it to me, and then they took \$6,000 each out of the business, and then we split.

DOUGLASS: So is that still the name of the law firm?

WINTON: No. Later. . . .

DOUGLASS: But at the time you took the lobbying job, that was the name of the firm?

WINTON: It was still. . . . Edlefsen dropped out, very interestingly.

DOUGLASS: When would that have been? While you were in legislature?

WINTON: Yes. What happened. Edlefsen was raised as a Mormon. He had been actually a bishop of the Mormon Church in Richmond, California, and done his missionary work by going back to Salt Lake City and serving as a bookkeeper for the Zion Enterprises, the Mormon business enterprises. So he came to Merced, and when he was in C. Ray Robinson's office, he became very friendly with some people of the Catholic faith.

Well, to make a long story short, he converted to Catholicism--his whole family converted, seven kids and Leon Edlefsen and his wife. And then, he really got the religious zeal. Left the law practice, went to the University of San Francisco in San Francisco,

took thirty-two units in one year and became what they called a lay practitioner. From there he went to San Diego and became the attorney for the Bishop of San Diego. And he left because of his religious conversion.

DOUGLASS: And Murphy was in the firm at that time?

WINTON: Yes. And Murphy stayed with me then, and he left in '65. He was exasperated with the law. George said, "How can I advise clients when I give them advice on what the law is and what a course of conduct should be, and then the courts change the law two weeks later." And then the other thing that irritated him was the fact that people would come in and ask for his opinion on something. He would give them an opinion, and then they would want to argue with him that they didn't want to do it that way. So he was wrong.

And so [he] had a chance. . . . He took the civil service examination for hearing officer for the Industrial Accident Commission, and they were paid the same salaries as superior court judges. He passed it and got appointed, and he only had to work five days a week, eight hours a day, and no worry about whether the clients were going to pay their bills.

DOUGLASS: So, in '66 then, it was back to you?

WINTON: Well, I took in another young attorney by the name of William Minor. He had been practicing in Porterville, and he came in to see me one day shortly after George told me he was leaving. His family owned 300-400 acres of farmland out of Merced. And he wanted to come back and live on the farmland, build a home, and wondered if there would be an opportunity. So we worked it out. And he was partner then from--that was '65--and then we really only practiced together until the first part of '68, when I had my heart attack. Then he ran the office. I kept my name there, and I had some income from it.

Lobbyist

DOUGLASS: And you became the lobbyist for the California Association of School Administrators. And that was a full-time position?

WINTON: Well, I didn't think it was at first, but it was.

DOUGLASS: Did you live at all in Sacramento when you did that? Or did you still commute?

WINTON: No. I've always had either an apartment or a motel room up there. My wife and children didn't really want to move to Sacramento, they never wanted to. Agnes [Mrs. Winton] was not enamored with the Sacramento scene. And she had her friends at home.

DOUGLASS: One thing I was interested in was. . . . Did

you ever think you would like to become a judge?

WINTON: I was offered it and turned it down.

DOUGLASS: Really. While you were in the assembly?

WINTON: After I was defeated, in '66, I was defeated in November of '66. We had two judges in Merced County then, and one of them's name is Gregory Maushart. And Greg called me in and said, "Gordon, what are you going do?" I said, "Well, I don't know." I hadn't taken the job lobbying then. "Going back to practicing law full-time, I guess, Greg." He says, "You know I'm old enough to retire. I'll tell [Governor Edmund G.] Pat Brown," because Pat still had until January 1st, "that I'll give him my letter of resignation if he'll appoint you in my place." And I'm sure Pat would do it. He was a good friend of mine. I said, "Greg, no." At that time, superior court judges were only getting \$22,000 a year. The salary wasn't that attractive. And I don't think. . . . I'm not a sedentary person. I didn't think I could sit up there all day and listen to other person's troubles without it driving me up the wall.

DOUGLASS: Do you think your legislative experience probably made it even harder--you had been in a more action-oriented environment?

WINTON: I didn't even think of that.

DOUGLASS: But, in retrospect. In other words, if that offer had come earlier--you were very young--say, before you had had the experience in the assembly, do you think you would have looked at it the same way?

WINTON: I don't know. I really didn't want to be a judge, ever. Of course, now I wish I had, because judges are now making \$70,000 a year in their retirement. I could have tacked it to my legislative retirement and I'd probably be getting \$50,000 or \$60,000 a year retirement, instead of. . . . What do I get? I get about \$12,000 a year.

DOUGLASS: But then it wasn't what you wanted to do?

WINTON: I didn't want to do it.

Nature of Assembly District

DOUGLASS: Let's get to this last point. You have said a little bit about the district. But I was interested in the makeup of your district when you went into office in '56 and then after reapportionment in 1960.

WINTON: It didn't change. Wait a minute. Yes, it did. They added San Benito County to the district. That was in '62. I ran in San Benito in '62 and '64. No, they didn't finish reapportionment until '64, which was the first election. So I ran in San Benito--no, I was elected in San Benito twice, I think, '62 and '64.

DOUGLASS: Yes, it would be '62, '64.

WINTON: But San Benito County had a total population of 20,000. Merced County, at that time, was about 120,000 in the county, and Madera County, I think, was about 80,000. Maybe I am a little high on that.

DOUGLASS: So that was Madera and Merced, and then San Benito Counties.

WINTON: Yes.

DOUGLASS: You said the senatorial district was contiguous--did it stay?

WINTON: No. It stayed. It stayed Merced and Madera Counties. Never changed.

DOUGLASS: And no San Benito.

WINTON: No San Benito.

DOUGLASS: So that wasn't any kind of a drastic change for you at all.

WINTON: No.

DOUGLASS: Well, tell me about the makeup of that. I guess it stayed essentially the same. But how much rural? How much urban? I think you commented that Merced was by far the biggest city. How did it stack up?

WINTON: It was rural. I mean, Merced all through that time. Merced, they just did a new census, is about 50,000. That's the urban area around Merced. That isn't the city limits. It

includes everything. But this is for federal grants. If it is over 50,000, they get more money for hospitals and so on.

But Merced is still largely agricultural, because the enterprises are agricultural-connected, principally. They have a few industries, like they have a big printing plant. Actually, right now, the largest industry in Merced County is Castle Air Force Base--20,000 officers and men out there, plus all the civilian employees.

DOUGLASS: Both in terms of your service in the legislature, the committee service, the kind of legislation you were interested in, and the actual politicking part, dealing with these people, were you dealing with people who were agricultural groups? Were you dealing with the growers?

WINTON: Yes. I dealt with the growers. We had all sorts, but I can remember, there were the sweet potato growers. I carried a couple of bills for milk producers. I dealt with the milk producers almost every session, because they always had controversial legislation.

DOUGLASS: So these were the farm products--sweet potatoes, dairy . . .

WINTON: Grapes, wine. I got in trouble on a couple of cotton bills. Not with my people, but on a

statewide basis.

DOUGLASS: But you had to respond to these groups.

WINTON: Oh, yes. I had no problem. And I think I can honestly say that people didn't distinguish me as a Democrat or a Republican particularly. And I certainly didn't look to see what a person's registration was. It depended upon their sincerity and their need.

I had a Republican run against me in 1960.<sup>1</sup> He didn't file--well, he did--this is a funny thing. He was from Madera. Erma Chevront was county clerk of Madera. Just before filing closed, she called me, and said, (and she was a Republican, county clerk) "I had a man come in, and he wanted to file on the Republican ticket against you, but he had already filed for the Republican County Central Committee." Actually, you can't do both, and you've got to stick by the one you did first. She said, "I just want you to know it in case you hear any repercussions."

So then he ran as a write-in, and I think I might have challenged him. I guess he resigned from the central committee. But he ran as a write-in on the Republican ticket, and I ran as

1. Maurice C. Barcus.

a write-in too on the Republican ticket. Well, I ran on the Republican ticket as a write-in every time. There wasn't any cross-filing.

DOUGLASS: Oh, you did it as a write-in.

WINTON: Yes, I ran as a Republican write-in. And he beat me, though. And then, in sixty . . .

DOUGLASS: Did he get the Republican nomination?

WINTON: Yes. He got the Republican nomination on a write-in in '60.

DOUGLASS: On a write-in [in disbelief]. How amazing.

WINTON: Well, I got the Republican nomination in '62 and '64 on write-ins. Of course, nobody ran against me those two times, on either ticket.

DOUGLASS: In that decade, did the agri-business phenomenon start in your county? Large operators.

WINTON: To a certain extent on the west side. But that's the west side of the San Joaquin River, Los Banos, Dos Palos, that area.

DOUGLASS: What kind of growing would that be?

WINTON: Well, melons, cotton. Those two crops particularly.

DOUGLASS: Other than that, were you dealing with individual . . .

WINTON: Still, even the agri-business I am talking about were family-controlled. They were not corporate.

DOUGLASS: It was the size of the operation.

WINTON: Yes.

DOUGLASS: It was a pretty prosperous area, wasn't it?

WINTON: Well, it all depends on when. [Laughter]  
DOUGLASS: In that decade?  
WINTON: Oh, yes. It was.  
DOUGLASS: Of course, the postwar tide was still going,  
wasn't it?

Japanese Community: War Claims

WINTON: I want to tell you something I like to tell. It may not be important. But, in 1956, when I ran for the assembly, I think I spent \$1,800 on my campaign that year, primary and general put together. I grew up in Livingston. In Livingston, there is a fairly sizable Japanese community, founded in 1905 or '07. A lot of these kids, I went to school with. About a third of my classmates in grade school were Japanese. In 1956, two Japanese young men (both younger than I was) came into my office, and they had an envelope with eight hundred and some dollars in it that they collected from the Japanese community. A dollar, some people; two dollars, five dollars, ten dollars. That was the single, biggest contribution to my campaign in 1956.

I had represented, as a lawyer, the Japanese community of Merced County, about 100 different families. In 1948, '49, '50, along in there, they had evacuation claims. The congress

passed a law allowing the people who had been evacuated to file for claims. And I represented, with one or two exceptions, all the Japanese families in . . .

DOUGLASS: How did that happen? Because you had grown up with these people?

WINTON: Partly. But when these families were evacuated--they did better, I think, than the Japanese did anywhere else in the state--they worked in three different farm cooperatives. There is one that is called the Cortez Berry Growers Association, the Livingston Farmers Association, and the Livingston Fruit Exchange. And they found out very shortly, two weeks, thirty days at the most, that they were going to be evacuated. They decided that they had to do something.

This Mr. Griswold, whom I later went into law practice with, was one of the instigators. They signed over powers of attorney to three trustees. One of them was my father, and a federal land bank manager who had retired, by the name of Mr. [Cyrus] Stringer, and Mr. Griswold were the three trustees signed over the power of attorney to handle their properties as long as they were gone. And these three trustees hired a man from California Lands, which was the agricultural arm of the Bank of

America at that time, an experienced farm manager, to come in and run these 100 farms.

DOUGLASS: You were still with Griswold's law firm?

WINTON: Yes. And Griswold had all the trustee's records and everything on the property. And it was his brother-in-law, Gus Momberg, that they hired to run the farms. And we had access to all Momberg's records. So they hired us to file their claims for them.

DOUGLASS: There must have been a lot of trust to begin with to sign over like that.

WINTON: Well, there was.

DOUGLASS: But it was smart. They were probably much better off.

WINTON: The people that tried to make individual leases and everything, lost everything.

DOUGLASS: I have heard some of those stories. They are pretty awful.

WINTON: Yes. What would happen. We would file our claims. The U.S. Attorney General had a special man, Mr. [ ] Jacobs, in San Francisco who was handling these. He had a staff. And they would make an offer of settlement and write out. And if we wanted a hearing on it, we would ask for it and we'd go to San Francisco. And I was up there one time when Mr. Jacobs and I had lunch together. And he said, "Gordon, I'm sorry I

don't have more sympathy for your clients, but if you saw all these other claims, where they had gotten wiped out completely. All your clients can complain about is that there was some vandalism to their home or something else. But they didn't lose everything." But, anyway, that was part of my connection with them.

[Laughter] I have been a member of the Japanese-American Citizens League for something like thirty-five years.

DOUGLASS: You became a folk hero.

WINTON: Yes. But my father always got along. When he was in the bank, he always did business. And during the war, my father was the local chairman of the war bond drive, and Livingston, because of the Japanese, was usually the first community in the state to go over the top with their quota. Because the Japanese were that good.

DOUGLASS: Did you have any other comments about your district then?

1965 Reapportionment

WINTON: The district really didn't change that much. Until '65, and the '65 reapportionment plan.

DOUGLASS: Resulting from the "one man, one vote."

WINTON: One vote. And Mr. [Jesse M.] Unruh were what did me out of office.

DOUGLASS: How was the district drawn then?

- WINTON: Madera County was taken out of it; and Merced, San Benito, and Santa Cruz Counties were put in the district. And Santa Cruz County killed me.
- DOUGLASS: That's interesting. So it would be Santa Cruz, Merced, and San Benito.
- WINTON: San Benito is in between. You cannot go by road--there is no highway--from Merced to San Benito County without going through either Fresno County or Santa Clara County. But Merced and San Benito Counties are contiguous along the top of the coast ranges.
- DOUGLASS: Was that supposed to be making a safe Democratic district?
- WINTON: Oh, no. Oh, no. You see, I ran against Unruh for speaker in '61, and he never forgot it. And once he told me--this is a famous quote of his-- "in politics, you never get mad, you just get even."
- DOUGLASS: Was this after the first year he had been speaker?
- WINTON: He had been elected in '61, he was elected in '62, he was elected in '64. I ran against him in September of '61, when he succeeded Ralph [M.] Brown. And then I refused to vote for him any other time. I just sat on my hands.
- DOUGLASS: You were not one of his favorite persons then. To get back to this new district. Santa Cruz

was then a Republican district?

WINTON: Yes.

DOUGLASS: That is not necessarily true today, though.

WINTON: No. But, you see, the University of California at Santa Cruz. When I ran there--it was very conservative--in '66, if I remember correctly, something like 40 percent of the population of the county was senior citizens. They were retirees who had gone over there.

Defeat in 1966 Election

DOUGLASS: Who defeated you, did you say?

WINTON: Frank Murphy. It was very interesting.

DOUGLASS: Where was he from?

WINTON: Santa Cruz. And his father had been chairman of the Democratic Central Committee for some four years. Frank had come out of the service in Korea, I think, and gone into his father's law office. His father got him a job for, I think two years, with Assemblyman Glenn [E.] Coolidge, who was from Santa Cruz. He had been aide for Glenn Coolidge for two years. And then Glenn Coolidge, after the '65 reapportionment, decided to run for Congress. And Glenn and I talked about it, and Glenn said, "Well, I'll support you in Santa Cruz County." Well, then Glenn died, and I was one of his honorary pallbearers. And his wife, though, came out for Murphy.

And Murphy was a Republican. And I went

over and I don't remember the man's name, but he was a big Democrat. I went to see him. He had been appointed by Pat Brown to some state commission. And he said, "Well, I can get you some money, but it won't be in my name because I promised Frank, Sr. that I'd help Junior to get elected. People over there told me that perhaps [one] reason that Frank Jr. was running was that his father didn't think he was pulling his weight in his law office.

Nobody thought he was going to win the primary. He had a very tough fight with a farmer over there in the primary. But the farmer was a nincompoop. He was a very arrogant, wealthy farmer. He had gone to one of the Ivy League schools. I mean he was a gentleman farmer, but he was not a gentlemen in conduct. He used very foul language, and he drank too much. And he was the heir apparent for the Republicans, but young Frank Murphy beat him.

Another thing that hurt me in that election in Santa Cruz County, the biggest Democratic congregation of voters is in Watsonville, and it is very heavily Catholic. And I had voted the year before for Anthony Beilenson's (now the congressman) therapeutic abortion bill, which

was killed in the state senate. But I was told by a fellow who lived in same boarding house I did when I was going to Cal one time, by the name of [Carl] Coelho (the same last name as our congressman from my area now), but Coelho told me--and he is a devout Catholic--"the priests are saying good words for Murphy in the churches." Because Murphy had gone all the way through Catholic school. He had gone to Catholic elementary, high school, and [University of] Santa Clara and Santa Clara Law School. They weren't saying anything bad about me, and they weren't mentioning abortion. They were just saying, "Frank is a good Catholic boy."

I really got swamped. And I had a couple of other things that happened that I think was due to the pressure of Frank's father. There was a fellow who is a senator now, [Henry J.] Mello, from Santa Cruz County. He agreed to be my campaign chairman in Santa Cruz County. He was running for supervisor. Well, he got elected supervisor in the primary. Of course, he didn't take office until January. I had no opposition in the primary. When Frank Jr. got the Republican nomination, I think Mello would have stayed my campaign manager if Frank had not

gotten to him. Frank's father went to him and said, "Look. You really can't be a supervisor and somebody else's campaign chairman." So he dropped out. And the guy that the Democratic Central Committee suggested I use was--well, he just didn't pan out.

DOUGLASS: So it was a series of negative things happening. I gather you knew the minute you saw the district, you had an uphill fight?

WINTON: It was going to be tough. Well, Bert Betts told me once that (he was first elected in '58),<sup>1</sup> in 1962, he lost three counties in the state. One of them was Santa Cruz County. To show you how poorly I did, Pat Brown ran better in '66 in Santa Cruz County than I did. And that's the year that Reagan swamped him. [Laughter]

DOUGLASS: Also, you had been in office ten years, and one becomes fairly vulnerable in terms of issues.

WINTON: The best issue Murphy had against me in Santa Cruz County was "if those people over there didn't vote for him, their assemblyman would live 120 miles away." And it's true. There is no way I could answer that.

DOUGLASS: That's nothing today in terms of some of these districts. We will go into the campaigns in the next interview, but this was a good way to back

1. State Treasurer Bert A. Betts, served 1959-66.

into that experience.

Thanks very much.

WINTON: Well, thank you.

[End of Session 1, November 6, 1986]

[End Tape 2, Side A]

[Session 2, January 17, 1987]

[Begin Tape 2, Side B]

### III. NEW ASSEMBLYMAN

#### Speakership of Luther Lincoln

DOUGLASS: Mr. Winton, as a newly-elected assemblyman, what were your experiences when beginning with your service in the legislature. How did you find office space? How were you treated by your fellow Democrats?

WINTON: I think I told you in my last interview that I had hardly been elected when I started getting telephone calls soliciting my vote for speaker.

DOUGLASS: I don't believe that was in the interview.

WINTON: Well, I didn't read it over just now and didn't remember. But, in 1954, there had been a fight for speaker between, I guess you would say the lobbyist-backed speaker, the remnants of the [Arthur H.] Samish gang backing a candidate for speaker and Luther "Abe" Lincoln, who was the assemblyman from Alameda. And the so-called "good government guys" won out, and Luther Lincoln was elected. In 1956, the lobbyist gang

put up an assemblyman from Los Angeles, a very nice man, Ernest [R.] Geddes.

DOUGLASS: Yes. I have interviewed him.

WINTON: You have interviewed Ernie. He was a delightful gentleman. But he was a candidate of the more or less lobby group, and Lincoln was running for reelection. And I started getting calls from two people, [Donald A.] Don Allen. . . . Don Allen I had known in the Veterans of Foreign Wars because he was very active in the VFW when I was state commander and before, and he had almost single handedly brought the national convention of the VFW to Los Angeles in 1954. He even got President [Dwight D.] Eisenhower to come out and speak to the convention in the Coliseum. And the rest of us (I was a state officer in the VFW then), we didn't really want the convention here, because it usually costs the home state organization money to hold it. But he got it out here, and I had known him then.

Then, when I was running for the assembly, I belonged to the Livingston Rotary Club, and one day [Charles H.] Charlie Wilson (the one that later got in trouble in congress over Korean influence in congress). . . . Well, Charlie Wilson was an an assemblyman. He made up Rotary at Livingston and sat next to me.

And, very casually, but right after I was elected, I started getting calls from Charlie Wilson and Don Allen soliciting me to vote for Ernest Geddes for speaker. Well, I didn't know either Ernest Geddes or "Abe" Lincoln. I think I told you before that in my first campaign the former Republican assemblyman, George Clarke here, had been my honorary campaign chairman.

So I went out to Planada, where he lived and talked to George. And George gave me some sage advice. He said, "In my twenty-two years in the legislature, I have never voted wrong for speaker." I said, "What do you mean?" He said, "Well, I always figured out who was going to win, and then I'd vote for him." [Laughter]

That didn't seem to me to be particularly a very good tactic, because then you are hanging by your finger nails to the very end. So then I went to Ralph Brown, whom I had met. And Ralph had donated a hundred dollars to my campaign, something like that. And I asked Ralph--and I also asked George Clarke--I said, "Has Mr. Lincoln been a good speaker?" And George said, "Yes. He is a fine speaker." Of course, he was a Republican, but I think even with my election that year, we only had something like thirty-two or thirty-three Democrats out of the eighty. I

went up and asked Ralph Brown. He was the assemblyman from Modesto, Stanislaus County, and a Democrat. And Ralph said, "Luther has been a good speaker. I am going to vote for him." So I made up my mind that I would vote for Lincoln for speaker, never having met the man. I was trying to clean up my law business, and I was getting tired of these. . . . I got quite a few calls from Allen and Wilson.

DOUGLASS: What was their sales pitch for Geddes?

WINTON: Well, that they knew him and he was a good guy and he would make a good speaker. And so on. They knew me.

DOUGLASS: Were they tearing down Lincoln when they did that?

WINTON: Not particularly, no, they weren't. So the next call that I got from them--and I don't know whether it was Don Allen or Charlie Wilson--I said, "Well, I'm sorry. I've made up my mind that I am going to vote for Lincoln." Did I tell you in the last interview about getting the contributions from the Superior Oil Company for my campaign?

DOUGLASS: I don't think so.

WINTON: Well, I'll repeat it. During the campaign, I got a call from a fellow who lives in Madera and had an office in Fresno and said, "I have a friend from Los Angeles who would very much like

to meet you. Can you come to my office in Fresno and meet him? He knows politics." So I went down there, and he introduced me to Monroe Butler. Monroe Butler was the lobbyist of the Superior Oil Company. This was before the primary. And Monroe gave me two \$100 bills in cash. I think I did tell you.

DOUGLASS: I am not sure it was on the tape. So just finish it anyway.

WINTON: Yes. And so I thanked him. And he said, "Now, you don't have to report these if you don't want to." And I reported, I am pretty sure. I don't remember now whether I did or not. Later, after I won the primary, I got a call that Monroe wanted to see me in Fresno again. And he gave me another two \$100 bills. My total campaign costs, primary and general, ran about \$1,800. So \$400 of it came from Superior Oil.

Well, shortly after I had told either Charlie Wilson or Don Allen that I had made up my mind that I was going to vote for Lincoln, I got a call from Monroe Butler. And the conversation went something like this. "Gordon, you know we were substantial contributors to your campaign." And I said, "Yes. I think you were." And he said, "Well, we thought you would at least talk to us before you decided who you

would vote for for speaker." I said, "Well, Mr. Butler, I thought you were contributing to my campaign because you thought I would be a good legislator. If I had known you wanted to tell me how to vote for speaker or any other issue, I wouldn't have accepted your contributions. I am sorry. I have spent it, and I don't have it to return now." [Laughter]

Needless to say, that was the last contribution I ever got from Superior Oil Company. They were the ones who got Senator [Clifford P.] Case of Nebraska [New Jersey] in trouble for a \$10,000 offer. I don't think Case even accepted it, but he reported it. And that was enough to defeat Case in the next election.

DOUGLASS: So there was a lot of pressure on this vote?

WINTON Yes.

DOUGLASS: And you got it even before you moved to Sacramento.

WINTON: Well, before I even realized I was elected, hardly. I didn't call Lincoln, I didn't call Brown, I didn't tell anybody, except either Allen or Wilson, that I had decided to vote for Lincoln. About two or three days later, Mr. Unruh called me and explained who he was. I had never met him before. He said he wanted to see me, and he told me he was an assemblyman. And he came here to the house one evening, and he

said he was out trying to get signatures for people who would vote for Lincoln. He was all set to give me his spiel and everything.

I said, "Well, I have already committed myself to Lincoln." He said, "You have!" He said, "Who did you tell?" I said, "I haven't told anybody." "Well," he said, "here's the list. Will you sign this--I Pledge to Vote for Lincoln for Speaker?" I said, "Sure." So he took it, thanked me. Later on, he told me I was the first one of the freshman Democrats--he was just going to the freshman Democrats--who signed up to vote for Lincoln. And I am sure he took credit with "Abe" Lincoln for convincing me. And, of course, once he had my name down, it was easier to get other Democrats to go along.

DOUGLASS: Why was he for Lincoln? Just because he wouldn't have been for the other group?

WINTON: Well, he was on the outs with the other group, and he was part of the "good government" people that put in Lincoln in '55. And, also, he ended up as chairman of the Assembly Committee on Finance and Insurance. And that's the committee that handles all the money bills, that's where the big money is. And Lincoln appointed Unruh, who was just in his second term, as chairman of that committee. And that really started Unruh on his road to influence.

DOUGLASS: So you made the right move?

WINTON: I made the right move. Lincoln was a good speaker. So I got good committees. The first session, as I recall, I was on Agriculture, Education, Municipal and County Government, Livestock and Dairy, and Governmental Efficiency Committees.

DOUGLASS: Yes. I had that you didn't go to Livestock and Dairy until later. But, basically, that's correct. Agriculture, Governmental Efficiency, Municipal and County Government, and Education. Those were good assignments for a freshman, weren't they?

WINTON: Very good. And I was vice-chairman of the Agriculture Committee. Which for my district, was very important.

DOUGLASS: Well, first of all, you didn't actually vote for the speaker until you got up there. What was the office space situation like?

WINTON: Not very good. I don't why, but I got one of the poorest offices up there, even though I did vote for the speaker. Of course, you know the Rules Committee assigns the office space, but actually the speaker runs the Rules Committee, because the speaker appoints the chairman. And, in those days, the speaker appointed all the members of the Rules Committee. And he still

does, theoretically, but the caucuses elect them. But, as I recall, in '56, the caucuses didn't even elect the members of the Rules Committee. The speaker just picked three Republicans and three Democrats and the chairman, and that was it.

Setting Up an Office

DOUGLASS: So they assigned the offices.

WINTON: They assigned the offices, and I had a very poor office. It didn't bother me, but it was a long, narrow room with no partitions between me and my secretary. And that was it. And, of course, in those days, you only got a secretary for the session. The secretary stayed on two weeks after the session to clean up the end of the session mail. And that was it. Unless you were a committee chairman, you didn't have a secretary until two years later, when they had another general session.

I got assigned a terrible secretary. I won't mention her name. The secretaries were assigned by the woman in charge of all the secretaries in the assembly pool. And this young lady she assigned to me had never worked for the legislature before. Supposedly, they had to pass a typing and stenographic test, but I don't see how this one ever could have. I went and complained to the head of the pool, and

she said, "Well, give her a couple of weeks. I assigned her to you because she has had legal experience and you're a lawyer." Well, I found out her legal experience was her father had been a country justice of the peace, and she had worked in his office part-time.

But another thing that irritated me. In those days, we had a floor session every day, in the morning, and committee meetings in the afternoon and at night. The senate had committee meetings in the morning, floor session in the afternoon, and then committee meetings again at night. But since we only had 120 calendar days, we were in session on the floor almost every day. And I told her that I wanted her to stay in the office until I got off the floor, even it was at 12:30 [P.M.] or 1:00 o'clock, and then after I came back, she could tell me the messages and so on and go take her hour lunch.

Well, I would sometimes get off the floor at 11:30 [A.M.], and the doors would be locked. She had a boyfriend. I kept her the whole session, but it was very unsatisfactory. What I did. I started putting all my correspondence on dictaphone and sending the records to the pool and have them typed. Sometimes, if I didn't

have a committee, I would work at night and answer my correspondence at night, take it to the pool the first thing in the morning, and they would have it done by the next evening; and I could sign it and send it out. Because every time she would type a letter, it could only be maybe a couple of paragraphs, she would rough it out first and then type it over again. Every letter. And sometimes it took her over an hour to do one letter. And I had had an excellent secretary in my law office, and I was spoiled.

DOUGLASS: How do you account for the fact that Lincoln really, as a freshman, gave you wonderful assignments?

WINTON: Well, because I was one of the first people that signed up for him.

DOUGLASS: That alone.

WINTON: And he knew who had signed up for Geddes.

DOUGLASS: And he also knew what you would be interested in, like Agriculture [Committee]?

WINTON: Well, they always give you a sheet, where you list your interest in what committee you would like to be on.

DOUGLASS: It sounds as though you got your first choices.

WINTON: Well, everybody puts down Ways and Means. In those days, you were lucky to get Ways and Means if you had been there less than six years. It was a very senior, prestige committee.

DOUGLASS: Well, then I take it you got along very well with Luther Lincoln.

WINTON: Yes. Except. . . . I would say very well, but we were in a bitter floor discussion about something that the governor and Luther Lincoln wanted. I was against it. It had something to do with the water plan, maybe that wasn't it (I don't even remember what the issue was), but we were under a "call to the house" on the issue. This was my freshman year, and [Richard H.] McCollister was the Republican floor leader. And he got up and made a motion to adjourn. And I jumped to my feet and raised my mike. And, of course, the speaker said, "For what purpose do you rise, Mr. Winton?" And I said, "A point of order. Under the rules we cannot adjourn when we are under a 'call to the house'." Well, that caught them. They hadn't even thought of that.

When I first got up there, there was an assemblyman from Fresno by the name of Wallace Henderson. And Wally said, "Gordon, one thing you want to do--not too many assemblymen do it--but read those rules and get to know them." Well, I hadn't done that much homework, but I was right on this. And I got the reputation of knowing the rules. So for the next nine years I was in the assembly, if I got up on a point of

order, why people listened to me. And it was a very good position to be in.

Another thing that happened that year. There was some bill. I think it had been to two conference committees and had come back, and each time the legislature, whether the assembly or the senate, turned down the conference committee report. No. That wasn't it. It was going to conference committee. I don't know why the rumor got around that Lincoln was going to appoint three Democrats to the conference committee. So if we couldn't agree, he would blame it on the Democrats. So I didn't vote on it. And the rules provide that you have two members that voted with the majority, one member that votes with the minority serve on the conference committee. He named me to it. And I got up and objected and said, "You can't put me on it because I didn't vote." Which is true.

Luther Lincoln and I got along personally very well. I liked him very well. I thought he was an honest square shooter. He was not interested in running for governor, I don't think, although he may have run for lieutenant governor, did he, I don't know. But, anyway, I thought he handled the legislature very well. And, just as a sidelight, he had one secretary

and one aide running the speaker's office. And the aide was part time. The aide worked during the session, and when we weren't in session, I think the aide sold insurance, or something of the sort. But that was all the staff that Luther Lincoln had.

First Session

DOUGLASS: Then, in 1959, Ralph Brown became speaker. Could you discuss that transition from Lincoln to Brown?

WINTON: I would like to do a couple of other things on the first session, if you don't mind.

DOUGLASS: All right. Fine.

WINTON: One of the things that happened up there was that in December 1956 is when we had the Marysville-Yuba City floods. And so they had an urgency measure to appropriate \$15 million dollars for planning for the Oroville Dam in the '57 session. And I remember getting up on the floor and saying, "I don't know why we need to run this through urgency so fast without sending it to committee. Maybe \$15 million isn't much to you people who have been up here a long time, but, to me, I can't even imagine that much money. And I think we ought to take more time considering it." I didn't win my point.

Then one other thing that happened the first session, [Caspar W.] Cap Weinberger, in

1954, after the [Frank G.] Bonelli scandal on the Board of Equalization in Los Angeles passed legislation that completely reformed the alcoholic beverage control in California. Took it out of the hands of the Board of Equalization, formed the Alcoholic Beverage Control Board, and so on. Well, the experience in San Francisco evidently had been that some bars that the Alcoholic Beverage Control Board gave an order either suspending or cancelling their license, would appeal to the courts. And the law was that if there was an appeal, they could keep operating as long as an appeal was going on. This could take up to two years. Well, Cap Weinberger wanted to say that they lost their license, they were closed down upon the decision of the Alcohol Beverage Control Board, and then if the appeal court overruled the board, they got their license back.

I took him on about that on the floor. Because most alcoholic beverage operations in California at that time, both liquor stores and bars, were more or less "Mom and Pop" operations. They were independent owners. And my theory was if you took it away from them and gave it back to them in two years, they were bankrupt. The whole history of English-American jurisprudence is that you are innocent until you

are proven guilty. I doubt if Cap to this day can understand my point on that. He never practiced any criminal law at all. But I beat him on the floor on that one.

Well, another thing that was bad about it. The agents who went out and checked the bars were employees of the Alcoholic Beverage Control Board, and they were the ones that presented the case to the board as to whether to suspend or not. So it was sort of a prosecutor jury all tied up in one. And I didn't think that was good. That was one of the pleasures of my years in the legislature was winning that battle.

I only carried seven or nine bills that first session, and I had two bills, I remember that. One had to do with fumigation of grain in warehouses, and the second one had to do with indemnifying dairymen, livestockmen too, but dairymen particularly, for cattle that were ordered slaughtered because they had brucellosis. Those two bills I got passed and signed by the governor. The brucellosis bill had an appropriation of \$300,000 in it, and that seemed to me like an awful lot of money. But the governor, [Governor Goodwin J.] Goodie Knight signed it.

Goodie Knight, to me, was. . . . Well, he

had been lieutenant governor and presided over the senate. He knew the legislature. He consulted with legislators. Before he made an appointment to a fair board or anything in my district, he always had his appointments secretary call me and say that in a day or two they were going to announce the appointment of so-and-so to the Merced County Fair Board or whatever it was. "Did I have any objection?" I never did, but if I had have had some [objections], I think they would have taken them into consideration, other than just on a partisan political basis. But I mean if there had been some real objection.

Why I mention that particularly was because Pat Brown was not near as consistent in doing this as Goodie Knight was.

DOUGLASS: Later, I want to go into the two governors, rather than pursue that now. That is an interesting comment.

WINTON: Yes.

DOUGLASS: It sounds like you had a very effective first session, in terms of getting some legislation through.

WINTON: I enjoyed it. And I got together with a group of Democrats. It included Unruh, [William A.] Bill Munnell, who later became a superior court judge in Los Angeles, Don Allen (he later became

a judge also), an assemblyman from out in Riverside County--Eugene [G.] Nisbet, who later became a senator--[A. Phillip] Phil Burton, myself, and [Robert W.] Bob Crown. We quite often, after a committee meeting was over or something, would go out and have a beer or a sandwich.

There was one place, it was on Seventeenth Street, in fact, it was quite close to the governor's mansion, it was a block away from the governor's mansion. It stayed open until 3 A.M., and we would go over there and have a beer and a sandwich or something. Because some of them didn't get out of committee meetings until around 11 o'clock at night, and that was every night except Friday night. We talked and discussed. It got some camaraderie, and it also helped in learning what was happening.

I can remember a couple of times Senator George Miller from Richmond sat in with us. He was a raconteur, he could tell the greatest stories in the world. It was part of the learning process. And, in those days, of course, practically nobody brought their families to Sacramento. Because you were only there for 120 days. You didn't want to take the kids out of school.

DOUGLASS: So did you have an apartment up there? Or a room?

WINTON: I stayed at a motel in west Sacramento. I don't even remember the name of it. But I had a room there that I got every time I came back. I tried to get the same room, and I could usually reserve it. I'd leave on Friday and say I wanted it either Sunday night or Monday, depending on when I came back. And it had a little kitchenette in it and was very reasonable.

I really enjoyed the legislature. I was not disillusioned at all. I was disillusioned by the attitude of some of the legislators, but I think, on average, I thought the legislature worked fairly well.

DOUGLASS: You named the people you went out to have a sandwich with later. Among those were some of your fellow freshman. Were there any of them whom you were particularly close to or who you think were particularly outstanding, either negatively or positively?

WINTON: Well, I wasn't particularly close to Phil Burton, but he was a brain and he was a workaholic. And Phil was probably as conscientious in doing his homework as assemblyman I ever knew. He really worked hard. He was far more liberal than I was. I couldn't

go along with some of his social welfare ideas. I think probably. . . . It was later on that I became friends with other people. But that first session, those were particularly the ones.

I think that about covers that.

Speaker Ralph Brown

DOUGLASS: All right. Let's then go on and talk about the transition in the speakership from Luther Lincoln to Ralph Brown in 1959.

WINTON: Okay. Well, in the '58 election, I had no opponent. I won both nominations in the primary. Nobody filed. And, of course, as you put it, the Knight-[William F.] Knowland debacle brought Pat Brown and a majority of Democrats into the assembly for the first time since 1938. I think the Democrats held a majority from '38 to '40 under [Governor] Culbert Olson, and not again until '58. And Ralph Brown asked another freshman, [William] Bill Biddick. . . . Bill was a good friend of mine but he was not in on the camaraderie because Bill lived in Stockton, and he drove back and forth every night. And the other thing was I had a law partner, and Bill didn't. He had been city attorney of Stockton and resigned that. And he was trying to support a family. And he found out he couldn't organize a law practice and get going.

But Ralph picked Bill and I to be more or less his lieutenants in the speakership campaign. And I can remember one time Ralph. . . . In those days, United Airlines flew down the valley here and would stop at Stockton, Modesto, Merced, Fresno, Bakersfield [Laughter], sometimes Visalia, and Los Angeles. And Ralph called me and said that he was catching the United Airlines to go down to Los Angeles. He wanted to talk to some people down there about the speakership.

So we went down, and Unruh met us at the airport and took us into some restaurant to lunch, just Ralph and I. And he had. . . . I think Bill Munnell was there, [Thomas M.] Tom Rees, Don Allen, Gene Nisbet, and maybe a couple of others. And what did Unruh want? I think he wanted Ralph to promise to make certain appointments or they wouldn't support him. And I let Ralph do most of the talking. But I knew the people we had signed up. In those days, the speakership fight wasn't Democrat against Republican, it was bipartisan. And we had enough Republicans and Democrats to have a majority already, without any of those fellows there.

Finally, I got disgusted, and I said, "Jesse, I don't know why you are making these

demands. We don't need your votes. Ralph will be elected speaker without your votes, but we would like to have it unanimous from the Democratic standpoint." And the candidate against Ralph was [Augustus] Gus Hawkins, the black from Los Angeles, who is now a congressman. And, of course, we Democrats, it was hard to go against Gus, because it looked like we were being biased through race prejudice or something. Gus was still backed by the same crowd that had backed Geddes two years before, that everyone fought. But Unruh had gotten more or less in with that gang as chairman of the Finance and Insurance Committee, because he found out that you got good campaign contributions from banks and insurance companies and so on, if you were on that committee.

DOUGLASS: Well, was Unruh implying that he would support Hawkins and not Brown?

WINTON: Well, yes, sort of. It was ambivalent. He wanted--for his pledge of votes, he wanted, and he anticipated that those people would go along with him.

DOUGLASS: That he would deliver on certain people.

WINTON: But Ralph never made the promise, and it was an easy transition from Lincoln to Ralph because they were both pretty calm, peaceful people,

they didn't like to muddy the waters. [Edith MacNair] Edie, who was Lincoln's only secretary, stayed on with Ralph, and then Ralph brought his committee secretary, Bette [M.] Coffey, who had been secretary of the Government Efficiency Committee, which Ralph had been chairman of before that, into the office. So he had two secretaries.

DOUGLASS: Was Lincoln still in the legislature and this was just a matter that he wasn't in the majority party?

WINTON: No.

DOUGLASS: He was not reelected?<sup>1</sup>

WINTON: He may have run for lieutenant governor in the Republican primary. I am not sure.

DOUGLASS: So he was not back in the assembly. It wasn't a question of ousting him?

WINTON: No. So when it got down to it, Ralph was elected by unanimous vote. Well, two years before, Geddes didn't appear on the ballot. It was apparent by that time that Lincoln was going to be elected. And Ralph did make some changes. Ralph was interested in running the assembly efficiently. I think of all the speakers I have known, including all those since, that Ralph

1. Luther H. Lincoln served in the assembly from 1949 to 1958, representing Alameda County.

did the best job administratively in running the assembly.

If you were a committee chairman and bills started to stack up in the committee, he would call you in his office and say, "Now, look, your committee has to get on these bills." It was the only time that I know of in the years that I have been around the legislature that there wasn't a real flurry and you worked like mad to midnight of the last day to get everything done. Ralph's first general session in '59, the last night we had cleaned everything on our file by eight o'clock. And were sitting there waiting for the senate to send assembly bills back for concurrence.

DOUGLASS: That's amazing. That's probably a first.

WINTON: A first and only, that I know of. In fact, we had a member of the assembly named [Charles W.] Charlie Meyers from San Francisco who every session put in thirty or forty resolutions commending the garage attendants, the elevator operators, everybody for the good work during the session, and every other session you would just lump those in and say, "We pass them," in one vote. We let Charlie talk on each one of his resolutions, because we had time. There was nothing else to do. [Laughter] That's how well Ralph had organized it. I will say this, that

we did work a couple of Saturdays and we worked one Sunday afternoon when Ralph was speaker, because he didn't want that piling up. He wanted to clear it up as it went.

And the one thing I wanted Ralph to do, and that was I wanted him to cut down on the number of committees a person served on. I said, "If you are a committee chairman, you should not serve on any more than two other committees. And if you are committee chairman and on Ways and Means, you shouldn't serve on any other committees. And nobody should serve on more than three committees." Well, what happens is that any time anybody gets forty-one votes, they can be elected speaker. And Ralph was afraid not to put these people on committees because he would have too many upset.

DOUGLASS: Oh, the politics of the speakership.

WINTON: Yes. And I ended up on six committees--the guy who was hollering--and chairman of one and eventually on Ways and Means. [Laughter]

DOUGLASS: Was this, Mr. Winton, partly a matter of just enough manpower to do the job too?

WINTON: No.

DOUGLASS: They could have been smaller committees?

WINTON: Smaller committees. Look at Education--it has twenty members or something, and Ways and Means

twenty members. You know, that's 25 percent of the membership.

DOUGLASS: That's right. So I take it that Ralph Brown went along with the principle but . . .

WINTON: The practicality was not there.

DOUGLASS: [counting committee members] I get twenty-three in '57, when you went on the Education Committee. You are right. As I understand it, Ralph Brown was very much bipartisan and out of that era of committee assignments and chairmanships.

WINTON: Oh, yes. Chairmanships as well, absolutely. He gave me the chairmanship of the Government Organization Committee in '59, and he gave my good friend, Bill Biddick, the chairmanship of the Judiciary Committee. And committees were divided into classes--A, B, and C. Judiciary was a class A committee; Government Organization was a class B. And Ralph called me in and said, "Gordon, the work you did for me, you are entitled to a class A committee. I know you can handle it." But, he said, "You know, Government Organization is the successor to the old committee on public morals." And that was the one that Samish contaminated, and they had a lot of problems with it. All liquor and horseracing bills went through that committee. And he said, "I want someone in there that I can trust to be

honest and not get mixed up in the liquor industry or the horseracing industry, or anything else. I don't want any scandals." And so, you know, if the speaker says that to you, you respond.

DOUGLASS: I guess my real point is that apparently there were seven Republican committee chairman under Brown as speaker. So that he very much had the kind of Governor Earl Warren approach to bipartisan state government.

WINTON: Yes. And, of course, his first forty-one votes came from Republicans and Democrats both. So it put him over. . . .

DOUGLASS: So it made sense in several ways.

WINTON: That's right.

DOUGLASS: Well, then under Brown and Lincoln, did the tone of the assembly as a whole, as it did its work, remain somewhat the same? The atmosphere, the relationships among people?

WINTON: Yes. You know the center aisle in the assembly when I went up there--on one side were southern Californians, on the other side were northern Californians. Not Democrats and Republicans. And when I was first assigned a seat in the assembly, I was assigned a seat on the southern California side, sitting next to--I can't remember his name, it started with a "K,"

[Herbert R.] Klockslem, an elderly gentleman from Long Beach who was a Republican, and I was on the southern California side. And I went and complained to the speaker, and they moved me. I got over on the northern California side.

DOUGLASS: That's says a lot, doesn't it, about the era?

WINTON: Well, there were two divisions that were more important than Republican and Democrat. One was north-south, and the other was urban-rural. Both of those divisions in both the senate and the assembly were . . .

DOUGLASS: Give me the hypothetical line for north-south in those days?

WINTON: It would have been the Tehachapis. Santa Barbara, we considered south really. But, you see, L.A. County, as I recall at that time, had something like twenty-two assemblymen from L.A. County alone. It might have been even more than that. But, anyway, this was the division, and this was a great deal the division on legislation. Urban-rural; north-south.

DOUGLASS: Both those didn't coincide.

WINTON: No. They did not coincide.

DOUGLASS: Put yourself into that era, which is hard to in a way, what was the tone of that urban-rural division? Was it really a strident kind of division?

WINTON: Well, it was. . . . Rural generally was much,

much more conservative. There were fights on things like water was very important urban-rural, as it still is. And highway funds. Freeways or agricultural roads, farm market roads.

DOUGLASS: And you represented a rural area.

WINTON: That's right. I had a rural constituency.

DOUGLASS: How did you feel about that? Did that put you in a position where you could see merit on both sides of some of these things?

WINTON: Oh, yes. There is no question about it. And I didn't really get hung up. Of course, the rural people in the assembly didn't have much power. [Laughter] It used to be said that the assembly would pass anything, but the bad bills would always get killed in the senate. And then after reapportionment, they started saying, "Gee, the assembly has to kill some of the bad bills themselves." [Laughter]

DOUGLASS: But, in fact though, wouldn't it have been (and certainly has been later) that urban coincided with south, in a way, because of the high density around Los Angeles. And north tended to be more rural, didn't it?

WINTON: Yes. Except for San Francisco Bay area. San Jose was sort of in between in those days. It still had the prune orchards right outside of town.

DOUGLASS: That's interesting. I think people forget that that's the way it was.

WINTON: Yes.

DOUGLASS: I noticed that you had, in '61, nominated Brown for the speakership, on the floor.

WINTON: Yes.

DOUGLASS: So you were very key in his whole group?

WINTON: That's right.

DOUGLASS: And you enjoyed that, I gather.

WINTON: Well, yes. Ralph was a very nice man. It's a shame he died so young. He always wanted to be a state senator. [Laughter] They had a state senator from Turlock. What was his name? He was chairman of the Senate Education Committee at one time. And he really was out of it. [Hugh P.] Donnelly.

DOUGLASS: Was that because of his age, you mean?

WINTON: Yes. His age. He was getting a little senile.

DOUGLASS: You got more of that in the senate, didn't you?

WINTON: Yes. And Ralph kept waiting for him to retire. He wouldn't run against him. But if Donnelly had an opponent, or somebody was talking about it, Ralph would go out and talk to them.

[End Tape 2, Side B]

[Begin Tape 3, Side A]

DOUGLASS: You were saying that Brown's long-range goal was to run for the state senate.

WINTON: And Donnelly just kept running every four years. [Laughter] And I can remember one thing was Ralph started what is now called the Criminal Justice Committee. He felt that the Judiciary Committee had too much work. And he appointed the Criminal Procedure Committee in 1959. And I wasn't on it in '59. He appointed John O'Connell from San Francisco as chairman, and John was a real libertarian as far as law is concerned. And Ralph got a lot of flack about that committee, particularly from law enforcement.

DOUGLASS: Oh, he did. Why?

WINTON: Because they would kill every law enforcement bill. [Laughter] And so in '61 he called two of us into his office, or before '61. Bruce Sumner from Orange County, who ran against [Robert] Dornan this last time for Congress. He got the Democratic nomination on a write in because the only candidate on the Democratic slate was a Lyndon La Rouché man. The Lyndon La Rouché man was the only person on the Democratic ticket for the seat in the primary. And Bruce had been in the legislature as a Republican. But he had switched. I don't know when he switched. He ran for superior court judge in Orange County early on, and was elected as judge

and was chairman of the Democratic Central Committee and ran this campaign in 1986.

But Bruce Sumner was a moderate Republican, a very good attorney, a good friend of mine, nice fellow. And Ralph called the two of us in, and he said, "I'm getting a lot of flack about the Criminal Procedure Committee. So I am going to put you two on it. And I am telling you right now, you two are the swing votes. Whichever way you two go, that's the way the committee will go." Because he had so many conservatives and liberals, and Bruce and I were in the middle. And that was the time when there was a lot of heat about pornography. And there was some theater in Modesto that had films--I guess it wouldn't be even R-rated film--but in those days was considered pornography. And the district attorney's office had gone in and arrested them, and they couldn't get a conviction. So Ralph wanted to get stronger pornography laws.

So the bill came up in Criminal Procedure, and I think Bruce Sumner and I both voted against it. Bruce was chairman of Judiciary by then. I think Bill Biddick had left, I am not sure. But we both voted against it, and it went down. So they revised it, and John O'Connell rewrote it. And he made it more liberal than

the U.S. Supreme Court decision (the Roth decision), although Ralph did not really realize this.<sup>1</sup> So that bill then came out of committee. Ralph really leaned on us. I still voted against it in committee. It came to the floor, and Ralph called me into his office. He said, "Gordon, you know, you vote against this bill if you think it is a bad bill, but please don't get up and speak against it." And so I didn't get up and take the bill on the floor and it passed.

But my theory at that time. . . . California had the only statute on pornography that had been to the U.S. Supreme Court and had been declared constitutional all the way through. My theory was why fool with this, because we are treading in very quicksand type of ground. And, as it turned out, we really messed up, and we have been in problems ever since. But, anyway, Ralph asked me not to get on the floor and speak against it.

DOUGLASS: Well, then you succeeded O'Connell as chairman of that committee.

WINTON: I didn't succeed him until Unruh became speaker.

1. Roth v. United States, 314 U.S. 476 (1957).

DOUGLASS: So we are talking about two parts of 1961 then?

WINTON: No. I stayed on as chairman of Government Organization under Unruh for two years.

DOUGLASS: Okay. But when you went on the Criminal Procedure Committee in 1961, O'Connell was chairman.

WINTON: That's right.

DOUGLASS: And then you became chairman in . . .

WINTON: In '63.

DOUGLASS: Two years later.

WINTON: Yes.

DOUGLASS: I am really interested in focusing on 1961, on the speakership. Brown, you nominated him, he was unanimously elected speaker again.

WINTON: He had no opposition in '61.

DOUGLASS: There was none of this discussion going on with Unruh?

WINTON: No. One of the things that happened in '59, though, that I still remember. I think it is kind of interesting. Ralph wanted to appoint [Thomas J.] Tom MacBride, an assemblyman from Sacramento, as chairman of the Ways and Means Committee. That was his choice. And Unruh wanted it very much himself. And up to that time, the chairman of the Ways and Means Committee had always been considered the governor's appointment. When Goodie Knight was governor, he said who the Ways and Means

Committee chairman was. I think it was [Thomas J.] Tom Caldecott. And then Ralph was going to appoint Tom MacBride.

Pat Brown would have gone along with Ralph on this, but Unruh wanted it very much. He was very ambitious. And he went to Pat Brown--I heard him tell Ralph Brown this too--"You can't put MacBride in there. He represents a Sacramento district that has a heavy population of state employees. And one of the biggest fights in the budget every year is raises for state employees."

Knowing Tom--Tom was my seatmate at that time, he was the first four years I was there--Tom would have been a very fair chairman, and the fact that public employees were a portion of his district, I don't think would have influenced his vote. But, anyway, Unruh convinced Pat, and Pat told Ralph he wanted Unruh as chairman. So Unruh got the chairmanship.

DOUGLASS: Was that hard for Ralph Brown to swallow?

WINTON: Not too hard. He was a politician. He had been around. He went along with it. Of course, there was no rule that said he had to appoint the governor's nominee. But it had always been considered that the chairman of Ways and Means was named by the governor.

DOUGLASS: How did Ralph Brown and Unruh get along at this point?

WINTON: Fairly well. But, you see, Unruh is the one that engineered Ralph Brown out.

DOUGLASS: I want to get to that story. Coming right up to that, they had sort of a working relationship, even though there had these little skirmishes?

WINTON: That's right. And I don't think Ralph. . . . Well, I can say it, I don't think Ralph trusted Unruh too much.

DOUGLASS: But they had a working relationship.

WINTON: Oh, yes.

#### IV. UNRUH SPEAKERSHIP

##### Winton Contests Unruh

DOUGLASS: Well, then let's go into the engineering thing that you are describing. Can you give me kind of a chronological accounting in 1961 of what went on, in terms of Unruh working toward the goal of his election as speaker.

WINTON: Well, first thing--I don't know who carried the legislation--Unruh got a bill passed establishing a state court of appeals in Fresno, which included Stanislaus County in its area of jurisdiction. And then he convinced the governor that he should appoint Ralph Brown to the appellate court. Ralph didn't really want it, but Donnelly wasn't retiring yet. Donnelly

actually didn't retire until '66, when he was put in a district with four other state senators in reapportionment.

So then, according to the assembly rules, if there is a vacancy in the speakership during the interim, the rules at that time, the speaker pro tem automatically becomes speaker. So the next thing Unruh had to engineer was the change in the assembly rule that said that if there is a vacancy in the speakership in the interim, the chief clerk calls the assembly into caucus, and they elect a new speaker. And those were engineered right along. You could see the handwriting on the wall. But Ralph took the judgeship. The caucus was called, and Carlos Bee had been speaker pro tem. And he wanted to be speaker, and he was campaigning. But he couldn't get the votes. And I understand--and I am sure that this is correct--that Unruh said to him, "Carlos, you like the prestige of being speaker pro tem, a nice office, and so on. You are not going to win, and if I win and you keep on running against me, you will not be speaker pro tem." And Carlos dropped out.

Well, that's when I decided if nobody else would run, I'd run. So I started chasing up and down the state. I went to see Carlos.

DOUGLASS: How did Carlos Bee respond to that?

WINTON: Well, he said he promised Unruh he would vote for him. So I wouldn't ask a man to break his promise. One of my best friends in the legislature was Leverette House from Imperial County, and I talked to Leverette. And he said, "Well, I already promised Unruh." Leverette was a nice guy.

In '61, I don't know what morning it was, Tuesday morning breakfasts, but these were a group of all-Democratic assemblymen who felt they had to stick together to have any clout. There was Myron Frew and both the assemblymen from Kern County, [John C.] Williamson and [Jack T.] Casey, and [James R.] Jim Mills from San Diego, [Thomas] Tom Carrell from San Fernando. There may have been a couple of others in there that I am not remembering. And they all agreed that there were things--that they would get together and by a majority vote decide who they would vote for speaker. I had lined up several of them, I thought. I never made them sign a pledge. I didn't believe in it. I felt if a guy's word wasn't good, why have them sign a piece of paper.

But I thought I had a majority. I figured if they went for me, I would have forty-two or forty-three votes. Well, unbeknownst to me, Tom

Carrell, who was a wealthy automobile dealer from San Fernando Valley (he had at one time the largest Chevrolet dealership in the United States, I think), he was treasurer of the Kentuckian who ran for the nomination of president on the Democratic ticket. He never got the nomination. It started with a "K,"<sup>1</sup> (Estes Kefauver). Well, anyway, Tom was treasurer of his national campaign. I mean, he was "moneybags" in the Democratic Party. Beautiful home up in the hill, I have never been to it, in the San Fernando Valley. Well, he invited this Tuesday morning breakfast group all down there for a meeting for dinner. Unruh was there. I was not invited. I didn't even know about it until afterwards. Unruh planned it! And they came away from that.

And this was about a week before our caucus was scheduled. The word got back to me immediately. Well, that meant I had dropped down to thirty-eight from a potential forty-two, or whatever it was, down to about thirty-four. So I called all my guys in. I said, "Vote for Unruh. There is no point in going through this and you guys losing out by not voting for him."

1. Estes Kefauver was from Tennessee.

Well, the one who didn't want to do it was Paul Lunardi from Roseville. Bless his heart. Paul just didn't like Unruh, and he wasn't going to vote for him. Anyway, he finally did. But when the election came at that caucus, as I recall it was in September of '61, I think I got sixteen or seventeen votes, even though I wasn't even nominated. Mine and all the others were Republicans. [Laughter] I voted for myself. And Unruh left me as chairman of Government Organization, and the next year, in '63, he appointed me as chairman of Criminal Procedure.

But Paul Lunardi got punished more by Unruh than I did. He had his committee chairmanship taken away from him. He was given a lousy office. A couple of years later, he ran for and got elected senator.

DOUGLASS: To go back a minute, when this nose-counting started, when things were coming down to the wire, you felt, in terms of your verbal commitments from people, that you had a fairly substantial backing at one time.

WINTON: I had somewhere thirty-six to thirty-eight. Some of them were kind of soft.

DOUGLASS: And so you feel this meeting that Carrell had was rather key in breaking this?

WINTON: To me, I thought that was the breaking point.

DOUGLASS: What was the psychology of that? Were people

afraid of Unruh in a sense?

WINTON: Yes. They knew that I would not punish them if I were elected, and they voted for Unruh. But they knew he would [punish them] if he were elected and they voted for me. I just couldn't say, "Either you vote for me, or if I get elected you are going sleep in the garage," or something. That isn't my nature.

DOUGLASS: So who were the twelve Republicans?

WINTON: There were about fifteen, I think.

DOUGLASS: The Young Turks?

WINTON: Yes. [Robert] Monagan, [John] Veneman, [Victor]<sup>1</sup> Veysey.

DOUGLASS: [Houston] Flournoy.

WINTON: Flournoy. Sumner--I don't know whether Sumner<sup>2</sup> was still there then. But that group.

DOUGLASS: So you had a good Republican group behind you. Liberal Republicans.

WINTON: Yes. [William T.] Bagley.

DOUGLASS: Well, then Bee did retain the speaker pro tem position. Why would Ralph Brown have succumbed

1. Unruh was elected speaker on September 30, 1961. John Veneman was elected to replace Ralph Brown in a Special Election, January 23, 1962. Victor Veysey was elected to the assembly in the 1962 general election. The original group known as the Young Turks was composed of: William T. Bagley (1961-74), Houston I. Flournoy (1961-66), Robert Monagan (1961-73), and John J. Veneman (1962-69).
2. Bruce Sumner served from 1957 through 1962.

to that situation? He knew what Unruh was doing, surely.

WINTON: Yes. He did. But Ralph was tired, and he didn't like the infighting, as you call it. And he was afraid that maybe Unruh would get the votes and knock him out anyway. Which Unruh was threatening to do.

DOUGLASS: So he decided a judgeship might be the thing to do because he couldn't run for the senate?

WINTON: Particularly an appellate court. And then he hated the appellate court. [Laughter] I remember I went down. That was funny. I went down a couple of times. I was in Fresno, and I went by to see him. I'd get in his office, and he would call the other two appellate court judges in if they happened to be in town that day, and we'd sit there and chat for two or three hours. He said, "This is terrible. It's like being in a prison. You hear cases two or three days a month, and the rest of the time, you sit in your office with your law clerk writing the decisions."

Well, it's the same reason I turned down a judgeship later. I just couldn't see myself in that kind of an environment. But then Ralph became ill. He died in 1963, I think, very

shortly thereafter. He didn't serve very long on the appellate court.

DOUGLASS: You were officially nominated, though, in the assembly?

WINTON: No. I was not nominated. But when they call the roll, even though you are not nominated, they call the roll. . . .

DOUGLASS: They could still vote for you. So that's how these votes were recorded.

WINTON: Yes.

DOUGLASS: So you felt then, though, there was no negative immediate impact on your committee assignments from Unruh?

WINTON: No. I expected there would be, but there wasn't. But the reason I was opposed to Unruh. There were two reasons. First, I felt he was far more interested in his own self-enhancement or advancement, or whatever you want to call it, than he was in the welfare of either the Democratic party or the state of California. And I also knew, in 1960, in the election, he had one of his henchmen come through Merced. And he called me up and said that Unruh wanted to contribute to my campaign. And it didn't show it was from Unruh, it was from some committee or something.

But what he had done. . . . He had started doing this when he was chairman of the Finance

and Insurance Committee and carried on when he was chairman of Ways and Means. When he was chairman of Finance and Insurance, he told me (and this was before we had had our outs) that he had gone to Howard Ahmanson, who was head of Home Savings [and Loan Association], the biggest savings and loan company in the United States at that time, and said, "Howard, why do you spread all your contributions around? Some here, there. Give your total contribution to me, and I will parcel them out to members of the Finance and Insurance Committee. And when you are interested in something, you come to me and I'll talk to the fellows who will get the money." In 1960, he raised \$80,000 that year, and that was the beginning of what is now the speaker controlling the funds for the Democratic party or the Republican party that happens to be in power. He carried it on when he was on Ways and Means.

I know this fellow came here between the primary and general election--and I had competition in 1960--and offered me \$100. He said, "You don't have any competition." And I said, "I sure do have competition. A Republican won the Republican nomination on a write-in against me." And I think I told you in the other interview that Erma Chevront [Madera

County Clerk] [told me] he tried to file. He filed for Republican Central Committee first and then wanted to file for the assembly. She said he couldn't do it because he couldn't withdraw, and you can only file for one office. Well, he won the Republican nomination on the write-in, and I had a write-in going too. He didn't beat me by very much, but he won. And so I had an opponent in '60, and they contributed \$200 to my campaign.

But then, of course, when he became speaker, why he really started building this up, where the speaker collected the money. And I felt that he was more interested in himself. And I thought, "Well, you know, you can't just let it go without some at least token opposition."

DOUGLASS: So you made a symbolic stand.

WINTON: Yes. At first, I thought I had a chance. And I think if I had gotten into it. . . . I was for Carlos Bee. I would have voted for Carlos. I didn't think Carlos would have been a particularly good speaker, because Carlos did not react to pressure too well. Pressure kind of got to Carlos. A speaker has to be a pretty strong person. That's how Samish controlled the legislature was by getting the

speaker to appoint the people to the one committee, Public Morals, that he was interested in on liquor bills.

Of course, in those days, Samish didn't want legislation passed. He wanted it killed. So you didn't have to worry about the senate. If it went to the Public Morals Committee in the assembly and you got the bills killed, that's all he had to worry about. Lincoln didn't react to that pressure. Brown didn't react to it. Unruh didn't react to it. Unruh was strong enough so he told the lobbyist where to go, but he told them how much to leave there too. Carlos would do that, but Carlos basically was a nice guy--clean, moral--and I thought that he'd be a better speaker than Unruh. But when he pulled out. . . .

DOUGLASS: Do you think he would have had a real chance if he had fought for it, Carlos Bee?

WINTON: No, I don't, and I'll tell you why. It was because I think that too many of the members would have been intimidated by Unruh, and Carlos would not have been able to intimidate.

DOUGLASS: So it was the kind of thing you were talking about. He wouldn't say he would blackball them.

WINTON: Yes. Well, Carlos might but they would know that Carlos really didn't mean it.

DOUGLASS: So it was sort of up to you to make a stand?

WINTON: Well, I don't know whether it was up to me. I probably would have been smarter if I hadn't have.

DOUGLASS: At the time what did you figure the costs of doing that might be?

WINTON: Well, I figured I might have an office in the basement [Laughter] and no committees.

DOUGLASS: Well, Unruh must have had some kind of respect for you to have not taken it out on you immediately.

WINTON: Yes. I think he did. Well, the one thing I had throughout my ten years in the legislature was a very good rapport with the press. I was always very straightforward with them. I never pulled any punches, or anything. In fact, the first four years I was up there, I probably had as many friends among the press as I did among the legislature.

There was a cafe called there called the M Street Cafe, and the Sacramento Union offices were maybe a block from the M Street Cafe. It was just a hole-in-the-wall. But the Union was a morning paper. So they went to press around 11 o'clock [P.M.] or midnight. So when committee meetings got over, quite often members of the press would go over to the M Street Cafe. And the Union people. And they would have a

sandwich and a beer, and I would go over with them. I was practically the only legislator that did this. Among my friends, I still get a postcard from [Jack S.] McDowell, the one that got into campaigns (I think he handled some of Reagan's campaigns). He was with the San Francisco News-Call Bulletin then. And [James C.] Anderson from the United Press. [Robert] Blanchard from the Los Angeles Times. These were all friends of mine.

So I think that Unruh was a little worried that if he punished me, the press would write it up. Incidentally, one of the people that helped me trying to round up votes against Unruh was a fellow who had a bank and savings and loan company in Los Angeles that was fighting with Ahmanson. And I can't remember his name. It started with an "L." (Bart Lytton). He was quite a character. He was the one that I read in Time or Newsweek once went back to New York to see the bigshot financiers there and invited them to his hotel room, and he was still in his pajamas and night robe when they came in to talked to him.

DOUGLASS: So he worked on this?

WINTON: I went down and met with him in Los Angeles. And he was working on some of the L.A. legislators who were friends of his. It was

because he hated Unruh, not because he liked me.

DOUGLASS: Well, how did you happen to get into this habit of consorting with the press in that way? Did that just come naturally? Or had you thought about it?

WINTON: No. I think I told you--I had always wanted to be a journalist. I recognized a good news story, and I used to give them some tips that they couldn't attribute to me that were good stories.

DOUGLASS: So Unruh was aware of that.

WINTON: Yes, oh, yes.

Financial Disclosure Legislation

DOUGLASS: I wanted to ask you about a couple of more incidents that involved Unruh which I would like your comment on. One is that in 1963 you introduced a financial disclosure bill that Governor Brown supported, and the interesting fact that Unruh opposed it at that time. Even though later, in 1968, he introduced conflict of interest and financial disclosure legislation.

WINTON: It seems to me I first introduced that before '63. I introduced it twice, I think. It got to be known as the "purity of elections" bill, and that was enough to kill it all about itself. That name. No politician wanted purity. But I thought it was a good bill, and I thought it

would help. I still think something needs to be done in that area.

DOUGLASS: Was this the beginning of such legislation?

WINTON: No. Somebody else had had a similar bill. It might have been Tom Rees. But, anyway, that was kind of an interesting thing because he assigned that bill I think to the Elections and Reapportionment Committee or some other committee. And I went to the chairman of the committee, and I said, "You know, I would really like that bill in the Government Organization Committee. Do you have any objection?" He said, "no."

So one day when the session was just starting, I guess Carlos was presiding, and I said, "Mr. Speaker, I would like unanimous consent, and I have the consent of the chairman of this other committee, and I would like to transfer A.B. 371 (or whatever it was) to the committee on Government Organization." And Carlos said, "With no objection. That's yours." Boom [making a slapping noise]. [Laughter] So I got it in my committee, and I got it out on the floor. And it seems to me Unruh voted for it on the floor. I think he did. He was opposed to it personally, but I think he voted for it. And then it vanished in the senate. It never came through.

DOUGLASS: It came through that time, and then the senate killed it. Maybe he figured that's what would happen?

WINTON: It went to the Senate Committee on Governmental Efficiency. The assembly was Governmental Efficiency and Economy; the senate was just GE. And that was the killer committee in the senate.

DOUGLASS: Now that account that I read, and I think it was out of Lou Cannon's book, Ronnie and Jesse, was that Unruh opposed the bill and instructed the committee members "to sit silently in committee when the vote was taken by Chairman Tom Bane, an Unruh protege."

WINTON: Yes.

DOUGLASS: Does that make sense?

WINTON: Yes.

DOUGLASS: Was that the first bill [1963 bill], do you think? That's how it died.

WINTON: That might have been the first bill. It died one time, but the other time I got it on the floor and got it over to the senate.

General Research Committee

DOUGLASS: Then the other thing that I wanted to ask you about was the device that Unruh used or created, namely the General Research Committee, which he initiated in 1962. What is your perception of that exercise?

WINTON: Well, at the time, there was a woman by the name of [Marguerite E.] Marty Brewer, who was the secretary of the Assembly Rules Committee and had been secretary under Lincoln and Ralph Brown. Unruh didn't like her. There were lots of stories about Marty in the Rules Committee. That Marty knew which secretaries were willing to sleep with a legislator. But, anyway, Unruh didn't trust her. So when he created the General Research Committee at first, she was put over there. I am pretty sure. She went to the General Research Committee, and he got her out of the Rules Committee. So that was my perception of why that committee. . . . He didn't want to fire her, but. . . .

About that time, a lot of things happened. I can't remember, the woman that I had had a problem with in the pool, because she assigned me this dumb secretary the first session I was up there, retired. And a new gal took over. A very capable woman. One of the things that Unruh did was that he wanted a copy of every letter and thing that was typed in the assembly pool sent to his office. And she didn't want to do it. And she came to me, or talked to me about it. And I said, "Well, that isn't right." But I quit sending any of my stuff to the pool.

My secretary didn't do it. I sent it across the street to a letter shop and paid personally to have things duplicated and so on, rather than send it to the pool. Because he wanted even copies of things that we had duplicated.

DOUGLASS: How could he possibly even get on top of all that paperwork?

WINTON: Well, he had people working through it.

DOUGLASS: Yes. But they were just checking?

WINTON: Yes. So [Jerome R.] Jerry Waldie, and I always liked Jerry, he was a great guy, but this I will never understand. Unruh made him chairman of the Rules Committee. And Jerry kept telling this gal there were lots of complaints about her and everything else. And it was that she wasn't cooperating with Unruh. Because she felt, like most people would, if we sent something there, it was confidential. My secretary and I were both good friends of hers. She came in and would talk to us. Waldie assured her that nothing was going to happen. A week or two later, she was fired. No specific grounds. Of course, in those days, legislative employees had no civil service or anything.

DOUGLASS: So really the speaker could reach down and do that.

WINTON: Yes. Through the Rules Committee.

DOUGLASS: She worked for the Rules Committee?

WINTON: Yes. All employees worked for the Rules Committee.

DOUGLASS: So the General Research Committee also, though, wasn't it a way for him to give people tasks to do and then give per diem money?

WINTON: Later on it was.

DOUGLASS: To bypass the regular system.

WINTON: Yes. And, also, it was the start of a buildup of political appointments from the legislature. Like he had a fellow working for him by the name of [Larry] Margolis, and Margolis was a political hack. He is still around.

DOUGLASS: He just retired apparently.

WINTON: He did. Well, he was a political hack, and he was there as a speaker's henchman for politics, not for administration of the assembly. And, now, of course, you've got literally, I guess, hundreds of people working for both the Republicans and the Democrats in the assembly whose principal job is politics, not government.

DOUGLASS: So there were several things on his mind when he used that device.

WINTON: Well, I don't know.

DOUGLASS: You are guessing.

WINTON: Yes. My best guess was that the first idea was move Marty Brewer out of the Rules Committee.

DOUGLASS: What was the response of people like you in the

assembly when he did this? Was this so novel that it got everybody's attention? Or did nobody pay much attention to it?

WINTON: Nobody paid much attention to that because I think most of us felt that maybe it would be better to have a new regime of the Rules Committee.

1963 Lockup of the Assembly

DOUGLASS: I see. So it was an alternative to that. The other thing I would like your version of is the 1963 lockup of the Republicans over the budget.

WINTON: That was funny. That really turned out to be a fiasco. Unruh thought he could bludgeon them into voting for the budget by just saying, "You are going to stay here until you vote for the budget." It didn't work that way as it turned out.

DOUGLASS: And hadn't the Republicans decided that they would at least ostensibly say that they needed more information on the school finance part?

WINTON: Oh, yes, but it was a lot of hocus-pocus. We had a fairly solid--I think at that time the Republicans might have had, what, twenty-nine votes, we needed three Republicans to get the budget out, I think, is all. Incidentally, Unruh usually had two or three or four Republicans in his hip pocket.

DOUGLASS: Why? Because he could dispense committees?

WINTON: Yes. Or he would guarantee them that he would see they wouldn't have any serious Democratic opposition in the race. The only time I was in the assembly I ever contributed to anybody else's campaign, I contributed \$100 to Clair [W.] Burgener's campaign when he ran for the senate against another Republican from San Diego by the name of Hale Ashcraft. Because Hale Ashcraft, in my book, was one of Unruh's pocket votes. And the funny thing was that Hale was a pretty conservative Republican. Captain [E. Richard] Barnes, the pornography guy, was another one of Unruh's votes at times. [George G.] Crawford, also from San Diego, all three of those incidentally are from San Diego, was another one Unruh picked up at times on critical votes.

We had enough Democrats. So he could let us go out and sleep. He would give us Democrats passes to go out, but he made certain there were always more Democrats on the floor than Republicans, so they couldn't get a parliamentary maneuver which only had to carry by a majority of those present and voting. Of course, you know, I have always heard, going back to I think it was in the thirties, the legislature was locked up for six or seven days, a long time. It was on a full-crew bill for the

railroads. And it was locked up for a long time, and there were two assemblyman back in Washington, D.C., and they brought them back. And, of course, they had to come by train [Laughter], and when they got here, one voted one way and the other voted the other way.

Unruh wouldn't give the Republicans passes. So they had food sent in. I think they had some sleeping bags, or something, they were sleeping on the floor. But he kept them there for almost three days--as I recall, it wasn't quite three days.

DOUGLASS: It was overnight. Houston Flournoy talked about sleeping in Pauline Davis' bathroom.

WINTON: Yes. Well, they had a woman's lounge. And the only two women were Democrats. I guess Pauline was the only one left. Dorothy Donahoe had already died. She was the only female member of the legislature at that time.

DOUGLASS: So what did you think of this exercise as you saw it going on?

WINTON: I thought it was foolish. [Laughter] It didn't gain anything, and I think it was more. . . . Well, Unruh liked to display power, and I think that he was trying to display power. And, of course, I don't think he realized at that time that that display of power was something that

the public didn't like. But I thought he got very poor press on it, and I think it hurt him. I think it would still hurt him. I mean it would come back to haunt him.

But he told me once. This comes later-- after my district was reapportioned in '66. And, of course, Unruh basically did the one man, one vote reapportionment. He told me that maybe he was wrong, maybe he got too big too fast. At least it gave an inkling that maybe he had decided that some of the things he had done were not in the best interest of his own personal ambitions.

DOUGLASS: I believe also that some of his reaction to that was attributed to the fact that he had managed to get the senate, he had [this once] conquered the senate in a sense, and gotten it through. And he was quite heady with the notion of jamming it right through the assembly, and they were frustrating him.

WINTON: Yes. He was frustrated.

DOUGLASS: But it is interesting to know what you Democrats in the assembly thought of this as it was going on.

WINTON: Well, I wasn't very happy. But I started to say. I don't know how, but I had a room over at the El Mirador Hotel that particular time. It was just a block away. Because I know

I went over there--or else somebody else had a room that I slept in, one way or the other--and got three or four hours sleep.

DOUGLASS: So the vote was delayed several days. He finally succumbed and said they could have the information.

WINTON: Yes. That's right.

DOUGLASS: The other thing that I wanted you to comment on was his campaign war chest. We started to discuss that somewhat. You said the beginnings of that were really with the Finance and Insurance Committee.

WINTON: Chairman, yes.

DOUGLASS: Then that just became an increasingly large war chest that he could dispense.

WINTON: That's right. He kept on and enlarged it. In 1960, he said he had \$80,000, which for campaigning in 1960 was a lot of money. I don't know how much I spent in the campaign. I had opposition in '60, but it wasn't too much. I know the first campaign in '56, I spent \$1,800 total, primary and general election.

DOUGLASS: Was he giving his money out to other than candidates for the legislature? Was it going to Democratic candidates for congress?

WINTON: I am not certain. I don't know. I never saw a report on it. At first, I think it just went to the assembly . . .

[End Tape 3, Side A]

[Begin Tape 3, Side B]

V. STATE SENATE

DOUGLASS: Was he, to your knowledge, contributing anything in the senate race?

WINTON: Well, later on, what happened was. . . . You know, an awful lot of state senators then, and still today, are assemblymen who move up. And if there were his buddies, or henchmen, or whatever you want to call them, in the assembly and decided to run for the senate, he would put money in their campaign; and therefore extend his influence into the senate.

At one time, I forget what year it was, they told Unruh never to come on the floor of the senate again. That was when he was speaker. The senate was quite jealous of their independence, and they didn't want Unruh gaining dominance in the senate.

DOUGLASS: What was your perception of the quality of the senate during the time you were in the assembly, those ten years?

WINTON: Well, generally, I think it was fairly good. There were some brilliant members, and there were some hacks. And this is true in the assembly as well. By and large, the senate had more substance, I think. The members were, what

do I want to say, more financially secure and so on. The senate operated more like a club. If you were on the inside, and most members tried to be on the inside, it was a club, and you just didn't question it.

They had this Committee on Governmental Efficiency, which they set up to kill bills. And the Governmental Efficiency Committee--I am going to say they met on Wednesday morning, I am not certain what day it was, but I think it was Wednesday. Tuesday night they had a meeting in the Senator Hotel in the rooms of one of the lobbyists there, a dinner meeting. The lobbyist provided dinner for them. They went over all the bills that were on the next day's agenda and decided what they were going to do with them. This was before they had any hearing on them. Who would make the motion. What the motion would be. And if anybody had objections, why, "well, yeah, you can vote 'no' or 'yes'," but just to make certain that the majority prevailed.

Of course, in those times, though, votes of committees were not recorded. Committee votes votes were not recorded.

DOUGLASS: They were not, in the assembly or the senate?

WINTON: Either one. No, the votes were not recorded.

And so you can go back and look at the records and you can't tell how people voted in committee at all. In fact, you couldn't even get a roll call in the senate. They had an unwritten rule that nobody asked for a roll call vote. It was all voice vote. And the chairman called it.

I remember one day I had three bills coming up before the Senate Committee on Governmental Efficiency. And they marched in at nine o'clock, or whatever time they convened. One of the members called me up to the desk and said, "Gordon, I just want you to know that we are going to give a "do pass" to this bill and we are going to kill these two." I said, "Okay, fine." I presented the bills, and all of them got "do pass" votes. And I couldn't believe it. All three of them. I left the committee, thinking I had gotten my three bills out. About an half an hour later, someone came to me and said, "You know, the GE Committee made a mistake on two of your bills. They reconsidered them, and they have killed them now." [Laughter]

But they had even written right in their files, who was to make the motion and everything on these bills. One time I had a bill coming up before their committee, and I was invited to their evening-before dinner to tell them about the bill. So I went over and explained it to

them, and so on, I've forgotten whether that bill got a "do pass" or not. But they did give me the courtesy of inviting me to their secret meeting, in effect.

DOUGLASS: That really is a fascinating commentary, because people who are in local government, on city councils, find it rather ironic that the Brown Act applies to them, which it certainly should, but it doesn't apply to the state legislature.

WINTON: That's right.

DOUGLASS: But did the senate have some problems because you tended to have the seniority-problem people sitting in place and being returned from the particularly rural districts?

WINTON: Yes. They did. I spoke of Senator Donnelly controlling. The senate had an unwritten rule that the senior member of the committee, in service, was the chairman of the committee, regardless of party. And the only exception to that was if they were already a chairman of another committee or they served on the Senate Rules Committee.

DOUGLASS: So you might get some deadwood. Or you might get some people just sitting it out, in a sense.

WINTON: But one thing they did was. . . . The committees in the senate were appointed by the Rules Committee, not by the president pro tem,

and if they thought somebody was deadwood, they would not put him on an important committee, where he could become chairman. They would remove him from that committee. It might be under a lot of protest. But they were pretty good about that.

And I know a couple of senior senators, one particularly, whose health wasn't too good that just said, "I don't want to be a committee chairman." And now George Miller--George is chairman of Senate Finance [Committee]--I was going to say he was never a committee chairman, but he was chairman of Senate Finance.

DOUGLASS: So you had pretty good working relations.

WINTON: I had very good working relations with them, except they could be. . . . Like Senator Randolph Collier was a curmudgeon, I guess. Oh, it was my bill on purity of elections, I remember now. It went to the Senate Committee on Governmental Efficiency. So I got up to explain it, and I think it was Luther Gibson, from Vallejo, was chairman of the Committee on Governmental Efficiency, and he said, "Well, Gordon, just a minute. We've decided to refer this bill to a subcommittee." I said, "Well, that's fine. Who is the subcommittee?" He said, "I don't know, I've got their names." And he looked in his pocket. And he said, "Well,

come to my office after the meeting." Well, it took me about a week to find out who the subcommittee was and when he named the subcommittee,

Randolph Collier was chairman of it, and he was in Washington, D.C. at the time. So I waited, and finally Senator Collier came back. And I went to him to see if we could arrange a hearing before the subcommittee. He said, "Well, when I get time, I'll set one." And I remember the last night of the session, about eleven o'clock, he came over to me, and he had the bill in his pocket of his coat. And he pulled it out, and he said, "Gordon, I can set that subcommittee hearing now. Would you like to have a subcommittee hearing now?" It was about an hour before we were to adjourn.

[Laughter]

The senate could be exasperating. The class of '58 in the senate, I thought, was an excellent class. They had [Joseph A.] Joe Rattigan from Santa Rosa, who later was on the appellate court; they had [Stanley] Stan Arnold from up in Modoc County, Carl [L.] Christensen<sup>1</sup> from Eureka, and the young fellow (I can't

1. Stanley Arnold was elected in a special election, December, 1955; Carl Christensen was elected in 1956.

remember his name) from Del Norte County. They just had a great group of I think almost all Democrats, young senators who came in at that time. I am not sure, but I think that is when [Stephen P.] Steve Teale came in from West Point.<sup>1</sup> And they were all intelligent, conscientious, good legislators.

Only one, there was a fellow--I think this was the best political name I ever heard--he was from Lake County, he was as pear farmer. And his name was Waverly "Jack" Slattery. And he got elected. He was on the board of supervisors in Lake County. He came up there. He served one term, and he didn't run again. He said he didn't know how much pressure there would be up there, and that wasn't what he wanted.

[Laughter]

DOUGLASS: He didn't like it.

WINTON: No.

DOUGLASS: Well, he had enough sense to leave then.

WINTON: That's right.

#### VI. COMMITTEE SERVICE

DOUGLASS: I think now we might move on to the committees you have served on, and I thought it would be helpful if we went through and took it committee

1. Stephen Teale was first elected in a Special Election, June 9, 1963, to represent Calaveras, Mariposa, and Tuolumne Counties.

by committee, and then deal with the major legislation that comes to my mind that you had something to do with. And you certainly will think of other things.

[Pause]

Committee on Agriculture

Mr. Winton, let's start with the Agriculture Committee. I am just going to take them alphabetically. You served on that from 1957 to '66. But before we start on that, I want to ask you a question. Was the Livestock and Dairies Committee an entirely separate committee, or was it a subcommittee of Agriculture?

WINTON: I think the first four years, it was an entirely separate committee. It may have been only two years. I am not certain when the Livestock and Dairies Committee was abolished.

DOUGLASS: You were on it for two years, '61 and '62.

WINTON: Well, then I think it was abolished. [pause] Maybe it was still there in '63 and '64, I am not certain. Ralph Brown, I think, did away with Livestock and Dairies. There just wasn't enough legislation to have a separate committee. It had been set up before that because there was a lot of dairy legislation, and, also, it gave the speaker more committee chairmen to appoint. And the more committee chairmen to appoint, the

more votes you can get.

DOUGLASS: Correct. Well, all right. We already, I think, talked a little bit in the original interview about the nature of your district. But I would like to have you just speak a moment to service on the Agriculture Committee as a reflection of your district's concerns. Because that is obviously one of the reasons you would want to be on that committee.

WINTON: That's right. And I can remember one of my opponents--in fact I think it was my opponent in 1960--said he was a farmer and we needed more farmers in the legislature, [that] we had too many lawyers, we didn't need lawyers. And I said, "Mr. So-and-So is a farmer, but he is a (whatever kind of a farmer he was, maybe grapes at the time). But I have a law practice that represents all sorts of farmers. I have beef cattlemen, dairymen, cotton men, row crops, you name it. And, probably, as a lawyer, I am more familiar with the problems of agriculture than Mr. Barcus, is as a farmer, because he knows what his problems are."

DOUGLASS: As I recall, you mentioned that you had dairy, grapes, cotton, melons, other fruit. You had a wide spectrum of interests.

WINTON: Right. Even rice and cotton. And, as I mentioned earlier, talking about my first

session, the first bill that I ever had signed by the governor had to do with insecticides and grain storage. My other bill that year was the brucellosis bill.

And I can remember one year, it was a very little bill, but to the sweet potato man it was big. The center of sweet potato growing in California is between Merced and Turlock. This area right in here. And for years the U.S. Department of Agriculture, through the state (the state has an agriculture market report), had always reported on the price of Livingston-Atwater sweet potatoes. For some reason, they discontinued it. And the sweet potato growers came to me and said, "We would like to get that quotation back in the daily agriculture market report," which was published by the State Department of Agriculture. Well, I carried a bill, and carried a small appropriation (I think they figured it cost a thousand dollars a year to do it), and put it in for the sweet potato people.

And, of course, a lot of our grapes in those days were going to wine. So I was very interested in legislation which concerned wine. And I think probably the most controversial legislation was in dairies, in milk.

DOUGLASS: The setting of the price?

WINTON: Well, and, also, milk had a pretty complicated system. In southern California, you had rights. When you bought a dairy, you had the right to ship so much milk for that dairy, and they would buy it as Class A milk. That's market milk, the highest price. The producers in the Central Valley here (Merced, Madera, and Stanislaus Counties) were producing Grade A milk, but they shipped it to Los Angeles and it went into the surplus. And if they needed it for market, they used it and paid it. But if they didn't, they paid them all on Grade B prices, which was you used for making cheese or other. . . .

DOUGLASS: Manufacturing.

WINTON: Manufacturing. And we always felt that they ought to take their total pool of milk each day and say 80 percent of it goes for market, we pay all the growers 80 percent and 20 percent to manufacturing. But the big dairies, like Knudsen and Foremost and some of the others, were against that. I don't know what their theory was, but they didn't want that.

DOUGLASS: Was it maybe because they thought more of it would be priced at the manufacturing price, doing it the other way?

WINTON: Well, I think they figured they got more manufacturing milk that way. But I am not

certain. But, anyway, we had a big fight on that. What is Grade A milk? And what is Grade B milk? There were bills everywhere.

DOUGLASS: I noticed, though, that particularly came up in the Livestock and Dairies Committee that you were on.

WINTON: It came up there, but later on, in the Agriculture Committee after they did away with Livestock and Dairy.

DOUGLASS: I see. Okay. So you were deep into dairy problems then.

WINTON: Yes. All sorts of agricultural problems.

DOUGLASS: One of the subjects that was investigated by Agriculture Committee was the vertical integration of agriculture and the question of family farms. That seemed to be very high on the consideration list.

WINTON: Well, let me put it this way. It was high on the political consideration list, but on the action list it was a nothing. It was more talk than anything else, because the farmers in this area. . . . My district, was almost all small farmers. Very few corporate farmers. And I think there was more concern about federal legislation here than there was state.

One of the things that I was deeply concerned in was water and the 120-acre

limitation. And, of course, that was never enforced. From this area, I was very much for the enforcement of it. Of course, that was out of the jurisdiction of the state.

DOUGLASS: Yes. It was federal. Was this then a symbolic study of the problem of vertical integration?

WINTON: I think more symbolic than anything.

DOUGLASS: From the small farmers' viewpoint or from your district, nothing happened.

WINTON: We did look at poultry particularly, because that was where it was really hurting.

DOUGLASS: The same people controlled the farms for the turkeys or the chickens . . .

WINTON: That's right. What they did, it was the mill and the feed people. And they would go out and and they would hire. . . . You would have ten or twenty acres. They would even build the chicken houses, or the turkey houses, for you. You had to agree to buy all the feed from them, and when they were all raised, you had to sell the chickens or the turkeys (you couldn't sell them to anybody else). They controlled the price of the feed. And so the poor farmer was working working twenty-four hours a day and getting nothing. He contributed his land; they contributed all the capital, of course. But they had, in effect, almost sharecroppers.

DOUGLASS: They were trapped.

WINTON: They were. And that was vertical integration if there ever was any. Because they marketed the poultry after it was raised.

DOUGLASS: Was that a big problem in your district?

WINTON: Yes. Not as big as some of the others, but what hurt our district was that they were raising poultry in Delmarva--that's Delaware, Maryland, Virginia, Georgia, Texas--shipping it out here. And they were raising it under that system. And, of course, we have higher land prices and better standard of living and everything else. I had several bills on the poultry problem, none of which passed.

One was a lot of that poultry coming in from outside the state of California was run through a dip. One of the miracle drug dips. I can't remember the name of it, but it retarded spoiling. But, of course, it was a superficial retardation. So if the chickens, or poultry, started to spoil, it spoiled from the inside. It wasn't particularly dangerous to health, but it had an off-flavor, an off-odor. And the housewife wouldn't buy. So, number one, I had a bill that would require them to label the chicken if it had been run through any sort of chemical that way. That didn't work.

Number two, I had a bill that chicken had

to be labeled as to the state of origin. Because what would happen was they would ship the chicken in bulk, and there was a place in Fresno, I know, where they would repackage it. And it put "Fresno, California" on it. It wouldn't say the state of origin.

And the third one. All poultry is graded by the federal government. But you, when you go to a market, to this day, you don't know whether you are buying Grade A, Grade B, or Grade C poultry, because it isn't labeled. And so I said that the poultry had to be labeled by grade. I had these three bills. California producers and processors, particularly, and, of course, out-of-state ones too, fought them and killed all of them. But it was a real problem.

Now, Foster Farms is getting around that a little. They advertise "This is grown in California," "day-old," "fresh," and you pay a few pennies more per pound but you get better chicken. And they have made a tremendous success out of it.

DOUGLASS: Yes. They have. They have marketed that idea. One thing that I wanted to be sure to have you talk about is the Williamson Act,<sup>1</sup> which passed

1. A.B. 2117 (Ch. 1443). Added Ch. 7 to Pt. I of Div. 1 of Title 5 of the Government Code relating to agricultural land conservation.

in 1965.

WINTON: I think I told you last time that Paul Lunardi and I introduced that in '63.

DOUGLASS: Yes. That is why it got my attention. In '63, and it failed.

WINTON: It failed.

DOUGLASS: Would you tell that story? I think it is an important one.

WINTON: Well, we just couldn't get it out of it the assembly.

DOUGLASS: It was the same concept?

WINTON: It was almost the same bill. And Paul Lunardi really is the one that. . . . I don't know where it came from, but Paul and I worked together. But Paul originated it, and he was the lead author on it.

DOUGLASS: What was his district again?

WINTON: He came from Roseville. It was a mountain area of the mother lode, just out of Sacramento, which was starting to be encompassed by suburban development. He came to me, and we talked about it. He told me he would like me to be on it with me and help him because he said, "You're a lawyer, and I'm not. And they are going to be asking a lot questions." So we appeared on it together, and we didn't get it out.

But I thought it was an excellent idea to preserve prime agricultural land. Well, I am

not even sure, but I think the Farm Bureau may have opposed it. The Farm Bureau took some rather unusual positions, I thought, sometimes for an agricultural organization. But, of course, all your subdividers. . . . The farmers weren't even too keen for it themselves because they thought, "Well, gee, if we can sell our land for \$10,000 an acre, why not?"

DOUGLASS: But on the other side it, they were complaining because they were being taxed at the value the land would be as subdivided.

WINTON: That's right. Of course, you know that's funny because before that [Carl A.] Ike Britschgi got a bill passed that applied to the whole state--I guess it had to be a constitutional amendment--that said golf courses could only be taxed at the value of the land as golf courses. But the farms were taxed at inflated value. [Laughter]

DOUGLASS: Was that a difficult bill? Number one, it went to the Agriculture Committee, I assume. Williamson and you were on that committee.

WINTON: Williamson was chairman of it I think then.

DOUGLASS: Yes. He was. Was it a problem to get it out of the committee?

WINTON: We didn't get it out of the committee in '63.

DOUGLASS: In '63, but then.

WINTON: In '65, John came to Paul--I guess maybe Paul

had dropped, no, Paul was still in the assembly--and said, "Did we mind if he took the bill?"

DOUGLASS: I see. That's how it got his name.

WINTON: Yes. And he had been chairman of the committee. And he was for it in '63.

DOUGLASS: So, in '65, did it go through the committee fairly well?

WINTON: As I recall. It was a fairly close vote, I think.

DOUGLASS: But was the same kind of lobbying going on?

WINTON: Yes. But I think things had gotten a little. . . . Like over around San Jose and so on, other areas were getting this urbanization pressure that hadn't been quite as much in '63. I often said that in those every two year sessions of legislature, you put the bill in one session and then you get it passed two years later. You've got to do your homework and lobbying and get the word out to people and get the support.

DOUGLASS: I think you said, ironically, Merced County didn't adopt it.

WINTON: Still hasn't to this day.

DOUGLASS: You know Los Angeles County hasn't either.

WINTON: I didn't realize that. Of course, Los Angeles is. . . .

DOUGLASS: But, in 1965, it was an important idea. It was sad. Is it seven years or ten that they pledge?

WINTON: Ten years.

DOUGLASS: Then there is a penalty if they opt out.

WINTON: Well, the only penalty is--and usually they renew it every five years and they have ten years ahead of them (always, they are running on a ten-year contract)--if they pull it out, all they do is pay the difference between the taxes they paid and what they would have. So it really isn't a penalty if you are going to sell it for. . . .

DOUGLASS: Right. It just is a temporary deterrent. Well, interestingly enough, you may have noticed that in the Chino area down our way, the board of supervisors, with two new supervisors . . .

[Interruption]

DOUGLASS: . . . What I was going to say is that in Chino we have an interesting situation in which there is great pressure to urbanize the Chino dairy farms, and it looked like the urbanization was going through. But the new board of supervisors turned it down. So it will stay under the Williamson Act.

WINTON: That's good. Of course, one of the things that got me--I think they have changed the name--but didn't they have a city there in Los Angeles County called Dairy City, or something like that at one time?

DOUGLASS: I don't know.

WINTON: It was formed by dairymen. Joe [A.] Gonsalves, who was later an assemblyman, was one of the people who put that together. They incorporated a city that was almost all dairies just to be able to control urbanization. I think it was called Dairy City, and they have changed the name now.

DOUGLASS: No doubt. We have proliferated cities down there. Then I thought you might comment on any outstanding members of the committee. Obviously, Williamson might be one.

WINTON: Yes. And succeeded as chairman, Leverette House. Leverette House was an assemblyman from Imperial County who was a farmer, plus he had an oil distribution there, where he delivered oil and gasoline to farmers.

DOUGLASS: Samuel [R.] Geddes was the one who succeeded Williamson. I have him as chairman in 1960.

WINTON: Well, Williamson wasn't chairman until well after that.

DOUGLASS: All right, then Geddes was chairman before Williamson.

WINTON: I think House was too.

DOUGLASS: Yes. [referring to lists] Williamson was chairman in 1965.

WINTON: Yes.

DOUGLASS: Were there any other people on that committee

who particularly impressed you?

WINTON: Well, it wasn't a very busy committee. And part of the time, I was on five other committees, and that would be the committee, if I had a conflict, I would miss. And I know when Leverette House was chairman, he said, "Gordon, please come to my committee because you are the only one that can read these bills and understand what they do. All the rest of us are farmers." [Laughter]

DOUGLASS: I have you as vice-chairman, [William W.] Hansen as chairman in '57.

WINTON: Yes. Bill Hansen was a dairymen, incidentally, from Fresno County. And Livestock and Dairy [Committee] chairman--the fellow is still alive, I think, living at the Sutter Club in Sacramento. I can see him. I can't remember his name.<sup>1</sup>

DOUGLASS: I think I have it here. Belotti was chairman.

WINTON: No. That was Frank Belotti. He was from Eureka.

DOUGLASS: [Alan G.] Pattee was vice chairman in '62.

WINTON: No. This was '57, Livestock and Dairy.

DOUGLASS: All right. Before you went on it.

WINTON: Well, the year I went on it. Maybe I wasn't on it that first year.

1. Thomas W. Erwin, Los Angeles.

DOUGLASS Samuel Geddes, where was he from?

WINTON: Napa. And he was no relation to Ernest [Geddes]. Sam was an unusual character. I remember the first year that Pat Brown was governor. Sam was a Democrat. He voted against the budget. I went to him, and I said, "Sam, what are you doing, voting against the budget?" He said, "I can always find something in there I am against." [Laughter] Then he said, "When I go back to my constituents, I can tell them. . . ." Sam had lived a long time in China. He had been doing contract work in China for the warlords, back in the twenties and the thirties. Of course, Geddes is a Scotch name, and both Sam and Ernest were of Scotch descent.

DOUGLASS: And you know Ernest Geddes lived in Mexico as a youngster.

WINTON: Yes. I knew that too.

Committee on Criminal Procedure

DOUGLASS: Why don't we move on to the Criminal Procedure Committee. I am just taking them alphabetically because that is as good away as any. I have you on that committee from 1961 to '66, appointed by Unruh. We have gone over that.

WINTON: I was first appointed by [Ralph] Brown in '61.

DOUGLASS: Brown. Unruh kept you on it.

WINTON: Unruh kept me on it and made me chairman in '63 and '64. And, incidentally, it was a very

interesting thing. I had been chairman his first two years of Government Organization, or his first year, I guess, and he put me on as chairman of Criminal Procedure because he said, "Nobody on that committee could make any friends." [Laughter] And he gave me five conservatives and five liberals. Five conservative Republicans and five liberal Democrats were on the committee. It was almost impossible to get any bill out of the committee, either liberal or conservative.

One experience I had there, I always enjoyed. There was a chief of police in Los Angeles by the name of [William] Parker, Chief Parker. And there was an assemblyman from Hollywood by the name of Charles Conrad, who was speaker pro tem under Lincoln, incidentally. Charlie Conrad came into the committee with a bill having to do, I don't remember the exact details, with male prostitution, saying it was rampant on the Sunset Strip, or something. They had the Chamber of Commerce manager from Hollywood up there to speak for it. This would help the problem. And I was on the fence on the bill. I really didn't know. And it was late at night that it came up.

And I think Chief Parker was the first

speaker in favor of the bill. And he got up there and said something about all the Communists on the Supreme Court of the United States and in the legislature, and so on. And I rapped the gavel, and I said, "Chief Parker, we are here to find out what the problem is and how this bill will solve it. And you're ranting and raving about Communists isn't going to help the solution." So he started again and started really talking about all the Communists and he knew the bill wouldn't get out. And I rapped the gavel, and I said, "One more outburst like that, Chief, and I am going to have the sergeant-at-arms remove you from the hearing room." [Laughter] And my sergeant-at-arms was a little, old, wizened man about seventy year old guy that probably couldn't have moved Parker five feet. Well, Parker says, "Aw, you don't want to hear what I have to say anyway. That's all I am going to say." And went and sat down. There were headlines in the L.A. Times the next day that Parker was threatened to be thrown out of the legislative hearing. Anyway, our present governor was on the committee.

DOUGLASS: Yes, I wanted to ask you about that. He came on in '64. Tell me about having [Governor C. George] Deukmejian on that committee.

WINTON: Well, this is about Deukmejian. Deukmejian was

for the bill. And the hearing went on at some length. There was quite a bit of testimony against it, and we didn't get to a vote until about 11:30 P.M. or midnight. It came up to a vote. The vote was five votes to put the bill out, I voted to put the bill out (with four Republicans), four Democrats against it. But, of course, the committee rule is you have a majority of the total membership. So you had to have six votes to put it out. Deukmejian had gone home. He had gotten tired and gone home. So he didn't vote. His vote would have put the bill out.

My concept of George [Deukmejian] on that committee is that George, like Cap Weinberger, whom I have mentioned before, had no concept of criminal law practice. He didn't understand criminal law. He was almost of the opinion that if you have been accused of a crime, you ought to be locked up. And I was not very smitten with George's legal scholarship, when it came to criminal law.

DOUGLASS: Well, that would be reflected in what we see today. Why is that? Is that a common problem that people who don't practice criminal law, and yet who have legal training, have this difficulty?

WINTON: I think it is. And they do not understand that

our Bill of Rights is there to protect the innocent, not to protect the guilty. But if you have to protect somebody who might be guilty, why they think it's all wrong. And, you know, it is tough to say, I would almost like to see a hundred criminals go loose, rather than one innocent man be convicted. And so I just don't understand their. . . . And it was the whole thing with the [Supreme] Court this year with Rose Bird.

DOUGLASS: So it's the same Deukmejian then as we see today, in terms of how he is looking at this?

WINTON: Even he is better educated today, because he served as attorney general for four or eight years, I've forgotten which.<sup>1</sup> So he has been exposed to more. George was very, very conservative. I do not think, if you go back through the analysis of the legislature that George contributed much in the way of legislation or enlightenment, either one.

DOUGLASS: Was he a participatory committee member, particularly?

WINTON: On criminal procedure, he was. Very negatively, I thought.

1. George Deukmejian served as attorney general for four years (1979-1983).

DOUGLASS: You did not think whatever he had to say was creative?

WINTON: No. That's my opinion.

DOUGLASS: Was this your perception of him on the floor, or in general?

WINTON: He spoke very little on the floor, as I recall. He did not get in debates on the floor very often.

DOUGLASS: Would you have guessed then that he would have run for the governorship?

WINTON: No. I would not have guessed then. And I would have said, if somebody said he would, "He doesn't have a chance of a snowball in Hades," which just shows how good my judgment is.

[Laughter]

DOUGLASS: He was not particularly a charismatic person?

WINTON: No. He is not, even today. Personally, he is a likeable chap.

DOUGLASS: Were there any other people on that committee who particularly come to mind?

WINTON: Well, there were some brilliant people on it, I thought. Phil Burton was on it, as I recall. Bob Crown was on it. There was one thing that I thought was wrong, but they are still doing it. They are putting lay people on it. And they really don't understand. When I was on it, we had a retired police captain from the L.A.

Police Department by the name of Chet Wolfrum on it. And he looked at everything from the cop's viewpoint. I think Chet may have gotten a night law degree too--no, he didn't, he was not a lawyer.

DOUGLASS: I have the 1961 list here. It was O'Connell, [Vernon] Kilpatrick, Bruce [F.] Allen, Burton, [Gordon R.] Cologne, Crown, [Louis] Francis, [John T.] Knox, [Nichols C.] Petris, Sumner, [Howard J.] Thelin, Wolfrum, and Winton.

WINTON: Well, it was reduced to ten members in '63.

DOUGLASS: I did want to ask you about your involvement with criminal procedure bills. You mentioned that you had carried some death penalty legislation for the governor. I was interested in your talking about that.

WINTON: I don't think I carried anything for the governor.

DOUGLASS: You supported it then?

WINTON: Yes. In those days, we had, I think, all three general sessions, I was on the Criminal Procedure and Justice Committee, we had full hearings on the death penalty. We usually had them at night. They started like seven o'clock and they might go to midnight. One of the people that usually testified was former Warden [Gordon W.] Duffy of San Quentin, who was opposed to the death penalty.

DOUGLASS: That's right. He was.

WINTON: Yes. He was opposed. He said it didn't do a bit of good. And I personally do not to this day believe in the death penalty. But that's personal, and when people campaigned--in one campaign in 1960, my opponent campaigned against me and said, "Wouldn't support the death penalty, he's opposed to pornography legislation," and what was the third one.

I said, "As far as the death penalty, my father didn't believe in it, my church doesn't believe in it. I don't believe in it. It is a personal belief, and would you want me to vote against my conscience?" As far as pornographic literature, I explained the relationship with the bill there. Then I got through and said, "The votes that my opponent charged me with are three votes out of thousands. If my philosophy differs with your opinion on a majority of the issues, you certainly should vote for somebody else. But you shouldn't throw me out on three-tenths of 1 percent of all the issues that come from the legislature." Words to that effect. I didn't say it quite that way. Anyway, I won handily that year. That's the only year that came up.

DOUGLASS: That's interesting. I was reviewing the [Caryl] Chessman execution stays beginning in January of

1960 and all of that process with Governor Brown urging a five-year moratorium, which passed the assembly by one vote in 1960. Could you describe that debate?

WINTON: I don't remember. But a fellow by the name of McMillan was the one that had the abolition of the death penalty in every bill. Lester McMillan, from Los Angeles. I think Les is still alive. He carried the abolition of the death penalty bill every year.

DOUGLASS: Was he carrying it for the governor, essentially?

WINTON: Well, he did it before Brown was elected.

DOUGLASS: I supposed that probably hurt Brown eventually, didn't it?

WINTON: The thing that hurt Brown was the Chessman stays. That happened during the winter Olympics. That was 1964, the winter Olympics?

DOUGLASS: Well, he stayed the execution several times, starting in '60.

WINTON: Yes. But it was while the winter Olympics were on up at Squaw Valley. And my wife and daughter and a girlfriend of my daughter's were staying in Sacramento with me. The legislature was not session, I guess, I am not sure. But, anyway, we left Sacramento very early in the morning to drive up to Squaw Valley to see the Olympics. And on the way

up, I heard on the radio that the governor, just before midnight the night before, had issued a stay of execution for Caryl Chessman. And we get up there, and the tickets we had were arranged through the legislature, in fact, I think the Olympic Committee gave them to us. But I am not positive of that.

But, anyway, seated right ahead of me was a fellow by the name of [Frederick] Fred Dutton. Fred later on was in the Kennedy administration, and I think he is still probably a lawyer and lobbyist in Washington, D.C. But at that time he was a young lawyer in San Francisco. And Fred was Pat Brown's executive secretary. And I said . . .

[End Tape 3, Side B]

[Begin Tape 4, Side A]

WINTON: I leaned over and said to Fred, "Why did you let the governor stay the Chessman execution?" Because it had been stayed several times before. And he said, "Gordon, when we left him last night, he promised he wouldn't do it. He wouldn't touch it." It turns out that Jerry [Edmund G. Brown, Jr.] was home, and I think he was still in the seminary then. I am not certain. The Jesuit seminary. And he had convinced his father that he ought to stay the execution.

And I think that Pat Brown would have beaten [Governor Ronald] Reagan in '66 if there had not been that stay of execution. That was the last straw.

DOUGLASS: Then you mentioned that you did introduce a bill [A.B. 2136] in '64 which permitted the plea of nolo contendere.

WINTON: Yes. I wondered if you would talk about that.

WINTON: It was '63, I think, because '64 was a budget session. I was in the hall talking to a former legislator from Los Angeles by the name of Waters--I've forgotten which one, there were two<sup>1</sup> brothers--and we were talking. He said that he had a case that he really wanted to plead nolo for his client, and he said, "Why don't we have a nolo plea in California? I said, "Gee. I never thought of that. You have it in the federal court and most state jurisdictions, but in California, you don't."

DOUGLASS: And why was it that we didn't have it? No one had ever thought of it?

WINTON: No one had ever come up with it, I guess. I couldn't find any history of any bills being introduced. I said, "Well, I'll put it in this

1. Laughlin Waters and Frank Waters.

session. It probably won't pass, but we'll get it going, and two years from now, we might have a good chance." So I put the bill in, and, to my surprise, with one amendment. The amendment was that in all jurisdictions, the court has to concur in the plea of nolo. In other words, if the court says they won't accept, they have to plead guilty or not-guilty. But, in most cases, the court accepts it because the penalty is just the same as if you had pled guilty.

Well, the District Attorneys Association came up, and they opposed the bill unless we put in it that the plea could not be made without the concurrence of the district attorney and the judge.

DOUGLASS: I see. Your bill would have been just the judge agreeing.

WINTON: Yes. The judge had to concur. So we put that amendment in, and it went sailing through. And the lobbyist for the District Attorneys Association was always, at that time, a district attorney from Alameda County, because Frank Coakley was district attorney up there. And the county paid their expenses and everything. But he sent a deputy up. [Herbert] Ellington was his name. He later was in the Reagan administration in Washington, D.C. I think he

is still back there. And when he left to become. . . . When Reagan got elected, he left to go on Reagan's staff; [Edwin] Ed Meese took his job as lobbyist. He was from the Alameda County district attorney's office. And he was lobbyist for the district attorneys. But Ellington got this in there, and it has since been removed. The DAs don't want to be bothered with that anymore.<sup>1</sup>

DOUGLASS: So they don't have to agree to the plea.

WINTON: Not any more. That has been removed in the years since. But it just removed an awful lot of cases from the court calendar. Because, in automobile accident cases, suppose one of the drivers got a ticket for reckless driving and the person in the other car was hurt. Why they would always plead not guilty and ask for a jury trial. Even if they were convicted, the conviction after a jury trial, when they pled not-guilty, was not admissible in the civil case. But if they pled guilty, that was called

1. In its final form, A.B. 2136 (Ch. 1738), amended Section 1016, Penal Code, adding plea of nolo contendere in criminal cases, which may be entered with consent of the district attorney and with court approval. It could not be used against the defendant in any civil suit based upon or growing out of action upon which criminal prosecution is based.

an admission against interest. And it was admissible in the civil case that he admitted that he drove recklessly. So you would always have to plead people like that not guilty, and usually ask for a jury trial before the civil case. Because the civil case was the one that was important.

DOUGLASS: This would expedite things because they could plead nolo contendere and not jeopardize their standing in a civil case.

WINTON: That's right.

DOUGLASS: So it made sense all the way around.

WINTON: It did.

DOUGLASS: That's interesting how little things drop through the cracks even in a state as pretty progressive as California.

You had intimated to me that this was one of your favorite committees.

WINTON: Yes. Because I think it really improved--that was my favorite bill of all, I think--the administration of justice, speeded up the courts in a lot of things in California, and it didn't hurt anybody.

DOUGLASS: I noticed that that committee had spent a whole day or more down at Synanon, looking at their program.

WINTON: Yes. That was very interesting. I don't know.

Was I chairman when they went down. I think O'Connell was chairman. And I don't know how he met that fellow who was head of Synanon. And the problem was that the state Department of Corrections did not . . .

DOUGLASS: Excuse me. It was 1962 when you went down there.

WINTON: That was John O'Connell in 1962. There were very fascinating hearings down there at Santa Monica, right on the waterfront. Of course, that fellow later became sort of a black sheep, I guess.

DOUGLASS: The fellow who headed Synanon?

WINTON: Synanon. But it was a very interesting hearing.

DOUGLASS: Also, I guess some time was spent on drugs in hearing.

WINTON: Well, part of the Synanon was drugs.

DOUGLASS: Yes. Drug problems.

WINTON: I think one of the most interesting hearings we had when I was chairman--there were two of them. One of them was we held an all-day hearing at the correctional facility at Vacaville, which was the only Department of Corrections institution at that time, and I'm not sure whether this is still true or not, that required the superintendent of the prison to be a psychiatrist. And they got the criminally

insane there. And we had a very fascinating hearing there. I remember Bruce Sumner was still on the committee, because he and I came back and introduced a bill to make all sentences in California indeterminate. In other words, the judge would sentence a prisoner to state, not county jail, but to state prison, for such term as is determined by law. And then it would be up to the parole board to determine whether they should stay one year or fifty years.

Because we had an example I still remember of a vice-consul of some Central American country in San Francisco, and the country changed government and he was out of a job. So he took a job--and he was very wealthy--he took a job as a sales representative for some American firm traveling through South and Central America. He came home from a two-week trip, or longer, but a trip, and on that Sunday afternoon, he and his wife had a couple of cocktails before dinner. And she admitted to him she had been unfaithful to him while he was gone. He went in his bedroom and got a pistol and came and shot her.

Well, in Spanish countries, that is almost justifiable homicide. But he was charged with manslaughter, because there was not premeditation. I mean, it was "boom, boom." He

was sentenced for a minimum of five years, second-degree murder. Couldn't let him out. It wasn't manslaughter. It was second-degree murder without premeditation. And the psychiatrists said, "We could let him out a year after he got here, and we would have known that he would never commit another crime. He probably would never even get a parking ticket. But we have to keep him here for the minimum prescribed by law."

And another fellow who was sent up on the charge of insufficient funds, check writing. But he was a typical schizophrenic, very violent. They had him in a cell in which there was nothing movable or damageable; and when they took him out to get some exercise up and down the hall, they had to have three guards with him, because twice he had beaten up on the guards in the hall. They were certain--the psychiatrists were--that if they let him out, he would commit violence again.

So when his turn was up--I think he had served fifteen years, or whatever it was--they went to court in Sonoma County and tried to have him declared insane and committed to the Department of Mental Hygiene, who would have not taken him. They would have said, "He's

criminally insane. Send him right back to Vacaville." And the judge said, "No. You haven't proved to me he is criminally insane." They let him out, and he went San Mateo County and he had been there two weeks--they warned all the law-enforcement people--he killed two people. And yet there was nothing under the law where they could hold him. So we felt that after all, these are the experts that know what the chances are--they are going to make some mistakes.

Maybe I told you this before. But both the conservatives and the liberals were against the bill. The conservatives said, "Well, you slap their wrists and let them out. You let them out too soon." The liberals were saying, "Well, so he has been there ten years, and he wants to get out, but the prison authorities say it is a danger to let him out. So they hold him." And we had built in there hearings and everything else, he could have had hearings. But they didn't want it because they felt that if the correctional authorities were prejudiced against a person, they would hold him there for the rest of his life. But certainly our present system isn't working.

DOUGLASS: Right. The problems don't change, do they?

WINTON: No.

DOUGLASS: Is there anything more on criminal procedures?

WINTON: Well, of course, the other two big issues we had beside the death penalty were pornography and abortion.

DOUGLASS: Right. You said that you voted for Beilenson's abortion bill.

WINTON: Yes. Which was what he called therapeutic abortion. All it did was say that it legalized abortions for women that were victims of rape or incest. And I voted for it, and that was used in my campaign, against me.

DOUGLASS: That went to this committee, didn't it?

WINTON: Yes. While I was chairman.

DOUGLASS: Was that when Deukmejian was on the committee, or before? Was the Beilenson bill in '64, maybe?

WINTON: Maybe '65.<sup>1</sup>

DOUGLASS: Then Deukmejian would have been on the committee. He no doubt was opposed to the bill, was he?

WINTON: Oh, yes. I have one story about the perennial. . . . Lou Francis had bills against pornography originally. Lou was a little mentally disturbed, I think.

1. Gordon Winton served as chairman of the committee through the 1964 session.

- DOUGLASS: This was the author of the famous Francis<sup>1</sup> amendment.
- WINTON: Yes. And one hearing we had when I was chairman was held in conjunction with the state bar meeting in San Francisco. And I had a great consultant to the committee by the name of [William] Bill Keiser, and Barry Keene, now Senator Keene, was the Ford Foundation intern, he was an intern for me.
- DOUGLASS: Excuse me. That isn't the Bill Keiser who works for the League of California Cities?
- WINTON: Yes. He worked for me for three years. He started as a Ford Foundation intern, and then he was consultant to the Committee on Criminal Procedure. You knew Bill then.
- DOUGLASS: Yes.
- WINTON: But, anyway, Bill was my consultant. They lined up a hearing on pornography. It started with [S. I.] Hayakawa. This was before the student stuff, and he was famous for that. This is when he was famous because he was a professor of semantics. And they had [Eugene] Burdick, who wrote The Ugly American<sup>2</sup>. They had a child psychiatrist, a very noted one, and they had a professor of psychology from Germany who was at
1. Proposition 16 (anti-obscenity), 1966 ballot, failed.  
2. Coauthored by William J. Lederer.

the Stanford Institute for Research, some think tank they have there at Stanford, I've forgotten the name of it. Anyway, we had an excellent list of witnesses.

DOUGLASS: You are not talking about SRI, the Stanford Research Institute.

WINTON: No.

DOUGLASS: You are talking about one that was on psychology or something?

WINTON: Yes. This is the one up on the hill, up above the golf course. I remember where it is. And, anyway, we had an excellent list, discussing pornography from the standpoint of semantics, of psychiatry, of psychology, and Burdick was political science. He told the story--it was very interesting--that when he was a professor of political science at UCLA [University of California, Los Angeles], he wrote his first book. And it was on euthanasia.

His dean of the department got a call from some lady that was very concerned that he had a professor that was writing pornographic books. And the dean didn't know what she was talking about. So he called him in, and said, "Well, what about this?" And, it turned out that she was opposed to euthanasia, so she thought any book about euthanasia was pornographic.

[Laughter] In other words, what he was saying was that pornography is in the mind of the viewer.

I remember Phil Burton was on the committee, and he asked Hayakawa, he said, "Professor, if someone called you a Jap, would you think that was pornographic?" And Hayakawa said, "No. But I would sure punch him in the nose!" [Laughter] And then he went on. He said some of the movies he thought were very pornographic, particularly in the fight scenes where they fight for five or six minutes and bloody everybody up. He said, "To convey the story, twenty or thirty seconds of that would be enough, but to do it for five or six minutes is pornographic."

We had a lot of problems. They had bills in when I was chairman. There was a dictionary out that became very famous then. It was called The Dictionary of American Slang, and these do-gooders wanted to ban it from school libraries and public libraries. They got together a mimeographed two sheets, like this, with all the awful words they could find in the whole book-- you know, two thousand pages, or whatever it was. And I remember Hayakawa saying he didn't think the Dictionary of American Slang was, but this sheet they were handing out was sure

pornographic [Laughter] because it didn't have any other purpose.

I wish I had a copy of that. I had a copy of it, and I don't know what happened to it. But that transcript was typed up. And it was as good a compendium of ideas on pornography as . . . . Bill Keiser and Barry Keene, who is now a state senator, put that together. They did it.

DOUGLASS: That must be around somewhere then.

WINTON: I am sure it is in the archives, or somewhere.

DOUGLASS: So you were wrestling with pornography and abortion and all the subjects that still come up.

WINTON: Oh, on pornography, Captain Barnes always had these bills. He succeeded Lou Francis. He was a retired navy chaplain from Coronado. And he was pretty wild, way out. But, anyway, he had these bills. . . . Well, I remember one bill he had up--I think it was John O'Connell pointed out, would have outlawed Tom Sawyer and Huckleberry Finn. I mean, you go down to them, and they would have all been illegal under this definition.

So he came up when I was chairman. He went around. . . . Somebody told me he had the biggest collection of pornographic literature of anybody in the state. He would come in with all

these paperbacks and want to hand them out to the committee. Well, he had done it two years before when I was a member and O'Connell was chairman. So this year I said, "Mr. Barnes, we don't need those. We'll grant you there is a problem with pornography. Now, you tell us how your bill is going to solve it. You don't have to pass out all this stuff. We've been around long enough to know that it's pornographic." He was so mad at me, and the committee members were mad at me too because I didn't let them get their hands on this lurid literature.

DOUGLASS: [Laughter] You stole his thunder. He probably had that constantly on the agenda, that kind of thing?

WINTON: Yes. And in '63 and '64, there were an awful lot of these organizations that were for looking at books, and so on.

Committee on Education

DOUGLASS: Okay. Can we move on to Education [Committee] then, which is an important one?

WINTON: Sure.

DOUGLASS: You, having been a former school board member, were on this from the beginning.

WINTON: Yes.

DOUGLASS: There are just so many topics there to cover. I have jotted down a few, the kinds of subjects that seemed to come up. Certainly the funding

of school construction was always a problem.

WINTON: It wasn't near as much a problem as it is today because most of the school districts had passed bond issues. And I think had passed overrides.

DOUGLASS: It's true. It's now another kind of a problem and a worse one.

WINTON: I think the first year I was on it, '57, Sputnik went up in '56. Okay, '57 was when Goodie Knight wanted to do something. So he had a bill introduced that we had to have science and mathematics starting in the first grade.

[Donald D.] Don Doyle introduced the bill. Don Doyle was a Republican assemblyman from Contra Costa County. He was chairman of the Assembly Education Committee at the time. And [Richard T.] Dick Hanna, the assemblyman from Orange County, and I--I think Dorothy Donahoe agreed with us--went to him and said, "We've got to oppose this. You can't mandate science," and said, "But what we ought to do. We'll go along with you, if you set up a study of our system."

So we agreed to set up a committee for the study of the public education system in California. And that bill passed, the governor signed it. It was a joint committee of the two houses. It was chaired by Don Doyle. But what really got me, he called us all in shortly after

the session was over. I guess that was in '58,<sup>1</sup> because it was a budget session.

And he called us all in--all the members that had been appointed in the assembly and senate--and said, "Okay. We are going to have a citizen's advisory commission, and I want nominations of who should be on it." Well, these people like Frank Lanterman, who, bless his soul, an awfully nice guy, but he didn't have much understanding of public education, except he was great on mental health. Frank was great on that. But he nominated three or four very conservative people from the La Canada area, where he lived, who were vociferous. And most of the people that got on that citizen's advisory commission were people who were activists, saying how terrible education was.

DOUGLASS: Now this was an advisory committee to the joint committee?

WINTON: To the joint committee. But it was the advisory committee that got the money and held the hearings. And I went to every one. Legislators could go to them. I nominated two people for

1. A.C.R. 20, passed in the First Extraordinary Session of 1958, established a Joint Interim Committee on the Public Education System. Donald Doyle did not run for reelection in 1958 and served only briefly as the chairman. Gordon Winton then became chairman.

the committee. I nominated Robert Gordon Sproul, who was appointed and served. And I can't remember the fellow's name, but when we looked over the list, there was nobody from minorities. And I had known a black attorney in San Francisco who graduated from Harvard magna cum laude, but still was just eking out a living. But he later became a superior court judge. But, anyway, he showed up at one meeting and then never served any more. I don't know why he didn't come.

We started off. . . . I thought the citizen's advisory committee did very well. They started off and they had the former president of Harvard. . . .

DOUGLASS: [James B.] Conant.

WINTON: He came out and spent a whole day with the citizen's advisory committee because he had just written a report on public schools and did very well. But Carlos Bee put the superintendent of the Hayward Schools on it.

DOUGLASS: Oh, Rees.

WINTON: Jack Rees. And a manufacturer, a very nice guy, really, turned out to be a good chairman, was elected chairman. He was from the La Canada area. His last name was Ford--or was Ford his first name, I've forgotten. [Ford J. Twaits] Anyway, it started out, and even Walter [W.]

Stiern, who is very interested in education, he is from Bakersfield, appointed three people from Kern County who all had axes to grind. Most of the people had axes to grind. There were a few, like the dean of the School of Education at Stanford who died quite young afterwards.<sup>1</sup> This was back in '58.

Anyway, it got to be almost a witch-hunting expedition. And the joint committee, Doyle was letting them run wild. I guess Doyle hired the staff to start with. But, anyway, he didn't run for reelection in '60 [1958]. In '61 [1959], I was appointed chairman of the joint committee to succeed him.

DOUGLASS: Let me get the dates because I found you listed as chairman in 1960. Does that make sense? And the committee starting '59.

WINTON: The legislation was passed in '58, while Goodie Knight was still governor. And it started in '58, maybe it didn't really start to operate until '59.

DOUGLASS: Anyway, you became chairman after Doyle.

WINTON: Yes. It might have been late in '60, because he didn't run and maybe he resigned. I don't know, but I became chairman. And as soon as I became

1. I. James Quillen.

chairman--well, I guess we worked through '61, and they put the report in in the first part of '62, wasn't that it? They wanted to get an extension and work another year. I said, "No way. You write your report."

This first chairman, Ford [Twaits], had left the state. The company he worked for had closed their plant in California, and he had been transferred back to Arkansas as head of some sort of a plumbing manufacturing equipment plant. And a fellow by the name of [ ] Lawlor, who was a dentist in La Canada, became chairman. He had never gone to public schools a day in his life. All the way through private schools, Catholic, and I forget what college he went to. And he couldn't see anything good about education. One of the worst things we had was that coaches were running the school system because PE [physical education] people always became the principals and the superintendents. And this was the worst thing in the world because coaches didn't know anything. He tended to see Communists behind every bush.

So after that first year, and there were some hassles, so I told them they had to write their report. And they wrote their report on their own. They appointed a drafting committee,

and they wrote it. And I didn't get to see the report--none of the committee did--until it was finished. Lawlor was afraid that I would bury the report without even having it printed. So he went to a private printer downtown and had several thousand copies printed.

He turned it in to me, and I had it printed. And I didn't know until that time that when you had a committee report printed, the printing office asked, "What color do you want the cover?" So I said, "The brightest red you have." [Laughter] I don't know whether Lawlor ever got the message or not. And I put a foreword in there that we were forwarding the report to the legislature, but we had not had the time to review it or had any hearings on it. So we were neither recommending nor condemning it, or words to that effect. Maybe you have seen that and seen that foreword.

DOUGLASS: No. I haven't.

WINTON: But I just forwarded that. Well, that led to quite a bit of legislation. One of the things that they wanted was standard statewide testing. And I still don't like standard statewide testing, although we've got it pretty well ameliorated in California.

So, working for me as my intern that year was Rose Elizabeth Bird. So I said, "Rose, I

want you to do a research on standard statewide testing." She was from New York. Her mother was a school teacher. I said, "I want to find out how many states have it. How many had it and have done away with it. And all the information." Well, she did a beautiful job. When she started out, she was in favor of it. Because they had the Regents test in New York. And she found out, and even got me a copy of a study that had been made of the Regents exam in New York, commissioned by the Regents Board, which criticized it very heavily. So it was never published. And she changed her mind.

I was afraid there would be some sort of a bill anyway. So Rose and I--and Rose did most of the work--came up with a bill that said that there would be testing, that the state Department of Education would come up with three or four standardized tests, and the school districts could take whichever one they wanted to use. That they had to send the results to the state department, because--this bothered me. I found that--I think the case was out of Pasadena, I'm not sure--one of the testing bureaus had tested the students there, and the state asked for copies of the results, and there was no authorization in the law for them to get

them. The court held they couldn't have them.

So here you've got testing going on, but the state department doesn't know what is going on. So I put [in] that you had to send it in, but the state department could not release the results on a district-by-district basis. They only release them on a statewide basis. That the results had to be reported to the school board of each school district in a public meeting, but it would be for the school district as whole, not school by school.

The things I was afraid of was comparing in Merced here, Galen Clark [School], which was 90 percent black and Chicano, with John Muir [School], which was 90 percent Caucasian. And saying, "Well, they're doing a poor job over there." That's one reason why I put in they could have a choice of four tests.

We got it through, and the governor signed it. And two years later, Charles [B.] Garrigus of Reedley was the Assembly Education Committee chairman, and he asked the state Department of Education to give him a report of all the test results. And then he released them because there was nothing in the bill that prohibits the legislature from releasing them. So after that, they became public. I didn't appreciate that very much, and he was

an educator. He was a teacher at Reedley Community College. Also, still the Poet Laureate of California, which I did not vote for. I was there when Unruh gave him that plum. Robinson Jeffers had been Poet Laureate of California and died. I think I can aptly call Garrigus' poetry doggerel. It may be a little better than doggerel. But Unruh got a resolution through nominating him as Poet Laureate.<sup>1</sup>

DOUGLASS: I did not realize that he had been named.

WINTON: Yes. He still is. You are nominated for life. Coming back to that. . . .

DOUGLASS: That was the Joint Interim Committee on Public Education.

WINTON: Yes. And there were several other things in there that became. . . . Casey put the bill in that required two years of foreign language in elementary schools. Remember that. That didn't last long because there wasn't enough money to hire the teachers for it.

DOUGLASS: Yes. These were all spin-offs then of Sputnik and the governor and then this committee, coming full circle.

WINTON: There were several other things that came out of that commission's report. Nothing earthshaking.

1. A.C.R. 6 (Crown), 1964.

DOUGLASS: You were also on a joint committee on the revision of the Education Code. What was that?

WINTON: That was a disaster.

DOUGLASS: That was '59.

WINTON: Well, that kept on going for a while. And they hired consultants to do it. We did clear up some contradictory sections and made some minor clarification changes, and things like that. But nothing . . .

DOUGLASS: This was a housekeeping exercise.

WINTON: More or less. It was supposed to be more than that when it was chartered.

DOUGLASS: Then leading up to the bigger ones, but let's get rid of these. Textbook printing was something you addressed.

WINTON: Yes. I got a bill through, which was later amended by [Albert S.] Rodda. When I was on the school board here in Merced, the state had adopted a series of readers. I don't know the name of them, but at that time, if the state adopted a series of textbooks for K-8 schools, the school district had to use them as their basic text, period. And this particular year when I was on the school board, the teachers and the superintendent came to us and said, "These texts are terrible." Now we were a

low-wealth district, we were poor. But he says, "The teachers, and I concur with them, think that it would be to our advantage, our children's advantage, to buy with our own money." So we bought Scott Foresman readers for the district out of our own funds. Theoretically, they were supposed to be supplemental text, but, actually, they were used and the state adopted series was practically in the closet. They were used for some supplemental work.

The fellow--I can't remember his name now, I can still see him--came down from the state Department of Education and discovered that we were doing this. And threatened to throw the board in jail for violation of the law. We had violated the law, and we weren't following it. So that didn't make a lot of sense to me, and one of the things I think this commission looked into was textbooks too. I am not sure. But it seemed to me that a local school district ought to have a choice because what textbooks might be good in San Francisco might not be good in some one-room school out here.

So I put in legislation that the state Board of Education would adopt three or four textbooks on every subject and the local school districts would have their choice. The state

Printing Office was very violently against it because they were afraid they wouldn't have all the printing. And I felt that the schools were getting overcharged on the printing of textbooks. In fact, we had a big scandal. When Ralph Brown was speaker, the reporter I talked about earlier, McDowell, was driving home, before the freeway went out of Sacramento to San Francisco, on the old road. He saw this big fire. I don't know how he stopped. And he went out there, and they were burning textbooks. So he started investigating. And what he found out--the state law, in agreement with the textbook publishers, if they let the State of California use the plates for the textbooks, the state agreed not to let anybody else except the state use the textbooks. So they couldn't give them away.

Well, the state Department of Education, in ordering textbooks from the state Printing Office, always overestimated a little because they didn't want to run short. Then the state Printing Office would always overestimate a little because if they had some mistakes, or something. So when it came down to it, here we had literally thousands of textbooks, brand new, that had never been used, and they were burning them at the end. McDowell wrote this up, and it

really caused a furor.

Unruh called special hearings of the Ways and Means Committee on this. And they were rather hot. The poor state printer, he took an awful lot of heat. So that was part of the background of this, and the state Printing Office fought it. But we finally got it through that they would make multiple choice, and you could make your own choice of the text. Now it's gone so far the other way that it is ridiculous. They adopt so many texts now that I don't know how a school district makes a choice. Because they go into the central repository, which is usually a county department of education and look over these hundreds of textbooks to decide which ones they want to use in their school district.

But, anyway, we did get that through. It really started from my experience on the local school board.

DOUGLASS: That's an excellent example of transfer of experience, coming from local government.

WINTON: [Consulting sheet] Master Plan for Higher Education. You have the Donahoe Higher Education Act of 1960. I really considered that one and the same.

DOUGLASS: Yes. The plan the survey developed, with Arthur [G.] Coons as the chairman, and the

act. She had her name on the resolution that  
<sup>1</sup>  
 set up the survey.

WINTON: Yes. They still call it the Donahoe Act a great deal, instead of the Master Plan for Higher Education, a lot of people call it.

DOUGLASS: Those are used interchangeably.

WINTON: Yes. Under Pat Brown, he had people in his office, two professors, I can't remember the names of either one of them. One was a professor of philosophy from the University of California at Santa Barbara,<sup>2</sup> and the other was a professor of political science, I think, from San Diego State University. They were both on Pat Brown's staff, sort of an internship for a year, and they were part of the developers of this. And, of course, up until this time, the state college system had been under the State Superintendent of Public Instruction. [Roy E.] Simpson, as state superintendent, was over the state colleges. That didn't make much sense.

1. The Donahoe Higher Education Act, S.B. 33, 1961. Cal. Stats. 391. Added Div. 16.5, entitled Higher Education, to the Education Code. It was the result of A.C.R. 88, introduced by Dorothy Donahoe in 1959, to chart a course for higher education in California. The act established a master plan for higher education, defining the responsibilities and interfacing of the state colleges, the University of California, and the community colleges. Named for her when she died.
2. Harry K. Girvetz, Research Secretary to Governor Brown, 1959-60.

So this study. We had a lot of testimony, and Dick Hanna, again, from Orange County, and I worked. And Dick succeeded Dorothy [Donahoe] as chairman of the. . . .

DOUGLASS: Didn't Ernest Geddes succeed?

WINTON: No. Ernest Geddes was before Doyle. Dick Hanna succeeded Dorothy Donahoe. Then Donahoe became chairman after Doyle left.

DOUGLASS: Right. And then when she died, at least Geddes replaced her on the Joint Interim Committee on Public Education.

WINTON: He might have acted until the next session, because he was vice-chairman.

DOUGLASS: He was acting chairman until Garrigus. I have Garrigus as chairman in '63 and '65. So you are probably right. It may have just been an interim chairmanship because he was vice-chairman.

WINTON: Anyway, Dick Hanna and I worked very hard on it.

[End Tape 4, Side A]

[Begin Tape 4, Side B]

WINTON: Bruce Allen, who was one of the assemblymen from Santa Clara County, San Jose, in fact, and very close to San Jose State, was very interested in getting the authority to grant doctoral degrees. Or was it the master's degrees at that time? I guess they could grant master's degrees.

DOUGLASS: They were always interested in getting the

doctorate.

WINTON: The doctorate. And, also, he wanted to change the name from state college to state university. And that was one of the issues which was a peripheral issue for the Donahoe Higher Education Act. But, actually, as far as legislatively speaking, the act went through fairly smoothly. There were these little issues, but, on the overall effect of that, there wasn't that much quarrel.

DOUGLASS: Well, tell me about Dorothy Donahoe, because it was Donahoe who moved the assembly concurrent resolution (A.C.R. 88) which set up the committee that created the master plan.

WINTON: Dorothy was a very interesting person. Dorothy never married. She had asthma very badly. She had one of these things you breath all the time. She had been a school secretary in a high school in Bakersfield, Bakersfield High. I am not certain of Dorothy's education. I am not even certain she ever went to college. But Dorothy was a very active. . . . She had been active in the Democratic Party in Kern County. She was also a Christian Scientist, which was one reason. . . . See, she died before the act was finally passed. Why I have Hanna connected with it [was] because he took over, and he ramroded

it after Dorothy died. But she died from an asthmatic attack which she wouldn't have a doctor for.

She had a cold and developed pneumonia. And Walter Stiern, who was a veterinarian who was a senator, went by to see her. She was living with her mother in a motel out in West Sacramento. And he told her mother, "You've got to get her to a doctor." And they just didn't believe [it]. And, finally, Walter convinced the mother that she should send her to the hospital, but it was too late.

But Dorothy was a dedicated person. Very interested in education. Had some prejudices, as you might expect from a person who has been a classified employee of the school district. But, on the whole, very fair, articulate. She was a staunch defender of point of view.

Actually, the Higher Education Act was put together by staff principally. And these two people out of the governor's office worked hard on it. The fellow who was professor of philosophy at Santa Barbara died. I don't know where the other one is now. And I can't remember either of their names.

DOUGLASS: Well, were they helping to staff the team that Arthur Coons headed?

WINTON: No.

- DOUGLASS: Or did they write the legislation?
- WINTON: No. But they had a lot of input into it. They weren't staffing Coons.
- DOUGLASS: Well, what was her driving cause? Was there some overarching cause she had as a person on the Education Committee?
- WINTON: Not on the Higher Education Act. They went to her because she was the chairman of the committee. And very often you took bills to the chairman of the committee because you thought it had more prestige.
- DOUGLASS: But then, aside from the Higher Education Act, was there some overarching cause she was interested in?
- WINTON: She was very interested in the welfare of the classified employees in school districts.  
[Laughter] And she was a pretty good chairman. She didn't let debate run too long in committees. Some people never know when to cut debate off. But Dorothy was a good chairman.
- DOUGLASS: Then, as this act came together, and went through hearings, were you getting a lot of static from the state colleges about, say, not getting enough recognition, not getting the ability to offer degrees beyond the master's?
- WINTON: No. They were so glad to get out from under the state superintendent of public instruction, if

that had been the only thing in the bill, they would have bought it.

DOUGLASS: And UC pretty well got solidified what it already had.

WINTON: That's right.

DOUGLASS: And then the community colleges . . .

WINTON: Were left where they were. They were left under the state superintendent of public instruction.

DOUGLASS: Right. But as far as the charge to them or what they could do.

WINTON: Oh, yes. It was clarified. You are having right now the first restudy of that since.

DOUGLASS: Well, in education, let's see.

WINTON: The Winton Act is next.<sup>1</sup>

DOUGLASS: Yes. The Winton Act was the next one I have.

WINTON: In 1961, an assemblyman by the name of Brown. What's his first name? [George E. Brown, Jr.] He is now a congressman from out around Riverside. Heavy set. Well, he had come to the legislature. His background was as a business

1. A.B. 1474 (Ch. 2041), 1965. Amends Section 3501, Government Code and adds Article 5, Chapter 1, Division 10, Part 2, Education Code. Exempts public school employers and employees from the provisions of the "Public Employees Formal Representation Act" in the Government Code and adds comparable provisions to the Education Code. Public school employers shall meet and confer with employees through a negotiating council in event more than one employee organization represents employees, with each organization entitled to proportional representation.

agent for a labor union. He came to the legislature, and about that time, the firemen in the state were trying to organize. Associated Firefighters, I think they were called. And, in many counties, as soon as the fire chief or the board of supervisors or the city's fire chief or the city manager found out somebody was trying to start a union among the firemen, they fired them.

So Brown put in this bill which said that public employees had a right to join an organization of their own choosing (I'm oversimplifying it) and that that organization had the right to represent the employees before the public board or body that was their governing board. And he included education. It was all public employees. And, at first, when he started out, he had collective bargaining also.

I opposed the bill. This was in '61. It was amended. I don't know whether it was amended in the assembly or in the senate, but it was finally amended so it said they had the right to join in the organization, had the right so you couldn't fire them for joining, and so on. And education was included.

Well, in my opinion, I did not believe in collective bargaining in public employment.

That's a long other story. But, as a liberal, that is rather a conservative viewpoint. But I just don't. I think the other advantages they have. . . . For instance, in schools, the teachers elect the school board members. If they put the teacher's association out campaigning for a school board member, the chances are four out of five that they will prevail. So they have input into the board that makes a decision. It isn't like somebody working for Ford Motor Company has no influence on the board of directors, of course. It's a different proposition.

Anyway, it passed that way. Well, that bothered me. That was in '61 the Brown bill passed. In '63, I introduced legislation that took the exact provisions out of the Government Code of the Brown bill and put it in the Education Code. Not changing any words, or anything. Just exactly the same provisions.

DOUGLASS That was A.B. 155.

WINTON: I guess. I don't remember. And that bill was killed by the Senate Governmental Efficiency Committee, which is where bills. . . . No, it wasn't, it was killed by the Senate Education Committee.

DOUGLASS: It was killed by the Education Committee.

- WINTON: Yes. I had the votes on the committee. That's right. It came up the last week of the legislature, and I went in there. And old Hugh Donnelly, Senator Hugh Donnelly, was chairman of it. He took a voice vote. There were two "no" votes, Donnelly's and one other, and there were about four "aye" votes. And Donnelly said, "The bill is dead." [Laughter]
- DOUGLASS: One of those examples of no roll call by the assembly. No record of the vote.
- WINTON: Well, in the assembly, you could ask for a roll call, and you'd get it.
- DOUGLASS: But not in the senate.
- WINTON: But, in the senate, theoretically you could, but you had better not do it. Because you were no longer a member of the club.
- DOUGLASS: The power of the chairman.
- WINTON: So before the '65 session, the California Teachers Association came to me and asked if I would be interested in putting the same bill back in. But they had some changes they wanted. And I said, "Well, yes. I would be interested." Well, one of the changes they had was they wanted proportional representation. They wanted this negotiating council which would have membership of all the unions representing the teachers or the classified, based upon the number of members they had. And they thought

that that would kill, to a certain extent, some of the AFT's [American Federation of Teachers] opposition. Well, it didn't. It just made them oppose it even more because they had to certify how many members they had. They didn't want the CTA to know how many members.

So I put it in with the negotiating council, but very clearly that the board had the final decision on it. And that's the one we got through in '65. With very heavy CTA support. They thought the AFT was non-professional, et cetera, and that was a pendulum that swung the other way, I think.

DOUGLASS: Now Unruh remained neutral on this one?

WINTON: Yes. It was taken on. I think there were only about six votes on the floor against it, six or eight, on our side. It had a little more problem in the senate. But Leroy [F.] Greene voted against it, who is now Senator Greene, and Leo [J.] Ryan voted against it.

DOUGLASS: Was there a lot of confrontation in the hearings between the AFT and the CTA?

WINTON: Yes. Oh, I think the most interesting thing on that bill. When it got to the governor's desk, the AFT was marshaling all the anti-labor they could get. In fact, the AFL-CIO in California labeled it the worst anti-labor bill in

California in years. And they pulled the president of the San Francisco Labor Council, who was an old political buddy of Pat Brown's from San Francisco, from the days when Pat had been DA, down to Sacramento to talk him into vetoing it and everything. And, finally, the time had about expired.

We got word from Pat that he wanted me and the CTA, and he had the AFT. We all went down and sat in his office and talked for about two hours about this bill. What was good about it and was bad about it, from their standpoint, and what was good from ours. I remember he finally turned to the AFT people and said, "How many members do you have in California?" And the representative I think said, "Ten thousand," which was probably a little high. He turned to Jack Rees of the CTA and said, "Jack, how many members do you have in California?" Jack said, "One hundred and forty thousand." Pat says, "I think that tells the story." [Laughter] And he signed the bill.

DOUGLASS: This is the point at which, in '65, the bill went to the Senate Governmental Efficiency Committee.

WINTON: Yes.

DOUGLASS: And that might have made a difference. Because I have an anecdote here that Hugh Burns

convinced Randolph Collier to switch his vote after it had apparently failed in the senate committee.

WINTON: Yes. Well, we debated. [William H.] Bill Barton was the lobbyist for the California Teachers Association at the time. We debated whether we would ask to get it transferred back. We had the votes in the Education Committee. It was the AFT that got it go to the GE [Governmental Efficiency] Committee. They thought they could kill it there.

DOUGLASS: That wasn't your maneuvering then.

WINTON: No. That was not. [Laughter]

DOUGLASS: You had also carried the school finance bill. Was that as the head of the subcommittee of the Ways and Means Committee, A.B. 70,<sup>1</sup> or was that as an Education Committee member?

WINTON: Yes. Well, that was the year I think there were three school finance bills. Garrigus had one for [Maxwell L.] Rafferty and the Department of Education. I had one for the state Board of Education and the governor. And there was a third one. I think the CTA bill, which Garrigus

1. Stated financial support of the public school system; no action by Education Committee. A.B. 88 and A.B. 109 (Garrigus et al), died in the Ways and Means Committee. A.B. 145 (Unruh) was the bill signed by the governor; A.B. 149 (Milias, Alquist, Stanton) supplemented it.

carried. This was funny--Garrigus got the bills before the Education Committee. He said, "We know Ways and Means is going to make the decision anyway. So why should we fuss." So he sent all three bills to Ways and Means. Three conflicting school finance bills.

Bob Crown was chairman of Ways and Means, and it made him so mad. So he appointed a subcommittee which was basically my subcommittee on education to hear the three bills and come out with a bill.

DOUGLASS: So you were on top of it.

WINTON: Yes.

DOUGLASS: Well, then you think A.B. 70 was the state board bill?

WINTON: Yes. It was originally. The way it came out was the school finance bill that didn't belong to anybody. A watered version.

DOUGLASS: I wanted to ask you then to talk about the members of the committee. I think I have asked you about Dorothy Donahoe, unless you have anything else to add. I was interested in your impressions of Ernest Geddes as a member of that committee. He was the assemblyman from the Claremont area.

WINTON: He was a very good member of the committee. Pro-education. Very close to CTA. Ernie was just a great gentleman.

DOUGLASS: Yes, he was. He died not long ago.

WINTON: Yes. I heard that.

DOUGLASS: He also became very involved with the whole question of the libraries in California.

WINTON: Yes.

DOUGLASS: Also, Hugh Flournoy was on the committee during the time he served.

WINTON: Yes. Hugh and I had several pieces of legislation that we authored together. We were very close friends. I think we probably voted together 95 percent of the time on that committee.

DOUGLASS: It sounds like it. He was a liberal Republican.

WINTON: Yes. One of the things we wanted to do. . . . Well, there were several things we wanted to do, but one of the things was. . . . At the present time, you have federal funds, P.L. 874 funds, which go to districts that have impact because of military installations. Now, those federal funds, according to the federal government, are in lieu of taxes. So we said basically include it in the local district's tax base when you start computing state aid.

An example was right from home again here. Merced. We got very little in P.L. 874 funds. Atwater, which was a poorer district from a tax base, got so much P.L. 874 funds, because Castle

Air Force Base is in their district and most of the people from there lived in their district, that they could pay higher teacher's salaries and everything else than we could. And they still got more state aid, because they were so poor, than we did. And it just didn't seem to be fair to me that if those were in lieu of taxes, that they shouldn't be calculated as local ability to pay.

So Hugh and I put in that bill several times. We didn't get very far with it because all the P.L. 874 districts, like Long Beach and San Diego and all those, they really came in.

DOUGLASS: Incidentally, that no longer is true. Wasn't that ended?

WINTON: No. But they have ended a good deal of it. I think in this next budget, he wants to cut it out entirely, President Reagan does. And now they wish that it had been included, because then it would have been in their revenue base, and the state would automatically make it up.

DOUGLASS: Ironic, isn't it.

WINTON: Yes. It's twenty years later. Yes.

DOUGLASS: [Joseph C.] Joe Shell was on that committee. I was just curious as to . . .

WINTON: Yes. Joe was very conservative. I liked Joe personally. Joe and I are great friends personally, but probably, on that committee, if

we voted together 50 percent of the time, it would be amazing.

DOUGLASS: Was he a pleasant person to work with?

WINTON: Yes. Joe was. Joe has a sense of humor. You could differ with him, but he wouldn't get mad at you. I mean as long as you were being honest with him, and it was an honest difference of opinion. He did not like people who were double-crossers or double-talkers. Joe was a very straightforward guy. I guess his wife is mayor of Bakersfield still, isn't she? Or she was. Second wife.

DOUGLASS: I don't know. Do you think we have covered education? I mean we could go on and on, obviously.

WINTON: Yes. That's right.

DOUGLASS: I noticed one thing you did discuss was the question of teacher's retirement and the position of teachers coming from out of state and those running kinds of problems that go with that.

WINTON: Yes.

DOUGLASS: Also, I guess, the need in state institutions for more educational monies was something you were always talking about also.

WINTON: Yes. And another thing that comes to mind.  
[Pause] Oh, University of California. I'll

tell you this one. I was chairman of the subcommittee of Ways and Means on Education at the time that they had the Mario Savio problems.

DOUGLASS: That was in the early sixties, right?

WINTON: Mid-sixties.

DOUGLASS: That would be around '63.<sup>1</sup>

WINTON: Yes. Because there was a great--well, in fact I don't know how it happened. One year they took the funds for teaching fellows out of the state budget. There was no state support for any teaching fellows at the university. The next year it came up, and [John L. E.] Bud Collier, who is still alive (I guess he lives at El Macero, right out of Sacramento), was on the committee. And Mario Savio was a Communist and all the teaching fellows were Communists, and so on. And he was on my subcommittee, and he was just going to raise hell when that item came up in the budget. He just wasn't going to let that go through without a lot of haranguing if he let it go through.

The year before, when they didn't fund the teaching fellows, the university used their endowment funds to pay them. Because they had them all under contract. They had to pay them,

1. It was 1964-65.

and they used endowment funds. And so it was just an economic fact, whether it was good education or not, the university could not function without teaching fellows. So that particular year, there was money in the budget for teaching fellows. And Bud Collier was set to. . . . See, I kept postponing that item. We'd keep it until one day he didn't show up. So we took the item up and in five minutes we said [Laughter], "Approved, the budget for the teaching fellows." And that was it.

DOUGLASS: That's the way you get things done, right?

WINTON: Well, we had the votes. But I just didn't want all the publicity. [Laughter]

DOUGLASS: Okay. I think maybe we could move on to . . .

WINTON: Ways and Means.

Committee on Government Organization

DOUGLASS: Let me do Government Organization [Committee] just briefly. Because this was your baby, as I understand it.

WINTON: Well, I was chairman for four years.

DOUGLASS: But you carried the bill creating it, right? H.R. 288, in '59.

WINTON: No. Government Organization had been there before.

DOUGLASS: Had it? I thought it was a spin-off of Governmental. . . . Well, you said it was the

committee that took over the old Morals  
[Committee].

WINTON: Yes. The Committee on Public Morals.

DOUGLASS: That's interesting. I wonder about this bill I  
have listed here, H.R. 288, 1959, to investigate  
the organization and operation of state  
government, composed of members of the  
Government Efficiency and Economy Committee.  
You considered things like night harness racing,  
the Division of Architecture and architectural  
competitions, and alcoholic beverage control.

WINTON: Yes. Well, I think that was for an interim  
study. I think it was the Committee on  
Government Organization as an interim committee.

DOUGLASS: Oh, okay, right. Which means it's between  
[regular] sessions. Then that is the  
difference. But you were chair of that, right?

WINTON: Yes. From '59 through '63. And I told you why  
Ralph Brown said I was appointed. It was there  
before.

DOUGLASS: He [Ralph Brown] had you take over.

WINTON: I hadn't even served on the committee before.  
He had been chairman of GE and E [Governmental  
Efficiency and Economy], and I had been a member  
of that committee. The most interesting thing  
we did there was investigate the Chavez site for  
the Dodger Stadium.

DOUGLASS: Yes. I have that down here. Well, let's just

wind up Government Organization. I was interested in this whole business of concern about the Division of Architecture and architectural competitions. I gather there were some real problems with the buildings built at San Jose State College.

WINTON: That's right. Particularly, a library there, where after they got the library built, the floors were uneven. So the stacks wouldn't fit. And the Division of Architecture claimed it was because the materials which came out of the gravel pits by Pleasanton were not up to standard. Those materials had been used in all the buildings in San Francisco and everywhere. We never did get to what really caused it. But I think almost all of us felt that there was some design error on the part of the Division of Architecture that caused it.

DOUGLASS: Yes. Wasn't the point that you felt that it should be opened up to competition?

WINTON: Yes. We did that in the Donahoe Higher Education Act. Now that was at my instigation in that act, because of that.

And one other experience I had. The Agricultural Committee had a subcommittee called a Committee on Fairs and Expositions, which only worked during the interim really. And we went

around and visited county fairs. At that time, every county fair in the state got \$60,000 minimum, plus they got money from the state for buildings, and so on.

DOUGLASS: But Sacramento and L.A. County got the big part of the pot, didn't they?

WINTON Well, that was the state fair in Sacramento.

DOUGLASS: You are talking about county fairs.

WINTON: County fairs. And, of course, the county fair in L.A., they got a lot of money too. But Mariposa County, for instance, got \$60,000 a year, with 6,000 people in the county. Ten dollars a person for their county fair.

[Laughter]

But we had this hearing down in Fresno, and the county fair managers were in there. And under the law then, all state financed building (and county fairs were a subsidiary of the state because they were under the state Fairs and Expositions Board that handled the allocations to them) were required to have the state architect do their building. Unless the state architect would certify that he was too busy, he had too much work. Then they could go out and hire an architect.

We got down to this hearing at Fresno, and the state architect, whose name was Anson Boyd-- I was ready for him--didn't show. He was

supposed to. He sent one of his top deputies, who was a landscape gardener for the division. So we got talking. The county fair managers were saying, "We want some imagineering in our building. They all look the same." And the guy said, "Well, yes, they are. They are all built on modules. We have a module. If you want a bigger exhibit building, we add a couple of more modules. But it's all the same specifications and everything." So I said, "What are your fees for this?" Well, they did the design, and they did the inspection while it was being built, everything. "Twelve percent." I said, "Twelve percent!" Agnes [Mrs. Winton] was working for a private architect at the time, and I knew they only charged 8 percent or less. Industrial buildings were 6 percent. And these were in effect industrial buildings.

And I said, "You say that the fairs can't pay for the extra imagineering that goes in to. . ." "Well," he said, "we did a cantilevered grandstand that Stockton, San Joaquin County Fair, and it has no columns in it. So every seat in the grandstand, you have a clear view." And I said, "How much was something like that?" "Sixteen percent. Sixteen to 18 percent." Well, the architect Agnes was working for at

that time, which I don't think they knew, designed the first cantilevered-type grandstand in the United States, at least California, for the Merced County Fair. They had had one in Brazil before, or something. And he charged, I think it was 6 percent for his fee.

It just galled me that the state Division of Architecture had these captive clients. And they charged them these exorbitant fees, and they weren't coming up. . . . They were afraid to use anything new--materials, design, or anything else--because if it didn't work, like the library at San Jose, why they would be up on the carpet. So they just went stolidly along with nothing. And so I really started. And I started an investigation of the Division of Architecture, and I found out all sorts of things which we won't put in here.

But, anyway, it got me. And then you look at the state college campuses, which were pretty drab at the time. So when the Donahoe Act came up, I got the idea that we could put in there, without anybody noticing it too much, a provision that the state colleges could hire either a private architect or the state Division of Architecture, and gave them the authorization to do it. And so that's how we first broke that open.

DOUGLASS: What is the situation now on that? Do you know?

WINTON: Yes. It's working very well. What has happened is that very often they will have the state Office of Architecture and a private architect doing projects on the same campus at the same time. So there is competition. And, also, each campus has a--I guess they call it a master architect--that oversees. He doesn't do any of the work, but he checks on the [work of the] other [architect] and makes sure that the buildings are compatible.

DOUGLASS: So that would be an in-house master architect? Or somebody assigned from the state?

WINTON: No. It can either be from the state or a private architect. And so that's why I wanted it on our Committee on Government Reorganization. It wasn't really in our area of responsibility. I got it in the resolution so we could go into the Division of Architecture.

DOUGLASS: So this little investigation in '62 sort of opens a whole can of worms.

WINTON: Yes.

DOUGLASS: Then I gathered, too, there was a concern about the pricing of licenses that were transferred under alcoholic beverage control.

WINTON: Yes. There has always been a problem of. . . . And how many licenses you have in a county. I

guess it is still true that if a license is issued for Merced County, you can sell it but you cannot transfer it out of the county. And what had happened, San Francisco had been having decreasing population for years, and it had an inordinately high number of licenses in the early days of the repeal of Prohibition. So you could buy a license to go into [the] bar business in San Francisco for maybe a thousand dollars, whereas in some county which had been growing like mad, you might pay \$50,000 .or more for a license.

DOUGLASS: People waiting in line.

WINTON: Yes. And they do it by lottery when they open it up. Every once in awhile they open it up. So we went into that.

WINTON: And then there was a question of harness racing. Thoroughbred people did not want harness racing in California. They didn't want any competition with their racetrack. They felt harness racing would be competition. Some fairs have racing, like Fresno and L. A. County Fair. I don't know whether Orange County Fair has racing or not. I think San Diego County Fair does--out at Del Mar. And then Del Mar has private days too. But there was always friction between the thoroughbreds.

Also, there was friction about how the

purse was divided. The take on the pari-mutuel. How much went to purses for the horses, how much went to the owners, how much the track kept, and so on. And those were all set in state law. There was a lot of controversy on that.

DOUGLASS: Well, harness racing is still. . . . They just settled a fight in L.A. County. The L.A. County Fair wanted to have night harness racing.

WINTON: Well, what we were talking about. You couldn't even have pari-mutuels on harness racing in California, day or night. And one of the reasons I got interested in that, a fellow who lived just two blocks down the street, Walter Found, who originally came from Nova Scotia, a Scotchman, owned harness horses. And they had harness racing at county fairs, but no betting on it. I mean, you paid your. . . .

DOUGLASS: You could go watch.

WINTON: Yes. And Walter was one of those that said, "Well, you know, what's wrong. If you have thoroughbred racing, why can't you race harness horses?" And I agreed with him. And now we have, it hasn't hurt the thoroughbreds a bit.

DOUGLASS: Okay. Let's now go on to Chavez Ravine and the Governmental Efficiency and Economy Committee, which you were on, according to me, from 1957 to '59.

- WINTON: Yes. The first two years only.
- DOUGLASS: [Ralph] Brown was chairman of that committee, and [John A.] Busterud was vice chairman.
- WINTON: Yes. Oh! There is the one I didn't name.
- DOUGLASS: Oh, Busterud.
- WINTON: That's the other assemblyman who was in my class.
- DOUGLASS: I've interviewed him briefly on the subject of constitution revision.
- All right, well, you did get into the middle of the Chavez Ravine fight between the city of Los Angeles and the state. I gather the solution was for the governor to meet with L.A. and settle it?
- WINTON: Well, the committee really didn't come up with any solution. We heard a lot of rather heated testimony. And, of course, there were allegations that there was fraud.
- DOUGLASS: Was it that people thought there was an understanding that land could be transferred?
- WINTON: I can't remember. It was so long ago. I just don't remember, but I know it was very hot. And Ralph Brown kind of hesitated going down there, and then one thing we rarely did, he insisted on putting all the witnesses under oath, as I recall. There was a suggestion that somebody in city government had been paid off.
- DOUGLASS: I am trying to find my notes on that. But it

had to do with the fact that there was a state park involved? And the city was saying that the land had been released to them.<sup>1</sup>

WINTON: Yes. The state park had never been activated.

DOUGLASS: Right. And there was a lot of name-calling, I guess, about who said what.

WINTON: Yes. A lot of heat and no light. [Laughter]

DOUGLASS: That's the way with a lot of things. Was there anything else on that committee that you particularly think of?

WINTON: No.

Committee on Municipal and County Government

DOUGLASS: Then Municipal and County Government, you were only on a year or two, 1957-58.

WINTON: Two years.

DOUGLASS: Was there anything there particularly?

WINTON: A very fascinating committee. The chairman was an assemblyman from San Jose.

DOUGLASS: [Clark L.] Bradley.

WINTON: Bradley, former mayor of San Jose. A lawyer, very conservative Republican. But a very conscientious legislator. He read every word and really read legislation and understood it.

1. The issue was the negotiation of the transfer of the property from the state to the city, in 1959. The committee decided to leave it to the governor and the executive branch to resolve.

And I had been city attorney for the city of Livingston part-time, very part-time job for six or eight years before I was elected. So I had some familiarity with municipal problems.

We had a lot of problems in there dealing with things like improvement acts and so on. You know, issuing bonds for sewers. But there were some very interesting areas of discussion which are still going on. For instance, the annexation of territory to a city, leaving islands. I can remember. . . . This is funny, it really isn't very serious.

But there was a senator from San Diego County by the name of [Fred H.] Kraft. And he had a bill in that year to transfer from the state of California to the cities of Oceanside and some other city in San Diego County, the state's interest in the shoreline. And we had rather routinely done this because the state wasn't using it and if the city wanted to do something with it, well fine. But the one thing we always did was to reserve to the state of California all oil, gas, and mineral rights. So this bill came in, and it was late at night. That committee went to twelve or one o'clock at night sometimes and we'd have to be back at 7:30 the next morning. Because Bradley was very--I

don't mean slow particularly--thorough. I mean every aspect of a bill was explored before that committee.

So Bradley said to Kraft, "Now this bill reserves the oil, gas, and mineral rights to the state of California?" "Oh, yeah." Well, I read it, and I couldn't find any reservations. It was too late. We had already voted to give it a "Do pass." The legislative counsel always kept somebody in their office until every committee had adjourned for the night, no matter how late. So I excused myself and went down to the legislative counsel's office and gave them the bill. And I said, "I want to know if there is a reservation of oil, gas, and mineral rights in this bill. And I want to know by eight o'clock tomorrow morning." So by eight in the morning I had my answer. And the answer was, "No." It reserves the rights to fish, I don't know, a few other things to the state, but not oil, gas, and mineral.

So, of course, when the bill comes over from the senate, and it get out of committee, an assemblyman takes the bill up for the senator on the assembly floor. And there were four assemblymen--[George G.] Crawford, [Sheridan N.] Hegland, [Jack] Schrade, and [Frank] Luckel were the four assemblymen from San Diego, and

they all sat right together. Three Republicans and a Democrat. But they always voted the same way. You never saw. . . . Those four always were a bloc vote. Because that way they figured nobody in San Diego could jump on one and not the other. And so I went over to them, and I said, "Here is a copy of what the legislative counsel says about this. And I am really going to take this on, on the floor, unless you people first amend it to reserve the. . . ."

Well, that bill sat around for two or three weeks, or maybe longer, on third reading file. [Laughter] Finally, they put in an amendment to reserve the oil, gas, and mineral rights to the state.

DOUGLASS: But if you hadn't caught it?

WINTON: I am not certain to this day whether there was any hanky-panky. But I suspect there might have been.

DOUGLASS: It certainly would have been nice for them.

WINTON: Although I don't think any oil has ever been developed down there around Oceanside.

DOUGLASS: Did you discuss the problem of county government getting into urbanization and encouraging development?

WINTON: Yes. We did. And it was partially out of that,

that the Williamson Act came. That committee had a lot of problems that came up before it.

DOUGLASS: Had the LAFCOs [Local Agency Formation Commission] been created at that time?

WINTON: No. They had not.

DOUGLASS: So you were dealing "pre-" a lot of things. No wonder that committee had a lot to do.

WINTON: Well, you see, county government is almost absolutely the child of legislation. The legislature--I don't whether they still do--we used to have to set the supervisors' salaries and the DA's salaries and everything. And even how much the fees were for filing in the courts. So there was a lot of housekeeping legislation that went along with it.

DOUGLASS: You had a one-year stint on the Committee on Revenue and Taxation because Ralph Brown appointed you to it.

WINTON: That must have been somebody that resigned.

DOUGLASS: And I think it was short-lived.

WINTON: Yes.

[End Tape 4, Side B]

[Begin Tape 5, Side A]

Committee on Ways and Means

DOUGLASS: Mr. Winton, you were appointed to the Ways and Means Committee in 1959. And Unruh chaired that the whole time you were on the committee? Is that right?

WINTON: No. Unruh and then Crown. When Unruh got elected speaker, why Crown took over. I was appointed about midway through 1959. Ralph Brown appointed Bill Biddick to the committee, and Bill was coming back and forth to Stockton, and, as I mentioned earlier, he was trying to establish a law practice. And the Ways and Means Committee was meeting almost every night and long hours. And Bill told Ralph Brown that he just couldn't handle it and resigned.

Ralph appointed me to take his place. And that's how I got on it was when Bill Biddick resigned, why Ralph appointed me. Maybe that's when I resigned from Rev. and Tax. [Committee on Revenue and Taxation]. Maybe I had stayed on Rev. and Tax. until I got this appointment.

DOUGLASS: That was a key appointment, to get on Ways and Means. And you had only been there a couple of years.

WINTON: Yes. It was. I had been there a year and a half. I stayed there the rest of my time in the legislature. Unruh did leave me on that committee. He didn't take me off of Ways and Means.

I don't know when I got appointed chairman. I think it was when Unruh got elected speaker

and Crown was appointed chairman. Which would have been in '62.

DOUGLASS: I have '63, but it may have been '62.

WINTON: Nineteen sixty-two or '63, I am not quite sure. When I got appointed chairman of the subcommittee on Education, I stayed there, even all the way through until I was defeated in '66.

DOUGLASS: Well, that was an important spot--to be chairman of that subcommittee.

WINTON: It was very important and very interesting. We had some interesting things. We handled. . . . Well, in those days, it wasn't as big a percentage of the budget as it is today because a lot more of the money was local then than it is now, but it did handle, I would say, 30-35 percent of the state budget because we handled higher education as well as K-12. We handled community colleges, the state colleges, and the university. We had some interesting debates. I mentioned the one earlier about the teaching assistants at the University of California, but there were other ones that came through there also.

DOUGLASS: Well, one of the subjects that came up was the Squaw Valley problem while you were on the committee.

WINTON: That was on the Ways and Means Committee as a whole, not the subcommittee.

DOUGLASS: I meant aside from the subcommittee.

WINTON: That was a very interesting thing. We really got trapped into that one. That was sold by that promoter, who was a Pan American pilot. He was the one who conceived the whole idea--got the state trapped into it.

DOUGLASS: To make it a state park.

WINTON: Yes. To make it a state park. But we really financed those Olympics. And we didn't get much money back out of it, although we probably got some very valuable property out of it.

DOUGLASS: So that was sort of one of those things that you couldn't do much about?

WINTON: Well, we could have in the first place, I think, by not agreeing to underwrite it. The pressure was terrific. And, of course, the idea at first was--well, it really isn't going to cost the state anything, you are going to put up the seed money, and then the Olympics would pay for themselves. But it didn't exactly turn out that way. The ice rink, the hockey stadium where they had the arena and where they had the ice skating competitions turned out to be a real red herring. It never was economically feasible.

DOUGLASS: One thing that was discussed in Ways and Means during this period was the question of long-range budgeting and forward planning.

Apparently, you were discussing moving from a year-to-year budget to something that might be five-year planning on budget items.

WINTON: Also called, instead of line item budgeting, program budgeting. There is another word for it. I am not saying it quite right. But instead of going by line item, you were supposed to look at the program. And the legislature tried to impose that on local government too. But it just didn't work because too many people wanted to know just exactly where the dollars were going, not what the program was. Theoretically, it was probably fine, but, practically, when you got down to the nitty-gritty, they wanted to know what was going to be spent this year on what.

DOUGLASS: They couldn't implement that idea. Then I guess you also had the question of textbook adoption and school supplies.

WINTON: Yes. We went through that. And we had a great hassle about the state Printing Office. Incidentally, Ralph Brown did one thing. [Laughter] When he was speaker, all the legislators had memo pads that had their name and address, with "Assemblyman Gordon Winton," or whatever. And those were all printed by the state Printing Office. Although it was just a book transfer, they charged the legislature for

them. And Ralph looked into it and found out he could get a private printer to print them at about 25 percent of the cost that the state Printing Office was charging. It was the same on most items because the state Printing Office had a captive printing. Because they could make mistakes and overrun and everything else, and by upping their price on their printing for the legislature or the schools, through textbooks or whatever, why, they could recoup. So they would show they were, in effect, making a profit, which they weren't.

Of course, now, they are not interested in printing textbooks anymore. They have so many bills and so much legislation to print and other things that textbooks could concern them less. And, of course, the legislature meeting practically year around now, they have a steady flow. Whereas when it was the regular session and then the budget session, they had times when there was no legislative printing at all for months.

DOUGLASS: How was Unruh as chairman of that committee?

WINTON: Unruh was a good chairman. He really was a good chairman. He had a good staff. They did their homework. Unruh was interested in the budget, and I think he did a good job. I also think

that because of his interest in raising campaign funds that maybe he favored some contributors or something, but this was never apparent on the face.

DOUGLASS: And how about Crown?

WINTON: I thought Crown was an excellent chairman. Bob Crown was a workaholic. He did his homework. He knew what was going on. He kept track of the committee. He kept track of the subcommittee. He made sure we were on time in getting our hearings done and in getting our subcommittee reports into the committee so we could the budget out.

Going back to 1957, '57 was the first time the state never got a budget on the statutory deadline. The statutory deadline for having a budget, in '57, was June 15th. And we didn't get a budget. We had three conference committee reports. Interestingly enough, I was on the third conference committee that time. And I hadn't even been on Ways and Means Committee, but I was appointed to the third conference committee on the budget. We really worked in trying to come up with a budget that we thought both houses would accept. We got the budget back out on, I'll say June 15 at four or five o'clock in the afternoon, and it was

mimeographed and everything and put on everybody's desk.

And there was practically no debate on it. The conference committee report was refused, it was turned down in the assembly. And we had really worked hard on it, and we had been isolated. The conference committees in those days were not public. We had been locked up. We didn't want to talk to any of our fellow members because they would have wanted to know what we were doing on the budget, and we didn't want to say until we got the whole thing completed.

We found that when we got the report back out and it was turned down. . . . Before we had even done this, Governor Knight had issued a call to call the legislature back into session at ten o'clock the next morning in special session to consider the budget. That was before the third conference committee report was even turned down. There was some question at that time as to the constitutionality and legality of not getting the budget within the statutory time. Whether a budget passed after June 15th would be even be legal or constitutional. But nobody ever challenged it because there was too much in it.

DOUGLASS: Too much at stake?

WINTON: That's right.

DOUGLASS: Were there any other particular things you remember about that committee?

WINTON: I can't think of anything specifically, except that it took an awful lot of hours if you were on the Budget Committee. For instance, in the budget session, the legislature only met for thirty days during the budget session years. And we went to Sacramento in January, and the governor presented his budget. The legislature then recessed, but the Ways and Means Committee stayed in session through February and March and April. Then the legislature came back in May, I think it was, to consider what we had come up with. But the only committees that were in session were the Assembly Ways and Means Committee and the Senate Finance Committee working on the budget. So it was a real work committee.

DOUGLASS: So that really changed your schedule. You had to be up there.

WINTON: Yes. It did. Although the committee meetings were not, as I recall, they were not that long or not every day. I mean, you had some time you had free.

DOUGLASS: Well, that's probably the most important committee to be appointed to.

WINTON: It is. Because every bill that has an appropriation or implied appropriation has to go before those committees. If you had a bill that said the state Department of Education had to do something, that was an implied appropriation because it meant that manpower would have to be spent and, therefore, funds would probably have to be spent to accomplish whatever the task was you gave them. And so you got a glimpse of the complete workings of the state government because everything went through there. There are very few bills, really, that go through the legislature that don't have either an appropriation or an implied appropriation.

DOUGLASS: Well, you would tend then to have on that committee some of the most powerful people in the assembly. Right?

WINTON: Yes. If they wanted to be on it. It depended on the speaker. Well, it still is, I think, the plum of all the committees in the legislature. It gives you a complete overview of the workings of state government.

Joint Committee on the Revision of the Penal Code

DOUGLASS: Yes, it is quite an education. All right. I wanted to go over some of the other appointments you had. We covered the Joint Committee on Public Education and the Joint Committee on the Revision of the Education Code. You were also

on the Joint Interim Committee on Revision of the Penal Code, with Beilenson as chairman. And Deukmejian was on that also from the assembly.

WINTON: That was a disappointment. I authored the bill that created that joint committee, and generally in the legislature if you author a bill creating a joint committee, you are appointed as chairman of the joint committee. But Unruh--that was when Unruh was speaker--chose not to appoint me. And it devolved upon. . . . Was it Beilenson who became chairman?

DOUGLASS: Yes.

WINTON: Senator Don Grunsky was the leading member of the senate on that committee. And we hired as our consultant the professor of criminal law at the Boalt School of Law in Berkeley. I am trying to think of the gentleman's name, but he was one of the eminent authorities in California on criminal law. Well, I think Beilenson did not run for reelection. He ran for congress, and Grunsky became chairman of the committee. Grunsky was a conservative. I thought we needed a complete revision of the state's penal code.

It was shortly after that, '66 came and I wasn't reelected, and that committee disintegrated to where they really didn't do anything. It was a complete disappointment.

The conservatives--of course, in '66 Reagan was elected--didn't like our choice of consultant because they thought he was too liberal. And it devolved into a situation where that committee really didn't do anything of any significance.

State Public Works Board

DOUGLASS: Then you were also appointed by Unruh to the state Public Works Board in 1961?

WINTON: No. That was [by] Ralph Brown.

DOUGLASS: Oh, that was before Unruh became speaker.

WINTON: Yes. What happened there, and we were talking earlier about the state colleges, Ralph Brown got this bill through in 1961 to create Stanislaus State College. And there was a great deal of competition between Modesto and Turlock as to where the college was to be located. So Ralph made it clear that he was not going to take any part in the choosing of the site. That that would be up to the state Public Works Board.

And he appointed me as a member of the state Public Works Board and told me that one of my jobs was to see that Stanislaus State got the funding through the Public Works Board that it needed to get started and to prosper. Of course, I think the bill was passed in June and became active in thirty or sixty days, after it was signed by the governor, and it opened its

doors for students that September. It was created in June. [J. Burton] Vasche was appointed as president, and they rented space at the Stanislaus County Fair at Turlock and they used the fair buildings for their school. Shortly after they started, Vasche became sick, and there was an interim acting president for a couple of years until they appointed a president, whose name I can't remember.<sup>1</sup> I remember he came from the University of Rochester and his specialty was music. He was a professor of music from the University of Rochester.

And he [Crowley] called all the legislators in that represented his area of the six counties, one by one. I remember he called me in, and he said, "You know, if we give a professor a four-year contract, he has tenure." Well, when this college was started--it was authorized in June and started in September--Vasche went out and filled the chairs in a hurry. And most people in academia who did not have a position in June for the following September were not too high on the list of desirable. So he said, "I'm faced at the end of

1. Gerard J. Crowley.

this year with terminating quite a few professors."

And he said, "I am sure you are going to hear some howls from the local citizens because a lot of these people are gregarious. They have ingratiated themselves into the community. They lead a choir or they do something else. And the people are going to say, 'Well, he's a good professor. You can't let him go.' Where they actually don't know the quality of his academic work at all. And I am just calling you here to prepare you for hearing the screams when I do not offer some of these people contracts." But it was really started in a hurry.

But Ralph appointed me to the Public Works Board [Laughter] to make sure that Stanislaus State's building plans and so on and site selection were not turned down by the state Allocation Board.

DOUGLASS: Was this a fortuitous opening on the board? I gather the speaker had some appointments he could make.

WINTON: The speaker has two appointments, and the Senate Rules Committee has two appointments. Of course, the Public Works Board is no longer in existence.

DOUGLASS: So you were put on there for a specific purpose.

WINTON: Yes. I served for other purposes as well, but

he wanted me to watch out for Stanislaus State.

## VII. RULES OF THE ASSEMBLY AND LEGISLATION

### Roll Call Votes

DOUGLASS: Okay. I have just several random kinds of things that I would like you to comment on that sort of falls into this category. I noticed that in 1958 you announced on the assembly floor that you "would withhold unanimous consent when members requested to change their votes or add names to roll calls if requests were made later than a few moments after the vote is announced." I take it this was a kind of a statement you were making on principle.

WINTON: Yes. And at the request and with the consent of the speaker. What happened [was that] members would be off the floor, and there would be a roll call taken and their names wouldn't be on it. They would come back an hour later, maybe, and ask that their name be added to the roll book. This necessitated the chief clerk going through the vote files and finding it, and it took maybe as much as ten minutes for each one. And it just slowed things down.

So towards the end of the session, when things were getting tough, and as I said and as Ralph said, the vote being added didn't make any difference because there had to be at least

forty-one votes to pass a measure. If there were not forty-one votes, it was probably put under call. And if it was under call, you could come in and vote. So this was just getting your name on there to show. . . . It didn't change the vote for anything.

Incidentally, this hurt me in the '66 election, because my opponent in that election said how many roll calls I had missed. Well, all those roll calls I had missed, I had been in committees presenting bills or something else. I came back, and I would not ask my name to be added to the list because of this procedural problem. But I did that both years.

DOUGLASS: But it didn't ever become policy of the assembly?

WINTON: Well, they respected it. Because if they asked to have their name added, I would get up and object to it. What you usually did to have your name added to the roll call, you'd get up and you would ask the speaker for unanimous consent to have your name added to the roll call on S.B. or A.B. whatever-it-was as voting aye or voting no. And then if there is no objection, the speaker would instruct the chief clerk to do it, and then everything would stop until the chief clerk looked that file, that roll call, and

added the name manually. And I did object a couple of times, and, fortunately, the assembly upheld. If you object, then it goes to a vote, and you have to have forty-one votes permitting you to add their name to the roll call. It was just to facilitate the procedures of the house.

DOUGLASS: Okay. Then, in 1959, you were made Democratic Whip.

WINTON: Yes. Well, that really didn't mean anything. Whip was just a name. If the Democratic party had a position on something, you were supposed to go around and get the recalcitrant members, to make sure they voted the right way on it.

DOUGLASS: But did that have something to do with the fact that you began at that time serving in brief, odd moments, as the acting speaker?

WINTON: Well, everybody got to do that, more or less. But Ralph Brown would call somebody up. Usually, the speaker pro tem served.

DOUGLASS: Right, but if he wasn't there?

WINTON: If Ralph was there, he could call somebody up and say, "Mr. Winton, would you serve?" instead of asking the speaker pro tem up. And it was just a courtesy.

DOUGLASS: So that wasn't anything to do with the hierarchical position?

WINTON: Not really.

DOUGLASS: Because I found you doing it fairly often at one point.

WINTON: Yes. When Ralph was speaker. I didn't do it when Unruh was speaker.

Legislation

DOUGLASS: Well, I guess then the other one I had here was that, in '65, you introduced H.R. 747, which was to be a study of staffing and organization of the Department of Education. That sounds important.

WINTON: Yes. As I recall, it didn't pass.

DOUGLASS: Okay. It was interesting that you had supported that.

WINTON: Well, that was when Rafferty was the superintendent. I had a little bit of running feud with Mr. Rafferty. You know that Rafferty only appeared before the legislature, to my knowledge, once. He came over. Garrigus was chairman of the Assembly Education Committee, and Garrigus invited him over to meet with the assembly [committee]. He came on the terms that no questions would be asked. He could make a presentation, but no questions would be asked. And that was the only time. And he always sent his assistant superintendent, Everett Calvert. He had been one of the candidates. . . . He had run for superintendent in that big race when they all ran. He and Rafferty had made a pact

before the primary that if either one of them got elected as superintendent, they would hire the other on as chief deputy.

So Calvert presented everything before the legislature. Under Simpson, Simpson had at least four deputies, maybe five, that attended most senate and assembly education committee meetings. [Wallace] Wally Hall, who was on administration and to some extent curriculum; [Ronald] Ron Cox, who handled finance. I am sorry I don't remember these gentlemen's names, but he had another one who was excellent on special education. Another one who handled vocational education. Casey Conrad had handled physical and health education, and these people were always in the audience, and the first two years I was there, maybe even longer, quite often, if we had a bill before the committee, the Department of Education might not even take a position on it, but if we knew it was in Wally Hall's area of expertise, or Ron Cox's, we'd call them up and ask them what they thought about it. And they were free under Simpson to express their own personal opinions as to whether they thought it was good or bad or not.

When Rafferty got elected, he laid down the rule that nobody, but nobody, spoke for the

Department of Education except Everett Calvert. He was the sole person. And if he wanted to bring an expert with him and let him talk, that was up to Everett. But no one of the others appeared on their own. And at one time, it was Senator Steve Teale, I think, that did it, but he told Everett Calvert--it was before the Senate Finance Committee--he told him to get out of the committee and he never wanted to see him again in a senate committee. And he became sort of persona non grata around the senate and, to some extent, the assembly.

Calvert, he knew about as. . . . He had been a salesman for some textbook company when he ran for the state superintendent. He had had, I think, and I don't know how he got it, but I think he got an administrative credential. But, of course, the state superintendent doesn't have to have any credential at all. The state superintendent could be a layman. And Calvert was just terrible. He never had the answers.

One thing I got out of Calvert, and this came through the county superintendent of schools in Madera County. At that time, the state credentials. . . . I don't know how it was under Calvert, but if you had a charge that might lead to revocation of a teacher's credential, the state department had a bureau

that investigated it, which was right under Calvert. He had three investigators to cover the whole state of California. They were all based in Sacramento. So if you had a complaint in Eureka, it took a day for the man to get up there, a day or more investigating, a day to get back for one complaint. They were asking for more money.

The staff of the legislative analyst, [A.] Alan Post's office, recommended that we not grant them the increase. That we say that they contract with the Department of Justice, with the Bureau of Criminal Identification and Investigation to do the investigation. The Department of Education was against that. I put in a bill, and I don't know what year it was, to transfer the duties of investigation from the state Department of Education to the state Department of Justice. And I got clobbered on it [by] Calvert and Rafferty and everybody. I think it passed in the assembly, but it failed in the senate.

Well, then I got smart. I was learning a little more about the legislative process, and I found out there were things you put in the budget that are called control sections, I think. Anyway, they are conditions that you

write on appropriations. So I put in the budget that year, in my subcommittee on education, the committee approved it, the senate approved it, and the governor signed it, that we appropriated this money (and we increased the amount of money) to the state Department of Education for investigation of alleged violations of teachers for revocation of credentials, and so, but it could only be spent by contract with the Bureau of Criminal Identification and Investigation. [Laughter] So Rafferty lost his three. . . .

Well, Calvert called me over to his office once to show me why it was so important. And he pulled down these files to show this pornographic stuff that he had on teachers and everything else. And I figure he was more interested in his supply of pornography than he was in justice for the teachers.

[Norman] Norm Gould, who was county superintendent of schools in Madera County, called me in one day. He had a problem. And he told me about it. There was a teacher in rural Madera County accused of being too friendly with the girls, young girls. Under the law, he suspended the teacher immediately. And it was in like a two- or three-room school, and until something was done, that salary had to be paid. And they had to hire a substitute. He said,

"If I had waited for the Department of Education to send an investigator down, it might have taken six weeks, and by that time, the school would have been broke. With that small a school, that amount of money."

So he said, "What I did. The sheriff is a good friend of mine. I called the sheriff in Madera County and asked him if he'd send his best man out to investigate this case." And what he found was that this was a eighth grade teacher, and his girls were having trouble with math and he patted them on the back and said, "Oh, you can do it," and so on. There was nothing untoward about it. And he said, "So I called the parents in and had them talk to the sheriff's investigator and everything was squared away, and I had the teacher back in the classroom in two days. And we didn't break the district."

He said, "A couple of years before, a teacher in Madera Schools was accused of being too friendly with the girl students. And Calvert sent an investigator down, and the guy did some investigation and said, "Now, Mr. Gould, I want you to be my witness." He called the teacher into the county office and said, "I've got the goods on you. Now, you're married

and you have three kids. Do you want me to file a case for the revocation of your license? Or do you want to write a letter resigning?" And Norm [Gould] said the guy really laid it on him.

So here was the investigator/prosecutor (again, I go back to the state Alcoholic Beverage Control) and he said the guy wrote his letter. And he said, "I met him a few weeks ago. And he said, 'You know, that was the worst thing I ever did.' He said, 'I wasn't guilty, but all I could think of was the embarrassment it would cause my family and everything else if these charges were to come out in this small community in the local paper.'" Norm said, "That's one reason I used the sheriff's office on this one."

So I thought, "That isn't right. To have the investigators be prosecutors. They should come down and make the investigation and report what they think the facts are and let somebody else make the decision." So that was one reason I got the investigation transferred over to the Bureau of Criminal Identification and Investigation (CII).

But Calvert was very upset about that. He really had no concepts of education. He really didn't know, in my opinion, much about anything. But then he was Rafferty's righthand man. The

blind leading the blind. [Laughter] You heard what Wilson [C.] Riles said when Rafferty had that job teaching in Alabama. He went back to at the university as a professor of education after he left the state.

DOUGLASS: No.

WINTON: He said it raised the IQ of both states.

[Laughter]

WINTON: I was going to tell you. Coming back to how I carried that bill for the state Board of Education on school finance, they were fighting then. I can't remember the chairman of the state Board of Education.

DOUGLASS: Not [Thomas W.] Braden?

WINTON: Yes. Tom Braden. And Dorman Commons was on it too. And the state board and Rafferty just didn't get along at all. And so when they asked if I would carry their bill, I said, "Fine." But Tom Braden was invited to speak at the Santa Clara County Parents and Teachers Association meeting for the whole county. There were six or seven hundred people. It was an all-day meeting, and he was the luncheon speaker. And for some reason he couldn't make it down there. So he called me and said, "Gordon, I can't go. But will you go in my place?"

I don't know who was working for me then,

but we got together and we wrote a speech like we thought Tom Braden would give it. I remember, among other things, I said that-- Rafferty was traveling all over the United States then--I made a check, and he was out of state more than he was in state. I'll never forget. One school superintendent wrote me [Laughter] and said, "You say he was out of the state more than he was in the state, but think how bad it would have been for the state if he'd been here all the time." [Laughter]

#### VIII. GOVERNORS

##### Goodwin J. Knight

DOUGLASS: That's an interesting era. Let's see, that is all of the general questions on the assembly. Let me move on to ask you specifically. I want to talk about the two governors. You made some comments about Goodwin Knight earlier, which were interesting, about the way he asked you about appointments. Do you have any other comments about Knight as a governor? Did you know Knight, particularly?

WINTON: Well, I knew him to say "hello" to him. He knew me to say. . . . When I was state commander of the Veterans of Foreign Wars in 1954, I guess, we always had a statewide contest among posts of the Veterans of Foreign Wars to see who could do

the best community service. And we invited him to be a judge of the final. We had people that weeded them out. And he came to our offices in San Francisco one Sunday afternoon. Agnes was there, I remember, and sat down and looked at these reports of community service and said which ones he thought were the best.

I think I mentioned in our earlier interview, I had been a Democratic campaign chairman for Earl Warren in Merced County at one time. And the legislature was pretty bipartisan then. So the first two years there, why, I could go down to the governor's office and talk to him. I could with Pat Brown later. Really, he was fine. Of course, I never went in on anything on partisan politics with Goodie. But there were lots of legislative things that I talked with he or his staff about.

Paul Mason, who was his chief legislative representative, was just a great guy. He had been there through Warren, and I don't know whether before Warren or not. He was the one that wrote the commentary on the California constitution that is supposed to be one of the top ones. And he wrote the Mason's Manual on Legislative Procedure. I think the rules of the legislature still say if the rules don't answer the question, you go to Robert's Rules of Order,

if they don't go, why, you go to Mason. I think that is still in there that he is the final authority.

DOUGLASS: Well, I gather that you felt that Knight had a good understanding of the relationship of the governorship to the legislature?

WINTON: Very excellent, very excellent. Pat Brown did too, but I think Knight maybe had a little bit of the edge on him there. But, after all, Pat had served as attorney general for four years and worked with the legislature. Although sometimes I have the feeling that really before you become governor, you ought to have legislative service. But I'm not sure that that's helped Governor Deukmejian all that much.  
Edmund G. Brown

DOUGLASS: Well, with Brown now you had someone in your own party as governor. So that meant a change. There would be more things you would deal with him on?

WINTON: Well, yes and no. Pat still came from the era of bipartisanship. And if you noticed his judge's appointments, for instance, he appointed an awful lot of Republicans. He was bipartisan in his appointments. [Laughter] And often Democrats felt that he bent over backwards to be bipartisan. Even though there was no cross-



filing anymore or anything, he was not a partisan Democratic governor, in the real sense of the word. The Republicans would say he was, but we Democrats thought he wasn't.

DOUGLASS: How about on appointments? How did he handle that?

WINTON: Well, his appointments secretary was supposed to let us know. But a very embarrassing thing happened to me shortly after he was elected. The mayor of Los Banos, whose name was [John] Chuck Erreca, had a daughter who had just graduated from Stanford. And he called me one day and wondered if I could give her a job for one session of the legislature, during the session, so she could get some experience. So I was entitled to two secretaries. She was a qualified secretary. So I said, "Yes." So he said, "She is going to Europe for awhile, and I would like to bring her over to meet you before she goes over. And then she'll come back." So he came over to the office here in Merced and introduced me. A great young lady, a good secretary. She only stayed with me one session because that was all the job was for was the session.

But, anyway, he came in and he said, "I guess you heard about my appointment." And I guess I looked kind of blank, and I said, "Well,

no, I really haven't." He said, "Well, the governor has just appointed me to the state Highway Commission." And I said, "Great!" And I didn't know the first thing about it. The governor's office hadn't called me and told me they were going to appoint him.

DOUGLASS: So you didn't know that the mayor of Los Banos was . . .

WINTON: . . . Was going to be on the state Highway Commission. And he was later director of the Department of Public Works.

DOUGLASS: So this was a lack of communication, though, really.

WINTON: That's right. He was not as careful and conscientious about this. And a couple of other appointments were made in my district that I did not know about until I read it in the papers.

DOUGLASS: Which is just one of the niceties would have been to know.

WINTON: Well, it is a nicety, instead of being embarrassing. And your constituents think that the governor would consult you about this.

DOUGLASS: You were fairly close to Pat Brown, though, on some things?

WINTON: Oh, yes. I liked Pat. We got along well. One problem that Pat had as governor, as I'd tell him if he was standing right there right now,

was that too often Pat made his decision by who talked to him last. You'd leave him and think he was set and convinced of one thing, and then the next thing you'd know, somebody else had talked to him. Pat wanted to be a good guy to everybody. You can't be a good guy to everybody and be governor.

DOUGLASS: He was trying to be accommodating.

WINTON: That's right. And bipartisan. I thought his wife was delightful. Some people thought she was abrasive, but she was very correct for me . . .

[End Tape 5, Side A]

[Begin Tape 5, Side B]

DOUGLASS: You were stating that Brown tended to be too accommodating to the last person who bent his ear to get the last word in.

WINTON: Yes.

DOUGLASS: Did he have a pretty good working relationship with the legislature?

WINTON: I think so. I think he did.

DOUGLASS: Would he have asked you to carry a bill, or anything like that?

WINTON: Yes. I am not sure I ever carried a bill specifically at his request, but he would have had no hesitation. I could get in to see him any time that I wanted. Pat's biggest problem. . . . Well, I'll give you a little story.

I had a group of Republican women from Madera County come up to the capitol. They came up, and, gosh, there must have been forty of them. And they kind of wanted to see the governor, even though he was a Democrat. So I got an appointment. He said, "I can only give them five minutes. My schedule is really crammed." So he got them the appointment, and my secretary, who was with me for six years, still a legislative secretary, went down with the women. They went in there. He spent forty-five minutes with them.

Sheila [Jensen], who was my secretary, who was also a Republican, although after she had worked for me for two years, she changed her registration to Independent. She couldn't become a Democrat, but she changed to Independent. Sheila came back and said he just charmed the socks off of them. He was pleasant. He talked to them. He was so gregarious. And he'd start out a day with an appointment list that was supposed to quit a five o'clock, and rarely did he get out of the office until seven or eight. And he took care of every appointment, but he just spent a little more time. He loved to talk to people.

DOUGLASS: A really gregarious man.

WINTON: Very gregarious. By and large, I would say a good governor. The state prospered under him. He had some tough decisions. The water plan was one. Caryl Chessman was another. But he rode through it pretty well.

IX. ROSE BIRD

DOUGLASS: Then you mentioned, of course, you commented specifically about Rose Bird. She was an intern, I guess, getting a master's degree.

WINTON: Ford Foundation intern. At that time, starting in about '58, I think. The senate wouldn't have interns. The senate said, "All they want to do is come up here and learn what we do, and then they'll go home and run against us." But the assembly had an agreement with the Ford Foundation. And it involved, at that time, only four colleges--Stanford, Berkeley [University of California], UCLA [University of California, Los Angeles] and USC [University of Southern California].

DOUGLASS: Was she at Berkeley?

WINTON: At that time. Yes. They would take applications for graduate students to take a nine-month internship with the legislature. Theoretically, they'd worked half time and be half time on studies. They had some curriculum coordinator, or academic coordinator, seminar

coordinator. But, in effect, they worked full time for the legislature. And they were picked by a committee. And there were eight or nine or ten each year that came to the legislature, I think starting in '58. And they came up, and they were paid \$500 a month, and the committee that picked them were academics. They were professors from Cal and Stanford and USC and UCLA. They picked the ones that would get the internships.

And then they came to the legislature, and they were assigned, I think every one of them, to committees. And mine were assigned--the first one I got was [David] Dave Doerr. Well, it actually started before '58, because I was made chairman of GO [Government Operations Committee] in '58; and I hired a consultant who had been a Ford Foundation intern the year before for the Committee on Agriculture, who was a bright young man, I thought. And I hired him to be consultant for my GO Committee that year. And Dave Doerr was assigned to me as the committee consultant for the Committee on Government Organization. And it turned out that the fellow I had hired got drafted. That was I guess Korea. Dave Doerr, I kept him on, and he acted as my consultant and then stayed on for the next three years as my consultant.

The next year, Rose Bird was assigned to my committee as intern, and Dave Doerr was consultant. That was in 1960 because it was '59 that Dave Doerr was the intern. And so she worked for my committee, actually worked for me, as consultant, an intern.

DOUGLASS: And she was getting a master's in public administration?

WINTON: She already had it. The requirement to be a Ford Foundation intern in those days, you either had to have a law degree, a master's in public administration or a master's in political science, one of the three.

DOUGLASS: Now did she have her law degree yet?

WINTON: No. She went to law school after she worked for me. In fact, as she was leaving, after finishing her nine months, she talked to me about. . . . She was thinking of going to law school and wondered what I thought about it. I told her I thought it was a great idea because, I said, law is opening up for women. There is more pressure about equality and openings, and I think there is a great opportunity for women in law at this time.

DOUGLASS: So did you keep in touch with her through law school?

WINTON: Not particularly. She'd come to Sacramento once

in awhile and drop in say "hello." But there was no particular. . . . She invited Agnes and I to her reception at the Crocker Art Gallery after she was sworn in as chief justice. As I recall, I was invited to her swearing in, in San Francisco, but didn't go.

DOUGLASS: And then, did you have any contact with her during the period she worked for [Governor Edmund G.] Jerry Brown [Jr.]?

WINTON: Oh, yes. That was funny. Because when she first came up here and was appointed, she called me one day and asked me if she could talk to me. And I said, "Well, sure." I was a lobbyist by then. So I went over to her office. She was secretary of that conglomerate of general services, agriculture, and I don't know how many. I've forgotten what she wanted to know, but it was some questions about procedure and dealing with the legislature, and so on. And I saw her several times when she was secretary of the agency.

But after she left there to go to the supreme court, I saw her only at her reception. I don't recall seeing her any other time in between.

DOUGLASS: Could you have predicted the various things that happened to her since then, in terms of this whole business with the court?

WINTON: As a matter of fact, I thought that Governor Jerry Brown was unwise in appointing her chief justice right off the bat. There had never been a woman on the supreme court before, and I knew there was going to be resentment. I thought it would have been far better if he had appointed her to the court and appointed somebody with judicial experience to the job as chief justice. Stanley Mosk wanted it very badly, and he. . . . I think, it is my opinion, he always resented Rose Bird because he didn't get it.

DOUGLASS: Yes. It put her probably in a difficult position.

WINTON: It did.

DOUGLASS: As a lawyer, how did you feel about her decisions, or how she behaved, in terms of administering the court and the decisions, I suppose.

WINTON: Well, I think that because of the criticism of the appointment that Rose had a little bit of a chip on her shoulder. And I think that maybe she tended to be a little defensive because she was reacting to the pressure against her. Rose, I don't think, basically, is that type of person. She never exhibited any of that when she worked for me for nine months. But, I think the politics of the situation made that. And I

think that some of her administrative actions as chief justice, while justified, could have been done in a manner that didn't ruffle as many feathers as they did.

Now Ralph Kleps was a very good friend of mine. He had been legislative counsel, and he went from there to chief administrative officer for the state supreme court. And he and Rose evidently clashed shortly after she was appointed, and he resigned. Ralph was, in my opinion, a fairly easy person to get along with. The two of them, I don't think, could not have been too far apart in philosophy.

DOUGLASS: So something was awry between them?

WINTON: Yes. As far as her decisions are concerned, I have not read the decisions on capital punishment. I think she may have let her conscience and feelings go overboard on those because I am certain there are some of those that probably could have been upheld under the law. And I think maybe she strained a little bit to find them in violation of law. Although the state of the law in capital punishment with the Briggs initiative,<sup>1</sup> which is the law today,

1. Proposition 17 (1978). Allows imposition of death penalty on more categories of first-degree murder and revises the law on mitigating or aggravating circumstances.

is so terrible that it's difficult to really state what the law is on capital punishment.

DOUGLASS: The Briggs. . . . Is that the business of expanding the use of the death sentence?

WINTON: That's right. Well, and it has a lot of other things about . . .

DOUGLASS: It makes it very complicated, doesn't it?

WINTON: It is. And it is not really clear who is subject to the death penalty.

DOUGLASS: Well, you stated that she did an excellent job for you as an intern.

WINTON: Very. The job she did on the research on the testing was great. The fact is shortly after she got appointed to the head of the agency by Jerry Brown, we had lunch together, and she had a copy of the bill.

What I had done. . . . The original bill was signed by the governor and by the speaker of the house and the president pro tem of the senate and then goes to the archive. Well, I had gotten a copy of the chaptered bill and gotten the governor and the speaker and the president pro tem of the senate to sign it. I had written on it: "To the real author of," whatever the bill number was, "on testing from the ostensible author," and signed. And she had that encased in plastic and showed it to me when we had lunch that day.

But she, like Dave Doerr, another consultant I had--and Dave is still there, he is consultant for the Revenue and Taxation Committee today, highest-paid consultant in the legislature--were both workaholics. Rose was a workaholic.

DOUGLASS: Yes. And I guess that showed up in her work on the court.

WINTON: Very devoted to her mother. I read something in the campaign. I never knew what happened to her father or where he was. And they had evidently been in Arizona at one time, and I never knew that. I just thought she had grown up on Long Island, or New York. She graduated from Long Island University. Her baccalaureate was in journalism.

#### X. DEMOCRATIC PARTY POLITICS

DOUGLASS: Well, it will be interesting to see what she does with all that energy and brains. All right. Let's just quickly move to Democratic party politics in and out of the assembly. Just to go back and pick up a few things. Were you at all involved with the birth of CDC [California Democratic Council]?

WINTON: Well, not in its inception, but I became active in it in 1953, it was, somewhere along in there. I don't know when Alan Cranston started it.

DOUGLASS: Well, apparently it was born in Asilomar in June of '53, and the founding convention was at the Fresno Hotel in November of that year.

WINTON: I went to the convention.

DOUGLASS: You were at the Fresno Hotel. And that's when Cranston became the chairman.

WINTON: I thought it was a great idea. It was a grass roots idea, and we had the Democratic Clubs and they weren't dominated by any particular faction or group. Later on, well, years later, after Alan became controller and things changed, why, it became dominated by, I think, factions and power groups. But I was at Fresno, and they had a convention in Fresno. I went to their nominating convention in fifty. . . . See, I ran for the state senate in '54.

I can't remember what year it was, but we had a congressional district meeting of Democrats in Chowchilla. And I was trying to think whether it was '52. A fellow by the name of Oakley Hunter was the congressman from this district at the time. Republican. And the idea of the meeting in Chowchilla was to try and settle on a candidate to run against Oakley Hunter. Some of the people suggested that I might be a candidate. And I was just going out

on my own in my law practice, and everything else, and there was no way.

But we settled on Bernie [F.] Sisk, and he beat Oakley Hunter that time. I think that was probably '52. No. It was '54, I guess. Because he was campaigning for congress at the same time I was campaigning for the state senate. So it was '54. And he beat Oakley Hunter in this election to congress and stayed there until Tony Coehlo was elected, I guess, six years ago. So that was '54. That was a CDC meeting in Chowchilla to select the candidate to run. Of course, the CDC could endorse, whereas the Democratic Party could not endorse.

DOUGLASS: So was it really sort of a response to the fact that the formal party structure actions were kind of lacking in spark?

WINTON: That was part of it. The other part of it, I think, was the fact that there were a lot of Democrats. There were more registered Democrats even at that time in California than there were Republicans. But they didn't have any money. The Republicans raised the money. The Democrats had no fund-raising ability. Oh, they had a little, but it was very small. The candidates had to raise their own money, whereas the Republican party, even as early as '54 and '56, was raising money for candidates from the state

central committee. In '56, I think that I got \$200 from the state central committee of the Democratic Party. And they put out a slate mailer, and they charged me \$200 for having my name on the slate mailer. I know whatever I got, the exact amount was what they charged for having my name on the slate mailer.

DOUGLASS: So there wasn't money to dole out.

WINTON: No. I was very interested in the CDC at that time, and we had local Democratic clubs in Merced, the Merced County Democratic Club, the Madera Democratic Club. And these were grass roots people. They weren't there particularly with axes to grind for some specific interest. And the thing is that--I guess this is sort of a phenomenon of politics--if you are against something you unite, but once you get in power, you start falling apart. And it wasn't but shortly after the Democrats elected Pat Brown and the whole slate of officers in '58 that the CDC started falling apart.

DOUGLASS: Start to have the fighting within its own ranks.

WINTON: Yes.

DOUGLASS: So you then continued, though, to be active in that group, at the time you were in the assembly.

WINTON: No. Because it pretty much fell apart after

'58. But you have your activities with regard to state and national offices. In 1960, I was elected northern California chairman of the Democratic Party.

Roger Kent was state chairman, and the Democratic party had a state chairman and a vice-chairman north and a vice-chairman south. The idea was that, normally, the vice-chairman south--it alternated every two years, by tradition, between the chairman north and the chairman south--when it came turn, the vice-chairman south would succeed the chairman who had been north. And Roger Kent and I had become friends. Of course, being a legislator, you're automatically on the state central committee, and you get so many appointees to the central committee. I've forgotten how many now. But an assemblyman gets so many additional appointees to the state central committee. Although they have revised the membership of that since I was in the legislature.

And Roger asked me, he had been vice-chairman north, if I would be vice north while he was chairman; and then I wouldn't run again two years later, so he could go back to being vice-chairman north again. I said, "Sure." And it didn't really amount to a heck of a lot.

Although [Laughter] I remember one time-- and Agnes will remember this very well--in 1960, we had a big Democratic dinner in San Francisco at the Fairmont Hotel. Hubert Humphrey was the principal speaker. It was on a Saturday night, and the next day, at two o'clock in the afternoon, I was to speak to a rally for John F. Kennedy in the park at Bishop. So we left dinner, and we went across the Donner Pass into Reno, and then down Highway 395 to Bishop, looking for some place to stay all the way. We couldn't find a place until we got to Bishop, which was about eight or nine o'clock in the morning. And I went to bed and woke up at one-- Agnes didn't even get up--and went out and made probably the worst political speech that was ever made. But I showed up.

But, of course, in 1960, I was a candidate to the Democratic National Convention in Los Angeles that nominated Kennedy. And that was fairly intriguing because that was a delegation that was committed to Pat Brown for president, a favorite son. Well, Unruh started working early. Unruh's first candidate for president that year was Lyndon [B.] Johnson. Then he switched to Kennedy. And I don't know, I think it was Unruh who convinced Pat Brown to release his votes before the first ballot. Normally,

you're pledge to vote for the candidate on the first ballot. Well, then things started breaking apart. Agnes and I had met and talked to at some length, and liked very much, Stuart Symington. Some of his people came to see me, and I told them that if and when Pat released his candidates, I would vote for Stuart Symington.

So then they went around, and we had, out of the delegation I don't know how many votes we had, we had eighteen or nineteen Stuart Symington (I think they were half-votes, I think each person had a half-vote, something like that), and, of course, Adlai Stevenson still had some. My seatmate, Tom MacBride, was very active in the Adlai Stevenson people. And Unruh started really pressuring for Kennedy about then. He and [Robert F.] Bobby Kennedy had gotten together, and Lyndon Johnson had dropped out.

Unruh and Chuck Erecca, my friend from Los Banos, the mayor, was also on the delegation. And he was for Kennedy. And Unruh had Erecca. Chuck and his wife and Agnes and I were riding back and forth to the convention from the hotel together, and Chuck was designated by Unruh to

get me to vote for Kennedy. And the delegation had a real hectic caucus meeting.

It was in one of the hotels we were staying in. And it was really fiery, but I stayed through until Symington dropped out. I am certain that on the first ballot, and there was only one ballot, that I voted for Symington.

DOUGLASS: So you did finally switch to Kennedy?

WINTON: Well, later on they made it unanimous for Kennedy. But one of the interesting things was one of the delegates that was for Symington (I can't remember her name), she was the editor of a labor newspaper in Los Angeles and evidently a pretty good job, and Unruh told her that he would see that she lost her job with the labor people. I remember she was in tears and came to me and said, "What am I going to do? I pledged to vote for Symington, and he's threatening me I'll lose my job." So I ran around and found some people who had some labor connections, and they got a hold of the people that controlled the board of the paper and assured her that she would not lose her job, no matter what Mr. Unruh said.

DOUGLASS: Were you aware of any the deals that might have been made for Johnson to be vice president?

WINTON: Not personally, except by rumor.

DOUGLASS: That must have been an exciting convention?

WINTON: It really was. And then I was an alternate to the '64 convention in Atlantic City. I put in an appearance, but I didn't attend. They didn't need any alternates.

DOUGLASS: Then you commented on the effect of the national party. Was there much fallout from any of the national activities into your perception of the effectiveness of the Democratic party in the state? In other words, what were the relationships internally to the state? Was their much impact either way?

WINTON: The impact was mostly political in that Unruh was very close to Robert Kennedy and the Kennedys. And the Kennedy landslide and the aura he brought with him helped Democratic candidates all throughout the state. But as far as the internal workings of the legislature, not really.

I can't say I was offered, but I was considered for a job as an assistant secretary of agriculture in late '61. [President John F.] Kennedy had promised California. . . . They were some farmers in this instance, some of them had worked for [President Franklin D.] Roosevelt during the Roosevelt years in Washington, were back in California and had connections with the Department of Agriculture. And Kennedy promised

these farmers from California that he would name an assistant secretary of agriculture from California.

They called me one Sunday. Five or six of them arrived here, I guess, and we talked for a couple of hours. They told me they had talked to the secretary of agriculture, who was the man with one arm from Minnesota (I can't think of his name), and that he wanted to talk to me.<sup>1</sup> He stayed on all the way through Kennedy and Johnson as secretary of agriculture. Anyway, they arranged for me. . . . He was making this speech in Stockton, I think, and then going to ride to Modesto, and I was to ride in the car with him and talk to him because that was the only time he had free.

So I did that. Then he invited me to come back to Washington and meet with him back there. Spend a day back there. They would hire me as a consultant to the Department of Agriculture so they could pay my expenses back. Well, I went back. I got back there the day that--I can't think of the fellow's name, the fellow was selling nonexistent fertilizer tanks to the farmers and having the Department of Agriculture

1. Orville Freeman.

pay for it. But, anyway, I got there the day after that scandal hit, and the secretary of agriculture, this fellow had been a friend of his or something, and he was so tied up in press conferences and everything. I got to meet him and say, "Hi." And he said, "I want you to meet so-and-so, who is assistant secretary, and he will talk to you about this." And so I spent the day with him, stayed there that night.

Among things I found out, an assistant secretary got \$22,000 a year at that time, in 1961. And the cost of housing in Washington, D.C., anywhere decent housing was \$600-700 a month. Well, you figure there you've got \$8,000 a year off the \$22,000. None of your expenses inside the United States, like entertainment or anything, were paid for by the department. If you traveled outside the United States, they paid for your entertainment and so on. A couple of friends of mine said, "You just can't make it on \$22,000 a year."

Well, I came back and thought about it. I really would have liked it. They were going to create a new job as assistant secretary that started then. It was going to be assistant secretary for foreign agriculture. What they wanted to do. . . . In all these talks with other nations about tariffs and so on, the

Department of Agriculture was always represented by a bureau chief. And they wanted to set it up so the Department of Agriculture would be represented by an assistant secretary, so he would have the same rank as assistant secretary of state or assistant secretary of treasury. Because a bureau chief, in the hierarchy of Washington, D. C., just didn't open his mouth. And they thought that agriculture was getting sold down the river.

Then the other thing, the Department of Agriculture had agricultural attaches in, I think, some twenty-two embassies around the world. And they would report on what's happening in Russia on grain crops and so on. This assistant secretary would have all these foreign attaches, which you had to visit. Which sounded nice. I would like to do a little foreign travel. And there were other things that sounded good about it. Oh, you would have been in charge of the Food for Peace Program.

But then he got into this trouble on the fertilizer tank deal, and it was getting late in '61. And I had to make my decision whether I was going to run for the assembly in '62 again or not. I finally decided that the negatives were greater than the positives, and I called

back and said, "Cross my name out for consideration." They did go as far as send the FBI [Federal Bureau of Investigation] to investigate me.

DOUGLASS: That was tempting then, in a way?

WINTON: Well, it was, but I am glad I didn't.

Incidentally, about that time the FBI came to visit me, Unruh had been suggested for an appointment in Washington, and they were checking on him. And they came to see me.

DOUGLASS: Was he offered a position?

WINTON: I don't know whether it was offered, but his name was under consideration. So whether you are offered or not, your name is under consideration.

DOUGLASS: One thing I did want to ask--in a way, we have covered it--but did the abolition of cross-filing, in 1960, have a marked effect on the politics in the assembly in that it would be perhaps a more partisan house?

WINTON: Yes. In both the senate and assembly. It wasn't immediate because there was a carry-over of the old camaraderie and there weren't that many changes of members.

DOUGLASS: But then Unruh would have been a handmaiden to that. Those are things that came together, in a sense?

WINTON: Yes. Well, Unruh climaxed it by making all

committee chairmen practically party members. But, you see, in my view, it was not the Democratic party. It was Unruh. I mean it was a personal allegiance to Unruh, not to the Democratic party. He parceled out the campaign funds. He gave out the goodies in the legislature, the good committees, the assignments, and so on. And so it became Unruh versus the Republicans, in effect.

DOUGLASS: Not the Democrats.

WINTON: Yes.

#### XI. STATE LEGISLATURE: "CITIZEN" TO FULL-TIME

DOUGLASS: I would like to ask you too. What was your feeling about the rhythm of that period you were in the assembly, in which you had the budget year and the regular session. That is very different for people to think of today, with a full-time legislature meeting annually.

WINTON: Well, you know, I don't think there are any more problems than there were then. They may be of greater magnitude, but it's a question of the magnitude of the problem, not the number. And I think, by and large, we did a very good job every two years. I do think that one thing that Unruh did that was excellent, he gave us more staff. I think they have gone far overboard on staff now. They've got more people. They're

tripping over each other trying to figure out things to do to keep busy almost. But I do think the legislature could do it every two years and do just as well. It would give a moratorium [Laughter] on new legislation every other year. And if there are problems that are so pressing that they have to be taken care of immediately, there was always a special call during the budget session.

I remember one year we had four special calls during the budget session. We had five different sessions going on at the same time.

DOUGLASS: Oh, you did. I remember three at least. There were that many. And the governor each time would have to list why he was calling the session.

WINTON: Yes. And you could only consider the specific item he put on that call.

DOUGLASS: Well, I guess this also leads into a question of how you feel about the full-time legislator, as contrasted to, say, the "citizen-legislator."

WINTON: Well, I really think that the citizen-legislator had a lot of pluses. I may be looking at this from a jaundiced viewpoint. Even those who moved their family up, moved their family back home during the off year. But we lived in Merced. I was in the district every weekend.

And when the legislature wasn't in session, of course, it was a rubber-chicken circuit, it was breakfast, lunch, and dinner. And trying to do some business in between. But I think we were a lot closer to the problems that people were interested in, that concerned them. I think we had a better grasp of the realities of everyday life.

I think the legislators today almost live in a glass house. Some of them very seldom even get to their districts. And, you know, it used to be that almost every one of us that was elected in the fifties had experience in local government, somewhere along the line. We participated in Rotary Clubs or Boy Scouts or Farm Bureau, civic activities at the local level. We had been in business. We knew what it was to meet a payroll and have to pay the rent and a few other things. A lot of these present people that come through the staff really have no conception. . . . They may have read about it, but they haven't faced the reality of having to have money in the bank to pay the secretary at the end of the week or the end of the month.

DOUGLASS: Which really relates to the question of earning, or theoretically earning, your full salary at being just a legislator, as contrasted to being

a citizen who chooses to serve in the legislature. Which can cut both ways. It can be a problem.

WINTON: I think there is no reason that if you had a citizen-legislator today, I think their salary on January 1st went up to \$39,000 or something a year, under \$40,000 still but it is up there. There is no reason why you couldn't pay that to a citizen-legislator. And maybe he wouldn't have to come home and earn his living, but he would have time to be home and meet with people. I think our congressman, Tony Coelho, does a tremendous job of getting around this district. He comes here. He has meetings Saturdays, Sundays. He is around the district far more than our state legislators are.

DOUGLASS: That's interesting.

WINTON: Well, of course, the state senator has bigger territory than the congressman.

DOUGLASS: Yes. Well, it was interesting, because Hugh Flournoy definitely had questions about the full-time legislature.

WINTON: The other thing is [that] maybe they shouldn't pay them so much. Because what happens is the job becomes all-important. Getting reelected is more important than doing the right thing.

DOUGLASS: Yes. To get that salary, to hold the spot.

WINTON: A lot of them have had no experience doing anything else. Of course, what they do now is become lobbyists. But there are only so many of those jobs.

DOUGLASS: So I gather you were saying that you are not so sure that the old system of the budget year and the regular sessions was all that bad a system.

WINTON: No. You know, if you really think about it, there are very few bills that have to be passed this year to keep earth from falling apart.

DOUGLASS: And, also, maybe, in a way, in itself it takes care of proliferation of bills?

WINTON: Not necessarily. The first session I was up there, there were over 8,000 bills introduced. And the 120-day session. But one of the reasons for that was that in those days you had to introduce all your bills in the first thirty days of the session. And then you took a recess for thirty days. And then you came back for ninety. So a lot of people put in spot bills. There was a great proliferation of spot bills, where you would change the word from "and" to "or" in some section of the Agriculture Code.

DOUGLASS: These were just placeholders, were they?

WINTON: That's right. So if later on you had to have a bill that involved the Agriculture Code, you would just amend the whole thing. [Laughter] I didn't know enough to do that the first session

I was up there, but I didn't suffer any ill consequences.

The first session I was up there, the chairman of the Republican Women of Merced wanted me to give her a copy of every bill that was introduced. So what happened. They were all introduced that first thirty days, and I took the. . . . The state Printing Office was not automated like it is now. Now, the way they do it, when they type a bill in the legislative counsel's office, and all bills have to be typed in back there, it automatically goes to a computer. And when that bill goes across the desk, it has a number on it, and they just press that number in the computer in the state Printing Office and it sets up all the type for the bill automatically. In those days, you had the typesetters that were in the state Printing Office.

It took a while, after you had adjourned, like two weeks after you had adjourned, that first thirty days--or sometimes we were only there twenty days, so instead of ninety days, we had 100 days when we went back. But they would send down to you the stack of bills. And I remember the stack of bills was about this high off the floor, bound with two metal straps, you

know, with a block of wood on the bottom and the top. And I took it over to her house, she happened to be here in Merced, [Laughter] and left it on her front porch. And then called her later to make sure she had gotten the copy of all the bills that had been introduced.

[Laughter] She never requested it again.

DOUGLASS: She probably had not the faintest idea that that was what was involved.

WINTON: I didn't either.

DOUGLASS: We did talk in the first interview about the final election. You ran in 1966, and the delayed impact of reapportionment, because of the court ruling . . .

WINTON: That was the first year that the one man, one vote was effective in California.

DOUGLASS: And it wasn't until then that you felt the impact of maybe a delayed retribution on the part of Unruh?

WINTON: That's right. It really doesn't make sense to have Merced County and Santa Cruz County in the same district.

DOUGLASS: But did that happen just because he was trying to satisfy other people first?

WINTON: That's right.

DOUGLASS: And it fell out that way for you.

WINTON: It fell out, but it also didn't hurt his feelings that it worked out this way.

DOUGLASS: So you were kind of at the end of the line, in terms of being considered, is what it really amounted to?

WINTON: That's right.

DOUGLASS: And it just drastically affected your base.

WINTON: As I mentioned, I think, before, Bert Betts, who ran for state treasurer, told me that in 1962, when he was elected, he carried every county in the state except three. And one of the three he didn't carry was Santa Cruz County.

DOUGLASS: So you had a real jewel.

WINTON: Yes. It was a very Republican county.

DOUGLASS: It must have been really hard, after having been there for ten years, to get out and campaign.

WINTON: Well, right up to three o'clock in the morning after the election, I thought I was going to win the election. I was really very surprised that I lost. I had no concept that I wouldn't win that election.

[End Tape 5, Side B]

[End of Session 2]

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