

California State Archives  
State Government Oral History Program

Oral History Interview

with

**HON. THOMAS J. MacBRIDE**

California State Assemblyman, 1956 - 1960

April 21 and May 14, 1987  
Sacramento, California

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

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None.

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## **PREFACE**

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

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

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

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

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

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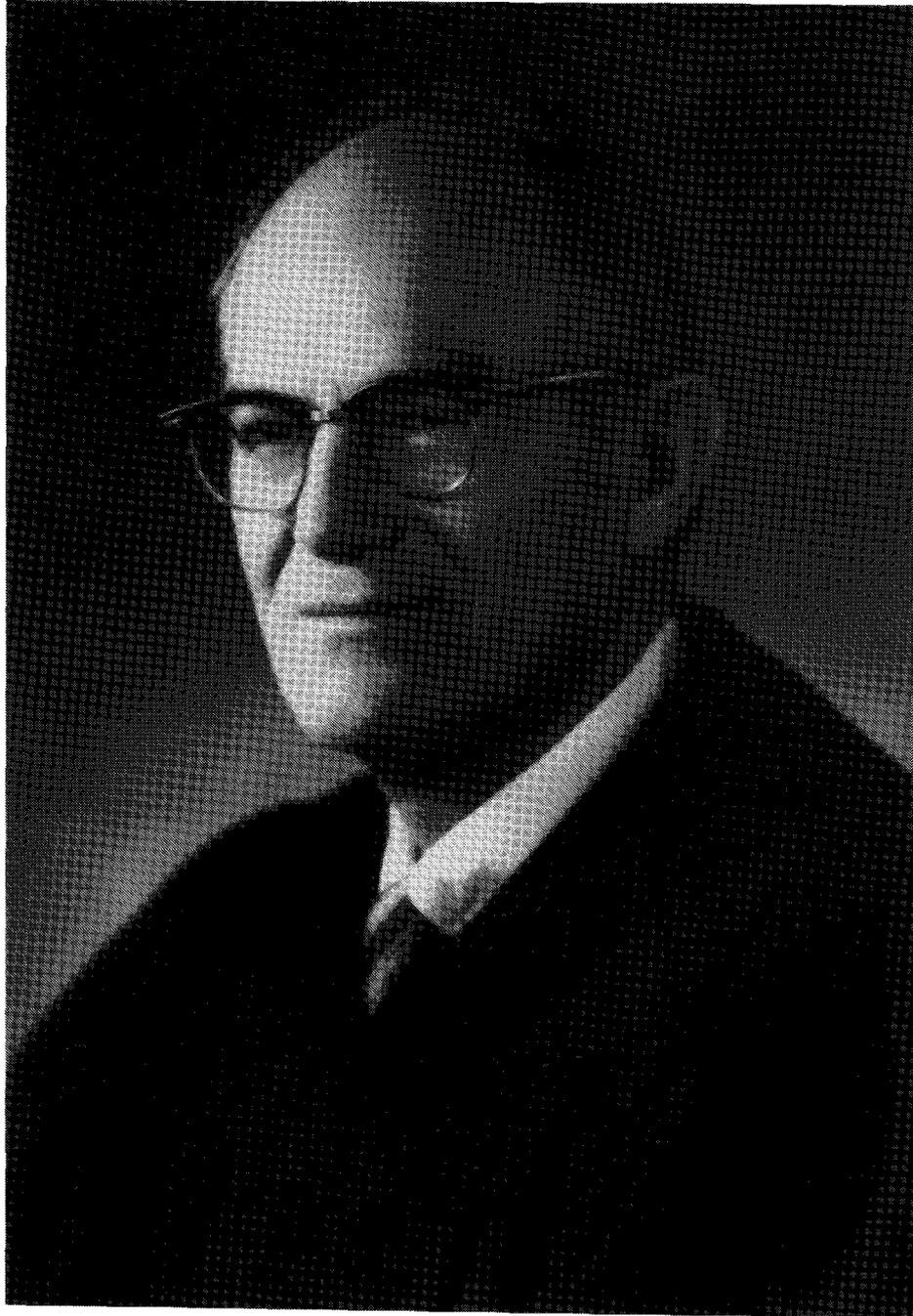
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The establishment of the California State Archives State Government Oral History Program marks one of the most significant commitments made by any state toward the preservation and documentation of its governmental history. It supplements the often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

John F. Burns  
State Archivist

July 27, 1988

This interview is printed on acid-free paper.



THOMAS J. MacBRIDE

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## INTERVIEW HISTORY

### Interviewer/Editor:

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### Interview Time and Place:

April 21, 1987: Office of Judge Thomas J. MacBride, United States  
District Court, Eastern District of California, Sacramento,  
California. Session of two and one-half hours.  
May 14, 1987: Office of Judge Thomas J. MacBride, United States  
District Court, Eastern District of California, Sacramento,  
California. Session of two and one-half hours.

### Editing:

Shearer checked the verbatim manuscript of the interview against the original tape recordings, edited for punctuation, paragraphing, and spelling, and verified proper names. Insertions by the editor are bracketed. The interviewer also prepared the introductory materials except for the Biographical Sketch form, which was prepared by Judge MacBride.

A copy of the draft transcript was sent to Judge MacBride for review in October, 1987. When the interviewer learned that Judge MacBride had not received his copy, a second was sent in April, 1988. The judge gave the transcript a very thorough editing, correcting his recall, and clarifying and emending his remarks. He returned the transcript in May, 1988.

### Papers:

Judge MacBride has offered his legislative files to the State Archives.

### Tapes and Interview Records:

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

## BIOGRAPHICAL SUMMARY

U.S. District Court Judge Thomas J. MacBride was born in 1914 at 2401 E Street in Sacramento. He attended grammar school in Sacramento, junior high school in north Sacramento, and high school and junior college in Sacramento before he left for Berkeley to attend the University of California (class of 1936) and the School of Law, Boalt Hall (1940).

MacBride was an experienced--and successful--campaigner long before he ran for the assembly, having been elected president of his eighth grade class, president of his junior high graduating class, his senior high school graduating class, his junior college class, his UC Berkeley class, and his law school class. Following graduation, he immersed himself in Sacramento civic life, working on bond campaigns for the Sacramento Municipal Utility District and for the Community Chest, American Red Cross and the YMCA. He practiced law as deputy attorney general for California (1940-1942) and continued privately with Mull and Pierce (1942-1946) and as partner in the firm MacBride and Gray (1946-1961) with time out for service in the U.S. Navy (1942-1946).

In 1955, a special election was held to fill the assembly seat made vacant by the resignation of Gordon A. Fleury. MacBride ran and won. His election that year, followed by two full terms, involved him in issues of statewide consequence and intense local interest.

As assemblyman, MacBride served on the Government Organization, Judiciary, Ways and Means, and State Personnel Committees. The latter committee dealt with California State Employees Association (CSEA), an important constituency for the assemblyman from Sacramento. His account of dealings with the State Personnel Board and the CSEA illuminate the special relationship of the Sacramento legislator and his district. He also recalls how the tensions of north-south interests complicated efforts to gain support for the California Water Plan and a site for the California state fair. His account of personalities and processes in the legislature include recollections of Caspar Weinberger, Phillip Burton, and Assembly Speakers Ralph Brown and Jesse Unruh, and Governor Edmund G. (Pat) Brown.

A long-planned run for the California senate was thwarted by an election law technicality and MacBride's reluctance to oppose the candidacy of an early supporter and esteemed friend Albert Rodda, who had already filed for the suddenly vacated seat in 1958. MacBride chose to resign at the end of his assembly term in 1960. He was appointed judge of the U.S. District Court in 1961 by President John F. Kennedy. He assumed the status of senior judge in 1979, serving on the Foreign Intelligence Surveillance Court (May 1979-May 1980) and on the U.S. Temporary Emergency Court of Appeals (1982-1988).

Judge MacBride and his wife, Martha, raised four children. The couple lives in Sacramento where MacBride continues to hear cases and pursues interests in gardening, duck hunting, and fishing.

[Session 1, April 21, 1987]

[Begin Tape 1, Side A]

## I. SACRAMENTO ORIGINS

### Family

SHEARER: I'm in the chambers of Judge Thomas Jamison MacBride, and this is Tuesday, the twenty-first of April, and we're going to talk about the Judge's assembly terms, which began with the election of 1955, a special election. But first I would like to get some background.

MACBRIDE: All right.

SHEARER: Can you tell me when you were born, and where you grew up?

MACBRIDE: I was born here in Sacramento, March twenty-fifth, 1914, at 2401 E Street.

SHEARER: Oh, for heaven sakes, you are a local boy.

MACBRIDE: I'm definitely a local.

SHEARER: And what were your parents' names?

MACBRIDE: My father's name was Frank MacBride, and he was in the candy manufacturing business here in Sacramento.

SHEARER: And your mother?

MACBRIDE: My mother's name was Charlotte Little MacBride.

SHEARER: You grew up in Sacramento?

MACBRIDE: Yes.

### Education

MACBRIDE: I attended schools in Sacramento, and also in North Sacramento, that is, grammar school. Then I came back into Sacramento for the purpose of attending junior high school, then Sacramento High School, and finally Sacramento Junior College. Then after I got my J.C. certificate at

Sacramento Junior College, I went on to [University of California at] Berkeley, and received my undergraduate degree and also my graduate degree at [University of California School of Law] Boalt Hall. I have a J.D. degree from Boalt Hall and I am class of 1940.

SHEARER: Oh, this is 1940.

MACBRIDE: Well I graduated in 1936 from undergraduate school, then I took a year off for a vagabond trip through Europe on a bicycle, and a folding canoe down the Danube, and while there I represented the University of California Alumni Association.

SHEARER: Was there an occasion--a convention or a conference?

MACBRIDE: No, not at all. This was right after the Olympics, this was after Germany had held the Olympics in 1936, and this chum of mine, Richard Moyer, and I went to Europe, and mainly we traveled by bicycle and stayed in youth hostels. We were over there for six months.

SHEARER: How did you represent Cal?

MACBRIDE: I represented Cal by having all of the address cards of the members of the Alumni Association who lived in Europe. And so, from time to time, as we would go into a city like Berlin, Paris, or London, we would look up alumni and tell them what was happening at Berkeley, and try to stir up their interest in the Berkeley campus, I suppose mainly to obtain. . . . We didn't ask for contributions, but it was to, as I said, encourage their interest in the university so that when the call did come for some kind of a financial contribution to the university, well they would know what's going on there. Hopefully, we had created a giving atmosphere on the part of the--or an inclination on the part of--these alumni to contribute. We also got a lot of good free meals out of it, too, I'll tell you that.  
[Laughter]

SHEARER: I can imagine. So you had a vagabond year and then you came back and graduated. . . .

MACBRIDE: No, then I came back and, after returning, it was too late to start law school, so I worked for my brother [Frank] who has a real estate business here in Sacramento, the MacBride

Realty Company, and worked for him for six months, and then in the fall semester of 1937 I started law school.

SHEARER: I see. Then following graduation, what?

MACBRIDE: Following graduation, I immediately went into the attorney general's office--Earl Warren was then attorney general--and he appointed me first as a clerk, and then within a few months as a deputy attorney general.

SHEARER: You mean in Alameda County?

MACBRIDE: No, he was attorney general.

SHEARER: Of course; I was thinking of when he was district attorney.

MACBRIDE: He had a large office here in Sacramento, and one in San Francisco, and also one in Los Angeles. So I worked in the Sacramento office.

SHEARER: You worked there till what, 1942?

MACBRIDE: Well, I worked there until I went into the navy. In other words, I was there for eighteen months, and then finally I was able to go into the navy. First of all, I went in as a civilian agent in naval intelligence, working in San Francisco. I was there for about six months, and then after six months I was able to pass my physical and obtained my commission as an ensign and then attended Naval Intelligence School in Washington, D.C., and New York. After about three or four months of navy school, I went overseas as an operational intelligence officer.

SHEARER: Did you have an opportunity to work closely with Earl Warren during . . .

MACBRIDE: Well, I didn't necessarily work closely with him, but I got to know him quite well, and his family also, and so I would say my relationship with him was very good and it continued up to the time he died, as a matter of fact.

#### Early Political Interests

SHEARER: What was it that pulled you into politics?

MACBRIDE: Well, I guess I was in politics from the time I was in grammar school. [Laughter] I believe somebody encouraged me to run for president of the eighth grade, and I won. Then I was president of my junior high school graduation class, and then student body president of the high school,

and president of the junior college, and then president of the graduating class, that is, the class of '36 at Berkeley, which was my class. Finally, I was president of my class at Boalt Hall, so I had sort of a political bug stuck in my veins.

Before the war, and while I was with the attorney general, I didn't engage in any political activity, but after the war, then I did become involved in various campaigns that would come through Sacramento. Although my parents were Republicans, I became a Democrat. I had a patron, a mentor, by the name of the Judge Peter J. Shields, who was a superior court judge here in Sacramento, and you could say that he was the patriarch of the Democratic party in California. He was the oldest Democrat in Sacramento and, in effect, he sort of kept the party alive while the Republicans were in full sway in California. So he was my friend and supporter, and he helped me considerably, including financially, while I was going to undergraduate school and law school.

SHEARER: How did you come to his attention?

MACBRIDE: When I was in junior college I worked in a law office after school. Well, that was another way that I obtained an interest in politics. While I was in junior college, I couldn't afford, at that time, to go to college, so I worked in the offices of Senator Jack [J. M.] Inman, and Assemblyman Percy [G.] West, they were brothers-in-law, and they had a joint law office. (Incidentally, they were both Republicans.) So one was in the lower house, and the other was in the upper house; they both represented Sacramento County. So I was their office boy after school, and I served processes--that's what they used to call a summons server, a process server--and they would get me work with various attorneys in the Sacramento Bar. And also I would frequently have to take papers over to Judge Shields' Chambers. Judge Shields was always interested in young fellows that were coming along, usually to try to persuade them to become Democrats. He was successful in my case, and we had many long talks and became very, very good friends.

SHEARER: How old were you at the time?

MACBRIDE: At that time I was, let's see, just out of law school--no, I wasn't in law school yet—I was about eighteen or nineteen.

SHEARER: So it was Judge Shields who pretty much attracted you to the Democratic party.

MACBRIDE: Yes, he did, definitely.

SHEARER: He continued to be a supporter through your [career]?

MACBRIDE: He continued to be a supporter of mine right up to the very. . . . In fact we named our first son; he's godfather to my first son, Peter.

SHEARER: How many children do you have?

MACBRIDE: I have four.

SHEARER: And they are?

MACBRIDE: Peter, Thomas Jr., David, and Laurie.

SHEARER: That's not a son?

MACBRIDE: Laurie, that's the daughter.

SHEARER: And what is your wife's name?

MACBRIDE: Martha.

SHEARER: And her maiden name?

MACBRIDE: Her maiden name was Harrold. She was not born in Sacramento; she was born in Paso Robles, but she came here when she was about five years old. Her father had a Ford automobile agency in Paso Robles, and then he moved it here to Sacramento.

SHEARER: Did you meet in college?

MACBRIDE: No, we met right here in Sacramento. I think we met at a cocktail party, if I'm not mistaken.

SHEARER: Was this in 1959? Was it that late? No, this was earlier.

MACBRIDE: Oh, no, it was in early 1947 that I met her, and we were married in November of 1947. It was a whirlwind romance.

SHEARER: What was the specific reason that you decided to run for the assembly in 1955?

MACBRIDE: Well, I had been involved in a number of political campaigns up to the time. I had been involved in the [Estes] Kefauver campaign here in Sacramento, I've worked for [Adlai] Stevenson, I even worked for Will Rogers, Jr., much to my regret.

SHEARER: Oh, really. Why?

MACBRIDE: He wasn't a very good candidate. But anyway, and there were others in whom I was interested. I was interested in [Franklin D.] Roosevelt, although frankly, when I was in high school, I used to drive people to the polls on behalf of Herbert Hoover when he was running for reelection, when Roosevelt ran against him the first time. I hate to admit this--I shouldn't say I hate to admit it--but nevertheless, I was going with a girl at that time whose father had been a very good friend of Herbert Hoover's; he was one of the three "H's" that they speak of down at Stanford when Hoover was there. There was Lester Hinsdale, Hoover, and Herbert Hicks. They were all BMOCs, which means "Big Men on Campus." But this girl--her name was Betty Ann Hinsdale--and just because of that relationship--she worked in Hoover's campaign headquarters, and so I did too--I would drive people to the polls who couldn't get there otherwise. They would call in and say, "Well, if I'm going to vote for Hoover, I need to have some transportation," so I would go out and get them, and drive them to the polls.

But anyway, I've been very interested in politics right along. As candidates came up in our community that were either Republicans or Democrats, quite frequently I would help out in their campaigns, but mainly, notwithstanding the fact that the judge had persuaded me to be a Democrat, I considered myself to be a moderate Democrat. My family were mainly Republicans, and the people with whom I associated were mainly Republicans, and so I wasn't what you would say a red-eyed Democrat. I considered myself a moderate Democrat, and that later proved itself when I was in the legislature.

SHEARER: At the time that you labeled yourself that, what was one of the sort of benchmark issues, on which you would say you took a moderate position, just to get a sense of the political spectrum at that time?

MACBRIDE: Well, let's see, that's a difficult question. It really is. That's a difficult question to say what were the specific issues. Labor. I was in favor of the labor unions, but there were many things that the unions were doing of which I was quite critical, so you can't say that

I was 100 percent a labor Democrat; I wasn't. I would consider myself 50 or 60 percent supportive of labor, and that later proved itself in the legislature too.

## II. 1955 ASSEMBLY CAMPAIGN

SHEARER: At the time that you first ran, I believe there was . . .

MACBRIDE: In 1955.

SHEARER: In '55. This was a special election?

MACBRIDE: This was a special election. This was brought on by the fact that Gordon [A.] Fleury, who was then the assemblyman, and had been the assemblyman from the eighth district here in Sacramento, and had done a very fine job, had a Democrat run against him in his last election. He was quite a liberal Democrat. His name was Jesse Fluharty [spells name], and notwithstanding the fact that Fluharty was not well known in Sacramento, and Fleury was, and Fleury had done a good job for Sacramento, Fluharty amassed a very substantial number of votes against Fleury. So whether Fleury quit because he really wanted to be a judge, or whether maybe he saw the handwriting on the wall that maybe the next person here was going to be a Democrat because the Democrats were gaining strength throughout California, nevertheless, the new judgeship was created for Sacramento County. And after it was created, well, he petitioned the governor for the appointment and got it, and it was simple as that. So that created a vacancy, in the Eighth Assembly District, and so . . .

SHEARER: Fleury being a Republican?

MACBRIDE: Fleury was Republican. So this then required a special election, so the first person that declared himself a candidate for it was Fluharty, and then a very fine young Republican from Sacramento, by the name of Dain Domich, declared his candidacy, and then I decided that I had a good chance to win the election. I felt that I could beat out Fluharty for the Democratic nomination, and Domich and I would then go into a runoff election and I would beat him.

Sources of Support

MACBRIDE: But I felt sure that I could beat Fluharty for the reason that he was a newcomer to Sacramento. I had been here all my life. I had been president of the University Club, and president of Town Hall, and I was active in the young mens' organizations, the Twenty-Thirty Club and many other activities in the community. I had been on bond campaigns to build various important public structures in Sacramento, the deep water project. Well, there were a number of them. Oh, SMUD [Sacramento Municipal Utility District]--that was a big issue here--the so-called SMUD bonds. I got out and made speeches, and also the family was well known. My brother Kirt was a newspaperman, and had been all his life, and was well known. The MacBride name was well known in Sacramento, to be as modest as I can about it. My other brother, Frank, had had the MacBride Realty Company signs all over Sacramento for years and years.

SHEARER: So name recognition was . . .

MACBRIDE: The name recognition was excellent in Sacramento. So anyway, I felt that I could beat Fluharty, and then certainly I would have a good chance to beat Domich in the runoff. Gradually a change was coming in California. After all, we had a tremendous majority of registration, of Democratic registration, in California at that time, and including Sacramento, and the strongest paper in Sacramento was the Sacramento Bee, which was a liberal paper. Normally, if a person was a good person, and a Democrat, they would support him in preference to a Republican. But I will say this, that if they liked a Republican and he was a good incumbent, they would support--usually support--the incumbent.

SHEARER: Did you get the McClatchy [newspaper's] endorsement?

MACBRIDE: Yes, I did. It wasn't right at the beginning. In other words, I had to do a little campaigning in the community first, and then went to see Mr. Walter P. Jones, who was then the editor of the [Sacramento Bee] newspaper, and the man who ran the McClatchy newspapers at that time, and I had my little talk with him. He didn't say, "Yes" right

off, but he said, "We'll be thinking about it." But he also said, "We certainly won't be opposed to you." And then in about two weeks I got a nice editorial favoring me for the election.

The Sacramento Union, which is the Republican paper, was unequivocally opposed to me. They had their own candidate, a fellow named [James H.] Jim Phillips. Well, wait, at the beginning they had Domich. This is something that happened during the campaign. Domich started, and he got off to a good start, and then within a matter of about a month into the campaign he had a heart attack, and the doctors advised him that the stress of the campaign would be too much, and so he dropped out.

So then there was just Fluharty and myself, and then we were joined by a fellow named Jim Phillips [who] had recently moved to Sacramento. He was an attorney. He was a Republican and had been an assemblyman years before from some other county—I'm not sure which one, but it was a northern county [Alameda]. I don't know whether he was defeated or had quit, but he had then come up to Sacramento, I think, to do some lobbying and also practice law. So he declared his candidacy and, of course, he didn't know anything about Sacramento. All he knew was that he knew about the legislature; he had been a former assemblyman, and he was a Republican, and those were his credentials. So we had the election and . . .

SHEARER: And at that point three of you were running?

MACBRIDE: There were three of us running; there were two Democrats and one Republican. Usually in a deal like that the two out of the three that get the highest number of votes are the ones that are going to run against each other in a runoff election. Well, as it turned out, in the initial election I beat both of them. In other words, I received more votes by myself than they did together. So I won the election in the first go-round.

SHEARER: Was this an instance of cross-filing at this election especially?

MACBRIDE: Cross-filing is not involved in this.

SHEARER: In a special election it just doesn't operate?

MACBRIDE: In a special election there's no party. In other words, you're not running for the party's nomination, you're just running to win against whoever else may be in the race no matter what their party affiliation may be and no matter how many opponents you have.

SHEARER: I see. Were you carrying a party label though? I mean, were you listed as a Democrat?

MACBRIDE: I was listed as a Democrat. I was known as a Democrat.

SHEARER: That's right, in '55 not only allowed, but I guess required, that the labels appear on the ballot.

MACBRIDE: Oh, yes.

SHEARER: So you had name recognition from longstanding presence in the community, family connections, business connections . . .

MACBRIDE: Then I had, also, support from Democrats that I had worked with on campaigns that I had been involved in, where I had taken an active part in the campaigns. And so I had friends from those campaigns that came to my support. One of the first couples that came to my support were [Albert S.] Al and Clarice Rodda, and later he took my place in the assembly, and then later moved up to the senate. They were just simply the first people that came to my support. Then another woman by the name of Ruth Sauze, whom I had befriended during the earlier campaigns, came in. She and I became very good friends, and she ran my office and was a staunch supporter. She was a very strong Democrat, and she was able to gather quite a coterie of Democratic women in the community, who liked to work in campaigns.

#### Role of the California Democratic Council

SHEARER: Was the CDC [California Democratic Council] involved in this campaign?

MACBRIDE: CDC was involved in the campaign, very much so, against me.

SHEARER: Against you! Really? Because you were a moderate, and the other Democrat . . .

MACBRIDE: Yes, that's exactly right. What happened was, before he was a senator, Alan Cranston had formed the CDC, because in these special elections--and also in the primary when cross-filing was permitted--a number of Democrats would run

for the Democratic nomination, and the incumbent Republican would not only run for his own party's nomination but also run for the Democratic nomination. The Democrats would split the vote, and the Republican would march in.

So in order to avoid this, Cranston conceived this idea of the CDC, the California Democratic Council, and the idea there was that in each community there would be CDC organization, and they would examine the various Democrats that were seeking the nomination, and then they would decide which one to support. They felt that their position in the Democratic party was strong enough so that if they would give their endorsement to a particular Democrat who wanted the nomination, then the others would drop out, and thus there would only be one Democrat running against one Republican.

Then they made some kind of a bargain. Let's see, what was it? They would interview the Democrats, and then they would say, "Now if you don't get our endorsement, do you agree to drop out of the race?" And in many instances the people would say yes, and some instances they would say no, and some instances they would put a condition on it. Well, fortunately, in my own instance, in my own case. . . . I wasn't too familiar with them at the time; I had never worked with them previously.

But they came to Sacramento, and there was just the two of us, Fluharty and I, and then there was a third person from north Sacramento, a fellow named Ollie Mapes, who had been the mayor of north Sacramento, a well-known person in the north area of Sacramento County, and who was a Democrat, and who also had been a friend of mine back to when I was just a kid. I can't remember what he did out there--I think he was a plumber, if I'm not mistaken--but as just a little boy, he and I were friends. So they called all three of us in, and Fluharty agreed that if he didn't get the endorsement he would drop out. Then, they just hit me with this; I didn't realize they were going to ask me this question. But I said that well, yes I would, provided that all three agreed--this was the proviso that I put in, that all three of the Democrats who came before

them would agree to do the same thing--then I would drop out if I didn't get the endorsement.

Well thank God for my old friend Ollie Mapes. He went in, and he had had no experience really with Democratic politics at all; he was just a Democrat. He had been mayor of north Sacramento, and was a popular man, and north Sacramento was in the Eighth District, and he felt that he might have a shot at it. So when they said to him, "Do you agree that you'll drop out if you don't get the nomination," he says, "No, I won't agree to that." He says, "I don't know anything about you people; you don't mean anything to me. I've lived here all my life, and I'm not going to have you people come in and tell me what to do."

So then after it was over I called him, because they had given the endorsement to Fluharty--CDC gave the endorsement to Fluharty--which I should have realized was a foregone conclusion because he was a more professional Democrat than I was. So then I called Ollie and I said, "What did you do?" And he says, "I told them to go to hell! I wasn't going to back out just because they wouldn't give me the nomination." He says, "I've never heard of them. I don't think they have that much power anyway." So with that I was able to back out myself and, thus, it ended up that Fluharty, and Phillips, and myself were the three contenders for the job.

Fluharty used this against me during the campaign on many, many occasions--that I had broken a promise--and I had to defend myself against this. Finally Ollie Mapes came to my rescue and said, "I never agreed to drop out, regardless of what the endorsement was." So I then challenged the CDC to confirm the proviso that I had made, and they agreed. There was one fellow on the CDC Council here in particular, an old lawyer friend of mine by the name of John M. Welsh, who was on the committee, and he agreed that I had said that. So my statement was vindicated, and it went on from there. But then the CDC came up to Sacramento; they sent people in from Oakland,

San Francisco, Santa Clara, and other [San Francisco] Bay Area communities to work for Fluharty in a local campaign.

SHEARER: For Fluharty?

MACBRIDE: For Fluharty, which offended a tremendous number of Democrats right here in Sacramento, and the Republicans, too. The idea that our assemblymen in effect are going to be elected by [outsiders], that is, by their work, influenced the vote in Sacramento County. By coming in from out of county to try to effect this, frankly, it was more helpful [to me] than harmful. I was able to use this to considerable advantage in our television debates and published statements and interviews. We only had one fledgling TV station at that time.

SHEARER: Did your views of the way the CDC worked change over the years or do you still . . .

MACBRIDE: No, I don't even know whether they're still operating, to tell you the truth. It's been a long time, and I never had much to do with the CDC at all.

SHEARER: Even in your subsequent campaigns, did they approach you or did you seek their endorsement?

MACBRIDE: No, I never sought their support, never had anything to do with the organization. Roger Kent, who was a very fine fellow, and a strong Democrat, came up to see me to try to talk me out of continuing the campaign because the CDC hadn't given me their endorsement, and much as I liked the man---and I told him so---I said, "I'm not going to do that." I said, "I've lived here all my life," I said, "I've made my contributions to my community with all the things that I have done here civic wise, and this fellow comes in, practically is a carpetbagger, and I don't intend to give up my, in effect, my birthright, to the CDC.

[End Tape 1, Side A]

[Begin Tape 1, Side B]

SHEARER: Can you just repeat for the tape what you told Roger Kent?

MACBRIDE: Well, I just told him that I didn't intend to give up my birthright to run in my own county where I had lived, and

worked, and made my contributions to the community by working on bond issues, the Community Chest, going out and collecting money for the Red Cross, and the YMCA, and the Boy Scouts, and all the things that a person does as a contributor to the community, and then give it up because the CDC doesn't endorse me. An organization that I don't know anything about, and particularly doing it in favor of a person who hasn't done any of these things, who's only been in Sacramento just a few years, and who hasn't been participating in community activities at all. So I felt that I was entitled to run. It wasn't necessarily that I was entitled the job, but I certainly was entitled to campaign for the job.

Campaign Workers and Organization

SHEARER: You mentioned Ruth Sauze as being a professional help in your campaign?

MACBRIDE: No, she was not a professional at all; she was just a housewife. But you know, there are a lot of housewives, and there are a lot of men, who just simply enjoy politics. They don't necessarily want to run for office; they just enjoy the thrill of a campaign. In many instances I was that way for a while; I had no ambitions to run for office. But I, like when Senator Estes Kefauver came to town I became his campaign manager, and I got out and did a lot of work for him and supported him, and I enjoyed it.

Pat Brown ran for attorney general, I was his campaign manager two times in a row in Sacramento County just because I liked him, and because I liked to be in politics. It's a thrilling experience. Being able to be in a campaign, and go to the dinners, and make speeches, and encourage people to endorse him, and so forth, that's kind of a thrilling experience in itself. And the greatest part of it is that after you get your man elected or even if he gets defeated, then you walk away from the thing and go back to your business, or go back to keeping house, or taking care of your garden, but you have been in an interesting battle. Men and women are the same way. The

ladies like to do this; they like to put on the coffee klatches. They like to have the little neighborhood meetings, and bring the candidate out; that's something for them to do. It's the same thing as a sewing bee, I suppose.

SHEARER: With perhaps more significant consequences?

MACBRIDE: Well, yes, with more significant consequences. No, I'm not denigrating what they do at all. It's a noble cause, and that's what it's all about. This is our democratic society.

SHEARER: So you not only enjoyed campaigning, but you ran your own campaign? You didn't get professional advice?

MACBRIDE: No, never.

SHEARER: You've really learned it from the ground up?

MACBRIDE: I just learned it myself from the campaigns in which I had been involved. One time, let's see, I persuaded a person, a friend of mine by the name of David Macaulay, to run for the Sacramento City Council, for instance, because I thought he was a very good man who was interested in the operations of the city council. I said, "If you'll run, I'll be your campaign chairman, your finance chairman, and everything else." We ran and we won. So that was very gratifying. A wonderful experience for me as well as for my candidate.

SHEARER: That's a princely offer, to be the finance chairman.  
[Laughter] Now how did you handle finance? You did your own fund raising?

MACBRIDE: Yes, I went out and asked people, the many friends of Dave, that I was quite sure would support him.

SHEARER: And for your own campaigns? How did you work that?

MACBRIDE: In my own campaigns I received numerous just voluntary contributions from friends and family. I don't think I asked anybody for any money.

SHEARER: Really?

MACBRIDE: No, I didn't. I didn't ask anyone for any money. My contributions just came in. My brother gave me some money, my father-in-law, he gave me some money, and my various friends. Let's see, I must have had, though. . . . Yes I

did. I take that back. I had a lawyer friend who was my finance chairman, and he's the one that did the asking.

SHEARER: Who was that?

MACBRIDE: His name was Fred R. Pierce, who later became presiding justice of the U.S. Third District Court of Appeals. He went around to all my lawyer friends, that is, particularly the Democratic lawyer friends. Then the social group in which we operated. Our acquaintances were just about the same.

SHEARER: You were a member, or maybe still are, of the Eagles? Was that a significant social network in the campaign?

MACBRIDE: No. There are a number of organizations that people join, and this sounds rather bad, but nevertheless, old campaigners would say, [for example], "You can't run for office in Sacramento unless you're an Eagle." So a guy comes to you and says, "I'm an Eagle. Come on, I'll bring you in," and he nominates you.

So you join the Eagles. Well, you might go to one or two meetings and make speeches, and even after you're elected, you'll go to a dinner, and they won't even remember what your name is, to tell you the truth, when you get there. You're up at the head table, "and now we're going to hear from. . . ." Oh, I remember one meeting that I was invited to and to sit at the head table, and so I went to it, and the meeting was over, for all intents and purposes. Meanwhile, I had been up sitting up there all this time listening to their reports, eating this rubber chicken and these bullet peas, and then somebody whispered to the chairman, who then looked over at me and said, "Oh, yes, and we have Assemblyman, what did you say your name was?" [Laughter] And so you join organizations like that.

American Legion, I was more active in the American Legion, and then the Masons. Politics had nothing to do with my joining the Masons. I joined the Masons because I wanted to be a Mason, but I did get a lot of support from my Masonic friends.

SHEARER: Why do you think people said that you have to be an Eagle if you're going to run?

MACBRIDE: I don't where I ever got that. Actually, that's the first time I had ever heard of it in my entire life--that you can't run unless you're an Eagle? Never heard of it. Absolutely.

SHEARER: OK. I thought that was the lore at the time.

MACBRIDE: In fact, you're telling me I'm an Eagle. I didn't even know I was an Eagle.

SHEARER: [Laughter] Oh, yes, you're listed as being a member of the Rotary, the Eagles, a Mason, American Legion, and the Veterans of Foreign Wars.

MACBRIDE: And the Veterans. [Laughter]

SHEARER: [Laughter] Is this a membership in name only?

MACBRIDE: I can't remember ever being to a meeting, except maybe the first one.

SHEARER: So these were not significant?

MACBRIDE: You see, you've got to remember this, that the membership in these organizations is diminishing with the advent of TV. In those days, at night a man didn't want to be home with his wife every single night; he wanted to be out with the boys, or a group of boys--of fellows, to talk about things. And so the attendance [was high] at Eagles meetings and Veterans of Foreign Wars, and the American Legion, and Masonic Lodges, and so forth; the fellows would all go.

Nowadays they [the organizations] are all having a tough time recruiting because the fellows want to stay home and, say, watch "I Love Lucy" in the old days, or now they want to stay home and watch "Jeopardy" or "Wheel of Fortune" and things like that that they get sort of addicted to. And so that's what's happening to many of these organizations. Their membership is diminishing; they're not getting the young fellows to join, and they're hung up now with just the older membership.

SHEARER: That's an interesting sociological sidelight.

MACBRIDE: But it's the fact.

III. FIRST TERM IN THE ASSEMBLY---1956

Increase in Party Discipline

SHEARER: When you entered the assembly, that would have been in 1956?

MACBRIDE: Right.

SHEARER: And you served that year . . .

MACBRIDE: I served 1956, and then I immediately started campaigning for reelection for the 1957-58 year.

SHEARER: I see. How did you find the assembly? What did you walk into when you came in, understanding that cross-filing was still in effect and that the Democrats were finally beginning to achieve parity?

MACBRIDE: On the ascendancy, yes.

SHEARER: In the senate, and in the assembly. The Collier Act of 1953,<sup>1</sup> which required registration of lobbyists and an accounting of their spending, was in effect. How would you characterize the assembly?

MACBRIDE: Well, it was obvious that the Democrats were beginning to give the Republicans a bad time in the assembly. Whether this was true on the senate side I can't say. But in the assembly, Jesse [M.] Unruh had already been elected, as had Thomas M. Rees, as had [William A.] Bill Munnell. Now they were very strong party people, and they were keeping tabs on all the Democrats, and also they were acting as watchdogs over the Republicans.

So wherever they could, in so many instances, they were trying to make it tough for [Goodwin J.] Goodie Knight who was then the governor, and they would even go to the extent of proposing legislation, which required the expenditure of money, knowing full well that we didn't have that money in the treasury, that we couldn't fund it, and that it would necessitate increasing taxes. And also

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1. Actually 1955. Cal Stats. ch. 713, p. 1205.

knowing full well that the governor would have to sign a new tax bill, or the governor would have to veto the bill if it was passed on the grounds that we didn't have any money with which to finance it. This, then, would embarrass the governor, and they would say, "Well, the governor's against schools, or the governor's against school lunches, and so forth." That was not my style of politics.

As a matter of fact, I think I could tell this story. It went this way, that the Democrats had put in a bill that was of assistance to the schools, and it cost a number of millions of dollars which was not included in the budget, and we had no money with which to finance it unless we enacted, put into effect, some new taxes. [Caspar W.] Cap Weinberger got up and made a very eloquent speech opposing the bill, and observing that this bill was put in by the Democrats for no other reason than to embarrass the governor because if the bill passed the governor would have to veto it. Then the Democrats in the next election could say that the governor's opposed to the improvement and the care of our schools, and our children, and so forth.

So we then took the vote, and there were about two or three of us Democrats in the assembly that broke from the ranks and voted with the Republicans. Well at this time my wife, having come from a Republican family--the Harrolds were all Republicans--was still a Republican, but as long as she could vote for me in the primaries, you see, it didn't make any difference to her, and then she could vote for me again in the general election. So these other two Democrats and I voted against the bill, and the Republicans voted against the bill, and it was defeated, that is, this bill that the Democrats had proposed was defeated.

Well after the session was over, the legislators then go to what they call the legislators' special elevator. This is their own elevator that takes them from the floor on which the assembly chambers are located up to the floors on which their offices are located. So I was standing there, and Jesse Unruh came and stood next to me. We were friends, and he said this in a jocular fashion. Nevertheless, he said, "Well, MacBride," he says, "after

your performance today, you're going to have to sleep with the Republicans tonight." And I said, "Jesse, I've got news for you. I sleep with one every night." [Laughter]

SHEARER: He understood?

MACBRIDE: I'm sure he did. [Laughter]

SHEARER: That's interesting. When you say the Democrats put in this bill, you're speaking specifically of . . .

MACBRIDE: Well, I didn't watch the authorship that closely, but I know probably Munnell and Unruh and others of the party. But, anyway, by the time I got there the pressure was on, whereas before this upsurge of the Democratic party began, if you had a good bill, you could get it through the legislature regardless of whether you were a Republican or a Democrat. You could go to the Republicans for support just as much as you could go to the Democrats, if it was a good bill. If it was a bad bill, your own party wasn't going to support you just because you were a Democrat.

The result was that I felt--especially in my first two terms, that is, that one year and then the next two years--those were the happiest days that I had over there because in a sense you were freewheeling. You could go to the Republicans and ask for a vote just as easily as you could go to members of your own party and ask for one. If it was good legislation it passed, if it was bad legislation it failed, and you felt no recrimination that there was any partisan politics involved in the deal. That's the way it was when I went over there, and it was a very, very pleasant experience. I had lots of real good friends who were Republicans, and I could always count on them for a vote, for instance, and the same way with the Democrats. But of course that changed when cross-filing was abolished.

#### Impact of Cross-filing

SHEARER: Some writers and some of our interviewees have commented on the difficulty, or the downside, of cross-filing being that it lets the door open for the likes of Mr. Arthur Samish and others to wield influence way beyond what seems appropriate in democratic process, and that this was partly

attributable to the fact that there was no distinction among the parties in their platforms, no accountability.

MACBRIDE: Yes, I know of that criticism, and there may be some validity to it, but I haven't been a student of that since I got out of the legislature. I didn't feel it was the case when I was there. I can see some validity to it in this respect, particularly where we have the situation where you might have a very poor Republican occupying the office, and when you speak of Samish, you're talking about the lobbyists. Well, the lobbyists knew that Republican. They knew what they could count on as far as he was concerned, and so he would always have ample financial support from the lobbyists. Whereas the Democrats, they had to scrounge around for their money, and the only way that they could get the money they needed was to knock out--using the [California Democratic Council] CDC as a device--knock out all of the other Democrats who would be using up Democratic [party] funds, the available Democratic funds.

And so that was one, I would say, favorable aspect of the CDC, that when it came down right to the end, you had one Democrat, one Republican, running against each other, and each would be financed. But the point is that prior to the CDC the incumbent was the Republican, and notwithstanding the majority Democrat registration in California, the Republicans controlled both houses of the legislature. Hence a Republican incumbent would be well financed by the lobbyists, and so there's some merit to that [criticism]. In other words, they had a better chance of winning, because by the abundance of lobbyist money they got more publicity, more billboards, more quarter cards in the front windows of homes and stores, more pamphlets, more and better letter campaigns, more newspaper ads and eventually TV ads, and so forth. So I think that's what you're talking about.

Role of Gas and Oil Interests

SHEARER: One thing I wanted to ask you about, in the first and your second term, which would have been a campaign issue in '56 for the '57-'58 [term]. Apparently gas and oil interests were very active in supporting various candidates to various degrees. Was this noticeable to you, or identifiable in any way in your campaign?

MACBRIDE: No.

SHEARER: Were you approached?

MACBRIDE: No, never. No, the oil interest never came to me at all. One of the big issues that we had, and I think it came through the Government Organization Committee, and how it got in there I'm not sure, and I'm not positive it was in there. But this had to do with a split of the proceeds realized from the extraction of gas and oil from the Long Beach oil field. This was a big issue. I'm not sure whether that was in the Government Organization Committee or one of the others, but I know that it was a very, very important issue and one that we debated at length to see what the split should be.

SHEARER: That, apparently, was a bill by Bruce [F.] Allen, I think, who in 1955 (he's from San Jose) sponsored a bill to revert to the state oil revenues, which the [City of] Long Beach had been gathering for itself from the tidelands oil since 1911. They had been used for harbor development and so forth, and later on used for a lot of other things.

MACBRIDE: That was in . . .

SHEARER: Fifty-five, and then it says . . .

MACBRIDE: But didn't that continue over into . . .

SHEARER: Well, it did, but Allen's failed but a compromise . . .

MACBRIDE: In '55.

SHEARER: Right, and a compromise bill did later pass which called for immediate payment to the state of \$120 million from tidelands oil trusts, revenue from production of oil and gas to be split after January 31, 1956. And the state received all dry gas revenue, half of the oil revenue, et cetera, et cetera, et cetera.

MACBRIDE: It seems to me, though, that we had something to do with that, and that is the legislatures of 1956, at least, maybe (and maybe '57, '58). I just remember being involved in that issue, maybe there was an effort to change the split, but in '55 I would not have been involved in it. I wasn't yet in the legislature.

SHEARER: Well, these are the features of the bill, and could that be where you played a role?

MACBRIDE: March 30, 1956. Well, it could have been. Maybe it came up in my campaign but I don't remember it. I doubt it.

SHEARER: In 1956, Proposition 4<sup>1</sup> apparently was important also. That was the struggle by the major oil companies to get Proposition 4, which was designated by [Clem] Whitaker [Jr.] and [Leone] Baxter [public relations firm] as the oil conservation initiative. If Proposition 4 had won--and it lost 3 to 1--it would have unified or unitized oil production in California to maximize drilling results. Costs and returns would have been prorated among those involved. Proponents felt that if water and gas were pumped underground to replace the extracted oil it would solve a subsidence problem.

That was hotly debated, and according to [Joseph C.] Joe Shell, from his interview which he did with us, independent oil producers had 51 to 52 percent of the oil production going on on the state, and the majors wanted to curtail this production and bring in cheaper imported oil. Do I have the outlines of that controversy?

MACBRIDE: No, it really doesn't ring a bell. I knew Joe Shell very well, and I knew that he was involved with the independent oil people, I think he was married to the lawyer for [William B.] Keck, who owned the Superior Oil Company for all intents and purposes, which was one of the big independents.

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1. Proposition 4: (Ballot Pamp. proposed amends. to Cal. Const. with arguments to voters, Gen. Elec. November 6, 1956.) "Oil and Gas Conservation."

SHEARER: Right. He was the son-in-law of Harold Morton who was the legal counsel, I guess, to Superior [Oil Company].

MACBRIDE: Legal counsel to Keck. But other than that, I'm sorry, I can't help you.

SHEARER: Well, apparently the parties did not take a position [on the proposition in their campaign platforms]. Democrat and Republican [parties]. Perhaps for understandable reasons.

MACBRIDE: But I never worried about the oil companies. Later on I'll come to something in our discussion, where the oil companies became heavily involved, but . . .

SHEARER: Can you just mention the name of . . .

MACBRIDE: Well, it's the severance tax.

SHEARER: Oh, the severance tax, okay, so I'll remember to mention that. Another thing I wanted to ask you about, since you mentioned the pressure being on the governor by the Democrats to embarrass him at times. What was the role of the State Lands Commission? Do you remember? After 1953 there was a federal quitclaim passed, which allowed California to get all the oil drilling revenues for the tidelands oil, and the State Lands Commission was in the position of handing out the drilling leases, and so forth, so they potentially had a great deal of power. Do you recall any connection between the Land Commission, the legislature, [and] the shifting of those revenues from apparently a specific designation in the original legislation by [Thomas H.] Tom Kuchel to fund parks and recreation, I mean a specific amount, and the major amount of 75 percent?

MACBRIDE: I'm sorry, I just have a vague recollection of that. I have a very vague recollection of it, and when you mentioned that there was a shifting, and it involved parks and recreation, that more of this money should be expended for parks and recreation, that's the one part of it that I remember, and I remember it favorably. But frankly that's the extent of it, I don't recall any of the details of that. I wasn't involved in it. I didn't take an active part in that.

- SHEARER: OK. Apparently revenue from the tidelands oil came to be relied upon both by Governor Knight and Governor [Edmund G.] Brown [Sr.] as an essential part of the budget.
- MACBRIDE: Yes, I do remember that.
- SHEARER: But in early '55 and '56, I gather Governor Knight wanted these funds to go into the general fund to be used for various projects that interested him, including water planning, and I guess there was a considerable resistance to this at that time. Do you recall that?
- MACBRIDE: Now, the thing is, we certainly wanted our share of the tideland money, and I don't think it came into the general fund; I think it was, as you say, I think it was earmarked for parks and recreation.
- SHEARER: Mainly for parks and recreation?
- MACBRIDE: Yes, that's right.
- SHEARER: Yes, later on, when Pat Brown was promoting his water plan, the water plan, in 1958, '59, and '60, a considerable proportion of those funds were put into what we call the investment fund, which then became the water investment fund, and I was going to ask you about that when we talk of your role as the chairman of the Taxation Committee, if this was a shift that you helped to effect? Well, we'll get to that.
- MACBRIDE: You've got to remember that you're bringing up stuff that I haven't thought of for twenty-six years.
- SHEARER: [Laughter] Well I think your memory is remarkably good, just remarkably good.
- MACBRIDE: Whisper that in my ear. [Laughter]

#### Interests of State Employees

- SHEARER: One of the issues that you mentioned was particularly of interest to people in your district, was that of the state employees, [who are heavily concentrated in] the Eighth District in Sacramento. You mentioned that your first assignment was to kind of deal with that, their interests as . . .
- MACBRIDE: Well, the [California] State Employees Association was a very active association. As I recall, we had 180,000 state

employees at that time, and they had various grievances. The work conditions might be wrong [and] they wanted them corrected, or the pay that they were receiving was wrong. In other words, the people generally, that is the taxpayers, felt that every state employee had a sinecure as far as his job was concerned [because] he had civil service and the like. And it was as if none of them played an important part at all insofar as the operation of the state is concerned, and yet without the state employees, needless to say, the state can't possibly operate.

For instance, there were the hours of employment. We would have blockages of traffic where they were all let out at the same time in the afternoon, and all these thousands of employees heading for home, so there would be blockages of our--we didn't have freeways in those days--but our streets and so forth. So it was necessary that we work out a plan whereby, instead of coming to work at 8:30 A.M., some came to work at eight, but they were released at four, and then . . .

[End Tape 1, Side B]

[Begin Tape 2, Side A]

SHEARER: You were describing what we would now call flex time arrangements.

MACBRIDE: Yes, flex time. Then also, they cut down the lunch hour from one hour to one-half hour, and this was bad, insofar as the downtown merchants were concerned. And the Chamber of Commerce, in the vernacular, blew it completely. I knew nothing about it. I had nothing to do with it; the state employees had gone directly to the governor, to Governor Edmund G. Brown, Sr., and Brown could see nothing wrong with it.

In the meantime, the Better Business Bureau in Sacramento, the downtown merchants, they knew all about it, but they hadn't even mentioned it to me, and Pat didn't understand the full implications of the matter. And at the last minute, about the last two weeks, the Better Business

Bureau came to me and said, "They're going to do this, they're going to cut the lunch hours to one-half hour. This means that all of our noontime downtown shopping is going to die. These people normally come over and bring a sandwich, and then they spend forty-five minutes shopping downtown, or they come over and patronize our restaurants. They go to Hart's and Hofbrau, and Lyon's, and so forth. But now with only a half-hour they're going to be bringing their lunches, and in addition they're opening cafeterias over in the various state buildings. So between bringing a bag lunch and running into the cafeteria for a quick bite, we're not going to see them downtown."

And it was just terrible insofar as the downtown merchants were concerned. So I went to Pat, and I said, "This is going to wreck downtown." He said, "Well, where have you been?" I said, "Don't ask me where I've been; I've been doing my work and working for you, but no one has even told me about this. I had no notice of it at all." And I told them [the Better Business Bureau], I said, "Why have you delayed so long in coming?" They said, "Well, we thought we could handle it ourselves; we didn't think that it had a chance of going over." The result was, that was one of the things that killed downtown Sacramento; the state employees no longer at noon came as a great flood into the stores of downtown Sacramento and into our restaurants, and kept up the importance of downtown businesses.

SHEARER: Well, how did this regulation take effect? I mean, was it a regulation?

MACBRIDE: It didn't require a statute, it didn't require any official action by the legislature; it was just something that was worked out between the State Personnel Board, the State Employees Association, and so forth, and the governor, [and the] Civil Service Commission. I suppose they all worked on it. It was just a very quiet, simple matter; that's all there was to it. It didn't require any state legislation.

SHEARER: Did the state employees wish to have their lunch hour cut to a half-hour in order to get out of work earlier?

MACBRIDE: Once it was mentioned, once the idea was broached to them, well they were somewhat in favor of it, but I think if the governor had taken a position in opposition to it he could have stopped it. But by the time I got to him he had already committed himself.

SHEARER: Oh, I see. But it was certainly not opposed by the employees?

MACBRIDE: No.

SHEARER: Because they wanted to get home soon?

MACBRIDE: No, it was not opposed by the employees.

SHEARER: That's interesting.

MACBRIDE: It wasn't opposed by the employees. I don't think the employees felt that strongly about it one way or the other, but it was just certainly disastrous to downtown Sacramento business.

SHEARER: Did you or anyone else attempt to rescind the . . .

MACBRIDE: Oh, sure. I went to the governor and said, "Is there anything you can do about this?" And he says, "No, I've already told them that I would do it; I'm not going to back down on it now."

California State Fair Property Development: A North-South Issue

SHEARER: Was the [California] State Fair [and Exposition] property development an issue of 1955 or the next . . .

MACBRIDE: By 1955, the state had already purchased the property where the new state fair was to be built, they had purchased a tremendous--it was called the Swanston Ranch--and it was a large piece of property that encompassed everything where the state fair is presently located in Sacramento. All of the land from the American River on the south all the way over to Arden Way on the north, and now there's all of that commercial and office development in there. For instance, where the Red Lion Inn is presently located, where the Capital Federal Savings and Loan--all those commercial and office buildings are

located--that entire area was a part of the ranch. The state purchased the whole thing as bare land. Nothing was done with it.

[Interruption]

[No action had been taken to construct a new state fair out there after the property was purchased for that specific purpose. So in 1957, I carried the bill in the assembly that would start development of a new state fair on the property.]\*

I'm reading from the scrapbook that my secretary kept, and this has to do with an article in the Sacramento Bee dated June 12, 1957 stating that the new state fair bill went to Governor Knight's desk on or about that day and after it had been voted favorably on by the assembly by a vote of 61 to 4.

SHEARER: [Laughter] That's rather favorably.

MACBRIDE: Right. The bill itself. . . . One of my assemblyman friends, a Republican of Santa Clara, took the floor against it. His name was Clark [L.] Bradley, and he felt that it was too much, and also since we were keeping the old state fair property on Stockton Boulevard, he felt, in effect, that this was too much for Sacramento.

SHEARER: Too much, in that case, represented twenty million dollars?

MACBRIDE: Oh, yes, twenty million dollars there, and then the property out on Stockton Boulevard was worth another ten million. Then here's an editorial in the Sacramento Bee dated June 13, saying that the new state fair should be finest in the nation, and it went on to extol the virtues of the bill.

SHEARER: This was your bill?

MACBRIDE: No, this was not my bill, these bills came over from the senate, authored by our Sacramento senator, Earl Desmond [Senate Bills 1039 and 1041].<sup>1</sup> We had never been able to get it through the assembly in previous years.

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\*. Judge MacBride added the preceding bracketed material during his review of the draft transcript.

1. Senate Bill 1039: Cal. Stats. ch. 1071, p. 2358. Senate Bill 1041: Cal. Stats. ch. 1072, p. 2359.

SHEARER: What made the difference, do you think, that year?

MACBRIDE: Because I did a lot of lobbying, shall we say, in favor of the bill. We had to make some concessions, and I'm trying to find that here in one of these articles that will demonstrate what I had to do. To put it succinctly, what I had to agree to, and what we had to concede, was to allow more money to go to the various county fairs in southern California, which we did. That included. . . . One of them was the Pomona fair, in which a number of the southern Californians were very strongly interested.

SHEARER: So this became a north-south issue?

MACBRIDE: Well, yes, the south said, "If you're going to get a new state fair in northern California, then we want greater financial support for our fairs, our county fairs, in southern California."

SHEARER: Who particularly do you remember having to lobby? Who was important and influential among the south state . . .

MACBRIDE: I had to lobby Unruh, and Munnell, and Rees, and [Jack] Schrade, and [Lester A.] McMillan--I'm trying to think of the others down there--and [Charles Edward] Charlie Chapel, Glenn [E.] Coolidge, Charles J. Conrad, [Rex M.] Cunningham, [Clayton A.] Dills. Well you just have to go right down the line of all of them.

Legislative Strategies: Counting Votes

MACBRIDE: As a matter of fact, I had what we call a vote card. A vote card has the names of all of the members of the assembly. It has aye and nay--little boxes--and you put the number of your bill at the top, and maybe you'll have four or five of these cards on bills in which you're interested. So if you're going on a support or opposition campaign you take your cards with you, and you go to Unruh and you say, "Well, this is my bill, and this is what it's all about, and I want your support." And he'll say, "Okay, I'll give you support." So then I can mark him down for an aye. I go to somebody else, and they say, "Tom, I like you, but I don't like your bill, and I can't vote for it. No." Or, "My people wouldn't go for it,

this is a bad one for my people, my county." So I put him or her down for a nay.

So by the time I got through. . . . You've got to learn how to count; that's very, very important when you're in the legislature. In any legislative body the first thing you learn how to do is learn how to count. How many votes do you have favorable to what you want or want to do, or don't want to do? How many votes do you have on your side before you bring the matter up for a vote, because there's no reason to believe that you can possibly have that [favorable vote on the floor] when you've already got all these votes against you, [or that] you can stand up and by your eloquence persuade all these people who already told [you] they're going to vote no, to change their vote. So you count your votes first.

Maybe, if it's a close race, and you know that you're not going to change [the count by your own efforts], it might be that some of those who say they will support you can get up and add to what you're saying and by doing so you might be able to swing a few over to the other side and do it. But you've got to learn to count your votes.

SHEARER: You say that so forcefully, it makes me think that that must have been a hard-won lesson. Was there a time when you didn't know that and bungled one?

MACBRIDE: Yes, there was. [Laughter] It was in my very first session, and the budget for the California state fair, just the operation of the old California state fair came up, and I had just assumed that this bill always went through, that no one ever voted against it. And lo and behold, the bill came up, and I made a small, tidy speech in favor it, that this had been traditional and so forth. Well, the roof fell in on me. The entire Los Angeles delegation voted against me, and thus we had no state fair; we had no money for the California state fair. But this was a very, very carefully orchestrated denial. This was my first term, and they were trying to show me how things operated over there.

So I wore out the knees of a pair of pants going around bending my knee to these fellows, saying "My God,

are you trying to kill me in my first session in the legislature by knocking out one of the main things I'm over here for, and that's to protect the California State Fair?" They would say, "Well what about the Pomona fair, you know that's on the budget too, and we've got a few extra bucks in there. And will you support it?" And I says, "Certainly I'll support it." [Laughter]

SHEARER: They wanted to be lobbied?

MACBRIDE: They wanted to be lobbied, that's right, and also they wanted to kind of show me the power of the south. So anyway, that was my lesson, and that's when I learned how to count. But they all came around--and I got the money for the fair.

SHEARER: [Laughter] It must have been a very vivid, horrible moment.

MACBRIDE: Right.

#### IV. PERSONALITIES AND PROCESSES IN THE LEGISLATURE

##### Caspar Weinberger

SHEARER: You mentioned Cap Weingberger and some actions in that first or second term. I'm interested in any recollections you might have of his style and approach in the legislature.

MACBRIDE: Well, his style and approach was being very, very thorough, being very articulate, being very well informed, and being logically persuasive. He didn't always win everything he wanted, particularly while the Democrats were in power. As a matter of fact, I think he dropped out, yes, I think he did drop out, before the Democrats came to full power. But he won strong support, of course, from nearly all the Republicans, at least in the assembly side, and additionally he won a lot of support from the moderate Democrats like myself.

The best [illustration] I can offer of Cap's style deals with the annual budget. The chairman of the Ways and Means Committee, who was a Democrat, would usually be the one to present the budget to the floor of the

assembly. The budget itself would be about two or three inches thick. Weinberger would have read that budget all the way through, and would have blue-penciled, and red-penciled, underlined it, all the way through. And he did this even though he was not chairman of the Ways and Means Committee (although he was a member of the committee). His purpose was to cut the budget.

Then when he would go onto the floor of the assembly, he would usually have the legislative analyst with him, to help him in explaining to the members of the assembly why certain items should be deleted, or why certain items should be supported. There was no one else in the assembly that did that except, of course, the chairman of the Ways and Means Committee because, in effect, it was his bill. He would usually have the director or the deputy director of finance there to help him with his speech in support of the budget. But Weinberger always knew every word of that budget, every line, and every purpose to be accomplished by the various provisions.

SHEARER: I have [Thomas W.] Caldecott as being the chairman of Ways and Means.

MACBRIDE: That's right.

SHEARER: But Weinberger actually assumed the function?

MACBRIDE: No, no. Weinberger would be the gadfly. Caldecott would be chairman of Ways and Means, and usually he would have the director of finance or the assistant director of finance there with him. Then when Caldecott needed an answer to a question that was being asked by somebody on the floor of the assembly, he could turn to the director and say, "What about this?" Or maybe he could remember and could explain it himself.

On the other hand, Weinberger would usually have the legislative analyst, who would be A. Alan Post. There were parts of the budget that Alan Post would be opposed to, and Weinberger would be, too. Of course, neither the director of finance or the legislative analyst would have the right to take the floor, but they could certainly put words in the mouths of Cap Weinberger or Tom Caldecott, as the case might be. But that was one place where he really

shone, and the same thing on bills, especially bills that involved finance, or other matters of a social nature, and so forth. Weinberger was always thoroughly prepared.

As a matter of fact, when he came into the legislature in his first year, at the end of that year, the legislative press voted him as being the most effective first-year legislator in the legislature.

SHEARER: And you served with him on Ways and Means?

MACBRIDE: I served with him on Ways and Means. As a matter of fact, when I was elected he called me at my home and said that he wanted me to be on his Committee on Government Organization.

#### Committee Assignments

SHEARER: I was going to ask you how you came to serve on that and the other committees on which you served.

MACBRIDE: He called me at home and asked me to be on that committee.

SHEARER: And the state . . .

MACBRIDE: As soon as he asked, well, of course, all he had to do was to go to the Speaker of the Assembly and say, "I want MacBride on my committee," and "Abe" Lincoln appointed me on the committee. See, the appointments were made by the Speaker of the Assembly.

SHEARER: Yes, that's right. And "Abe" would be Luther [H.] Lincoln?

MACBRIDE: Yes.

SHEARER: Why did he ask for you?

MACBRIDE: I think he asked for me because of Gordon Fleury, who was the person that I succeeded, and who was a good friend of mine, and we were lawyers together here in Sacramento. In other words, we had many, many connections here in Sacramento. He felt that I would be a good member of that committee, and maybe he [Fleury] had been on the committee, I'm not sure. But all I know is that Weinberger told me that Gordon had called him and said that I ought to be on his committee, and so he said he wanted me on the committee.

SHEARER: Did you go right to Government Organizations, Judiciary, and Ways and Means [Committees] in your first term, that is, in 1956? Or did you then go in 1957?

MACBRIDE: Oh, no, I went to Government Organization the first year, 1956. I don't think I went to Ways and Means the first year, I went to Ways and Means in the second year, I was on Ways and Means for two terms. I was on Ways and Means for the '57-'58 term, and for the '59-'60 term.

SHEARER: I see, and Judiciary also?

MACBRIDE: And Judiciary also. I think I might have been on Judiciary the first year. Does that show there?

SHEARER: It doesn't distinguish.

MACBRIDE: What does it show there?

SHEARER: I have Government Organization, Judiciary, Ways and Means, and State Personnel and . . .

MACBRIDE: Well, they put me on State Personnel and so forth . . .

SHEARER: That must have been the first year.

MACBRIDE: That's because I was the Sacramento [assemblyman], which, in effect, meant I'm representing the state personnel, you see.

SHEARER: Right, Civil Service and State Personnel [Committees].

MACBRIDE: Yes, that would be normal that a Sacramento legislator, the person from Sacramento County, where most of the state employees live and work, that the assemblyman from that district represents a very large number of state employees.

Phillip Burton

SHEARER: You had [A. Phillip] Phil Burton on your committee, on that committee, Civil Service, and also on Judiciary a little later.

MACBRIDE: He was a gadfly himself. Phil Burton counted every vote; he kept cards on everybody on every issue, whether they were Republicans or Democrats, and he could tell you how you voted on such and such bill. One time I was passing by his desk, and he said, "Mac," he says, "I want to show you something." And I said, "What is it?" So he pulled out this labor card, this whole chart. He was always

making charts on how people voted on various bills. So he pulled out this chart, and he said, "Do you realize that you only voted in favor of labor on 50 percent of the issues in which they wanted an aye vote or a no vote?" I said, "I did?" And he said, "Yes." I said, "Well, that's not bad. I treated them fairly; I gave them 50 percent of my votes." He says, "Oh, no, that's going to hurt you."

So then I called Harry Finks, who was the main lobbyist for organized labor in California, and who was a friend of mine, and had been long before I had even gotten to the legislature. I called Harry and I said, "Say, Burton just told me that I only voted in favor of labor 50 percent of the time and that that's bad. Is that bad?" He says, "Hell, no! If we get 50 percent of the votes, that's fine with us." [Laughter] In his case, Phil probably voted 100 percent. He was a very, very liberal person, very liberal, very, very pro labor.

SHEARER: He was thorough in a way, I guess, in somewhat the same way that Cap Weinberger was but in a different . . .

MACBRIDE: He was very thorough, but in a strictly political way, a very political, partisan way.

Assembly Speakers Ralph Brown and Jesse Unruh

SHEARER: Another name that pops up from the committees on which you served was Brown. Now I'm assuming that's Ralph [M.] Brown.

MACBRIDE: Ralph Brown, yes.

SHEARER: He served with you on the Judiciary Committee, and on Ways and Means. That's all I have listed; there may have been other connections. Do you have recollections of him?

MACBRIDE: Oh, I have very definite recollections of him. He was a very nice, very reasonable person. I would look upon him as being very definitely a moderate Democrat. He never offended anyone, but at the same time he was strong in his views. He made good speeches in support of or in opposition to various bills that were before us in the assembly.

He was aware that the Republicans were on their way out. He was aware that if the Republicans went out, that Abe Lincoln would be all through, and that's exactly what would have happened. Abe Lincoln elected not to run for reelection; he could see the writing on the wall. So when he decided not to run for reelection, then of course the speakership became vacant. By that time Ralph Brown had done his homework amongst the assemblymen, and when it came time to decide who was going to be the speaker, there wasn't any question about it; he had it wrapped up. In other words, as the saying goes, as I told you before, he had done his arithmetic, he had his votes counted. It could have been that Unruh thought that he might get the speakership at that time himself, but I think he realized that Brown had it wrapped up, and he didn't really contest Brown for the speakership at all.

SHEARER: Just looking at the way the two men went about wrapping up their careers, how would you distinguish Ralph Brown's method of lining up support for his speakership candidacy from Jesse Unruh, who succeeded him?

MACBRIDE: Well, I think that Jesse was counting on the big support from southern California. Brown wasn't counting on big support from southern California or northern California either; he worked the entire body of the assembly. See, he preceded Unruh in the assembly, and he had friends there before Unruh arrived. So, that being the case, he had stalwart supporters from both the north and the south. He just had the easy-going manner that just appealed to people, and they felt that he was efficient, knew what he was doing, and that was it. So [they] supported him.

SHEARER: So he didn't have at his command financial support to throw into the effort?

MACBRIDE: I never felt that Brown was in the hands of the lobbyists at all. I never got that [impression]. If he was, it would be news to me. I knew that in each of his campaigns, he probably got a little money from the various lobbyists who would come in representing various interests.

Lobbyists

MACBRIDE: The lobbyists. . . . Do you want me to say a word about them at this time? The lobbyists weren't as pernicious and as horrible as a lot of people have made them out to be. As far as I was concerned, when a lobbyist came in to lobby me either for or against a bill, in effect I was happy to see him, because they knew more about the issue than I did.

I don't know anything about mortuaries, for instance. So when somebody came up with a bill that was going to put some sort of constraints on mortuaries, I was happy to have someone come in and tell me why these constraints should be on there, that is, what was happening, what they were doing wrong. I was equally as happy to have someone representing the Mortuary Association come in. The next guy, he might be waiting in the anteroom, and he [the opposing lobbyist] would be the next person to come and tell me why they were doing the things that they were doing, and why there should not be a change in what they were doing. That way I had both sides of it, and had it quickly and clearly, and I was thus able to make up my own mind.

When you consider in one of the years that I was there we had four thousand bills, well there's no way in God's green earth that you know all the details about four thousand bills, and what they will accomplish, what effect they'll have on the state of California. . . .

[End Tape 2, Side A]

[Begin Tape 2, Side B]

MACBRIDE: I was just saying that you don't know about all these bills, and so, therefore, you have to take some time out each day to talk to the lobbyists, and have them explain to you the importance of the bill both from the pro and con sides so that you can make up your own decision. I never felt obligated to a lobbyist, and I never did take

any big money from the lobbyist; I didn't want it. I think probably the most I ever took from a lobbyist was two hundred and fifty dollars, something like that. They would come in and say, "How much do you want?" I would say, "Well, two hundred and fifty dollars." They would say, "Is that all?" I would say, "That's all." Because I would raise an awful lot of money from my own people, my own friends, and so forth.

SHEARER: That's freedom.

MACBRIDE: The other thing that I wanted to say about the lobbyists, is that I never felt obligated to any lobbyist that I took money from. It never bothered me at all. Jesse Unruh had a favorite expression, all of which I don't join with because I didn't participate in it, but, nevertheless, it was an expression that reflects my feeling about the lobbyists, and that is, he would say, "If you can't eat their meals, drink their liquor, take their money, screw their women, and then vote against them, you don't belong up here; that's all there is to it." That's the way I was, only leave off the last part about the women.

[Interruption]

SHEARER: Now we are resuming after lunch. What I need to do is explain. I think I misspoke, when I was asking about the differences in the way that Jesse Unruh and Ralph Brown worked the legislature in terms of making available financial support. I was thinking of the special fund that Unruh set up, and this is a device that I gather was not used by Ralph Brown.

MACBRIDE: Ralph Brown, I'm sure, did not use that device at all. Even when I was there, people would refer to Jesse as the "bagman."

SHEARER: What did it mean at that time, do you think?

MACBRIDE: The bagman meant that the lobbyists would give the money to him, and he, in turn, would disperse it to those that he felt ought to be reelected, or should be elected if they're running for the first time. He would go to them and give them money from his lobbyist fund, and that's the way he would gain their support. If Jesse just said that he would do it for a certain. . . . Whether it be the beer

people, or the lumber industry, or high tech, or whatever, he would receive money from them, and then he, in turn, would dole it out to various persons over whom he could have more control by reason of his having helped them get elected. In other words, they would have an obligation to him, and then he could control them better.

SHEARER: Did the donations that he dispersed to the various assemblymen retain the color of the origin of the money? I mean, did he make it plain to them that he was passing on gas interest money, or oil interest money?

MACBRIDE: I don't know.

SHEARER: How do you think he achieved that relationship with the lobbyists so that they came to him rather than directly to assemblymen?

MACBRIDE: I think probably because they felt that by reason of Jesse's experience in the legislature, he knew who would be good legislators, and he knew who were already good legislators. They were people that would support him on the various issues that he espoused, not invariably, but certainly I would think a majority of the time they would support the issues that he espoused, the issues that he supported, maybe the bills that he introduced.

SHEARER: I wonder what assurance the lobbyists might have, given Jesse's philosophy--if you can't take the money, take this, and take that and then vote against them--that what were they buying, when they . . .

MACBRIDE: What they were getting for their money?

SHEARER: Yes, what they were getting for their money?

MACBRIDE: That's a hard one for me to answer; I haven't analyzed it that deeply. There were some legislators there, even when I was there, that I think were indebted to lobbyists. In other words, they felt obligated when they took money from the lobbyists. They felt obligated that they had to support them. But they were persons who took pretty sizable sums of money.

But on the other hand, I think there were fellows like myself and, oh, I could name a number of them, that just simply thought, well, this is an easy way to finance my campaign, as long as they know that I'm not obligated

to them in any way. In other words, you might take money from both sides. If labor came in and they gave you some money, you might take money from labor and also take it from the Manufacturers Association of California, where they're diametrically opposed.

SHEARER: I guess the special interests played that game, too; they donated sometimes to both candidates.

MACBRIDE: You see, let me explain to you one thing. If a lobbyist has given you some money, when the secretary calls and says, "Mr. Joe Jones is here," you say, "Well, tell them I'll be through with this in just minute, and then I'll be with him, and send him in." So when he comes in, we know each other; he doesn't have to come in with hat in hand and stumble around on his feet while he's trying to introduce himself and who he represents and so forth. I know him right away. I'll say, "Okay, Joe, let's talk; what have you got? What's up?" And so we talk.

It gives them an entree; this is one of the main things that I think is accomplished by accepting money from a lobbyist, or rather giving money to a legislator. If he accepts it, the lobbyist has made a contact. He has somebody that has some understanding or empathy for what he's espousing. Even though I may not like the legislation that he is proposing, or I may like the legislation that he is opposing. But at least it gives the lobbyist an immediate entree. In other words, it saves a lot of time.

For instance, if James Garibaldi, we called him Judge Garibaldi because he had been a former state judge. I think we may have discussed him at one time. But anyway, he was a very prominent lobbyist, and I don't know whether I ever took any money from him or not, but anyway, he would call me and say, "Tom, I want to come up and see you." I would say, "Well, come ahead." So he walks in, we tell a few stories, and so forth, and then we get down to what he's up there to see me about. That's the function of the lobbyist.

So that's one of the reasons why a lobbyist would come in, would give you money, and he might not have any

bills at all that would be before the legislature in that session. But he just wanted to be sure that in the event anything did come up, that he would be opposed to or that he wanted supported, then he could call Tom MacBride, and Tom would say, "Sure, come on up, and I'd be glad to hear what you had to say."

SHEARER: And give him an ear?

MACBRIDE: I would give him an ear, that's exactly it, without making any promise that I'm going to vote for him. I think that maybe that was Jesse's deal. As I say, they called him the bagman, and he would get the money from the lobbyists, and he would say, "Well, I've mentioned that . . ." and maybe this is identification, "I've mentioned to so-and-so that you have put money into his campaign, and so [if] you want to go up and see him, call me and I'll tell him that you're coming up to see him." Or in other words, he makes the connection for the assemblyman. I don't think, frankly, because of Jesse's philosophy on the thing, I don't think he necessarily told these guys how to vote; he just said that this guy has been a friend of yours, so give him an ear; hear him out.

SHEARER: It's interesting. I wonder if--having garnered that power for himself--if it didn't make it, in the eyes of some lobbyists, just that much more efficient to be able to go and talk to one person rather than twenty-five, knowing that the strength of Jesse's influence might . . .

MACBRIDE: Well, it could be. Jesse had a lot of guts, and if he decided a bill was a bad bill, he would tell you, that's all there is to it. Or if it was a good bill, he'd tell you. It might be that if it was a good bill, that he would call some of these other people that he had helped get in, and say, "This is a good bill," and encourage them to vote for it. But I don't want to impute that to him too much because I just don't know how he operated, but the word that I got was that he got the money and that he passed it out to these people that were running for reelection or were running for election for the first time. I don't think I'm telling you anything [new] because I think it's common knowledge; it was in the newspaper.

## V. SECOND ASSEMBLY TERM--1957-1958

Removing Commercial Fishing from the Sacramento River

SHEARER: Going on to your second term, which would be '57-'58, this might have been the term in which you out-manuevered the Fish and Game [Committee] chairman, Pauline [L.] Davis, to get the commercial fishing operation out of the Sacramento River. Can you tell me about that?

MACBRIDE: Yes, right. Up to that time, the commercial fishermen were using the area immediately upstream from the Carquinez Bridge, and up into the Delta, and they were catching fish with nets. The main thing they were after were striped bass and salmon, which were what we call anadromous fish. That means that they can live both in saltwater and freshwater. But they have to have a period of acclimation to acclimate themselves after coming out of all saltwater, where they've been living in the ocean, and then going up into an area of all freshwater to do their spawning.

The result was that this [adjustment] would all take place in the briny water, that is, in the waters of the Delta above Carquinez Bridge, where it wasn't completely salty as the ocean nor was it completely clear. It was a mixture of the ocean water with the freshwater, and they would live in that for a while, and then gradually they would work their way up into either the Sacramento, and its tributaries, or the San Joaquin and its tributaries, out of the Delta, because both of those flow into the so-called Delta, and the fish would go up in there to spawn.

Well, in the meantime, because they required a period of acclimation, they were literally prisoners for a period of days in this great pool, so to speak, of the Delta, and also the waters up above the Carquinez Bridge. The commercial fishermen would go up there and they would net them, [using] just huge nets. Not only would they get the big fish, but they would catch the little fish, too. The little fish, their gills would get caught in the net, and they would [die], and so it just simply depopulated

the salmon and the striped bass fishery up there and eventually in the ocean because they were catching the spawners who were maintaining the bass and salmon population in the rivers, streams, and in the ocean. Of course, the sports fishermen weren't getting any of the fish at all; practically everything was going to these big commercial fishermen.

[In March of 1956, Lloyd W. Lowrey and I put in a bill--A.B. 49--to put a stop to these practices and protect steelhead and striped bass from commercial netting. It was referred to the Fish and Game Committee. All bills are referred to committees and, inasmuch as this involved fish, it went to Fish and Game. There it died. It was just bottled up where the sports fishermen could never get it out. This happened routinely.]\*

SHEARER: Why?

MACBRIDE: [I can't answer that, I am not sure why. Pauline Davis was chairman of the committee and, for some reason or other, she just simply wouldn't let it out of the committee. Frank Belloti had been chairman of the committee for a number of years. I believe he was from Del Norte County which was supported by a sizable fishing industry. Pauline had just taken his place. I presume she was merely continuing his traditional opposition to the bill. Finally, we went before the committee and argued for it, but failed to get it out.

Then a bill was put in over on the senate side by Senator Louis G. Sutton--S.B. 525.<sup>1</sup> This prohibited the netting of salmon and shad. It had powerful senate support, including Senators Alan Short, Cobey, Teale, and Gibson. It reached the assembly on April 17 and was sent to Fish and Game. About that time, I took an interest again, along with William Biddick, Jr., from Stockton, and Lowrey, who was from Yolo County across the river. We

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\* Judge MacBride added the preceding bracketed material during his review of the draft transcript.

1. 1957, Cal. Stats. ch. 960, p. 2201.

simply worked the floor until we finally got the necessary two-thirds of those voting on the assembly floor to get the bill out of committee. This is the number required if the committee itself won't vote the bill to the floor. We got it out by five votes. In other words, the vote was 53 to 20, so by five votes we got it out of the committee but it was still necessary to vote on the bill itself on the floor of the assembly.

Well, the only thing is that once we got it out of the committee, then everybody knew the bill was going to pass because only a majority vote was necessary on the floor of the assembly to pass the bill and we already had two-thirds of the members showing support for the bill, so then almost everybody, including those originally opposed to it, wanted to "get on the train before it left the station." They we started to hear the subdued sound of "toot-toot, toot-toot, toot-toot--here comes the train, everybody better get on it." Because they all--even the ones that voted against it--knew it was a good bill but, for various reasons that nobody will ever know, but probably because of the pressure from the commercial fishing lobby, they voted against getting it out of the committee and some of them continued to vote against it on the floor. But because it was a good bill, once it got out of the committee, even those who had previously opposed it no longer wanted to oppose the bill. It passed both houses by May 23 and was signed May 28.]\*

In fact, there was one fellow there who got up and made a speech against taking it out of the committee. He sat right in front of me. And yet when we got it out of the committee, and the bill was passed, and so forth, he wrote a letter home to his constituents (in his weekly letter, or a monthly letter to his constituents) and told them all about the great things that he had done in passing this "very salutary bill, this wonderful bill that provided that now, at long last, the sportsmen of

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\* Judge MacBride added the preceding bracketed material during his review of the draft transcript.

California were going to be able to catch striped bass and salmon in the Sacramento and the San Joaquin Rivers and the tributaries there, too, and in the Delta." So it passed by a tremendous majority; there were practically no votes against it after it got out of the committee.

- SHEARER: Who was the person who, for whatever his reason, voted to keep it in committee, and then apparently voted for it?
- MACBRIDE: He's dead, so I don't want to malign him.
- SHEARER: Could it be that if he were a member, for example, of that committee, that it was loyalty to other members of the committee, or, perhaps, apprehension about being punished by the chairwoman if that was her . . .
- MACBRIDE: The chairperson couldn't have punished him and, as a matter of fact, his own community wouldn't have been affected by it at all. His county was nowhere near the counties that were affected by this. In other words, not Sacramento County, or Solano, or Yolo, or San Joaquin, or any of the upriver counties that were affected by it. But there are others who simply, frankly, I think they had a pretty strong lobby---the commercial fishermen did have a strong lobby---and I know they had really worked the assembly, but we managed to overcome their lobbying.
- SHEARER: There's a note here that you were a member of, or served on a fish someting. Now I don't see the note. In your list of associations it was the . . .
- MACBRIDE: Well, I have served on the National Baiting Commission, but that's since I've been a judge. I was not in the legislature at that time.

Water Issues: A North-South Divergence of Interests

- SHEARER: You mentioned that the north and south divergence of interests was manifested over and over again over water issues.
- MACBRIDE: Very much so, yes.
- SHEARER: Do you want to take a minute and talk about that now?
- MACBRIDE: Well, yes. Of course the water all originates in the northern counties, actually north of Sacramento. It's up in the north and east of Sacramento, and it comes down,

the main water supply, that is, as far as the north is concerned, vis-a-vis the south, comes from the Sacramento and the San Joaquin Rivers. All the tributaries--the Feather River, the Yuba River--flow into the Sacramento or the American River, and then those rivers, in turn, go down into the Delta, and join the San Joaquin. The San Joaquin watershed actually is the Sierras, too. It's the central part of the Sierras.

So from those counties, we supplied the water, and we wanted to be sure that by entering into this California Water Plan, we weren't giving up water that someday we were going to need. Initially there was the California Central [Valley] Project. Now that was a federal project, and it started back in the forties. Under the federal water project, Shasta dam was built, and in fact, was in existence at the time we had the big flood in 1955, and also the Folsom Dam was built, and it was almost completed in 1955. It was completed to the extent that it was able to contain the unusual flow of water that came down the American River in 1955. It had almost just been completed, otherwise we would have had a terrible flood down here. So that was a federal project, the Central Valley Project.

In the meantime, there had been a plan that had been working for quite some time, called the California Water Plan. Knight had espoused it, and as a matter of fact, when we had the big flood up here in 1955, I was with then Governor Knight, and Clair Engle, who was going to be running for United States Senator, and myself, and a couple of the assemblymen from up in that area. That's now called the Third Assembly District; I don't know what it was called then. But anyway, the one or two assemblymen from up there, and maybe a couple of senators, and we all went up in an airplane, the governor's plane, called the Golden Bear, and flew around, and saw the flood devastation at that time. It was tremendous; the whole area was just a great single sheet of water.

SHEARER: In geographic terms, what area was it?

MACBRIDE: Well, it was practically all of Yuba County, a portion of Butte County and the northern part of Sacramento County,

the whole area was just. . . . All you could see was the tops of the peach trees, and the tops of automobiles, and the trailer courts, the tops of trailers, and so forth. It was just fantastic, the size of the area that was covered by this water, and, of course, the damage was tremendous. Anyway, when Knight came back from that, we all pledged that we would get to work on this. Then when Brown came in, he went after it like a tiger, to get the California Water Plan operating.

SHEARER: Can you just take a moment to just comment on the apparent resistance--on the part of the legislature, specifically in the assembly, and I guess the Democrats--to Governor Knight's water plan that he proposed?

MACBRIDE: Well, Governor Knight's water plan. There wasn't anything special about it; it was a plan that had been on the books for quite some time, but nothing had been done about it. Possibly the reason was that the California Water Plan envisioned the building of the Orville Dam, it envisioned the building of the so-called San Luis Project, and then the aqueducts, the so-called California Aqueduct, that would carry the water down to the Tehachapis, and the water would be pumped partially over the Tehachapis, and partially through the Tehachapis, through the Tehachapi tunnel, now called the Porter Tunnel, and down into southern California.

Then also, there was the so-called North Bay Aqueduct, and South Bay Aqueduct, which transferred water in the San Francisco Bay area from one side to another. I never did quite understand the mechanics of it, but I think it sort of evened things out so that more water could go into the California Aqueduct, which carried most of this water produced by the building of the Orville Dam, down to southern California. Of course, the San Luis Project was one of the big things, a huge water storage area down near San Luis Obispo. In any event, then the water goes into the California Aqueduct and goes on down, and takes care of Los Angeles.

The concern by the assemblymen and senators from the northern counties was that the north would be losing the

water that we might need at a later time. In other words, that whereas the increased water supply would take care of the growth of population, industry, business, and agriculture in southern California, there might be a time when we [in the north] would want to start a greater development, and we would have a greater population up here, and we would need the water up here. And it's now turning out to be the fact that we are running short of water up here, that there's water in the American River that is now committed to go into the project, and we're going to be short of water here. This is also true of other counties in the area. This is true of some of the counties down in the Bay area, where they're complaining about the fact that we've given away too much of our water. So that was the fear at that time.

But finally we worked out a compromise, and that was Brown's big effort, and I think his biggest achievement, and I think he even says so himself, that he felt that the most important accomplishment about which he can be proud, in the years of his governorship of California, was causing the California Water Plan to become an actuality.

SHEARER: Did you hold the position that the fears were justified at that time or did you fear that . . .

MACBRIDE: Yes, I did.

SHEARER: So you opposed, initially, this plan?

MACBRIDE: I was opposed to it initially, but not for long, because they finally worked out a compromise that permitted a certain amount of the water to go down south, and the rest of it to stay up here. The main reason why I was not afraid of their stealing all of our water, like Los Angeles did out of Owens Valley, was that the legislature had controls in the sense that even though the assembly was controlled by the south, the senate was controlled by the north. All the cow counties in the north, even though they might only have a hundred thousand people, they were still entitled to one senator, as compared with Los Angeles County, which had seven million people, and they only had one senator. So you had seven million people with one vote, and a hundred thousand people with one

vote. But, nevertheless, the fact remains that that's the way it was, and no one ever dreamt in a million years that it would change. I thought control of the source of the water, in the form of a veto to any change, would continue in the senate, which as I have said was controlled by the source counties in the north.

So we relied on that, and those of us from the north figured that as long as the senate was there, no matter what the legislators in the assembly--that is, the southern California legislators in assembly--did to us as far as taking more of our water away by trying to change the plan, the senate would vote it down. Because the senators from the north. . . . If they started giving the water away, there was no way they could get reelected; their own people would turn them out.

So we thought we were absolutely safe, and then, unfortunately, the Supreme Court came down with the one-man, one-vote decision, which meant that we had to completely reapportion the state, and give counties senate representation equal to their assembly representation, which in effect gave complete control of the legislature to the south.

But I will say that as far as I've been able to observe, the south has been very fair, and they haven't really violated the sense of the original agreement we made. I've talked to some water people about it, and they say they haven't tried to steal our water. Even though they have the power in the entire legislature so far, they haven't tried to steal our water. That doesn't mean they won't do it in the future. When the situation becomes very dire down there, they might do it, but at least for now they're not.

SHEARER: I guess this year could be a case in point where things may be dire up here, if we are facing a drought of the magnitude that it appears to be.

MACBRIDE: Well if it's dire up here . . .

[End Tape 2, Side B]

[Begin Tape 3, Side A]

- MACBRIDE: You just asked about the present situation we have where it appears that it may be dire up here in northern California this year, that there's going to be a water shortage. My recollection is that the agreement provides that it has to be apportioned. In other words, if it is dire up here, then under that circumstance, the severity of our condition is somewhat statewide and, therefore, we share the pain proportionately.
- SHEARER: Proportionate to the deficit or proportionate to the amount of water of origin?
- MACBRIDE: Proportionate to the amount of water. In other words, if we're having troubles, the south has to share the troubles with us. If the south is having troubles, we have to share the troubles with them; it works both ways.

Goodwin Knight and William Knowland Switch Political Offices

- SHEARER: One thing that you mentioned in our earlier conversation, that you recalled with some vividness, was the switch that occurred between Governor Knight and [William F.] Knowland in 1957, which changed the complexion of the Republican party politics for some time to come.
- MACBRIDE: At that time Knowland was the [U.S.] Senate majority leader, but the rumor was that he wanted to be president of the United States, and he felt that being governor of California would be a better platform for him to spring from into a presidential campaign than would be by just merely being a Senate majority leader. That was his belief, whether it worked or not. After all, Lyndon Johnson was Senate majority leader, and he later became president, but it took the death of another president to get him there.

But nevertheless, that was Knowland's feeling, that the governorship of California was the way to go. Knight, at that time, in my opinion, was secure in his position as governor. He had the full support of labor even though he

was a Republican. He had always voted with labor--labor liked him--and he came to and made speeches at all their conventions. Their lobbyist up here supported him tooth and toenail. Harry Finks, I've mentioned him before, he was a Sacramentan, but he was the lobbyist for the labor unions in California (he was a Republican at that time) and he was usually on Warren's delegation to go back to the Republican national convention, wherever it was.

So his position was secure, notwithstanding the fact that the Democrats were increasing the power that they already had. They had a vast majority registration in California at the time. But they weren't using it; they were voting for so many Republicans and, in effect, were wasting the power that they had. Well, there were more and more [Democrats]. There was the effectiveness of the CDC, and other activities going on in the state. The Democrats were coming more and more into power.

But nevertheless, I think the consensus was that Knight would have won the governorship, even against Brown. Brown had been attorney general for eight years. Brown was a popular man, up and down the state, and he was a popular Democrat.

But, after all, Knight was the incumbent and he had the contacts, and he had the people who were obligated to support him. But Knowland, I guess, had Republican party power, and he had the power over the Republican finances, too, and so they decided that they wanted Knowland as president, and they figured the way to do it was to have Knight step down and run for the U.S. Senate and Knowland would step down from the Senate and would run for governor. He would also run on a "right-to-work" program.

SHEARER: Whose decision was the "right-to-work" program? Was that Knowland's himself?

MACBRIDE: I don't know, I think it could have been an outfit called Whitaker and Baxter. [Clem] Whitaker and [Leone] Baxter were the big political campaign leaders, shall we say. Financial, publicity wise, public relations, everything, Whitaker and Baxter were the people. If you wanted to run

a big campaign, you went to Whitaker and Baxter. This could have been their idea, although I don't know for sure. But in any event, Knowland ran on the "right-to-work" program, which of course labor was unequivocally opposed to. In fact, this was absolute anathema to labor. So it was just the wrong program to be on.

Then Pat had to run in a primary. Pat ran in a primary against a fellow named [George] Christopher, who was then mayor of San Francisco. And there were a couple of other fellows in there, but in any event, Pat beat them out and he got the nomination. So then the fight was on between Knowland and Pat, and of course labor immediately swung over to Pat, away from the Republican they had previously supported. Now I suppose they might have supported Knight for the Senate seat, but they didn't know anything about him as far as a senator is concerned and, therefore, they stayed with the Democrat, [Clair] Engle.

Engle was a very, very popular man; he had chits to collect all up and down the state because [as congressman] he was chairman of a subcommittee, I'm not sure what it was called, but it was a subcommittee, on waterways, dams, and so forth. So all over the United States he was well known and, of course, particularly he's well known in California where water's so important to us. He was substantially responsible for federal approval and money for waterways, dams, canals, and so forth in California. He was known up and down the state and he was a very clever campaigner.

I was with him one time, along with Pat Brown, campaigning up in northern California, and he commented about the fact of how long he had been a congressman, and that he knew everything there was to know about being in congress, and about the U.S. Senate, and about his federal contacts, and so forth. He said, "Knight doesn't know anything about it." He said, "In fact, Knight running for the Senate is like a dog running after an automobile. If he ever caught it, he wouldn't know what to do with it."

SHEARER: I guess Engle was in the congress from '42, or '44, to '56. Anyway, a long, long time.<sup>1</sup>

MACBRIDE: He was in a long time. He was a very colorful figure; he wore a cowboy hat (in fact, I'll show you the picture on the wall of him there). He was a very short fellow, but he wore a cowboy hat and he wore cowboy boots and he wore sort of cowboy clothes. And he had developed a cowboy drawl and all these cowboy expressions. He was just a very, very clever, popular man, and a very fine politician.

SHEARER: It turned out, of course, that he didn't . . .

MACBRIDE: Engle defeated Knight, and Brown defeated Knowland. I blame the whole thing on Knowland, I think Knowland was the one that was responsible for the demise of Republican power in the state capital because there were so many people that came in on Pat's coattails.  
[Interruption]

One other very great thing about Senator Engle was that he was the one that nominated me for federal judge.  
[Laughter]

SHEARER: Oh, yes, that's very nice indeed. [Laughter] Had you gotten acquainted with him during the course of this campaign?

MACBRIDE: Yes, off and on, and we would talk, and meet at Democratic conventions, and I used to have a little TV show I hosted where I would question other politicians. It ran for, oh, maybe three or four months, and I had him a couple of times on the show.

SHEARER: When was this?

MACBRIDE: When I was on the legislature, it was back in 1957 or '58, or maybe in my second term.

SHEARER: A TV show?

MACBRIDE: Well, they just asked me to do it, to come out and find the time to interview some of our politicians. I remember I had John [E.] Moss, Jr., I had Engle, I had Unruh, and

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1. Engle was elected in 1943 to fill the vacancy caused by the death of Harry L. Englebright. He served until 1959.

Bill Munnell, some of the other fellows. [While the Republicans were in power in the assembly, Bill Munnell was the minority whip. When the Democrats came to power he became the majority leader and whip.]\* It wasn't a regular show; it would just be a spot show once in a while.

Governor Edmund G. Brown's Legislative Program

- SHEARER: One thing we have not talked about yet, and apparently it surfaces in the course of your third term, is fair employment legislation. Of course, it came, I guess after a big boost in Pat Brown's inaugural address, and I guess he introduced it himself. But there had been some--in fact quite a few--bills introduced both by [William Byron] Rumford and by [Augustus F.] Gus Hawkins over the years.
- MACBRIDE: FEPC, right?
- SHEARER: Yes, Fair Employment Practices Commission.<sup>1</sup>
- MACBRIDE: It took a bit of selling on the part of Pat to put that over. But of course by this time, cross-filing had been abolished, and we [Democrats] were caucusing more. During his term, we caucused more and more, and FEPC was an important issue in those caucuses. If anyone was waffling on the idea, well, of course, efforts were made to bring that person in line to support the FEPC issue, because one of the important things was, it was something the governor wanted, and something that deserved to be passed, and so that's how it worked.
- SHEARER: I gather that Pat Brown's effort to introduce legislation abolishing cross-filing may have served a long-range agenda on this.
- MACBRIDE: It could be. Oh, I think he used the reasons, or pressed the reasons, that are pressed by those who believe in

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\*. Judge MacBride added the preceding bracketed material during his review of the draft transcript.

1. Established by the California Fair Employment Practice Act, 1959, Cal. Stats. ch. 121, p. 1999.

strictly partisan politics, and that is that the party should be accountable. There should be some way in which the party should be accountable, and that the best way to do it is to abolish cross-filing, and also to abolish the possibility of losing these primary elections and special elections to incumbents, to Republicans, especially bad Republicans. There's no question about it; cross-filing did [benefit incumbents].

The abolishment of cross-filing was good to everybody except me, because I had benefited from cross-filing. In my last two elections, I won both nominations, so I didn't have to go on to a general election. The same thing applied to my friend Bill Biddick down in Stockton. He and I were known as moderate Democrats, so we didn't have any trouble getting both the Republican and the Democratic nomination.

The most I ever spent on any of my campaigns I think was \$7,500. On my first campaign I think I spent \$3,500, and my second campaign, I think I spent \$7,500. And my third campaign, I don't think I spent anything on that one except maybe the filing fee, because I was unopposed. I had no opposition at all in either party.

SHEARER: Do you think that [abolition benefited] Brown's very, very ambitious political program, which envisioned fair employment, consumer counsel, and the whole range . . .

MACBRIDE: The California Water Plan . . .  
[Discussion deleted]

SHEARER: Well, let's see, the California Water Plan was 1960,<sup>1</sup> and in 1961 . . .

MACBRIDE: You are right. The California Water Plan was passed in 1960, and it was Proposition number 1 on the ballot issue that fall, and was passed by the voters, so cross-filing had nothing to do with it.

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1. California Water Resources Development Bond Act, 1959, Cal. Stats. ch. 1762, p. 4234.

- SHEARER: OK. The other big issue was Proposition 15,<sup>1</sup> which had to do with the twenty-twenty formula for reapportioning, and that didn't pass.
- MACBRIDE: I don't recall much debate about that, but, as you say, it didn't pass. But to answer your question on the cross-filing, I think everything that he wanted, including the abolition of cross-filing, was accomplished. The big things that he wanted were accomplished before the abolition of cross-filing actually went into effect in the primary for the 1960 election.<sup>2</sup>
- SHEARER: What do you think accounted for the extraordinary success that he had?
- MACBRIDE: Of the abolition, you mean, or . . .
- SHEARER: Of his programs.
- MACBRIDE: He was just simply on a roll. He was definitely on a roll. He had won by a tremendous victory. He had a lot of new Democrats in the legislature. They wanted to support the governor; everybody wanted to make him look good. This was it. For example, my tax bills were all numbered 555, 556, and so forth, and they all bore the caption, "At the request of Governor Brown." So I introduced them at the request of Governor Brown, and there were other bills containing the same language, having to do with other subjects. It would be "At the request of Governor Brown." So that the Democrats were out to support their totem.

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1. Proposition 15, Senate Reapportionment. (Ballot Pamp. Proposed Amends. to Cal. Const. with Arguments to Voters. General Election November 8, 1960) Cal. Stats. p. cxiv. (Failed).

2. 1959 Act to add Section 2501 to, to amend Sections 2793, 2893, 2894, 2896, and 2899 of, and repeal Sections 2674, 2742, 2794, and 2795 of the Elections Code, relating to partisan candidates. Cal. Stats. ch. 284, p. 2190.

SHEARER: Well, I thank you very much.

MACBRIDE: Well, you're very welcome, Julie.

SHEARER: It's just been excellent information, and a great pleasure.

MACBRIDE: Well, I'm delighted to see you.

[End Tape 3, Side A]

[End of Session 1]

VI. DEALING WITH THE CALIFORNIA STATE EMPLOYEES ASSOCIATION AND STATE PERSONNEL BOARD

[Session 2: May 14, 1987]

[Begin Tape 1, Side A]

SHEARER: I would like to begin talking about your role as champion of the California State Employees Association, during your terms in the assembly. Is that agreeable to you?

MACBRIDE: Oh, sure. No problem there. It's a traditional responsibility of the legislators from Sacramento County where the greatest number of state employees are located: where they live, they pay taxes, they patronize our stores, and so forth. It's our obligation to watch out for their rights as much as we can to the limit of our tolerance of what they're asking for. In many instances they may ask for much too much. Even as liberal as we want to be toward them, they would just simply be asking for too much, and sometimes we would turn them down. We would say, "No, we (or I) won't carry the bill."

But on the other hand, they would come in, and ask us for certain alterations in their working conditions. I remember the California Highway Patrol came in and petitioned me on the question of whether or not they should have to pay for their own helmets that they were required to wear, but to tell you the truth, I can't remember what happened to that bill. I remember the particular bill because one of my former high school friends who was a state highway patrolman came in to see me, and he was sore as a boil at the fact that the state--that somebody had put in a bill requiring him--or maybe it was the highway patrol itself, which is a state agency, it was now requiring the highway patrolmen to have to pay for their own helmets. Inasmuch as it is required that they wear helmets, they felt that if the [state] required it, the [state] ought to pay for it. But anyway, that's the sort of thing that you get from time to time, where it would be an iffy question as to whether or not you would carry the

bill or oppose the bill that was being put in by someone else.

One thing that we Sacramento legislators were thoroughly convinced of, and that was that a state employee should be treated no different than an employee in private industry or business. Merely because they worked for the state, and merely because they have civil service tenure and the like, there's no reason why they should be paid for their work—the amount of work they did, for the quality of work that they did—in any manner different than if that same person was out working in private industry or business. So usually we would champion their applications for increases either in remuneration or also the working conditions to which they were subjected.

#### Personnel Board Procedures

MACBRIDE: One thing about supporting the pay raises. They were frequently not brought on by the state employees. Instead, they were usually brought to us by the State Personnel Board. Now the State Personnel Board is appointed by the governor. This body is supposed to be an independent agency. They're the ones that are charged with the task of examining what people in private industry and business are receiving for the kind of work that the state employees are performing. It's for them [the board] to make the recommendations to the governor as a rule. The bill would be introduced; it might even be the governor's bill. Or the governor might say, "No, I don't want to do that, or go that far with a pay raise." And with that, the state employees would come to me and ask us (Roy J. Nielsen and later Assemblyman [Edwin L.] Ed Z'Berg and me) to put in a bill to try to increase the salaries and wages of the state employees.

But usually it wasn't our evaluation--the legislators from Sacramento County, or even those from Los Angeles County, or San Francisco County, who also had a lot of state employees, and to whom we would frequently look for

support---that counted. It was the evaluation of the State Personnel Board, which was entirely independent of the legislature. It was a governor's agency; they were his appointees. They were the ones that would traditionally recommend the pay raises. So that the board gave us very strong support when we were championing these bills for state employees that had been recommended by the board. But at the same time, the board was tough opposition if the state employees were trying to go beyond or against the board's recommendation.

SHEARER: Did you ever find that you were on the other side of a recommendation or in opposition to recommendation by the State Personnel Board? I mean, would the employees come directly to you, and lobby you to go over the head of the Personnel Board?

MACBRIDE: Yes, on occasion, I would, as I have just stated. But as to board recommendations that were favorable to state employees, I must confess that I don't recall that I ever did oppose anything that was recommended by the State Personnel Board. I was very familiar with the head of the board, and sometimes we would do a little woodshedding together over lunch or dinner to find out what it was really all about, or he would come to my office and tell me why the raise, or why the change in the working conditions were necessary. He was more convincing than the California Manufacturers Association, who, of course, would be on the other side, the Republican side, or the California Taxpayers Association, who, of course, were always opposing the tax increases, or anything that would cost the taxpayers more money.

SHEARER: Who was he in this case? The chairman of the . . .

MACBRIDE: It wouldn't be the chairman---his title doesn't come to mind right off---it would be the executive officer, the CEO of the State Personnel Board. He's the one with whom I would have had most of my dealing rather than members of the State Personnel Board, which, of course, would include the president. But it was the CEO, the fellow that really ran the State Personnel Board, the fellow that would have his employees get out and check the figures to find out

what was being paid in the state and counties, and so forth. That is, in other government work and what was being paid in private industry and business.

SHEARER: Can you comment on the usual practice, or the procedure? Would the proposals for pay raises, or working conditions changes, be generated by the board? Or would the employees ever lobby the board?

MACBRIDE: Yes, the employees would lobby the board. The employees had their own association--the California State Employees Association. They would first take their petition to the State Personnel Board, and the State Personnel Board would make its recommendation. As a matter of fact, the State Employees Association and the State Personnel Board would sometimes have some knock-down, drag-out fights [when] what the state employees [wanted] and what the personnel board felt they deserved were very much in conflict. It wouldn't be until they resolved that, that it would come before the legislature, and then those of us who represented Sacramento County would bring it before the legislature and then, if it was passed, finally, to the governor.

#### State Employee Unions

MACBRIDE: Maybe this is an aside and we're getting ahead, but this was the argument that I made a couple of times, when the legislators were being penurious about the way they were treating the state employees. I warned them [in] speeches on this. I said, "Look, we've got a State Personnel Board, which is independent of this legislature and, for all intents and purposes, it's independent of the governor, although they're appointed by the governor. They were drawn from cross section of our business and community and employee and employer sections of the state, and they're a reasonable group.

"Therefore, if they recommend something, I think it's had an ample study to reflect what should be done. With this system that we have now, we avoid the possibility of the state employees forming a union of their own, that is,

a regular bargaining union of their own. Once you get into that, then you're going to have strikes, and the question of whether or not state employees can strike public agencies, and the like, and you're going to face chaos." I said, "I haven't examined the law; I don't know what their rights are. All I know is that you're much better off by having this system, and make it work, than allowing the state employees---than requiring, or forcing the state employees---to form a union."

In my swan song speech, when I decided to retire from the legislature, the last day I was there, I warned my fellow legislators again on that very issue. I really made a plea for the state employees, that these people are doing good work: "They're doing work comparable to what is being done on the outside, and they're entitled to be paid and treated in the same fashion as they are in private industry and business. I warn you that unless you do this, then you're going to find yourselves faced with state employee unions."

My prediction came true. After I left the legislature, any number of groups of state employees formed themselves into actual unions. I don't know whether they're affiliated with the CIO [Congress of Industrial Organizations] or the AF of L [American Federation of Labor] or what, but they are definitely unions. They are bargaining unions.

SHEARER: Why, as you say, in your swan song, did you feel that a warning was warranted? Was there a particular threat or an issue that was bringing this to the head?

MACBRIDE: Yes, the legislature was ignoring the recommendations of the State Personnel Board. Because of this, the state employees were becoming disenchanted with the way they were being treated by the legislature and, therefore, they continued to make these threats. I don't think that at the time of my retirement from the legislature they had yet formed a union, but it wasn't long afterwards that they did.

SHEARER: Why did they become disenchanted with their treatment by the legislature?

MACBRIDE: Because, as I have just said, they were being turned down. Recommendations were being made by the State Personnel Board for certain pay rates, and the legislature would turn them down. As hard as we who represented them throughout the state--that is, Sacramento County [legislators] and from other counties where there are a lot of state employees--they would ignore us simply for economy reasons. Then, of course, they would always throw at us the fact that, well, the state employees have got a sinecure, that they've got a lifetime job. They've got tenure; they've got nothing to worry about. They have a good retirement system. They've got a much better job than people on the outside, and therefore they should get less pay, because they get more benefits.

But this isn't true. There are so many state employees, that by reason of their experience, their jobs would be very, very difficult to fill. It would take a long and expensive period of time to find and train persons in order to fill the jobs that are presently being filled by state employees who have been with us a long time and who do have these benefits. I'm not saying now that they're underpaid; I don't know. I haven't been involved in the issue. But I do know that when those petitions were put before us for pay raises, I felt that they were justified and, therefore, I championed them as a legislator.

SHEARER: Did your experience with the specialization on the part of the state employees led you to believe that tenure was an important economy in the state rather than trying to . . .

MACBRIDE: No, I don't mean tenure in the terms of economy. This wasn't my argument. This was the argument of the opponents, who said that by reason of civil service, these people had these jobs, and that it was so difficult to fire a person who was employed as a civil servant. They had to go before hearings, before boards, and so forth, and it became difficult to fire a state employee, and tenure fit into that argument. So it was not my argument. This was the argument of those who opposed the pay raises. In other words, they said that tenure was of value to the

state employees, and that should be taken into consideration in determining what wage should be paid.

SHEARER: That [tenure] was an appropriate tradeoff for wages?

MACBRIDE: That's right. That was the argument of the opposition. But this factor had already been taken into consideration by the personnel board.

SHEARER: I noticed that in 1958 you, I guess and others, maybe [Roy J.] Nielson, made several attempts to get what was described as a 2 percent to 2 1/2 percent pay raise for the state employees, which seems modest enough, certainly, by today's standards. Was this difficult to sell?

MACBRIDE: That's right. That would have been recommended to us by the State Personnel Board. They would have studied it and they would have said that, considering the cost of living increase, the increase in wages and the salaries that have been paid to people on the outside--and when I say on the outside I mean in business and industry on the outside--the wages and salaries paid to people on the outside had raised to that same extent and, therefore, the state employees were entitled to the same increase.

We judges are making the same argument today ourselves. As a matter of fact, I have made the same argument to congress. When I've written letters back there [to congress] to support our petitions for pay raises, I point out that the cost of living, since the time I came on, has gone up tremendously, just tremendously. If my salary had gone right along with the increases in the cost of living, I would be making twice as much as I am now, even though I have what others might consider a very generous salary. Nevertheless, my salary would be twice as much as it is now, and the same thing [is true] for all the rest of the federal judges at the circuit and Supreme Court level. We are way behind. Right now, with our present salaries, our purchasing power is at least 49 percent behind what it was in 1964. Congress has left us way behind the tremendous increases that have taken place in our cost of living.

SHEARER: How discouraging.

MACBRIDE: Well, it's the same thing, but not to the same degree, though, for the state employees.

SHEARER: You were mentioning collective bargaining.

MACBRIDE: Another point that I want to make, because this was an argument that I did make. And that is that I didn't feel that because they were state employees, that the state employees should subsidize the voters, or the taxpayers, with their work. That's what the members of the legislature who opposed us on these pay raises, that was the argument we made to them. In effect, that's what they were asking the state employees to do--to work for less than the people on the outside. The effect of that is to subsidize those people on the outside because [state workers] are working for less than the people they're serving. That's what it boils down to.

Collective Bargaining for Public Employees

SHEARER: That's an interesting argument. I haven't heard it phrased in that way. I was a little confused on the point of collective bargaining by the two accounts in the newspaper. One was an account in The Union, March 26, in 1957, in which you were described as opposing public employee collective bargaining, which had been backed by Burton and [Charles W.] Meyers of the Civil Service and State Personnel Committee, because you said it would have "far reaching effects, and would change the concept of public employment."

Then, just the very next day, there was an editorial in the Sacramento Union, in which you and Mr. Nielsen were both castigated for backing a local measure which would have permitted collective bargaining by the city police. It all seemed very puzzling to me, and the editor said, "Shame on them," meaning shame on you, "for playing to the galleries, and currying favor for the public employees." What in the world was that all about? They seem so contradictory.

MACBRIDE: It does seem contradictory; there's no question about it, I admit. I remember the difficulty that I had with Burton

at the time, and, as a matter of fact, it was his bill that we were able to knock out. But as far as the giving the city police the right to form a union, at this time, I can't reconcile the two. I just simply can't reconcile the two. Maybe the Union was right in saying that I was playing to the gallery, although, frankly, I don't think I ever thought of myself as doing that. I must have had some pretty good reasons for doing it, but right now I can't think of what they were because at that time I was opposed to unionization of public employees.

SHEARER: I couldn't find any documentation of it except in this editorial.

MACBRIDE: I wish the story had carried something about what I had said of my support for the bill, but I can't reconcile it.

#### Image Problem for Public Employees

SHEARER: I gather there was an image problem with the public employees that you and any other legislator would find an impediment to advancing their cause, because they were simply public employees.

MACBRIDE: That's right.

SHEARER: And there was this assumption that they were getting a "good deal" simply by working for the state.

MACBRIDE: That's right.

SHEARER: Did this prove to be an actual problem for you in terms of political costs to you as a legislator in having backed public employees?

MACBRIDE: No, there were no political costs to me. Looking at it first from the standpoint of the employees, needless to say, I'm sure that they would support me regardless of whether they were Republicans or Democrats, as long as they felt that I was doing good job for the state employees. Initially, maybe I felt I had to do this because I was the representative from Sacramento and, therefore, it was my obligation to see it that the state employees got everything possible. That conceivably--and I don't admit that this is the fact--could have been in my thinking.

But once I got into [the issue], I became convinced of the convictions that I've already expressed on this tape. In other words, that they weren't second-class citizens, that they were not required to subsidize the rest of the taxpayers. After all, the state employees pay taxes themselves. So part of the money that they're receiving is part of the taxes that they pay. But certainly by reason of their being state employees, there was no justification for their subsidizing the rest of the taxpayers.

That was a conviction of which I'm still convinced. No more than we federal judges should subsidize the rest of the taxpayers. We pay taxes on the money that we receive, all the money that we receive, whether we get it out of a salary, or from other income. But we're paying taxes on it, and there's no reason why [we should] take a lower salary than the rest of the people--the lawyers, for example. I have a law clerk who's going to leave here this October, and when he leaves here he's going to be making more than one half of what I make right now, and he's only been out of law school one year. I have been a lawyer for forty-seven years and a federal judge for twenty-seven.

So that demonstrates that congress just won't pay any attention to the salary problems of certain federal employees. The president makes recommendations. They are based on the recommendations of a National Pay Commission. That's the federal equivalent of the State Personnel Board, that deals with judges' salaries. They make recommendations based on what private lawyers and persons with similar responsibilities make. After they've made the study, just as the personnel board does, they make recommendations of what they deem to be fair. Their recommendations are supported by the American Bar Association, by most of the state bar associations, and by many significant newspapers such as the New York Times, and so forth, but congress doesn't pay any attention to them.

SHEARER: Well.

MACBRIDE: I assume that that was a sigh of disgust on your part?  
 SHEARER: Yes, yes.  
 MACBRIDE: Thank you. [Laughter]

#### VII. SERVING A LOCAL CONSTITUENCY

SHEARER: I get the impression from reading from your clipping file, and other things in this period, that in a sense, the assemblymen from Sacramento have a little bit the same role, or there's the same feel of it, as being home ruled by Washington, D.C. Is that a crazy idea? At least in terms of the public employees, wouldn't their recourse be to the legislature, rather than the city council? I mean, it's not city government that residents--state employees who live in Sacramento--look to.

MACBRIDE: [Well, we were right at the end of every local telephone call or a personal visit from our constituents in Sacramento. If they had problems with state agencies located in Sacramento, they would frequently come directly to us and often we could help them, but if the problem was one over which the city or county had exclusive jurisdiction, then the best we could do was to call the mayor or the chairman of the board of supervisors and alert them to the problem. We never, at least I never, attempted to intervene into their bailiwick of responsibility and power. I never attempted to throw any weight around with them. I needed their support too frequently in matters related to my work in the legislature. Moreover, we stayed out of each other's campaigns for election or reelection.]\*

SHEARER: Did you become involved in local activities at all?

MACBRIDE: Well, let's put it this way. We, obviously, were invited to many strictly city and county functions. We would be invited to the meeting of the United Crusade, or in those

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\* Judge MacBride added the preceding bracketed material during his review of the draft transcript.

days it was called the Community Chest, the big Community Chest meeting. We would be invited to those, but we had nothing to do with it, except we made our own contributions. But the one contribution maybe we made was just that our presence there might lend some support to what they were trying to do. And there were other city functions of a similar nature, several city things that the city fathers were trying to put over. Wherever we could lend our support, just by our presence, we would do so in order that we might help in some way.

I used to have a gal that would allow me--each campaign--to put a sign on her front lawn. But that was very costly to me in terms of time, because every time her milk wasn't delivered on time she would call me and say that her milk wasn't delivered to her on time, or her newspaper wasn't delivered on time, or this or that. They hadn't paved the street in front of her house, and how come? Sometimes for people like that I might call a city official or a county official and say, "What about this?"

On the other hand, some of the legislators would invite guests to Sacramento, and the guests would get tickets for overparking. So the assemblyman, or legislator, would say, "Give me the ticket; I can take care of it." But this would be done on the assumption that I could fix that ticket. I never fixed a ticket in my life, but the way I handled it was, you see, I didn't want to lose the favor of that particular legislator. I wanted to keep him on my side, and so what I would do, very frankly, was to say, "Give me the ticket; I'll take care of it." With that, I would pay it out of my own pocket, and that would be the end of it. First of all, the legislator's constituent thought he was a great guy, and the legislator thought I was a great guy, and I was just out of pocket five or ten dollars, and that was the end of it. I had either kept a friend or made a new one.

But as far as being the spokesman for the local citizens, the local taxpayers, in matters that were before the city council, we'll say, or before the board of supervisors, I would not take an active part. There were

incidents where I had convictions of my own on things that the state might be doing---the state was planning---in connection with highways for our county, for instance.

### Highway Siting

MACBRIDE: There was one issue in particular, where the state was building Highway 5, that is, the bypass, the freeway that goes along near the Sacramento River. The highway department gave us a number of options. One was to put the highway clear over in West Sacramento. The other was to run the highway right along the edge of the Sacramento River, and the third option was to put it where it is now. The one that was favored by the State Highway Commission was to put it right alongside the railroad which was next to the river on the city side.

I, and a number of other of the old Sacramentans, were unequivocally opposed to putting it alongside the river and, thus, destroying the possibility of ever developing a park, walkway, esplanade, or any type of local use of the riverbank, and use of the potentially scenic area immediately close to the river. So in that sense, yes, I did represent the local Sacramento citizenry in urging the State Highway Commission not to adopt the riverbank plan. But it was also my own very strong view that this should not be done, and so finally we succeeded in getting them [to change]. The West Sacramento [siting] was the least attractive and least effective way to do it, and so finally we ended up by putting it where it is now, which has the freeway separating the west end of Sacramento from the rest of the city. We call the part of Sacramento that is situated between the freeway and the river "Old Sacramento," and it's worked out fairly well.

SHEARER: I see that. And that, I guess, ties in with your interest in keeping public access to the river.

MACBRIDE: Yes, I wanted public access available to the river, and I also wanted to develop bicycle trails, and recreation trails along the edges of the river, and in that I, frankly, have been rather successful.

SHEARER: This was done---I think I'll wait till we talk about fish and game, it seems to come under that heading a little more. I was thinking in particular, in dwelling on this possible special relationship of the Sacramento legislators to the city, and the city's residents, of the harbor bond issue, and the city county government merger, which you supported in 1957. Do you recall that issue?

MACBRIDE: Frankly, that is one I don't remember---that city county merger issue. I don't remember that. I have no independent recollection of it. It must not have seemed very important to me at that time, because I just don't remember it.

[End Tape 1, Side A]

[Begin Tape 1, Side B]

Sacramento Metropolitan Advisory Council

SHEARER: There was something called the Sacramento Metropolitan Advisory Council, and there was a motion, I guess, on the floor, or perhaps in committee, to extend the life of this commission, or council, which was a kind of a study group, to consider whether or not the county and the city should be consolidated. You were among those favoring extending the life of the commission. I just wondered if this was something you saw as being an efficiency or economy move, that there might be some tax savings in streamlining county and city government?

MACBRIDE: No, I remember what it was now. That was a commission, a committee, made up of some very fine people in Sacramento, people that I respected very much, I respected their judgment. I felt that the issue should be studied further. I had no particular feeling at the time on that particular subject. But I did have great confidence in this committee, and I felt that their study should be extended.

It wasn't just city-county merger that the committee was studying, as I recall; their studies also involved the

development around the capitol and the downtown state facilities. In other words, how far to the south should we go in planning future state buildings. We knew that the population of the state of California was going to grow. We knew that there's no way that the facilities we had at the time--the building space we had at the time--could possibly accommodate all the state business that would be done with this increased population.

So it had to go, and it had to go in some direction, and we wanted to keep it as close together, as cohesive as possible. That was one point of view. Another point of view was to spread it out. So this committee studied that together with, I believe, this matter of the city-county merger. So that's why I wanted to continue the existence of the committee, so that they could come up with a very informed and thoughtful recommendation.

Interest in Bringing State Supreme Court Offices to Sacramento

SHEARER: Another thing that you were involved in, and more than once the subject came up, was the move to bring back to Sacramento, or bring to Sacramento, the offices of the state supreme court, and other state organizations.

MACBRIDE: I was mainly interested in bringing back the state supreme court to Sacramento, which is where it should have been, and which the constitution provides that it shall be here, in the capital of the state. To tell you the honest truth, it wasn't my original idea, someone had written a very thoughtful letter to the editor of the Sacramento Bee, and in those days we got a lot of them. It was a very thoughtful article from one who knew his constitution, and who just simply was impressive in his letter, and I thought that was a good recommendation. So I picked up on it, and introduced the bill. I had support; the Bee supported me on it; I'm quite sure the Union did also.

But while I was in the midst of a lot of other legislation, I got a call from Chief Justice Phil [S.]

Gibson, and he said, "Tom," he said, "I'm on your side," he says, "I agree with you, that the supreme court should be located in Sacramento." But he said, "I've got a lot of colleagues down here who have their homes here in San Francisco, or they have their homes in this area, or they're not in any way related to Sacramento. There are no Sacramentans on the supreme court at this time, none at all, and, therefore, it would be a great inconvenience to them to have to come up to Sacramento to sit on the court for prolonged sessions. The time isn't right, just now, for doing that. Why don't you hold off a year, and in the meantime I'll see if I can soften them up a little bit and get them oriented to what needs to be done and try to use a little persuasion on them." But he said, "I can't steamroll it; I know it. And moreover, I'm not sure how much support you're going to get if these justices start working on some of their lawyers friends and bar association friends. I'm not sure how much success you'll have."

So I didn't do anything further with it that year, and then the next year was when I was appointed chairman of Assembly Revenue and Taxation Committee, frankly, in all honestly, it was just out of sight, out of mind, the next year, because I had so much to do in connection with taking care of my tax bills, and not only my own tax bills that I was handling for the governor, but so many other tax bills that were coming to my committee. That was a very hard and time-consuming job I had as chairman of Revenue and Taxation. So I just didn't pursue it further.

SHEARER: I wondered if the chief motivation for it was sort of organizational tidiness, or was there another connection, perhaps, to a growth of the area?

MACBRIDE: Well, of course, I had that in mind. I had in mind the fact that to have the supreme court in Sacramento would just simply make Sacramento a more important community. In other words, if people had to come to Sacramento to plead their cases before the supreme court, it meant that a significant, impressive number of people would be coming to Sacramento and would be using our hotels and our

restaurants, and if they brought their wives with them, they would be buying clothes. Moreover, the people that staff the court would be required to move to Sacramento with their families, so it would not only give a boost to the economy, but to the prestige of Sacramento, as well, to have this branch of the government located here.

State Services and Employees and Sacramento City Economy

MACBRIDE: Sacramento has always been a good town, even when there's a heavy depression. During the Great Depression, 1929, it was one of the two cities least affected by the Depression of the entire United States.

SHEARER: Is that because of state employees?

MACBRIDE: Because of state employees, because you have this hard core of state employees who have to keep on working. I mean, people still have to register their automobiles, they still have to get licenses to run a bar, and so many other activities that are regulated by the state. All these various things are needed. The investigators, you still have to have the Fish and Game Commission to take care of our fish and our game, and we have to have the State Department of Forestry for our forests. We have to have a Water [Pollution] Control Board and Department of Water Resources to take care of our water, and the State Division of Highways, all those things, and they're all centered here in Sacramento. And so the employees are here. We have good times and bad, [but] those agencies still go on with their work, and their employees are paid here in Sacramento. Moreover, regardless of how bad the economy may be, the work of the legislature and the governor and their staffs and supporting agencies must continue here in Sacramento.

SHEARER: So an interest in a thriving local economy was not absent from your consideration?

MACBRIDE: Absolutely, it was not absent from it. But at the same time, to use your expression, a tidier state organization would be demonstrated by having the supreme court here. In other words, you would have the governor here, the

supreme court here, and the legislature, thus you have the heads and offices of the three branches of government here in Sacramento. You've got the legislature, with the Speaker of the Assembly and the president pro tem of the senate and the legislature itself, as the legislative body. You've got the governor, with his entire staff, and he's here in the capitol as the executive body, and then we would have had the supreme court, and the chief justice here. That's the other important part of the triangle; that's your three branches of government. They should be in the capital of the state.

SHEARER: I'm wondering whether if you had more of a consolidation of state organization, services, and personnel, that it might have the effect of providing a population counterweight to the growth in the southern part of the state, which might very well have implications for future political representation, and water, and other considerations. Is this too remote a . . .

MACBRIDE: No, that is something that might result from it, but it wasn't a consideration of mine at the time that I was trying to get the supreme court up here. That was not a consideration. The main consideration was to the consolidation of the three branches here where they should be. Also the fact that it would contribute to the economy of the community, that it would bring more people to Sacramento; there's no doubt of that. Normally, you see, with the [U.S.] Supreme Court, people go back to Washington D.C. to plead cases before the Supreme Court there. They don't have to live there; they just buy a plane ticket and go back and plead their case and come back to their home community or town.

Of course, as I have said, there is a staff that supports the supreme court. It would mean that if the supreme court came up here, there would be a lot more employees here, because they have law clerks, they've got secretaries, they've got clerks, that is, clerks of the court itself, and all these employees and their families add to the economy and the community.

Public Power Concerns and Water Issues

- SHEARER: On the subject of water, there was an interesting note in your scrapbook from the Sacramento Bee [January 2, 1957]. Apparently, the question of giving public power agencies preferential access to Feather River Project state-generated power was an issue. Do you recall this? Do you remember how you felt about the issue of giving the public power agencies preferential access?
- MACBRIDE: My recollection was that they should be given a preferential access to the power. I was in favor, for instance, of the SMUD bonds, the Sacramento Municipal Utility District Bonds. This was even before I got in the legislature. I used to go around and make speeches in favor of the bonds, that is, of a bond issue which would give us sufficient money to buy all of the facilities that PG&E had that supplied Sacramento electricity, and thus enable SMUD (the Sacramento Municipal Utility District) to purchase all of the facilities that Pacific Gas and Electric Company had locally, and upstream, and the rights that they had to produce power in Sacramento, and sell power in Sacramento.
- SHEARER: As the city of Palo Alto does now?
- MACBRIDE: Yes, and that bond issue passed. We purchased their facilities, and we've had public power here ever since. I am a public power man, I favor public power.
- SHEARER: And that was not a difficult idea to sell, I guess, or was it?
- MACBRIDE: No, it wasn't. Not in Sacramento, it wasn't. The bond issue passed, and our Sacramento Municipal Utility District has done a good job. They're in trouble right now insofar as Rancho Seco [power plant] is concerned, but they just got a bad break on who they selected as contractor to build our nuclear power plant.
- SHEARER: I guess they're not alone; that's becoming a difficult, disturbing question in more than one place.
- MACBRIDE: That's true, yes.

- SHEARER: There was also a clipping<sup>1</sup> about the senate and assembly defeat of a \$3.5 million appropriation for the water project, in '57. This would have been under Governor Knight. And the language stated that the assembly attempted to keep the spending down to three million dollars, which was apparently just barely enough to keep the Feather River Project going. But it would "kill the prospect of the Orville Dam," which was estimated to cost thirty-eight million dollars. Do you recall your role in this move to defeat the appropriation?
- MACBRIDE: My role would have been to support the appropriation, I'm quite sure, because I would definitely favor the Orville Dam. Having just gone through an experience of being flooded in my own home, to the depth of 5 feet in my living room, because we didn't have the Folsom Dam at that time. Also, witnessing the devastation that had taken place in 1955 and 1956, because there was no Orville Dam. The Feather River had broken its banks, and it completely inundated all of that area up around Marysville, and Yuba City, and so forth. I mean, actually, literally, buried cars, and wiped out orchards, and so forth. So my position there would have been in favor of going along with [it]. Governor Knight wanted that \$3.5 million. I'm sure that I was on his side.
- SHEARER: Do you recall whether Mr. Nielson also supported . . .
- MACBRIDE: Yes, I'm sure he would have supported the bills. Also, I'm sure that all we Sacramento legislators would have. I know that I would have supported it, and I probably did, and I'm sure that Nielson in the assembly and Desmond in the senate, likewise.
- SHEARER: Because you all had seen the consequences firsthand?
- MACBRIDE: Oh, I had seen the devastation of it very firsthand on my part.
- SHEARER: Who were the legislators able to keep the appropriation from going through? Who would have opposed it?

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1. Sacramento Bee, June 13, 1957.

MACBRIDE: The southerners, but why, I don't know. They weren't yet thinking of their own needs for water downstream at that time.

SHEARER: I see. They were seeing it as a local bandaid?

MACBRIDE: That's right. I think they were relying on the federal project. You see, the Orville Dam is a part of the California Water Project, as contrasted with the Central Valley Project. The Central Valley Project is a federal project. Now the Orville Dam was built with state bonds, and I think that the boys down south felt that there was no sense in imposing this on the state when the Central Valley Project, apparently, was supplying them with sufficient water at the time. But it wasn't long before they got on board, also, and they supported the California Water Project.

SHEARER: As soon as the benefits became clear?

MACBRIDE: As soon as the benefits became apparent, then they wanted it.

SHEARER: I was going to suggest we move onto the Fish and Game [Committee maneuver], unless you have more that you care to say on the water plan, either Governor Knight's or Governor Brown's.

MACBRIDE: Well, one thing I would say was that Governor Knight wasn't able to get it implemented, but when Brown came in with all of these Democrats, and all of this popularity and support, he could have just about anything he wanted, and he was very successful in doing that. I think something like 90 percent of the program that he campaigned on was enacted in the law. The California Water Project was one of them, and he gave great support to it.

We had many, many meetings, I can recall, in connection with the California Water Plan [S.B. 1106---Burns]. Finally it was put on the ballot, and put on as a bond issue for the State of California. I say that advisedly, as to whether it was put on as a bond issue for the State of California, or whether it was just put on, and the issue posed of whether or not we should go ahead with the California Water Project. It was probably both, it was probably both combined in one measure of the ballot.

SHEARER: That was Prop. 1, I believe, wasn't it [in 1960]?<sup>1</sup>  
 MACBRIDE: Proposition 1.

#### VIII. FISH AND GAME ISSUES

##### Deer Season Limits

SHEARER: There was an interesting article in the Sacramento Union of April 22, 1957, a little cryptic, actually, and it said, "Sportsmen are sure to oppose MacBride's deer bill, which is said to have been written by the Department of Fish and Game." Had such a sour tone to that . . .

MACBRIDE: That bill, and I can't remember the exact details of it, but our deer population had gone way down, and that deer bill was intended to put a moratorium on the killing of deer for a year or two, to allow the population of deer to build up. It was either that or it was that everyone couldn't get a license. In other words there had to be a drawing, and only certain people could get a license to shoot deer.

The main thing was to stop the killing of the number of deer that have been killed in previous years that had almost decimated our deer population, and give it a chance to build up again. Obviously, the hunters opposed it, as you would expect, but at the same time, they were cutting off their nose to save their face for the reason that if they continued to diminish the deer, pretty soon we wouldn't have any deer. But anyway, that's what that was all about.

SHEARER: I'm interested in the kind of relationship that it suggests you enjoyed with the Department of Fish and Game. In other words, you were interested in sports, and fish and game issues, and I gather were in close consultation with the director, Seth Gordon?

MACBRIDE: Seth Gordon, yes.

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1. See page 56.

SHEARER: Did this play a part in your . . .

MACBRIDE: Well, Seth Gordon was a very experienced man in the field. He was a man with a national reputation in the field of fish and game. We were very fortunate to have him as the director of [the Department of] Fish and Game. His recommendations, frankly, meant a lot to me. You have to look to the source, and after all the director of the Department of Fish and Game has two objectives to accomplish. One is to preserve the fish and game of the state but, at the same time, to strike a balance between preservation and giving to the sportsmen of California what they needed in the way of sports, of animals, of land game birds, migratory birds, and fish. So he would know. After all, the Department of Fish and Game, they're the ones that run the hatcheries, and they develop all these fish that are planted all over the state of California, catchable fish. They brought in chukkers. They brought pheasants into the state of California, which we didn't have before. They're protecting various species that we have in California that are on the brink of extinction.

SHEARER: Were the tule elk in that category?

MACBRIDE: I can't tell you that; I'm not a deer hunter. I've never shot at a deer in my life. I went deer hunting once. I got out of the car. I heard a shot fired, and the bark blew off of the tree just above me. With that, I got back in the car and stayed there the whole day, and I never went deer hunting again. I have no desire to shoot at anything big anyway; I'm a duck hunter, period. I don't even shoot at geese; I'm strictly a duck and pheasant hunter. That's all.

SHEARER: That is a sobering experience, that near miss. Or near hit, I guess.

MACBRIDE: It wasn't that close; the bark flew off the tree about 10 feet above my head. Nevertheless, then there were shots all over the place, and I thought, this is no place for me. That's the last the time I went deer hunting. The first and only time I went deer hunting.

SHEARER: Well, they use such high-powered rifles that, you know, the hunter could be miles away. Who could see?

MACBRIDE: Almost. Oh, yes, that's true.

Fish and Game Committee Allegiances

SHEARER: Thinking about the composition of the Fish and Game Committee, my guess is, looking at some of the names, that they're not all representative of sportsmen. I'm thinking of the Sutton antinetting bill, S.B. 525.

MACBRIDE: As I said previously, Frank Belotti was from Del Norte County, which relied heavily upon its fishing industry. He was chairman early on.

Belotti, of course, was a friend of the fishermen for the reason that he came from the north country, where all the crabs, and mainly the dungeness crab comes from up there. It was a big industry, and he represented them and, of course, they had a very strong man here in Sacramento, who was the owner of the [Meredith] Fish Company. His name was Lloyd Turnacliff and he, frankly, was a friend of mine and a member of my duck club. Nevertheless, he had lots of friends here, and they put on these big crab feeds, and wined and dined the legislators, and so forth.

I always went to their feeds because I love crab, and we had wonderful times. But they were the ones that were trying to get us to keep the nets in the river for the benefit of the rest of the [commercial] fishermen. It was a fishermen's association as a whole. I don't think it was just the [north]. Because Belotti as I say, represented the fishermen up there, but I think he probably received support from the fishermen down in the Bay area, too, and also from some of the southern coastal counties.

SHEARER: These being commercial fishermen?

MACBRIDE: All commercial fishermen.

SHEARER: And the particular fish we're talking about are salmon, and . . .

MACBRIDE: Salmon, and striped bass.

SHEARER: Apparently the bill was finally voted out of the committee by [the assembly as a whole], 53 to 20.

MACBRIDE: Right.

SHEARER: A sizable margin.

MACBRIDE: Oh, you mean on the floor. To get it out on the floor we had to have a two-thirds vote of those voting.

But once it got out of the committee, on the 53 to 20 vote, which was more than two-thirds of the 73 members that voted, then that's when the committee fellows could turn around and say, "Well, adios, you lobbyists, it's pretty obvious that an awful lot of people want these nets out of the river. As long as it's passed, coming out of the committee, by a greater vote than it will take to pass it on the floor, we're not going to be left standing with egg on our face." It came out 53 to 20, and all it needed on the floor of the assembly to pass it was a majority of those voting, which would have been 36 votes.<sup>1</sup>

So these fellows didn't have that much interest in the bill that they were going to vote [against] it and just simply waste their vote.

SHEARER: Well, I got some names of those on the committee who had opposed having it leave committee, and one was [Donald D.] Don Doyle, Republican . . .

MACBRIDE: Don Doyle was down . . .

SHEARER: From Lafayette.

MACBRIDE: He was from Lafayette.

SHEARER: Why would he be in favor of allowing commercial netting?

MACBRIDE: Isn't Lafayette in Contra Costa County?

SHEARER: Yes.

MACBRIDE: Well Contra Costa County is right on the San Francisco Bay down there, isn't it?

SHEARER: Yes.

MACBRIDE: All right. Well, that's where a lot of the commercial fishermen were, that's where they kept their boats and their nets, and so forth. Oh no, he had a definite interest. He was voting against it. His remarks were that this will ruin many of these commercial fishermen. As a matter of fact, I think, later after I left the

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1. Once on the assembly floor, it passed 67 to 11.

legislature, he sponsored a bill to have these commercial fishermen reimbursed by the State of California for the cost of their boats and their nets because, in effect, we had put them out of business.

SHEARER: Did that go through?

MACBRIDE: Yes.

SHEARER: Another person on the committee opposing removal of the commercial nets was [Vincent] Vince Thomas from Los Angeles, I believe. What was his interest?

MACBRIDE: Well, Vince Thomas was from San Pedro and of course the commercial fishing industry is very important to that area of the state, and commercial fishermen were among his strongest supporters.

[End Tape 1, Side B]

[Begin Tape 2, Side A]

SHEARER: It was the general position of those . . .

MACBRIDE: Well, it would be the general and expected position of any legislator who represented an area that had commercial fishermen living and operating their businesses in that area, and certainly San Pedro is such a place, as is Contra Costa County, as is Del Norte County up north where Frank Belotti came from.

SHEARER: Do you have any further recollections of Vince Thomas?

MACBRIDE: Yes, he used to be a prize fighter before he came on the legislature, and he was a very nice man. He was a very fine man. He put together the legislation and pushed hard with the State Highway Commission to get a bridge crossing over from San Diego to Coronado Island. He put that legislation through, and so they named the bridge after him, the Vince Thomas Bridge.

SHEARER: There was a note somewhere dealing with consolidation of Democratic effect in the legislature and the emergence of Luther Lincoln as a power and speaker, in which somebody said there was a move to "dump Vince Thomas," who was associated with a motto of "getting along by going along." Does that ring a bell to you?

MACBRIDE: It really doesn't ring a bell with me at all. Lincoln had the power in the assembly when I arrived there. I'm not sure where he was from. I can't remember where Luther Lincoln was from. I think he may have been from the San Francisco Bay Area, to tell you the truth.

SHEARER: I think you're right. In fact, I think he's from Oakland [Alameda County].

MACBRIDE: He could very well have been from Oakland, but you see, I only had him as speaker for three years, but that was all before cross-filing [ended], while we all got along quite well. Of course, Unruh, Munnell, Tom Rees, Phil Burton, and there were a few others that were part of the increase that started the turnover of power in the house. And there were some others over on the senate side that had started the increase of the influence of the Democrats in the legislature.

I think that Vince Thomas was a Democrat, but he had been treated very fairly by Lincoln, as I had been also. I mean, after all, Lincoln put me on the Judiciary [Committee] immediately when I came on, and he also put me on Ways and Means my second year, which, quite frankly, was unusual, to put a new Democrat on the Ways and Means Committee. But he put me on the second year. So he always treated me fairly.

SHEARER: Why do you think in particular he put you on Judiciary?

MACBRIDE: Because I was a lawyer, and lawyers as a rule always rated a place on Judiciary. But normally they didn't get on the first year. But he put me on the first year. I really think that because my predecessor, Gordon Fleury, and Lincoln were very good friends, and I think that Gordon might have tooted a horn a little bit for me with Lincoln when I came on. I don't have any direct evidence of that except that for one thing. I know that Gordon called Cap Weinberger and told him to be sure and put me on his committee because he thought I would do a good job. That was on Cap's Government Organization Committee.

SHEARER: I see, I was going to ask you about that. Because he put you right on the governmental cost control subcommittee, and I wondered if that was . . .

- MACBRIDE: Yes, I think the reason why Casberger [Cap Weinberger] took me on right away was because of probably a call from Gordon Fleury.
- SHEARER: Did you notice at that time the kind of interest in, or preoccupation with, cost control in government in Cap Weinberger, that was later played out in [Governor Ronald] Reagan's administration?
- MACBRIDE: Oh, right from the very beginning he was very, very conscious of the need for cost control of government. I told you last time of that story about when the Democrats had put through a bill having to do with education, frankly, for which we had no money, we had no money at all. And which would have necessitated the governor vetoing it because we had no money. But [the Democrats] put it in anyway. Cap got up and made his speech that this was just a bill put in to embarrass the governor because if the governor had to veto it, well then everybody would say, "Well he's against education, he's against children, and teachers." I voted with Cap, and that's when Unruh told me that I would have to sleep with a Republicans, and I told him I slept with one every night because my wife was a Republican.
- SHEARER: [Laughter] That's right, that's very good.

## IX. DEMOCRATIC PARTY INVOLVEMENT

### Role of Peter J. Shields

- SHEARER: I would like to talk a little bit about your Democratic party involvement. You mentioned that Peter [J.] Shields was your mentor and introducer to the Democratic party. He was described as a long-time Democratic party adviser. How did that work?
- MACBRIDE: He was, in effect, while the Republicans were almost in full power in California, he remained as sort of the patriarch of the Democratic party. Any person who sought to be elected, or be nominated as the Democrat, would frequently seek him out for advice. He was a very wise

and astute man. He lived to be a hundred years old; he died in about 1962 so he was born in 1862. He was a farm boy and, of course, he saw the whole state develop, and Sacramento, in particular, develop.

But anyway, there were very few Democrats who would come through that were interested in politics, especially statewide, or constitutional office in California, who wouldn't come to see Judge Shields and get his advice. As a matter of fact, even Earl Warren, when he was governor, used to call Judge Shields over all the time for advice on the appointment of various other persons as judges in the state. Many times where the governor would want to appoint some person in Sacramento that might be a lawyer to some state position, in other words, departmental position, I know that he would confer with him and say, "Can you come over?" And Judge Shields would go over to the governor's office and they would talk about it.

Anyway, in fact, when Pat Brown was still just district attorney of San Francisco, I was there in the courtroom. I had a case that day in Judge Shields' court, and Brown was in there representing the district attorney's office in San Francisco. As I was sitting there and as Pat Brown finished his case, Judge Shields said, "Mr. Brown, would you mind coming in my office? I would like to talk to you. And Mr. MacBride, I would like to have you come in, too." He was just sort of teaching me at the time. Then he and Pat got into a big conversation about why Pat should run for attorney general. They discussed the plan, and that was it. As a matter of fact, a few days later Pat called me, as a result of which I became chairman of Pat Brown's campaign in Sacramento County for attorney general.

SHEARER: For heaven's sake. This would have been 1950?

MACBRIDE: Oh, it would be way back, because this was when he first ran and won.

SHEARER: That's right, and he lost the first time, didn't he? Didn't he lose the first one [to Fred Napoleon Howser in 1946], and then win twice [in 1950 and 1954]?

MACBRIDE: He won twice. I was his campaign chairman for both wins. I didn't lose, so this must have been the second time he ran. So this particular time [in the courtroom] after it [the trial] was all over, I got the call from Brown. We won that year. So I did that whatever year that was.

SHEARER: Okay, it would have been 1950 then.

MACBRIDE: Nineteen-fifty, okay. Then in 1954 I was his campaign chairman again.

SHEARER: There's a note here that you were the featured guest at a testimonial dinner for Attorney General Brown, and that was in April of '58, he was getting ready for the primaries. So were you also the Sacramento County chairman in the governor's race?

MACBRIDE: No. He asked me to do that, and I said I didn't think I should because I had my own campaign for reelection that year, and I didn't think that it would be a good idea for me to try to run his campaign and mine, too. As it turned out, I could have done it because I didn't have any opposition to speak of. But I didn't know who was going to be coming up against me, and I just didn't want to take a chance.

SHEARER: I'm trying to think now, the name of your opponent that year was Birchfield?

MACBRIDE: Birchfield? Never could pronounce his name. People would say, "Who's your opponent?" I'd say, "It's Birch, ah, Birch Wood. It's Birch Wood or Birchfield or Birchie or . . . I can't remember that man's name." You should never. . . . As a politician, you should never remember the name of the opponent. Why give more currency to his name?

#### Connections to the Democratic Party Organization

SHEARER: [Laughter] Oh, dear. Were you closely connected to the Democratic party organization in this county? It sounds as though you were, although when running your own campaigns, you didn't seem to rely on them.

MACBRIDE: No, I was not closely related to the Democratic party from Sacramento County. I was a Democrat. I would go to the

various functions. If a good Democrat came along as a candidate, I would support him. As I say, I ran Stevenson's campaign here in Sacramento County and I ran Kefauver's candidacy here in Sacramento County, and, as I told you before, I ran a disastrous campaign for Will Rogers, Jr., when he ran for senator, which was a mistake on my part. Just because somebody had recommended him, and he called me and asked me if I would do it. I was flattered by the fact that he had asked me and so I did it. But that was an absolutely disastrous campaign. I received little support from his statewide headquarters, and there was simply no interest in him among the rank-and-file Democrats up here. It became so obvious that he was running on his father's name and popularity. I remember that on the one time that he came to Sacramento during the campaign, he traveled with Jimmie Roosevelt who, I believe, was running for the Democratic nomination for governor. Whoever was running Roosevelt's campaign introduced him and after Roosevelt completed his remarks, he then introduced Will Rogers as "another famous son of another famous father." It went over like a lead balloon.

But I sort of operated on my own on those, and I had very little to do with the Democratic party in Sacramento, frankly, for which I did receive some criticism from some of the diehard, some of the old, old Democratic supporters in Sacramento County. But when I did declare my candidacy for the assembly the first time, I had many of the old-line Democrats come over to my campaign and help me with my campaign.

I had one in particular, Ruth Sauze, and she came over to help me. Then Al Rodda and his wife. . . . He later became state senator from Sacramento and he and his wife were among the first two that came over to volunteer. They had been fighting with a fellow by the name of [Robert A.] Bob Zarick, who was the chairman of the Democratic party in Sacramento County, and who had had a falling out with the Roddas. But they wanted to be in a campaign, and since Zarick was supporting my opponent, Fluharty (whose name I would frequently mispronounce),

and since they knew me, they came over to vigorously support me.

SHEARER: Fluharty was the upstart liberal Democrat?

MACBRIDE: That's right. So Zarick did support him, and, in any event, these other people came over to my campaign. Ruth Sauze, I think, brought a lot of those old-timers with her.

SHEARER: I want to just clear up one point that I think I fuzzed during our last interview. Which organization was Roger Kent representing when he came to call on you? Was he representing only CDC or the Democratic party regulars when he asked you to withdraw [from the assembly race] if you didn't get endorsed?

MACBRIDE: I think he was representing both. He said that he was sick and tired of this business of all of these Democrats running for the Democratic nomination against a lone Republican [incumbent], who had declared himself for the Democratic nomination, and seeing election after election be lost to the incumbent Republican. He was afraid of this happening again. So, of course, that was the organization that Cranston had formed, the California Democratic Council, and I think he came up as a spokesman for the council but also for the Democratic party in California. But there was never any recrimination from that; he and I were very good friends, and when he called me, even after I got elected, and so forth, he used to call up and say, "This is the boss speaking," and we used to have many chuckles and laughs about that. [Laughter]

SHEARER: Because you had actually defied him that first time around?

MACBRIDE: No. I just gently turned him down.

SHEARER: He was certainly a duck hunter, as I recall.

MACBRIDE: If he was I had no association with him as a duck hunter. I was a duck hunter at the time myself, but I don't think he and I ever talked ducks. In fact, you're telling me right now for the first time; I didn't know he was a duck hunter.

SHEARER: Oh, yes. I think I've seen pictures of him

MACBRIDE: There's a picture of me and Pat Brown . . .

SHEARER: Yes, and with a string of mallards.

So your associations with him following that time were cordial?

MACBRIDE: Oh, always, always very, very cordial, yes.

SHEARER: Did you consult on party matters at all? He was not one of the ones who was critical of you for not jumping into the organization more?

MACBRIDE: No, he never called me on anything. Roger never called me to say, "Now, this is a Democratic issue, Tom, and you've got to get on it," and so forth. I think that he recognized me for what I was, and that is, I was sort of an independent, moderate Democrat. In fact, I would consider myself a moderate Democrat. I didn't go for all of the things that the party stood for, but I went for most of them.

SHEARER: So specific issues were not . . .

MACBRIDE: I was not a diehard Democrat. I voted for Warren, as a matter of fact. I was a Democrat, but in a Warren campaign I voted for him every time.

SHEARER: I suspect you were joined by many Democrats in that.

MACBRIDE: Oh, I had to be or he would never have been reelected governor.

#### X. THE 1960 DEMOCRATIC CONVENTION

##### Adlai Stevenson vs. John F. Kennedy at the Democratic Convention

SHEARER: How did you deal with, or become involved in, the 1956 presidential race? Do you want to comment on that? And then go on to the 1960s?

MACBRIDE: Let's see, who was the Democratic candidate? Who got the nomination in the nineteen . . .

SHEARER: Fifty-six would have been Stevenson.

MACBRIDE: I was Stevenson's campaign manager in Sacramento County, I know I was.

[Interruption]

SHEARER: Did you carry on with Stevenson through 1960?

MACBRIDE: No, I was not his campaign manager in that election.

SHEARER: This is 1960 we're talking about?

MACBRIDE: Yes, 1960. But in 1960 I was an alternate delegate down to the Democratic convention in Los Angeles. I continued my support for Stevenson but, with all due respect to Governor Stevenson, he was a poor campaigner. Once he got down to the convention, he just simply didn't campaign. He didn't get out and try to get the votes like [John F.] Kennedy did. Kennedy went to every delegation meeting to which the candidates were invited to speak. He told them why he wanted to be elected, and that he was the man, and he gave them these wonderful speeches. He came to our California delegation and made a wonderful talk. Stevenson did come to one of our meetings, but he was not forceful or persuasive about his candidacy.

SHEARER: Why?

MACBRIDE: I don't know, he was lackadaisical about the way he approached the thing. As I have just said, we had a meeting with him and he was critical, of course. He was critical of [Dwight D.] Eisenhower, he was critical of [Richard M.] Nixon, but he didn't sell himself. He wasn't selling himself with any great strength or enthusiasm. In the meantime, Governor Brown, of course, went down working for Kennedy, and Brown and all his henchmen were out trying to get people to switch over from whoever they had gone down [to support]. We went down as an unpledged delegation.

#### Acrimonious Delegate Meeting

MACBRIDE: The story of our meeting here in Sacramento just before going down is a wonderful story in itself. We all met at the governor's mansion. The delegation came from all over California to the capitol. We had first met in the largest committee room of the capitol. The idea there was that we would organize and that we would enter into some kind of an agreement as to who we were going to support, and that if we couldn't support them completely, then what groups of us would do in event that the majority could convince us that the candidate that they were supporting

was the guy that was going to get it. So the people got up and spoke for Chester Bowles, people got up and spoke for Stevenson, people got up and spoke for Kennedy, and right on down the line, very briefly.

But then we got into a first class Donnybrook over who was going to be the Democratic national committeemen from California. This was the bloodiest thing you ever saw on your life. Everything else was shoved aside, and it was the question of whether [Paul] Ziffren should continue as the national committeeman, or another person, whatever his name was. But my point is that it was literally a drama. These people who had worked with Ziffren while he was the national committeeman got up and spoke against him and spoke in favor of this other person, or any other person except Ziffren.

The climax to the thing was Stanley Mosk. Oh, he was then attorney general. He got up, and here he is, of the same religious faith [as Ziffren]. (You know, frequently, the Hebrews support the Hebrews, and the Irish support the Irish, and so forth.) Even Mosk got up, and made a speech against him. This was very, very dramatic, and he almost had tears in his eyes when he said that he had to speak against his friend Ziffren, that he thought that there should be a change, that things weren't being accomplished, and therefore we should get someone else.

So there was a complete split and, therefore, we accomplished nothing related to a presidential nomination delegation. We did absolutely no business whatever that would have been in anyway helpful to us in deciding how we were to conduct ourselves once we got down to the convention. None whatsoever. We went down as probably the most disorganized delegation of any of the delegations that went down to Los Angeles. Poor Pat was just helpless on the thing. They just wanted to fight and, boy, they fought.

SHEARER: Why was everyone so against Ziffren?

MACBRIDE: I don't know. I wasn't that deep into inner party politics, and I can't remember what the objections were. But they just simply did not want Ziffren to go back.

Then, the payoff came when Pat invited us all over to the governor's mansion for a little cocktail party and some drinks and so forth. So we went over, and if you ever saw a hate fest in your life, that was it. There was no joy; there was very little laughter. It was just people off in little groups having their drinks and getting madder and madder at everybody else, and these stares back and forth across the swimming pool warmed up the water in the swimming pool, believe me. It was a disaster.

So finally they started to leave, and when they had all left, this was quite late. We hadn't had any dinner, and so Pat said--there were just a few of us left--Pat said, "Well, let's find a place for some dinner." I called around. All the restaurants were closing. Finally I called down to a restaurant here in Sacramento called Antonina's, which was an interesting building, a Victorian home that had been refurbished into a very fine restaurant. I caught the manager just in time, and I said, "We need a dinner. The governor and his wife are here, and there are about ten of us. Can you fix us up with a dinner?" And he said, "Yes, come on down."

So we all went down, and we sat around a big round table to start with. They had to really start the kitchen up all over again to fix the dinner for us. So the waiter came around and asked for drinks. This person would ask for a highball, and this person for a beer, and this for plain water. Whatever. Well the waiter came around, and he had a big, round, typical serving tray, that is, a kind of a tray that you carry dishes out on--a busboy's tray. It had a raised edge all around it. He had all these drinks on this tray. So he got right behind Bernice [Layne] Brown [Mrs. Edmund G. Brown, Sr.]. As I say, he had this beer on there, and he got right behind Bernice Brown, and he bumped up against the chair like this. And in doing so, the bottle of beer slid all the way across the tray and went "boomp," and the bottle fell over on the tray with the open end hanging over the edge with beer flowing out. Well, the beer hit her and ran right down her neck, and all the way down her back, and inside her

clothes, and down into her underwear, and she just sat there, and then she said, "This is the end of a perfect day. Pass the bottle." [Laughter]

SHEARER: Now the beer went like . . .

MACBRIDE: Well, the beer bottle, you see, slid across, and then of course the base of the bottle hit the edge of the tray, which caused it to tip over and just lay there on the tray with the neck of the bottle hanging over the outer edge of the tray pointed toward her with the beer trickling out the mouth of the bottle and down her neck, and as I say, down into her clothes and her underwear.

Problems of an Uninstructed Delegation

SHEARER: [Laughter] Oh, dear. So this was the memory you had going into the convention.

MACBRIDE: Going into the convention. And then once we got down to the convention, we had a fellow by the name of Dick Tuck. You've probably heard of Dick Tuck.

SHEARER: Oh, yes.

MACBRIDE: The thing is, Dick Tuck was, unfortunately--and I hate to say this against him because he was a friend of mine--a prankster. And you just couldn't really believe what he said. So they put up a great big cardboard thermometer in the lobby of the Hollywood Hotel, if I'm not mistaken. The entire California delegation stayed there. They put up this big thermometer showing the number of votes that were being picked up among the various delegations for Stevenson, for Kennedy, for Bowles, for [Stuart] Symington, and so forth--all the people who were still in the campaign. It was like a thermometer. Each [candidate's] thermometer would go up [with the number of votes he was supposed to have].

[End Tape 2, Side A]

[Begin Tape 2, Side B]

- MACBRIDE: Tuck was the one that was in charge of this thermometer, and he would show the votes for Kennedy, which of course were above the votes for anybody else, but we just didn't believe him because we were getting reports from other sources that said that Symington was coming up, and that Stevenson was coming up, and that Kennedy didn't have this many votes. So we just couldn't believe that thermometer. But we had no meetings, unfortunately, with Pat Brown. He was never able to get us all together and say, "Look, we've got to settle our differences, and here it is."
- SHEARER: Why do you think that was?
- MACBRIDE: I don't know, I just don't know. As he admitted himself, he says, "We were the most uninstructed delegation that ever went to a convention." I guess it was because there was so much friction among the party leaders.
- SHEARER: Some of the commentators on this particular convention and the six months preceding it seemed to think that Governor Brown's handling of the [Caryl] Chessman case had a bearing on, or had accentuated, the disorganized face of the delegation, and that this was an issue that followed him [Governor Brown] into the convention, and made him appear more waffling than, perhaps, he actually was.
- MACBRIDE: I really can't comment on that, I never had that impression myself. If that had something to do with it, well, all right; that's the fact. But I don't know that, and it was never discussed with me. Frankly, I don't believe that it is true.
- SHEARER: And it wasn't discussed--so far as you know--as anything to do with Pat?
- MACBRIDE: No. We had meetings. A number of us tried to get together, for instance, to get the Bowles people to come over to the Stevenson side, but they were adamant. We tried to get the Symington people, and I think we did get some of the Symington people to come over. Then Unruh was there and he tried to get a number of us to come over to the Kennedy side, and some of them did come over to the Kennedy side. But there were a number of us that just simply held out for Stevenson.
- SHEARER: And Pat Brown was not party to these meetings?

MACBRIDE: No, he was not at those meetings. I guess he left those negotiations to Unruh. But why he didn't come himself I never did ask. I never asked him, so I don't know. We've always been good friends, and I've never talked with him about it.

SHEARER: Who else was in the Stevenson camp among the delegates? Who was your lieutenant, so to speak?

MACBRIDE: Originally a fellow named George Johnson, who had run for state treasurer at one time and was defeated, but he was a good solid Democrat here in Sacramento. He was for Stevenson, but they persuaded him to go over to the Kennedy side. To be frank with you, I can't remember who the other delegates were from Sacramento. You see, there wouldn't have been too many, not from Sacramento. He [Governor Brown] only had so many delegates that he could send and, of course, the vast majority of them had to come from Los Angeles, but, nevertheless, we would all meet together, the California delegation itself. But I can't remember who else, if any, were from Sacramento. I think that Johnson and I were the only two from Sacramento.

SHEARER: How long did it take before it was clear to you that Kennedy's votes were rising and that there was a shift in the delegation?

MACBRIDE: Well, I would say that after they had made their speeches to the meeting of all the delegates. Kennedy made a very fine speech, but Stevenson did, too. To tell you the truth, Stevenson got a bigger rally, you know, where we were all marching around and yelling and acting crazy, waving flags---Stevenson flags and Kennedy flags. But actually, the Stevenson display was louder and more impressive than Kennedy's.

As a matter of fact, there was one person whose name I won't mention, and he was on the Kennedy campaign with Brown. As I went by him---he was standing on the sideline---I said, "Come on" (I'll call him "Joe" just for a name). I said, "Come on, Joe, you better join us." And he said, "Frankly, I wish I could." So there were some that were just tied into Kennedy in various ways. I can't explain it further than that. But anyway, I said, "Come

on, Joe, you better join us," and he says, "Well, frankly, I wish I could." So he was a Stevenson type of man.

The Decision to Stay with Stevenson

MACBRIDE: But I would say, I don't think I ever did give up. I might have had some misgivings, maybe, from all that I had heard about Kennedy's strength, and so forth. Let's put it this way, Pat sent a junior, that worked for him in his office, to me to try to swing me over. Frankly, that kind of affronted me.

SHEARER: You mean at the convention?

MACBRIDE: Yes, at the convention.

SHEARER: Instead of coming himself?

MACBRIDE: Not necessarily coming himself. But he could have sent somebody other than [that] to persuade me to do something. That kind of offended me. He might have sent a stronger person, or someone that I knew and had worked with. If he had sent a good, strong person, maybe he could have swung me over, I don't know. In other words, a strong person that I really knew and one that I could rely on insofar as the factual information that he would give me.

As a matter of fact, if he had done so, I could then have gone to work on the delegation myself. I could have made some calls and said, "Look, we're going to end up with egg in our face." As we did. "We're going to end up with egg on our face unless we get in this thing, and apparently Stevenson is not going to make it, and Kennedy is, so let's get on the bandwagon at the beginning, instead of at the end."

But the guy that he sent to me just simply wasn't persuasive and, as I say, I was a little ticked off that he sent some guy like that that hadn't served on the legislature or was a more important person in Pat's administration. I hardly knew the guy; he was just a guy over in his office, just like picking one of the office boys and saying, "Go over and see if you can't swing MacBride." Maybe that was a matter of pride on my part. But up to that time I was still all for Stevenson; I

wasn't at the point of waffling. But just like a lawyer can come into my court and change my mind if he gives me a good persuasive argument, he can change my mind from what I was going to do. And that could have been the case there. Had he done that, then I could have gone to other members of the delegation myself, with whom I was very well acquainted, and who I think respected me. And, therefore, I [could have] told them, "Let's look at the figures. We're going to lose, so why hang on; why not get on the Kennedy campaign bandwagon while we can?"

SHEARER: Had you heard that Kennedy had offered, or hinted, that he might make Stevenson secretary of state?

MACBRIDE: No. If I had heard that, I don't recall it.

SHEARER: I had heard that that was either rumored or actually promised to one of the delegates---I'm trying to think who it might have been---who got the very strong impression that yes, Kennedy would make such an appointment. It was on the basis of that offer that this man's vote shifted.  
[Interruption]

#### XI. SELECTED LEGISLATIVE ISSUES---1957-1960

SHEARER: Have I asked you about the efforts you made on behalf of developing, and then funding the development of the [California] State Fair in Sacramento, especially during the spring of 1957, at which time the project was being opposed by Les McMillan of Los Angeles. He wanted to abolish the whole project, and apparently considered that it was money down a rat hole.

##### California State Fair

MACBRIDE: I'm familiar with that incident and, of course, that whole transaction. McMillan did make such a statement on the floor of the assembly but, of course, there wasn't great support for his position. At that time, nearly all of the counties in the state of California were still sending their exhibits up to Sacramento for the state fair.

Although the state fair was not a money-making proposition, the majority of the legislators had always felt that that was part of the obligation of the state, to subsidize the state fair in order that it could show its products and its industry and business and agriculture to the entire state, and to visitors from other states who had come to California, particularly during the summer, when the state show was on.

At that time, though, I had to be very cautious because you never knew what the whims of the other legislators would be. I felt rather secure that the senators over on the [senate] side would never permit the McMillan bill to pass over on the senate side, because of Earl [D.] Desmond being over there as the senator from Sacramento. He was a member of the so-called "club" of the senate. He was a very moderate Democrat himself and had strong support from both Republicans and Democrats.

Rather than take any chances that something might happen, or [that] there might be a slip somewhere along the line, obviously, I opposed McMillan's bill. Then later, when McMillan came through with some bills for the development of more public beaches and parks in Los Angeles, I agreed to support that. Now that may sound like an exchange of a vote for a vote but nevertheless, I was then, and always have been, in favor of public beaches, and public parks, and public recreation areas. So his bill didn't offend me at all. In effect, I wasn't really paying anything in order to get him to withdraw. I don't know whether he withdrew the bill or what happened.

- SHEARER: It sounds as though he withdrew his opposition to the state fair bill.
- MACBRIDE: That's right, to the budgeting of the state fair, that's right.
- SHEARER: Because he apparently made it quite clear that he thought that the \$2.5 million ought to be eliminated unless the northern legislators agreed to have a million dollars in addition to go to the LA beaches and parks.
- MACBRIDE: Which we did, and it worked out well for everyone, including the people of the state of California.

- SHEARER: Apparently, then in June--this earlier transaction being in May--in June what was eventually passed was a \$20 million state fair program. [It] passed the assembly and the senate, and I guess it went out as S.B. 1039 to 1041. I have a note here to ask you about Clark Bradley, who apparently was your only opposition.
- MACBRIDE: Yes, he was a sole opponent to that. He was a very cost-conscious legislator. He didn't believe in the state fair. He certainly didn't believe in the idea of the state subsidizing of the state fair. And therefore, exercising and demonstrating his cost consciousness, it would be almost natural to expect that he would vote against it.
- SHEARER: I see. I noticed here in the chronology that McMillan's opposition to your state fair bills occurs at almost the same time that you were opposing or, that is, seeking to limit by amendment McMillan's bill for a death penalty moratorium, a six-year moratorium on death penalty. It was a matter of May first and it goes to May second, and I just wondered if there was any connection in his opposition to your bill, and yours to his?
- MACBRIDE: As far as I am concerned, there was no connection at all, but as a matter of fact, as you call this to my attention, if there was such an intention there on the part of McMillan, that could have been the case but I never suspected that. I didn't suspect McMillan of trying to get back at me because I had opposed his death penalty moratorium bill, or abolition bill. This is a new concept that you've injected into my experiences that, frankly, I did not experience in my own mind; I never connected the two.

#### Death Penalty

- SHEARER: I gather that Mr. McMillan introduced death penalty legislation, or antideath penalty legislation, on a regular basis.
- MACBRIDE: Yes, he did, almost annually. I shouldn't say annually, almost at every session, because in those days we had one

session which was the general session, and the other was the so-called budget session. At that budget session we normally only took up the budget for the following year, and some special matters that had been put on at the request of the governor.

SHEARER: On this particular bill [A.B. 1225] to impose a moratorium on death penalty, the amendments that you proposed had to do with retaining the death penalty for certain categories of offenses, one of them being first degree murder, kidnaping and killing . . .

MACBRIDE: In other words, the death penalty would be imposed in those situations where a person had murdered previously, and then after leaving prison had murdered again or, I suppose, it would have been applied if he had murdered previously and was in prison because of that murder and then murdered another person, regardless of whether it was a guard or another prisoner, while he was in prison. Then he could be subjected to the death penalty.

The second category was a murder committed during a kidnaping. A third category was a murder committed while trying to escape from any kind of a confinement situation, that is, a prison or a jail or some type of treatment facility. Then another was, let's see . . .

SHEARER: Killing inside the prison?

MACBRIDE: That's what I'm referring to. Another one was killing while trying to escape from a law enforcement officer.

SHEARER: And shooting a policeman?

MACBRIDE: And shooting a policeman or a law enforcement officer, is what it boils down to.

SHEARER: Apparently, McMillan got a similar bill to about the same point in 1955, and was unsuccessful, but this new one did pass the assembly, I gather, with your amendments?

MACBRIDE: Yes.

SHEARER: Do you have any thoughts on why this one passed? Do you think your amendments made it more palatable?

MACBRIDE: I think it made it more palatable. Yes, I do.

SHEARER: In the course of that controversy and negotiation, three of you on the Judiciary Committee, or the subcommittee of the Judiciary Committee on death penalty, Cap Weinberger and John [A.] Busterud who wanted to back the amendments  
 . . .

MACBRIDE: Both of them wanted to retain the death penalty, actually.

SHEARER: In the course of this, McMillan seemed to feel, and stated, that the three of you were "unduly influenced" by the Sacramento Bee, and that the Sacramento Bee had brought pressure to bear on you. Do you recall anything?

MACBRIDE: Certainly, they had no influence on Cap Weinberger, who was from San Francisco, or on John Busterud, who was from Palo Alto. Frankly, although the Sacramento Bee did support me, and I knew that they were in favor of the retention of the death penalty, it didn't influence me, because I personally, before I even came to the legislature, was in favor of the death penalty. There was one other person who was there and who spoke in favor of abolition of the death penalty, in addition to McMillan, who of course was the author. See, McMillan and I were the two Democrats on the committee, and Weinberger and Busterud were the two Republicans on the committee.

But a fellow by the name of Coleman Blease, who was then a lobbyist for the Friends Committee, that is, the Quakers, he was there also speaking against the death penalty. He was very persuasive, and he helped in moderating it, and working out the details of what we finally accomplished, that is, the moratorium, even though he was still opposed to it. Any kind of killing, formal killing, which is what it boils down to when you have the death penalty, he was opposed to. But nevertheless he felt that this was the best that he could get out of it and, frankly, it was---this moratorium with the provisions that we've already talked about.

SHEARER: So he almost served as a facilitating role for the subcommittee?

MACBRIDE: As a facilitating role for the subcommittee, to which the chairman of the judiciary committee had assigned, namely,

Weinberger, Busterud, MacBride, and McMillan. We were the subcommittee and we were to make our recommendations back to the full Judiciary Committee, which we did, and the full Judiciary Committee then recommended it to the floor of the assembly.

SHEARER: I think you made a comment earlier that I would like to pick up on. I asked you a little bit about strategy that you employed in advancing [the amendments supporting] your point of view, and you said you had taken a cue from Bruce Allen.

MACBRIDE: Bruce Allen was one of those in the assembly who was also opposed to the abolition of the death penalty, and he did it in a very vivid fashion. Apparently, I believe, he had been a district attorney, or maybe an assistant district attorney down in Santa Clara County before he became an assemblyman. He brought blowups, that is, 8-by-10-inch blowups, of pictures that he was able to obtain apparently from the attorney general's office, showing terrible scenes of mutilations, in connection with deaths that had been purposely committed by persons who are now on death row. They were a little nauseating, to say the least, and we were charged with all kinds of misconduct, I guess you would say, by McMillan, but nevertheless, it accomplished its intended purpose, and that is to show just how gruesome murder can be. That could have had an effect on our fellow legislators in voting down his bill to abolish capital punishment. As a matter of fact, I believe that the moratorium was voted down first, and then the death penalty bill itself was voted down.

SHEARER: So he did not achieve the six-year moratorium even with your amendments?

MACBRIDE: No.<sup>1</sup>

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1. A. B. 1225 failed to pass the senate June 12, 1957.

Bridge over Emerald Bay, Lake Tahoe

SHEARER: You mentioned that this strategy, the visual aids strategy, was employed by you in another very different issue dealing with Emerald Bay [on Lake Tahoe]. Do you have any comment on that?

MACBRIDE: That's true, I took a cue from the capital punishment incident to help me in fighting a bill that came over from the senate, which was sponsored by Senator Swift Berry, who was the senator from Placer County, in which county was located the town of South Lake Tahoe. Now the city of South Lake Tahoe was supported almost entirely by the gambling industry, which was located just over the state line--Harrah's Club, the Wagon Wheel Club, and other big clubs that had a very profitable business going.

Needless to say, the taxpayers of Placer County derived a considerable tax return from all the activity. Not the gambling activity on the Nevada side, needless to say, but everything that was over on the California side. All the homes that were being built, the grocery stores, and the various businesses and industry--support industries--that were on the California side, the people of Placer County, Senator Berry's constituents, were all getting a benefit from it.

So the gamblers wanted to be able to have the people travel along the west side of Lake Tahoe from South Lake Tahoe to North Lake Tahoe, where you have the CalNeva Club, the Calvada Club, and a number of other clubs up there, and it allowed the gamblers to travel back and forth from the south to north end of the lake. The only problem was that as you went around Emerald Bay, particularly in the wintertime, there were many snow slides and sometimes rock slides that would come down and cover the highway as the road went around the inside point, that is, the west end of Emerald Bay. So the road would have to be closed until it could be reopened after the snow was removed and the rock slides were removed. Sometimes the closure would continue for two or three months.

So the bill that Swift Berry had was to build a bridge across the mouth of Emerald Bay, which would have completely disfigured Emerald Bay and its beauty. I might add, incidentally, that during the tourist season, there are more pictures taken of Emerald Bay than of any other point on all of Lake Tahoe. It is the most scenic spot on the lake. When people send pictures home from their visit to Lake Tahoe, they nearly always send a picture of Emerald Bay as one of the beauty spots of Lake Tahoe. So, having had a home up there for years and spending much of my youth at Lake Tahoe, I didn't want to see this beautiful scene spoiled.

Moreover, if they built a bridge across the mouth of Emerald Bay, it would have destroyed a campground which had 125 campsites in it, which was full the whole summer through. In addition, on the northwest shore of Emerald Bay, there is a place called Viking Home which was built by a Mrs. Knight many years ago out of native stone from around Lake Tahoe. She was the widow of a Mr. Knight, an automobile manufacturer who brought out the "Willys-Knight" automobile in the late 20s or early 30s. The company was later absorbed by Dodge, which in turn was absorbed by Chrysler. [It] is all built of stone, and it's built in the style of, I guess, a viking's home, with the copper and sod roof, and so forth. She brought stone masons over from one of the Scandinavian countries to build the structure. The state had not yet bought that, but the state was eyeing it, for the purpose of purchase and to make a state park out of it.

SHEARER: This was in 1958?

MACBRIDE: I can't tell you exactly. I believe it was during my second or third term. So I had good, big 8-by-10-inch blowup pictures of Emerald Bay, and I put them all the way around all of the desks. I had two or three shots from different angles, and of the campground and so forth, and put them around on all of the desks of the assemblymen. I pointed out to them that Emerald Bay was of great value, not only to Lake Tahoe but to the state of California and to the United States, because tourists came there from all

over the United States, and even from all over the world. It was a rarity that we possessed, and it didn't belong to us alone; it belonged to the whole world. Even at the present time when you go up there, you'll find that foreigners--and you recognize them as being from Japan, China, Europe, and other foreign countries around the world--are all up there taking pictures of Emerald Bay. So it's a national, an international treasure, and I didn't want to see it despoiled. In any event, I got the bill defeated.

SHEARER: Judging from your freehand drawing of the acreage of lake and land that the bridge would cover, it would have been a rather expensive proposition, too.

MACBRIDE: It would have been an expensive proposition, but it would, in fact, have kept the lake open, that is, the west shore of the lake opened the year round, which from time to time it is not now because of the winter closures. But I haven't heard of anyone else trying to do that. Swift Berry died, and I haven't heard of anyone introducing any legislation to try to put the bridge across since then. I might add that Swift Berry, during the time he was in the senate, would get that bill over to the assembly side. He would bring it over almost every time that I was there. After killing it the first time, it wasn't too hard to kill it from there on out.

SHEARER: Was that just a gesture toward his constituents? Gambling casinos, and so forth?

MACBRIDE: I feel it was, yes. But there was also the substantial tax receipts benefit to the entire county.

SHEARER: Pro forma to raise that issue every year?

MACBRIDE: Yes.

SHEARER: In 1959. Well, I guess, was it after the governor's inauguration that he asked you to head . . .

[End Tape 2, Side B]

[Begin Tape 3, Side A]

Revenue and Taxation

SHEARER: I was asking you if the governor had requested that you chair the Taxation and Revenue Committee.

MACBRIDE: Well, he did ask me to do that, but there was a little prior history to that, and that is that when he first took office as governor, and Ralph Brown was elected Speaker of the Assembly, Ralph Brown asked me to be chairman of Ways and Means, and the governor called me down and said that he wanted me to be chairman of Ways and Means also, and I agreed.

Then about two days later the governor called me down to his office again and said that he had been receiving opposition from the assemblymen from the south, who of course had the majority vote in the assembly, and that they opposed the idea of the two most important positions in the assembly each being given to an assemblyman from the north. Ralph Brown was the speaker of the assembly and he came from Fresno, and that's considered to be one of the northern counties. Then the chairman of Ways and Means would be coming from Sacramento, which obviously is a northern county. Needless to say, I was very disappointed.

But then he said, "But, in the place of that I want you to be chairman of the Revenue and Taxation Committee. The Revenue and Taxation Committee for these next two years is going to be one of the most important committees in the assembly for the reason that we have a \$385,000,000 debt that was left by the Republicans, that's got to be paid off. Then, in addition, we have a number of projects that we want to put over that are going to cost some money.

"So we need additional taxes. We've worked with the Finance Department of the state, and we worked up a number of tax bills which I want you to carry for me." In other words, that's the way bills would read: Bill number 577 for the Governor. I think there were five bills, and I

took all of them on. So I agreed to accept the appointment.

SHEARER: I'm going to show you a list I have of the members of your committee, and then ask you how you went about selecting them.

MACBRIDE: [Studying list] I see I have Republicans. I have [Clark] Bradley, Charlie Chapel, [Walter I.] Dahl, Don [R.] Mulford, and [Frank] Lanterman. Those are my Republican members. Now the Democrats were Bert DeLotto, Gus Hawkins, [S. C.] Masterson, Bill Munnell, [Nicholas C.] Petris, Rees, Vince Thomas, Jesse Unruh, and [Charles H.] Charlie Wilson. The way I went about this was that I knew that both Munnell and Unruh were going to support the governor's program, because Unruh's going to be chairman of Ways and Means, and Munnell was majority leader for the Democratic party in the assembly.

So they were going to support the governor, as was DeLotto; I felt confident of him. I also felt confident of Gus Hawkins, who had a lot of programs of his own that needed money; and Petris had programs; and Rees had programs; and Vince Thomas, he had a very definite program in mind. He wanted to get a bridge built from San Diego over to Coronado. So all of these people had interest in getting additional money in the treasury to finance bills that they had.

Now one person, the Republican on here, Mulford, was a former college chum of mine, he was in the class behind me at the University of California, Berkeley, and I felt that he would vote for any bill to get it out, at least out of the committee to get it onto the floor because we knew that we had a budget bill of five hundred million coming up for the support of the University of California. And that would come out of the general fund, and we needed that money in the general fund to help finance the University of California. So I felt that my committee was safe.

Bradley was on there as sort of a balancing person; Chapel, I felt confident that I could get his vote; and DeLotto I considered a safe vote. Masterson would go along with the governor; Lanterman, he had some mental

health projects that he wanted to get money for; Petris had projects; Rees had projects; Thomas, I've already mentioned; and Charlie Wilson also would vote along with the governor. So that's the reason that I put those people on.

SHEARER: Was your prediction born out? Was Mr. Mulford a loyal alum?

MACBRIDE: Mr. Mulford let me down on the crunch. We had a number of bills. We had an increase in the tax on the horseracing take by those who operated the tracks.<sup>1</sup> We had an increase in bank and corporation taxes.<sup>2</sup> We had for the first time a tax on cigarettes and tobacco.<sup>3</sup> We had the so-called severance tax, which meant that the gas and oil at the place where it came out of the ground would be taxed by the government, that is, by the state.

SHEARER: Now, an inheritance tax was one of them?<sup>4</sup>

MACBRIDE: And also an increase in inheritance tax was included. Those were my bills. They were all voted out with the exception of the severance tax. On that one, I just simply assumed that all of the members of the committee-- certainly enough of the members of the committee, I couldn't be absolutely certain--would vote these bills out. They did in every instance with the exception of the severance tax, which Mulford would not vote out. I got down on my knees. I sang "All Hail Blue and Gold," and did everything else I could to try to enliven his loyalty

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1. Horse Racing Law, 1954, Cal. Stats. ch. 1828, p. 4344.

2. An Act to amend Sections 23151, 23153, 23184, 23186, 23333, 23501, 23771, 24349, 24350, 24355, 25552 and 25552b of, and to add Sections 24351, 24352, 24353, 24354, 24356, 24356.1 and 24575.1 to the Revenue and Taxation Code, relating to bank and corporation taxes, to take effect immediately. Cal. Stats. ch. 1127, p. 3212.

3. Cigarette Tax Law, 1959, Cal. Stats. ch. 1040, p. 3061.

4. An Act to amend Sections 13406, 13407, 15207 and 15208, and to repeal Section 13989, of the Revenue and Taxation Code, relating to inheritance and gift taxation, to take effect immediately. Cal. Stats. ch. 1128, p. 3221.

to the University of California, that we needed this five-hundred million. But I couldn't do it. There was no way I could get him to change his mind.

SHEARER: Did he give you any reasons for his reluctance?

MACBRIDE: Well, frankly, he contended that there was enough money in the other tax bills to finance everything that we needed plus the University of California. In addition, he put up the argument---it may have been a smoke screen---but nevertheless, he used as a reason that many of the wells were already being taxed by the counties at the well head and, therefore, that this was an improper bill. But these bills had all been thoroughly investigated as to their legality, their propriety, and to their productivity by the Department of Finance.

As a matter of fact, the Department of Finance had been sitting on these bills for a long time, even before they were given to Governor Brown. The result is, that I had no worry about their being bad bills from the standpoint of the argument that Mulford made. But I just simply couldn't persuade him, and the end result was I lost his vote. I suppose maybe Bradley joined with him, but there were enough votes that joined with him that I simply couldn't get it out of the committee.

SHEARER: I noticed that the other four bills, cigarette tax, banks and corporations, horse racing and inheritance, were existing taxes, and so these bills would have increased the amount of tax. But the oil and gas would have been a new tax, is that right?

MACBRIDE: Yes, oil and gas would have been a new tax, but also the cigarette and tobacco tax was a brand new tax, in other words, we had never taxed cigarettes or tobacco before in California.

SHEARER: Did you consider withholding tax as . . .

MACBRIDE: No. Withholding tax was not considered at that time, nor do I recall even any suggestion of withholding tax at that time.

SHEARER: Why was that? Any idea? It didn't occur to you either?

MACBRIDE: It didn't occur to me, and I don't recall anyone trying to put in a bill on withholding tax while I was in the

legislature, or any group or person even suggesting it to me. I may be wrong on that, but I don't recall. The other suggested new tax was a so-called single tax that a certain legislator whose name doesn't come to me right now, wanted to put in. But he would only bring it up to the committee for discussion to see if we would study it over the recesses, and we did, and we discussed it with the Department of Finance, and they were opposed to the so-called single tax. It was inspired by somebody by the name of George, whose last name is George, and I don't recall the details of it, but that was a tax that was suggested but we never considered it at all. But withholding tax was not one of the taxes we even considered.

SHEARER: I see. I guess that would have been Henry George?

MACBRIDE: Henry George, that's right.

SHEARER: In speaking to Ralph Currie, who was with the Department of Finance at the time you were serving as chairman, he remarked that you were one of the first to have regular meetings with tax and administration officials before you put together bills. That very much impressed him as a conscientious and careful, good, strategic move. I remember that you mentioned somebody else making good use of departmental staff, and that was Cap Weinberger.

MACBRIDE: That's correct.

SHEARER: Is that something you modeled?

MACBRIDE: No, frankly, I wouldn't say that I wanted to copy him. It was just that when I took the bill before the committee, and also when I took the bill to the floor of the assembly, I wanted to be sure of what I was talking about. In other words, I wanted to know what all the ramifications were of the bill, both pro and con. I had been lobbied by both sides, that is, by the California Taxpayers Association, by the lobbyist who represented the horse racing people, by those who represented the tobacco companies. Let's see, the bank and corporation people agreed. There was no opposition there; they just simply agreed that the time for this was right.

SHEARER: Did they try to keep a lid on the percentage of tax to be imposed?

MACBRIDE: No. I think that they felt that the tax was fair. This may have been discussed by their representatives and the Department of Finance before they gave me the bill. I don't know, but I don't recall any opposition from them at all. The inheritance tax, there was some static on that but, frankly, our inheritance tax raise was not that high. Therefore, the opposition was not that great. Particularly in the assembly where we had by this time a predominance of Democrats. Of course, it's "soak the rich and give to the poor." I say that in a jocular fashion, but my point is that the inheritance tax is usually imposed most heavily on those who are wealthy, and the Democrats felt that if we could collect more from wealthy in order to finance the government, well then more power to us; we ought to do it. That's why I had no problems with the inheritance tax.

SHEARER: Did you find that it was a tough job to sell these tax bills? What did you have to give up, if any, in the way of political credit to get agreement from your fellow legislators?

MACBRIDE: I didn't give up anything. I felt that the bills could stand on their own merit. And I made my speeches. I received support from many of my colleagues, particularly those who knew that we needed this money in order to pay-- the Democrats, in particular, of course--to pay off the Republican debt. There were many of my colleagues who had legislative projects of their own that needed financing, so they spoke in favor of it.

Jesse Unruh, who at that time was chairman of Ways and Means, made a very fine speech in support of the bill. At that time, my seat mate was C. H. Wilson, Charlie Wilson. I think he's in congress now.<sup>1</sup> But Jesse Unruh got up and said that the cigarette tax was the keystone of

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1. Democrat, representing Hawthorne, Los Angeles, Torrance (1963 to 1981).

the entire tax program, was the keystone for financing all that the governor intended to accomplish, and therefore we should support it 100 percent. I leaned over to Charlie Wilson, and I said, "There goes Jesse again; he's going to steal the headline for the entire debate today." Sure enough, the next day he had the headline, and it said, "Unruh says cigarette tax keystone for entire Brown program."

Rewards of Legislative Service

SHEARER: Oh God! [Laughter] So he was upstaging the author again.

I wanted to mention to you a comment by Mr. Currie, who worked with you closely on these taxation issues and bills. He said a lot of nice things about you, but one of the things he said was that you were ". . . a person of exceptional integrity, with no semblance of self-interest entering into your dealings of the legislature." What was your reward, your most rewarding time in the legislature?

MACBRIDE: Being able to accomplish things that needed to be done, or to prevent things from happening that I thought shouldn't be done. This may be a Mickey-Mouse thing, but getting those nets out of the river, I felt, was an important accomplishment, and it's a lasting accomplishment. In other words, there will never be nets again, and so it has increased the population of striped bass and salmon in the rivers and out in the ocean also as a result of [not] catching all those spawners before they went up the river to spawn and produce a new hatch of fish.

Moreover, it's contributed tremendously to the so-called sporting industry, that is, the fish sporting industry in northern California. I mean, we have, certainly, a lot more poles, bait stores that sell this stuff, boats, fishing resorts along the river, camps, and the like, and so it's been a boost to the economy as well as a great benefit to the sportsmen. As a matter of fact, after Biddick and I and [Lloyd W.] Lowrey had put the thing together we were all invited down to a dinner staged by the Sportsmen's Association of California, and all

given plaques. As a matter of fact, I think I even received a material reward in the form of a nice fishing sports jacket as expression of their gratitude for what we had done for them.

Then, of course, to keep the bridge from going across the Emerald Bay was a very satisfying accomplishment. [Also] my work on behalf of keeping the highway, that is the freeway, away from the Sacramento River was another one. That area down there is now being developed into one of the great tourist attractions of Sacramento, so I think that had a lasting . . .

SHEARER: That's the Old Sacramento section?

MACBRIDE: What we now call the "Old Sacramento" is right. If we had allowed the freeway to go through there, "Old Sacramento" just simply wouldn't be there; it would have been obliterated. Pushing the Desmond bill through the assembly to finance the construction of the new state fair was another one. I drive by it every morning on my way to work, and I'm very proud that I had an important role in creating it. Then there were other things---fighting the battle on behalf of the state employees, so many of them I knew, I was raised with, and so forth. I wanted to help them wherever I could but, of course, wherever it was proper. They are a part of the Sacramento community of which I was and am a part of myself from the time I was born. I expect to live here the rest of my life. So those were all very satisfying efforts.

The work that I did on behalf of the California Water Project in helping Brown put that over and counseling with him was a very satisfying and rewarding experience. If I made a contribution to our now having the California Water [Plan], well then, there it is. I have that to say that I assisted in bringing that into being. Those are things that occur to me right off. Do you have some more there in your notes?

SHEARER: Well, they're all significant accomplishments and things that actually changed the landscape of the area in which you [and] in which our state government live and exist. I'm really looking for what you recall on this.

Leaving the Legislature

SHEARER: I'm curious about something. What, with so much that engaged you and so much that interested you, what prompted you to leave the legislature?

MACBRIDE: It was a sad situation. By the time I had almost completed my fifth year in the legislature, I had won over to my side the Sacramento Union, which was a Republican paper, and the Sacramento Bee had supported me all along, but the Union had now expressed themselves to me that they were very satisfied with my performance as an assemblyman. I wanted to be the senator from Sacramento, and I felt that I would have no problem in being elected.

Earl [D.] Desmond had held the post for many years in a distinguished fashion. In other words, he contributed tremendously to Sacramento. He was responsible for the present existence of the Sacramento State College, and he was responsible for the purchase of the new state fair property. Of course, after the purchase of the property he would send over the bill from the senate side to start the development of the new California State Fair. It would always be on the assembly side that they weren't able to do anything with it until I came along. As I have just stated, that is something of which I am proud and, that is, I spearheaded the legislation that enabled us to finally start the construction of the California State Fair where it is located at the present time.

So anyway, Desmond told me, off the record, that he was only going to stay for one more term and, of course, he didn't have to run for election in the year that I did, which was in 1958. for the 1959-1960 term. In 1958 as a senator, he was in the middle of his four-year term. On the other hand, the assemblymen had to run for reelection every two years. So in 1958, I had gone over to the county clerk's office and signed up for the Democratic nomination. In other words, I declared myself a candidate for the Democratic nomination.

So I signed up for the Democratic nomination and, in signing that, you agree that if you receive the Democratic

nomination, that you will then run for the assembly from the Eighth Assembly District as a Democrat. By signing those documents, you commit yourself to run for the assembly. Well, right in the middle of my campaign, Senator Desmond died. That meant that the office was wide open, that there would have to be a special election in order to fill his remaining term, which would be for two years.

It was incredible. I deeply regretted that Desmond had died. But I started receiving telephone calls almost as soon as the dawn broke that morning after the night he had died, when people called up, they were calling to congratulate me and they were already calling me Senator because they assumed that I would immediately run for and be elected to his job as senator. As I say, I would have had both the support of the Republican and the more liberal paper, the Sacramento Bee, for the job. When I got on the floor of the assembly that morning, all of my colleagues came up and congratulated me on being the next senator from Sacramento County.

Then the bottom fell out when I went to Bedell's for lunch, and sat down next to the chief assistant legislative counsel, a fellow named Charlie Johnson. He said, "Well, you got a bad break this morning." I said, "Yes, I hated to lose my friend, Senator Desmond." He says, "Well, it's a worse break than that." I said, "What are you talking about?" He said "Well, there's no way you can run in this election to pick up the last portion of his term." I said, "What do you mean?" He said, "Well, we've already checked the law on the thing, and you've already declared that you are going to run for the assembly for the Eighth Assembly District, if you are nominated for the job. The only way that you can get out of it is to take a big ad in the Sacramento Bee and Union and get on the radio and say, 'Don't vote for me in the primary.' Your name's already on the list. But you'd have to ask the people not to vote for you because you wanted to run for the senator's job." He said it would sound kind of crazy and would also sound very presumptuous

on my part to assume that I would be elected to the job. I then checked with both the Sacramento Bee and the Union, and both of them agreed. Then I talked to my wife, and we all agreed that it would be a very messy thing for me to resign at that time, or try to resign at that time, from what I had already agreed to do, and then assume that people would say, well he's so good that we're going to elect him senator. So I just simply had to go on with my campaign, which was unopposed. I didn't spend a dime, I had no opposition . . .

SHEARER: This was 1958?

MACBRIDE: This was in 1958, yes. I had no Republican opposition as I recall and I was elected assemblyman to serve in '59 and '60. Then, incidentally, in the special election, Al Rodda ran and was elected. And Al and Clarice Rodda had been the first people that came to my support when I first ran for the assembly. I would have had to run against him for the nomination in 1960 to try to knock him out of the senate seat, and I just felt that would be biting the hand that had fed me early, and it would be an act of ingratitude, and I just didn't want to do it. My conscience wouldn't let me do it. I don't know whether I would have beat him or not. It would be presumptuous to say that I could have.

In any event, he was doing a good job, and I felt it would be just improper for me to try to knock him out of the box after what he and his wife had done for me five years previous. So I couldn't run for the senate. That was the thing I had been looking forward to from the beginning of my legislative career. I thought from the senate I might try to step up to some constitutional office, but it all went down the drain. With that I decided to quit and get out back to my law practice and make some money. So that's what happened. I quit at the end of 1960.

SHEARER: How did you come to the bench?

MACBRIDE: That's the irony of the thing. I thought I was going to get out of politics and make some money. Instead I got back into politics by being campaign chairman for Jack

Kennedy. Then they created a new federal judgeship in Sacramento County, and I was persuaded by my later colleague Judge Sherill Halbert, that this was the best judicial job there is in the United States, with which I now thoroughly agree. He explained to me all the emoluments that come with the job—the vacation, the fact that the pay goes on for life, that you have a law clerk, that you have a secretary, that you have all the comforts of home and a nice office, plus a very interesting variety of cases. He emphasized that the greatest joy was that we would not be concerned with domestic relation cases, that is, divorce or child custody cases, in the federal court.

My wife and I talked it over, and between the two of us we had both accumulated some investments in buildings and things of that sort, nothing pretentious, but nevertheless, we had enough to support ourselves. With the salary at that time as meager as it was, we felt we could still raise our kids and send them to college, and still have this job, which is a fine job. As I once said in a speech, when Jack Kennedy said, "Being president of the United States is a damned good job," I said to my audience, "Well being a United States district judge is also a damned good job," and that's the end of it.

SHEARER: I thank you very much.

[End Tape 3, Side A]

[End of Session]