

California State Archives
State Government Oral History Program

Oral History Interview

with

HON. JOHN A. O'CONNELL

California State Assemblyman, 1955 - 1961

February 12 and 17, 1988
San Francisco, California

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

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PREFACE

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

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

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

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

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

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

John F. Burns
State Archivist

July 27, 1988

This interview is printed on acid-free paper.

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INTERVIEW HISTORY

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Interview Time and Place:

February 12, 1988

Home of John A. O'Connell, San Francisco, California
Session of one and a half hours

February 17, 1988

Home of John A. O'Connell, San Francisco, California
Session of two and a half hours

Editing

Hicke checked the verbatim transcript of the interview against the original tape recordings, edited for punctuation, paragraphing, and spelling, verified proper names, and prepared footnotes.

Mr. O'Connell reviewed the transcript and approved it with minor corrections.

Papers

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

Tapes and Interview Records

The original tape recordings of the interviews are in the university archives at The Bancroft Library, University of California at Berkeley. Records relating to the interview are at The Regional Oral History Office, Berkeley. Master tapes are deposited at the State Archives.

BIOGRAPHICAL SUMMARY

John A. O'Connell was born on June 13, 1919, in Oakland, California. He attended St. Augustine's in Oakland, St. Mary's High School in Berkeley, received his B.A. from the University of California at Berkeley and his law degree from Golden Gate University in San Francisco.

Mr. O'Connell has practiced law from 1954 to the present. He was in the U.S. Air Corps and U.S. Army 1944-1946. He was a member of the California State Assembly from 1955 to 1962 and a member of the Industrial Accident Commission 1963-1967. He was chairman of the Democratic San Francisco County Committee 1956-1958.

[Session 1, February 12, 1988]

[Begin Tape 1, Side A]

I BACKGROUND

Education; Early Work Experience; War Years

HICKE: I wonder if we could just start this morning, Mr. O'Connell, by your telling me a little bit about your background. Let's start with when and where you were born.

O'CONNELL: Well, I was born in Oakland, California in 1919, and lived in Oakland until 1941. I went to schools in Oakland and Berkeley through my second year at the University of California. I thought that I would find a job, and mature a little bit in that.

HICKE: You weren't quite sure what you wanted to do?

O'CONNELL: No, well, I was very young. I was graduated from high school when I was only fifteen, and I started at the university when I was barely sixteen. I had finished two years there before I was even eighteen. I thought it would be a good idea to go out for a couple years maybe and work. Times were tough in those. . . . That was 1937 during the worst part of the Depression, I guess. So I went down to Fresno and had a job down there, where I worked for a couple of years.

HICKE: What were you doing?

O'CONNELL: I was a traffic manager for a trucking company. I didn't go to Fresno immediately. My first job was in the traffic

department of a railroad in San Francisco. I worked there for a couple years and learned about freight rates and how to read tariffs, that sort of thing. Then I went from there to the trucking company down in Fresno. Then I got married. That was when I was in Fresno. I stayed down there for a couple of years, and a baby was born, first child. Then the war was on and I came back up to San Francisco, and went to work for the same railroad that I had previously worked for.

HICKE: Was this the Southern Pacific?

O'CONNELL: No, the Western Pacific, which was taken over by the Union Pacific. Then I went to work for a large dried fruit company, Rosenberg Bros., as an assistant traffic manager, and was there for a year, more or less, when I was drafted and went off to the war. I went in the service in June of '44. I was assigned first to the air corps, and had my basic training at Buckley Field, Colorado. Then I was transferred to the field artillery down in Texas, went overseas with an artillery battalion.

HICKE: France?

O'CONNELL: No, to the Pacific. I went first to Hawaii. Then I was transferred from the field artillery battalion to the headquarters of the IX Corps, where I did personnel work. We went from there over to the Philippines, to Leyte, specifically, and were there when the war ended. We were preparing to be a part of the invasion of Japan, but then when the bombs were dropped at Hiroshima and Nagasaki and the war was over, we instead went to Japan to become part of the occupation forces.

I spent a few months in Japan, then was permitted to come home and be discharged in early '46. I went back to work for the dried fruit company, where I stayed until 1953.

Law School

O'CONNELL: In the meantime, it was in 1949 that I decided I would go to law school. So I kept my job in the daytime and went to law school in the evening. It took four years, but I managed. In the meantime, another child was born; that was 1950.

HICKE: You had your hands full.

O'CONNELL: Yes, I was busy.

HICKE: You were going to Golden Gate [College]?

O'CONNELL: I was going to Golden Gate at night, yes. Then I was graduated from Golden Gate in '53, took the bar examination in the fall of that year, and was admitted to the bar around January of '54.

HICKE: How did you decide to become a lawyer?

O'CONNELL: Well, it was something that had been in the back of my mind for a long time. I suppose that I fancied myself to have some ability in that direction, and had the analytical mind, if that's what's necessary. I hadn't done it for family reasons, the war. And then when I got out of the service in '46, I did not immediately enter law school, because I was maybe feeling a little sorry for myself and my family. So I spent just about three years not doing anything particularly except working and having a family.

I recall exactly the day I started law school. I'd been out to lunch and I was working for the dried fruit company. I was coming back from lunch, and I was passing by a building around 2nd and Market [Street]. I saw this sign that said "law school opportunities," or something to that effect. So I thought, well, I'll go make inquiry. So I talked to some person there.

HICKE: You just dropped in on the scene, right?

O'CONNELL: I just dropped in, right. So whoever I talked to there told me that law school was starting Monday--this was on a Friday--and that I'd have to go up to the YMCA [Young Men's Christian Association] building on Golden Gate Avenue, and talk to the dean of admissions. I went back to the office and told my boss that I had something to do and I was going to do it. "Fine."

I went up to Golden Gate Avenue and saw the dean of admissions and told him my educational background and so on. He said, "Well, that's fine. But you'll have to have a transcript from Berkeley." At that time, one had to have at least two years of undergraduate work to be eligible, except as a special student, to be admitted to Golden Gate. I had the two years, but I had to prove it. The dean said, "You can start your classes on Monday. You won't be able to be formally enrolled without the transcript, and you won't be able to draw any books or anything. But you can be an auditor until that transcript arrives, which should take about two weeks." So that's how I started law school.

The first two weeks I was an auditor and did without books. Then I was okay, and I became eligible for the GI Bill for free tuition and free books. So there I was.

HICKE: Did you specialize in any area of law?

O'CONNELL: Well, in law school you don't specialize. You have to prepare yourself for the bar examination. The bar examination is the same for everybody, whether you want to be a patent lawyer, for example, or a bankruptcy lawyer, where the field is very narrow and specialized; you still have to know the rest of it. It's like the doctor who wants to be a psychiatrist; he has to know something about surgery.

II EARLY POLITICAL INTERESTS

Young Democrats; Phil Burton, Election to San Francisco
Democratic County Committee in 1954

HICKE: Okay, we got you up to 1954, then, when you passed the bar.

O'CONNELL: Right.

HICKE: It was that same year that you. . . . Well, why don't you tell me what you did right after passing the bar?

O'CONNELL: Well, I had been only minimally interested in politics up to this point. I had some association with [Philip] Phil Burton and a fellow by the name of John McFeeley, who were both active in the Young Democrats from San Francisco at that time.

HICKE: Did you join the Young Democrats?

O'CONNELL: Briefly. I think what happened was that after I was elected to the assembly in '54, they put me on as a member of the Young Democrats of San Francisco. They had a convention down in Los Angeles, which I didn't attend. They had a credentials committee there that checked to make sure that everybody was really a member, because so many members equalled so many votes and that sort of thing. Somebody spotted my name on the Y.D.'s of San Francisco and challenged me because I was thirty-five years old, and I was too old to be a Young Democrat. So that was the only membership, if you can call it membership.

HICKE: How did you meet Phil Burton?

O'CONNELL: In law school. He was a year ahead of me in law school, as a matter of fact. But he was quite active in the politics of the university: you know, student body president. I don't think Phil was a student body president, but he was instrumental in the campaign of a classmate of his to become a student body president.

At any rate, one day after I had finished law school, I was walking down the street and I ran into this other fellow, John McFeeley, who was the other fellow who was active in the Young Democrats. This was in the spring of '54. John said, "Hey, John; you've got a good Irish name. Why don't you run for the county committee?" I said, "What's that?" I didn't even know what a county committee was in those days. So he told me, and I said, "Well, yes, that sounds interesting. I've got some time on my hands now that I didn't formerly have." You know, all that law school business.

He gave me some papers and said all I had to do was get twenty signatures or something. So my wife got the signatures; it wouldn't have been legal for me to get them myself. I got on the ballot to run for the county committee. At that time, many people would run in each assembly district, as many as fifty. Only five or six would be elected out of the field. The voters didn't really know what the county committee was; most of them did not. So it was sort of traditional at that time that if you had an Irish name, you had a pretty good chance to win. And if you drew a ballot position near the top, you were also in good shape.

HICKE: Were you associated with the Irish community at all?

O'CONNELL: No, I wasn't. I had an Irish name, and fortuitously it was the same name as the man who was the head of the labor council here in San Francisco for many years, and after whom the high school was named. Have you heard of the John O'Connell High School? It's a semivocational school, but it's also academic. It has a very good reputation, incidentally.

HICKE: It wasn't named after you?

O'CONNELL: No, it was named after this other John O'Connell. Anyway [Pause]

HICKE: Well, you were elected to the county committee.

O'CONNELL: I was elected to the county committee because I had the Irish name. It was a familiar name. People years after thought that the school was named after me, or it was my father or uncle or something. And I also had a good ballot position. I was number seven, I believe, on the ballot. So I ran very well. But at the time, Phil Burton was running for the assembly in that district. He was running against a fellow by the name of William Berry, known as Cliff, who had been in the assembly for ten or twelve years, and was ailing physically.

HICKE: He was the incumbent?

O'CONNELL: Yes. He was very ill. As a matter of fact, he passed away about the first of May, about a month before the primary. It was too late to remove his name from the ballot, so it stayed on. And Phil and one other person—the name I don't even remember; it might have been Norman Williams, something like that—were running for the Democratic nomination against Berry. Well, the people in their wisdom elected the dead man. That was Phil Burton's first effort; he suffered the ignominy of losing to a dead man by a large margin. [Laughter]

HICKE: [Laughter] That kind of beats Mayor [Richard J.] Daley's politics.

Campaign for Representative of Twenty-third District, 1954

O'CONNELL: [Laughter] Yes. Under the law, the county committee had the responsibility of naming some Democrat who had not been a candidate in the primary to be the party's candidate in the general election. I had a vote on the county committee. There were, I believe, three other people who were

associated with the club movement, the California Democratic Council, which was just a couple of years old at the time. So we decided that I would be proposed to receive the nomination. I think I was the only one of the club members who happened to live in that district.

HICKE: This is the twenty-third district?

O'CONNELL: Twenty-third, right. So then we got four more votes from Elmer Delaney, who was a lawyer and head of a club that was not associated with the California Democratic Council, which he called the United Democrats. That brought us up to eight. Then we needed lots more votes than eight. Let's see; there were six or seven districts times five elected members—thirty. Then each incumbent or candidate who was in the general election had a vote. And the state senator had a vote. Anyway, the magic number was about eighteen that I needed, eighteen or nineteen. We cut a deal with George [R.] Reilly's people—he was a member of the Board of Equalization at that time.

HICKE: Where did his power come from?

O'CONNELL: He and his friends were always involved in a power struggle with [William] Bill Malone. Bill Malone was the old-guard honcho, chairman of the Democratic County Committee in San Francisco for many years. He had lots of patronage, which he got from U.S. Senators and House members, that sort of thing. During the [Franklin D.] Roosevelt and [Harry S.] Truman years, Bill Malone was a very powerful man. Reilly didn't like Malone, and they fought each other for power. So Reilly decided to swing his votes to me in order to neutralize Malone.

HICKE: So you were going against Malone?

O'CONNELL: I was against Malone, yes. I was against a real power. And nobody had ever heard of me. I didn't really blame them for not trusting me. Besides, I was associated with the more

liberal elements of the party, and Malone did not exactly represent the liberals. Nor did Reilly, for that matter. But they were willing to put up with me, under the circumstances.

HICKE: So they really wanted you to challenge Malone? Or they really used you in order to challenge Malone?

O'CONNELL: Right. There was a quid pro quo involved. They wanted the chairmanship of the county committee. So the deal we made—I don't know how legal it was—but we did make a deal whereby they would support me for the assembly if we would support George Reilly's son, Jimmy, for chairman. The deal was cut: we all voted for Jimmy and they all voted for me. So that's how I got elected.

I had no idea how to campaign or anything like that; I didn't know how much money would be involved. I was able to raise, largely through the efforts of a couple of labor unions, a couple of thousand dollars. This was all the money I had, and it was more than sufficient, really. Now they talk in terms of millions for one seat. But this was 1954. I did spend maybe \$2,500. I had no deficit, no anything. I spent what I got mostly on a brochure.

HICKE: Did you do a lot of door to door?

O'CONNELL: Some door to door, but the reason that I won was because I was a Democrat in a district that was so heavily Democratic that I was a shoo-in. I didn't realize it at the time, so I had to run scared and ignorant. But I found out how simple it was; the margin of my victory didn't exactly go to my head, because I knew it was all just in the numbers.

HICKE: But it was large.

O'CONNELL: Oh, yes. It was about three to one, I think.

Becoming Chairman of Democratic Central Committee

HICKE: Well, before we get to the assembly, just to follow through on the Democratic Central Committee, you became chairman in two years.

O'CONNELL: Well, that was a part of the Malone-Reilly feud all over again. Jimmy Reilly, I think, was no longer interested in staying on as chairman; he was kind of sick of the whole thing. So they decided to run me for the chair because, well, I had a little prestige now; I was a member of the assembly. Again, by a narrow squeak, I became the chairman.

I should tell you, going back, this vote that they had in the county committee whereby I became the candidate in the first place—that's got a very interesting story. It was a secret ballot thing, and as it turned out, there were thirty-one votes cast. I was supposed to have at least sixteen by our count, by promises made and so on. They had tellers appointed and the votes were announced. Finally it came down to fifteen for me and ten for the other fellow, the Malone candidate, and six more pieces of paper to be counted. The teller picks up one: the other guy, 15-11; another one, 15-12; another one, 15-13; another one, 15-14; another one, 15-15; and the last one was mine. [Laughter] That's a real cliffhanger. That's exactly the way it happened, too; I'm not making it up.

HICKE: Well, everybody came through as promised, right?

O'CONNELL: Right. And the county chairmanship was less dramatic, but it was close, too. Again, the Malone people didn't like me, or they didn't like who I represented, and they wanted the power themselves. There really wasn't much power for anybody else to wield, anyway. By that time, all the patronage was gone. Malone still had his friends in the

U.S. Senate. I'm trying to think now who was the senator from California.

HICKE: I can't remember either; we can look it up.

O'CONNELL: Yes. Might have been [Sheridan] Downey; I think Downey was Malone's boy.¹

HICKE: Well, how did you happen to win the chairmanship against the power?

O'CONNELL: Well, the same way I won the nomination.

HICKE: Backing from Reilly?

O'CONNELL: Yes, you know, the Reilly people and the club people, and that was enough. We had just barely enough to. . . .

[Pause]

HICKE: Was this the first time Malone had not controlled the chairmanship?

O'CONNELL: Well, Jimmy Reilly had it the two years before me.

HICKE: Oh, that's right.

O'CONNELL: I think that was the first time in a long time, yes.

Conservatives and Liberals; Caryl Chessman and the Death Penalty

HICKE: Was that a change in philosophy of people, or just the fact that the patronage was going and they wanted new ideas?

O'CONNELL: Oh, I don't know. The people like Malone were conservative Democrats.

[End Tape 1, Side A]

[Begin Tape 1, Side B]

1. U.S. Senators in 1954 were William F. Knowland, Republican, and Thomas H. Kuchel, Republican. Downey preceded Kuchel.

O'CONNELL: They saw nothing wrong with supporting Richard [M.] Nixon against Helen [Gahagan] Douglas in 1950 because they felt that Helen Douglas was too liberal. There was a lot of character assassination, [U.S. Senator Joseph] McCarthy-style, in those days. And the conservative Democrats regarded me as being a pinko; they regarded Phil Burton as a pinko. Anybody who had anything to do with the California Democratic Council was automatically a pinko.

HICKE: But you came out ahead?

O'CONNELL: Oh, yes. I wasn't really a pinko. I was called an ultra-liberal by the press and everybody else. I remember one of the first votes I ever cast in the assembly was on a simple joint resolution that had really no effect on anything except that the principle was there. There was some assemblyman by the name of Doyle, if I remember right, [Thomas J.] Tom Doyle. He introduced this resolution in effect to suspend the right of habeus corpus to people like Caryl Chessman, who was fighting for his life on death row in San Quentin at the time.

There wasn't any debate on it to speak of. But when the votes were counted—you know, in the assembly they have the electronic voting device—there were two red lights up there, mine and Ed Elliott's—we voted no—and about sixty-five or something yes. My seatmate, [Assemblyman Charles W.] Charlie Meyers from San Francisco, said, "What are you doing, John? You're voting with [Assemblyman Edward E.] Ed Elliott!" I said, "Well, I don't care about that." I don't even know why Ed Elliott voted the way he did. I just knew it was absolutely wrong to talk in terms of repealing the constitution of the United States in order to execute Caryl Chessman or anybody else.

HICKE: So you were voting against it, the death sentence?

- O'CONNELL: Well, I really on that occasion was not voting against the death sentence. I was saying that if you're going to execute this man, you'd better do it constitutionally. You'd have to allow him to exercise all of the avenues of appeal that are open to him under the constitution.
- HICKE: Oh, so the resolution was going to deprive him of rights?
- O'CONNELL: Yes. The idea was that he had cheated the hangman long enough. It had been a couple or three years since he'd been sentenced and he was still alive; that bothered some people.
- HICKE: Well, this controversy lasted until he was finally executed in 1960, so maybe, since we're talking about it, you can tell me about the rest of it. Were you involved in it?
- O'CONNELL: Oh, yes. Every even year there would be legislation introduced to abolish the death penalty. We'd fight the same battle every two years. A fellow by the name of [Assemblyman Lester A.] Les McMillan from Los Angeles was the fellow who was considered the proprietor of the issue. He always introduced the legislation; we would either co-author it or support it or oppose it, depending on our points of view. I did introduce a separate bill of my own one year to abolish the penalty. That was the year—I think it was in '61. . . . Did I say even years? Every two years, but in the odd years, we considered the legislation. Anyway, I allowed McMillan's bill to go ahead of mine to test the waters. Surprisingly, we got the McMillan bill through the assembly one year to abolish the penalty; but it was killed in the senate, and that's as far as it ever got.

There was quite a movement throughout the state, committees supporting the abolition of the penalty. Many arguments, debates were staged, and so on. There was quite a lively interest in the thing as long as Caryl Chessman

lived. But when Caryl Chessman was finally executed, all the steam went out of the movement. And there hasn't been any real effort to revive it since those days. I noticed on television the other day that former Governor [Edmund G.] Pat Brown [Sr.] has lent his name to a new effort to abolish the penalty. He's not very sanguine about the success of the drive. It's pretty obvious, I think, that if you left it to the people of California, they would want to keep that death penalty. What they did to Rose Bird certainly indicates that.

HICKE: The whole thing was quite a problem for Pat Brown because first he commuted the sentence, and he got in trouble with people for that; and then, when he refused to at the end, he got in trouble with the other side for that. I don't mean commuted; I mean put it off. He just delayed it.

O'CONNELL: I talked to him about it at the time. His position was then, and probably still is, that the constitution of California requires that the governor obtain from the supreme court concurrence in any commutation of sentence that the governor wants to make if that person had previously been convicted of a felony, that is, of a distinctly different . . .

HICKE: Aside from the one they were now [convicted of].

O'CONNELL: That's right. And Caryl Chessman, of course, had been convicted of a felony—I think an armed robbery or burglary or something of that nature—before he was charged with the kidnap and rape of the victim in the celebrated case of Caryl Chessman. The only difficulty I found with Pat on that was that there was a vacancy on the supreme court at the time. He filled the vacancy, appointing a very distinguished jurist, but one who was for the death penalty.

HICKE: Who was this?

O'CONNELL: I believe his name was White. Frank White or Donald White.¹

HICKE: Well, that's okay; I think I can find it.

O'CONNELL: By that 4-3 vote, the court did not concur in the commutation. So Chessman was allowed to be executed.

HICKE: So Brown really showed how he felt by that, really.

O'CONNELL: Well, it's hard to say that Brown should have appointed someone who would have concurred in his power to commute. But you could also say that the governor in making the appointment was looking for the best possible person to serve on the Court, and that the Chessman affair was just one factor. I don't know that we'll ever know; it's something that Pat Brown probably could tell us about if he wished to, and I doubt if he does. I always thought that Pat could have—if he wanted to appoint this fellow—he could have said, "Well, there's one thing I do want you to do for me." [Laughter]

HICKE: "I'll appoint you if you will. . . ."

O'CONNELL: Yes. I sort of intimated that to Pat myself one time. He bristled and seemed quite annoyed with me.

HICKE: It was a problem for him.

III THE CALIFORNIA STATE ASSEMBLY, 1955-1961

Voting for Speaker

HICKE: Let's go back to 1954. Fifty-five was when you actually started in the legislature. What were your first responsibilities? And how did you learn the ropes?

1. Thomas P. White was appointed to the Supreme Court and assumed office August 25, 1959.

O'CONNELL: The first thing that happened was the election of a new speaker. In '55, the Republicans were still in the majority. They controlled the assembly. I was asked to choose between two Republicans: a fellow by the name of Luther Lincoln, and the other, H. Allen Smith. Not the writer, but an assemblyman from Los Angeles County.

I didn't relish the idea of choosing between two Republicans, but that was the choice I had to make. I was finally convinced mostly, I think, by the advice of a fellow named Don Cleary, who was the legislative representative of the city and county of San Francisco in Sacramento. He thought that Smith would have been the better choice. I wound up voting for Smith, who lost by one vote to Lincoln. So I was immediately on the outside. There wasn't any power position for me to occupy anyway. The Republicans controlled all the committees and the chairmanships. I voted against the eventual winner for speaker, anyway.

HICKE: You must have found yourself a little bit lower on the totem pole.

O'CONNELL: Well, I didn't really expect very much. I was so green about the whole thing that I didn't have any great expectations. I was happy to be appointed to the committees that I requested.

Finance and Insurance Committee; Workers' Compensation

HICKE: You were on Finance and Insurance?

O'CONNELL: Finance and Insurance.

HICKE: Industrial Relations, Judiciary, and Transportation and Commerce.

O'CONNELL: Yes, as I recall. That was my first term, right. Those were all committees that I enjoyed. The Transportation Committee doesn't involve too much philosophy, but it is important to

the Bay Area, to San Francisco. Judiciary was a committee that at that time included both civil and criminal branches of the law.

HICKE: We'll get that story in more detail.

O'CONNELL: Yes. Then Finance and Insurance. That had all the workers' comp, unemployment insurance; that was the kind of thing I was interested in. It was good for the working man who made up my constituency. The twenty-third district was not three to one Democratic for any reason other than it was all blue collars.

HICKE: Is that in the Mission? I don't know exactly where it is.

O'CONNELL: Well, yes. It also included Bayview and Hunters Point, Visitacion Valley, the so-called inner Mission, the outer Mission. The only thing it did not have of the Mission was the Barrio, what is now the Barrio, that is, north of Army Street or Courtland Avenue, down toward town. You know, that's the Barrio part. That was not in my district. That was in the twentieth, the adjoining district.

HICKE: So it was important to you to be involved with the Finance and Insurance Committee?

O'CONNELL: I thought so. It was a subject that interested me, and it was a place where I thought I could do some good. And I think I did some good.

HICKE: Does anything specific come to mind?

O'CONNELL: I remember one time—I've forgotten just what year it was—we were considering an increase in the workers' compensation temporary benefits, sort of to keep up with inflation. We were considering this bill to increase the maximum from sixty to seventy dollars a week or whatever it was. I noticed that there was no mention at all—nobody was talking about increasing the minimum, which was only about twenty dollars a week at the time. That would have applied to the lowest paid people or the people who were part-time

workers and that sort of thing. I asked the management and insurance company representatives who were present, "What about this one? Why can't we increase the minimum?"

HICKE: Would that be fifty cents an hour? Do I have that figured out right? Forty hours for twenty dollars minimum?

O'CONNELL: Well, I think you'd have to understand the workers' compensation law in its entirety. Very few people now, or even then, work for fifty cents an hour. But if you were only a part-time worker, if you made a dollar an hour and worked half the time, it still comes to only X dollars a week, which would only entitle you to the minimum.

HICKE: Oh, okay. So it was done by the week rather than by the hour.

O'CONNELL: Right. Anyway, I just asked, "How much would it cost to increase their minimum, say, by five bucks a week?" The answer was, "Very little." I said, "Okay. I move to amend to increase the minimum by five dollars a week." And they went along with it. [Laughter] And it passed. If I hadn't been there on that committee at that time, I think it probably would have just sailed through with nothing being done about the minimum.

HICKE: Nobody even thought of it.

O'CONNELL: That's right. So that was, I thought, a fortuitous happenstance.

HICKE: It was a good thought.

O'CONNELL: Yes.

HICKE: Well, you were on that committee all the time you were in the assembly, weren't you?

O'CONNELL: Yes, I stayed on that. And I probably would have stayed on the Judiciary Committee too, except for the committee being split into two.

Splitting the Judiciary Committee; Criminal Procedures Committee

HICKE: Okay, well, maybe you can tell us about that now.

O'CONNELL: Well, that was in '59. The reason that I thought of splitting the work of the Judiciary Committee was that traditionally, for years, the Judiciary Committee was the most burdened committee in terms of work. There were more bills referred to the Judiciary Committee than any other. That is, initially. Now the Ways and Means Committee—many bills eventually got to Ways and Means, but not initially. They would pass out of one committee, and then they'd go to Ways and Means for review of the financial impact of the legislation. But Judiciary got thousands of bills every session.

We used to meet two nights a week, and commonly we would be meeting from about eight in the evening until midnight or sometimes even later, twice a week. None of us liked that. Ralph Brown was elected the first Democratic speaker in twenty years, I guess, in '59. He didn't like the idea of any committees having to meet at night. He realized, having served on the Judiciary Committee himself, that there was too much work.

So I suggested that they take all the bills that related to the penal code and to various sanctions for criminal offense and put that into one committee, and then have the Judiciary Committee handle nothing but the civil side. He thought that was a good idea. So we arranged to do that. He had the power; he didn't have to submit it to a vote of the assembly. He made me the chairman of the committee and asked me to give him a list of the people whom I would like to have serve on that committee. He pretty much gave me the committee that I wanted, a

committee that I thought would be reasonable and manageable.

HICKE: And were they?

O'CONNELL: Yes, they were; it was a good committee. So that's what happened. Everybody seemed to be happy about it, at least initially, until. . . . They were happy because there was no more night work, really, for the Judiciary Committee. The whole workload of the Judiciary Committee was reduced substantially. But what they didn't like was the fact that Criminal Procedures Committee became a graveyard for lots of legislation that I considered hysterical. I didn't do it myself, but with the majority that we had. . . . I think it was just a ten-man committee; it took six votes to get a bill out, so even five was enough to keep it in. We became more of a defensive committee than one that produced legislation.

HICKE: Do you recall any examples of bills that didn't get out of your committee?

O'CONNELL: Oh, yes. The main one was the bill to repeal the decision in the case of People v. Cahan.¹ Prior to Cahan, the evidence which was illegally obtained was admissible in a criminal proceeding so long as it was germane and credible. Finally, the California Supreme Court in Cahan said that in order to deter the law-enforcement people from staging these unreasonable searches and seizures of evidence, it was necessary to exclude the evidence. And even though the evidence tended to prove the guilt of the accused, it should not be used because of the taint that attended its seizure.

1. 44 Cal. 2d. 434 (1955).

The District Attorney's Association was principally represented by [Edwin] Ed Meese and Frank Coakley from Alameda County. They attempted to get legislation passed to repeal that decision. They started their bills mostly in the senate, where they had less difficulty getting bills of that nature passed. Some of the senators, I believe, came to understand that they could vote for any bill they perceived the public to want, no matter its constitutionality, because they always had the assembly Criminal Procedures Committee to stop it.

HICKE: They depended on you.

O'CONNELL: Yes. So those bills would come over from the senate, including this Cahan repeal bill, would come over to us, and we would stop it; we would take the heat for the whole house. But the Republicans, who mostly were vengeful, pro-punishment people—most of the Republicans were that way, at least in those days—they would try their darndest to exert pressure on us to break down and let them have the bill. We stood up pretty well. I'm sorry to say the same situation does not prevail today.

I had bills, for example, to give prisoners in the state prisons better rights when it came to parole hearings. I knew I could never get those bills passed. But we let a couple of those bills out "to pass," and then on the floor of the assembly, why, somebody would get up and move to table the bill, and bang--no debate. The bill would be lost by better than two to one. So instead of sending bills out to be treated that way, we'd only let out bills that we thought were uncontroversial, or were actually necessary, that sort of thing. I don't think the committee passed very much positive legislation, but we did a lot of
 . . .

[End Tape 1, Side B]

[Begin Tape 2, Side A]

HICKE: You did a lot of good, anyway.

O'CONNELL: I thought we did valuable service in keeping this hysterical legislation safely in a committee. If it ever got out onto the floor, we all knew that the members would vote for anything they thought would please the people back home. The criminal has very little . . . [Pause]

HICKE: Not very good press.

O'CONNELL: No, and he didn't have much clout in the legislature. Somebody's got to—not just to protect the criminal, but to protect the rights of the least of us, the weakest ones.

HICKE: And the innocents who are charged.

O'CONNELL: And the weakest of us. Rose Bird found—in her way, she defended the constitutional rights of everyone, and she paid for it.

HICKE: Did anyone ever come up to you and say, "I'm glad that bill didn't pass, or didn't get out of your committee"?

O'CONNELL: Oh, yes. You mean, like the author of the bill?

HICKE: Yes, or people who publicly supported it.

O'CONNELL: Yes. I don't recall specifically any one bill or any one author, but it was fairly well understood for the four years that I was chairman on that committee that we needed a committee like this just to stop this nonsense. Individuals would not agree.

A Pornography Bill

O'CONNELL: The one bill, a pornography bill, is the one that comes really to mind. I'll go into that, because it's a good story. This all started, I think, in '59. A fellow by the name of [Louis] Lou Francis, who was an assemblyman from San Mateo County, got on this crusade to stamp out

obscenity and pornography in California and introduced this very censorious legislation to accomplish that. So we killed it down because it so obviously violated the first amendment.

He made an unusual move to withdraw the bill from the committee, a procedure that I see was resorted to unsuccessfully by the Gang of Five here recently. So the speaker passed the word down for everybody to sit on his hands, not to vote. It came to a vote, and I think about fifteen people voted to pull it all from the committee. The members of the committee voted no, and of all other seventy people in the chamber, maybe only twenty or so votes were cast. That was a very embarrassing thing for Mr. Francis.

Anyway, the session ended and Francis wasn't satisfied. So he started campaigning up and down the state, going into people's districts who had either voted against him or had refused to vote.

HICKE: Isn't that kind of a no-no?

O'CONNELL: Yes. He became kind of a loner after that. He died at the age of forty-five or so. And I kind of think that his mind was affected somehow; he became a little, at least, neurotic. Anyway, he had the gall to go down into Ralph Brown's district and to campaign against [Speaker] Ralph Brown down there for his failure to support his wonderful legislation.

The next session, '61, Ralph Brown himself put in a bill; it was almost as bad as Francis's bill of two years earlier. Brown was feeling the heat from his own district because of Francis's having gone down there. So his bill came up for a hearing before our committee, and we killed it. I remember [Assemblyman Robert W.] Bob Crown and [Assemblyman Jerome R.] Jerry Waldie, all of us, thinking, "Now here's the speaker's bill, and it's obviously one he's

very much interested in. Here we are sitting here at his pleasure." I was chairman of that committee, but I think Crown was chairman of the Elections Committee, and [Nicholas C.] Nick Petris was the chairman of some other committee. But we gambled . . .

HICKE: You had a lot at stake.

O'CONNELL: We gambled that the speaker would not punish us, and we were right. But he came back, made some amendments to the bill, and brought it back. It cleaned matters up a little bit, but not very much in my opinion. So I continued to vote against it, but I lost control of a couple of votes, and pretty soon the bill came out and passed. Of course, it passed the body of the assembly with ease, and it went over to the senate.

Over in the senate, they amended it again, and put in some terrible stuff, making it worse than it had been originally. So when it came back, the speaker came to me and he said, "Look, I have this bill which the senate has amended in a way that I don't like. I'm going to ask for nonconcurrence in the senate amendments." The effect of that would be to have the bill referred to a conference committee, with representatives of both the houses. "I want you to be the chairman of the assembly conferees, and I'll arrange to have whoever you want appointed from the senate side." Fine; it sounded pretty good to me.

So he asked for the nonconcurrence, and of course got it. It went to this conference committee. There were a bunch of pretty good guys: [Senator] George Miller [Jr.] and [Senator Joseph A.] Joe Rattigan, I think, were on it from the senate, and one Republican—I forget who now. There had to be two Democrats and one Republican from each side. Then on the assembly side, I've forgotten who they were, but they were good people. Then we had Coleman Blease, who was

O'CONNELL: lobbying for the ACLU [American Civil Liberties Union]. He was one of those who helped us with our chore. He's now on the court of appeals in Sacramento—a great guy, a decent guy.

Mostly Cole and I sat down and we figured out how to amend this bill so it not only wouldn't do any harm, but it would do some good. [Laughter] We had this decision from I think the case was People v. Roth.¹ It was a California case involving some alleged pornography that went to the United States Supreme Court on the first amendment issue. In that case, the court upheld the conviction, based on the then California definition of what was obscenity. I always thought they should have let well enough alone. They got a conviction and the statute had been declared constitutional; they should have been happy with that. But no, they had to try to improve on the statute, make it even tougher than it was.

Anyway, there was a dissent in that case in which certain language was used by the one justice. He was of the opinion that nothing could be found to be obscene unless it was "utterly without redeeming social importance." "Utterly"—that's a very strong word. So Cole and I said, "Well, let's put that in there." So we wrote that in order for the thing to be found obscene, it would have to be utterly without redeeming social importance. And we left the rest of the bill with the huge penalties intact because they meant nothing. The only section that really meant anything was the definition section. So the conference committee agreed to this. I told Ralph Brown what we had

1. Roth v. United States, 366 U.S. 961 (1961).

done, and he said, "As long as it's got my name on the bill, that's fine. I don't care what it says." [Laughter] So I said, "Okay."

HICKE: His constituents weren't going to read the fine print.

O'CONNELL: Well, the funny part about it was, I went to Phil Burton and I told him what was up. I said, "Are you against this bill? You can concentrate on the extreme penalties. So I'm going to have to ask for an aye vote, because of my conference committee report." Phil agreed. I got up and asked for concurrence. And Phil got up, and the only person in the room to argue against. . . . He was rebutted by the same Lou Francis. Lou Francis got up and asked for an aye vote on it this time, doing exactly the opposite of what he'd been trying to do. [Laughter]

HICKE: [Laughter] He didn't mean to sign it?

O'CONNELL: No, no, no! All he knew was that he was for clamping down on pornographers. And if this bill was going to clamp down on pornographers. . . . He could see all these \$50,000 fines per day and all this. He thought that was great. The thing sailed and the governor signed it, and that was it.

Shortly after that, the California Supreme Court had occasion to review the Tropic of Cancer, I remember, was the book that came out. Justice [Mathew O.] Matt Tobriner got a unanimous court opinion reversing the conviction and citing this "utterly without redeeming" as the law.

In another case, the United States Supreme Court got it. By now, they had worked themselves around to agreeing with "utterly without redeeming" being the test. Of course, they've moved away from that now. Since I've left, they've changed the definition again, and those words do not appear in the present statute.

HICKE: They need you back there again.

O'CONNELL: Yes, they sure do. [Laughter] That's an amusing story. I told that story to a kind of convention of librarians, the California State Librarians Association, one time. They thought it was very amusing.

HICKE: Instructive, too. Well, we've been going here for a while. Do you want to go a little bit more, or do you want to stop and do it some more another time?

O'CONNELL: Well, we could go another time. I'm sure that. . . .
[Pause]

Counting Committee Votes; Constituency of Twenty-third District

HICKE: Okay, well, let me just ask one more question about this subject, and then we'll put off discussion of the budget and so on for another time. In the Regional Oral History Office, we have done an interview with Coleman Blease, and he talked about your suggestion for separating the two parts of the Judiciary. And he came up with very complicated reasoning, which had to do with the numbers and the votes. I brought it along; I thought maybe you could have a look at it and comment on it. He had this complicated explanation, and as you read along, it was partly to protect the liberal vote, and it had something to do with the number of people on the committee. I wondered if you could clarify this, and did this all come about the way he explained?

O'CONNELL: Well, yes. Now, if we use the early Criminal Procedures Committee as an example, we had ten members, an even number. It took six votes to get anything out of that committee.

HICKE: But five would stop it.

O'CONNELL: But five would stop anything. Cole is talking about that. He used the eight down to four. But it's the same thing. If

you had an eleven-man committee, it would still take six to get it out. But then you'd have one other person to keep in line. If you only had to keep five people in line, that is, as a defensive bloc, it's easier than if you have six. So I think that's what . . .

HICKE: Maybe you can explain how you did this. What kind of leadership did you exert?

O'CONNELL: I think it starts from the beginning. You know something about the people that you're going to put on the committee in the first place.

HICKE: Because you had your choice.

O'CONNELL: Right. And the speaker has all this power. He not only selects the chair, but he selects each member. Now sometimes a person will want to be on a particular committee for reasons of his own, and the speaker will be inclined to accede to that person's wishes.

A good example of that in our committee was, we had one fellow, [Assemblyman] Vernon Kilpatrick, who was a nonlawyer. He was the only nonlawyer on the committee. He was interested not in criminal law, but in prisons and jails and conditions within prisons and jails. That's why he wanted to be on the committee. He was a Democrat, not particularly liberal along constitutional lines, but you know, a good, workingman's Democrat. I think he'd be one of the forty-three rather than the twenty-three, as Cole Blease uses those numbers. I had a little understanding with Kilpatrick to allow him to have a little subcommittee to go around the state looking at jails and prisons; and he understood that he would take directions from me on other matters.

Then we had guys like Phil Burton. You know, you didn't have to tell Phil what to do, and you didn't have to tell Bob Crown what to do, and Petris and Waldie. People

like that were tough, and they were willing to take the heat that was coming their way. I do remember that Waldie left the committee after one term largely because of [Speaker] Jesse Unruh, who suggested that he get off the committee.

HICKE: Why was that?

O'CONNELL: Well, Unruh thought that Waldie had the potential to become governor, you know, the whole statewide office. He felt that his political reputation would be impaired by his being too identified with too liberal a point of view. So Waldie got off the committee. I believe that's why he got off the committee.

HICKE: So that most of the people on this committee have to have a fairly strong constituency and strong support in order to take this kind of heat?

O'CONNELL: Yes. Well, I had a district that was fairly solidly Democratic. My constituency, at least as I perceived it, was more interested in pork-chop issues. If you put to them, say, the subject of capital punishment, they probably would have been all for it. But they wouldn't mind my being against it.

HICKE: Because it wasn't all that crucial an issue?

O'CONNELL: No. They were more interested in more liberal issues—unemployment insurance and workers' comp, disability insurance, minimum wages—you know, all the stuff that labor is interested in. Because that's what puts the pork chops on the table. They didn't care, particularly, if I took the liberty of disagreeing with them on certain issues.

But you always run the risk, if you ever want to branch out, as I did. This is another story, but in '62, when I left the assembly, it was to run for the Congress. I had three assembly districts to run in, and two of them

were by no means as liberal as the one I had formerly represented. So I was tagged with this pink label out in this neighborhood. This is not exactly the most liberal workingman's district; it was what we called the Sunset. It's pretty conservative. So I didn't do too well when I ran for Congress out here. And it's even worse when you get over to the other side of the park: Presidio Heights, Richmond, and Seacliff. Those people have already got their pork chops.

HICKE: We have a lot of things left to cover, so maybe we can put them off.

O'CONNELL: It's probably a good time.

[End Tape 2, Side A]

[Session 2, February 17, 1988]

[Begin Tape 3, Side A]

IV MORE ON THE LEGISLATURE

The 1955 Freshman Class: Jack Beaver, Carlos Bee, Rex Cunningham, Ed Gaffney, Bill Grant, Gene Nisbet, Alan Pattee, Tom Rees, Wanda Sankary, Jack Schrade, Jesse Unruh, Charlie Wilson

HICKE: I wonder if we could start this morning. . . . I know that you had made a list of the people in your class. Perhaps you could tell me a little bit about them and what's happened to them.

O'CONNELL: This was the class of January 1955. There were thirteen of us. Eleven were first-timers and two were what we called retreads. The retreads were Ed Gaffney, who had lost his seat in the reapportionment of 1951--that would be the election of '52. He was a Democrat who was defeated by George Collins in the reapportionment. They consolidated and only one of them had to survive. So Collins beat Gaffney. But in '54, Collins ran for state controller, giving up his seat, and then Gaffney was able to come back. The other retread was Bill Grant from Long Beach, who had made an unsuccessful run for the House of Representatives in '52, thus giving up his assembly seat. He came back in '54.

The others were Jack [A.] Beaver, who was from Redlands; Carlos Bee from Hayward; Rex [M.] Cunningham from

Ventura; [Eugene G.] Gene Nisbet from Upland; Alan [G.] Pattee from Monterey; [Thomas M.] Tom Rees from Beverly Hills; Wanda Sankary from San Diego; Jack Schrade from San Diego; Jesse Unruh from Los Angeles; and [Charles H.] Charlie Wilson from Los Angeles. Now you ask what happened to all of these people?

HICKE: Well, in the legislature; what were their contributions?

O'CONNELL: Oh, I see. I don't remember too much in the way of accomplishments. I could point to. . . . Jack Beaver was a Republican. He more or less aligned, as I recall, with the so-called Good Government group, which elected Luther "Abe" Lincoln speaker. That group also included [Assemblyman Caspar] Cap Weinberger, for instance, [Assemblyman Francis C.] Lindsay, [Assemblyman Thomas W.] Tom Caldecott, and quite a few others. They had forty-one votes to become the majority, with the assistance of a certain number of Democrats, who were in the position of having to choose between one Republican or another.

HICKE: Was there some political maneuvering for that position at that time?

O'CONNELL: Yes. The primary candidates for speaker were Lincoln and H. Allen Smith, who was a former FBI man, later was elected to the congress and served there for a number of years. Those two groups primarily were—well, they were mostly Republicans, as I say.

HICKE: You told me you ended up on the wrong side.

O'CONNELL: Yes, I did.

HICKE: Maybe you can tell me a little about how it went.

O'CONNELL: Well, it was a very tight election; nobody was quite sure how it was going to go. It probably turned on the defection of [Assemblyman] Charles [E.] Chapel, who was expected to vote for Smith, reportedly had pledged to do so, but at the

last moment, Chapel switched and voted for Lincoln, and that did it.

HICKE: Do you have any sense of why this came about?

O'CONNELL: I don't really know. The Smith people were said to be dominated by "Little Oil" interests—that meant largely Superior Oil—who were very active in legislative politics in those days. Howard Morton and—I'm not sure about names now—but [Howard] Keck and Morton were quite active in giving financial support to candidates in those days. And the Lincoln and Weinberger crowd regarded them as some kind of leprous people. So they called themselves the Good Government group.

To me, as a Democrat, it didn't seem to me to make a heck of a lot of difference which ones were the bad guys, who got the power. I became convinced that the interests of San Francisco would better be served, perhaps only marginally, if Smith were elected rather than Lincoln. The impression might have been given by the fact that Lincoln was from Alameda County and Caldecott was from Alameda County. There was still some rivalry between the East and West Bay in those days.

HICKE: There still is, isn't there?

O'CONNELL: Yes. But then you could point to Weinberger, for example, representing the West Bay being aligned with Lincoln. It wasn't a clear choice to be made. So I wound up on the losing side. I don't think it really hurt me or hurt matters much. The "Little Oil" group probably never did recover from that. As far as I recall now, during my eight years, the bloc formerly known as the "Little Oil" group wasn't a cohesive bloc that carried the weight by itself.

I started to talk about Jack Beaver. He was a nice enough fellow, and a fairly articulate and intelligent fellow who served three or four terms, I guess. Was never

considered to be a heavyweight. I don't know whether he's alive or dead. I see he was born in 1918, and I guess that would make him seventy this year. I hope he's still alive.

Next is Carlos Bee.

HICKE: He eventually became speaker pro tem, didn't he?

O'CONNELL: Yes, he was the speaker pro tem when the Democrats became the majority in 1959. Prior to that, and for many years prior, [Thomas] Tommy Maloney had been the speaker pro tem. The speaker pro tem has no power by himself. He ceremonially presides over the sessions of the assembly. He has about as much power as the vice president of the United States presiding over the Senate. Except he does have a vote, whereas the vice president only has a vote to break a tie.

HICKE: How is this person chosen? Is it a reward for activity?

O'CONNELL: Generally the election of the speaker determines who the pro tem will be. I don't know whether he's appointed by the speaker subject to ratification by the members, or whether it's just a straight appointment which does not require ratification. But in any case, if the speaker wants a certain person to be the pro tem, that's it.

Carlos Bee became pro tem and as far as I know remained in that capacity until his death some years later. He was a schoolteacher. He taught in Hayward, I believe. He continued to be a substitute teacher even after his election. That was his primary source of income, because we didn't have very much income in those days. It was \$500 a month. So all of us needed some kind of a supplement. And in those days, the legislature was not in continuous session. We were in session for 120 days in the odd years, and 30 days plus whatever time would be required for a special session in the even years. I usually averaged maybe 60 days in the even years and 120 days in the odd.

HICKE: Did you continue to work for the railroad or were you practicing law?

O'CONNELL: Oh, no, I was practicing law. That was my source of income, such as it was. Bee relied on his income from schoolteaching. He couldn't be a full-time teacher because of his legislative activities.

Rex Cunningham was from Ventura and an older man than most of us in those days. He was born in 1907. He'd be eighty-one now, I guess. I doubt that he still lives, but he could. After leaving the assembly, I think he was defeated by a Republican, [Robert] Bob Lagomarsino, who is now in the Congress if I'm not mistaken. He got a job with the post office after leaving the assembly. That was when [John F.] Jack Kennedy became president in '61, somewhere around there. That's the last I've heard of him.

Eddie Gaffney never would tell anybody how old he was.
[Laughter]

HICKE: Well, you could look him up in the yearbook.

O'CONNELL: Well, you can't find that in the yearbook either, I don't think.

HICKE: In that handbook?

O'CONNELL: Anyplace.

HICKE: Oh, really? He didn't give anybody that information?

O'CONNELL: Oh, no. You had to guess his age. He was married for the first and only time, I guess, in 1926. He must have been born around the turn of the century and would probably be close to ninety if he were alive. I think he was a little older than that; he was probably born in the nineteenth century somewhere. He used to be a house painter, but once he was elected to the assembly, he did nothing else to my knowledge. His wife, as I recall, used to take in foster children. They had a big house over in the Mission district. They always had a half dozen or more foster

O'CONNELL: children, and I suppose that was their supplement to the family income.

Next was Bill Grant, another old-timer. He didn't give his age, either. [Laughter] But he was almost as old as Gaffney, I think. Occupation businessman. I don't know what kind of business he was involved in.

Nisbet. He does give his age--1896. Again, I don't know whether he survives. A citrus grower. I guess he had an orchard or something. It's probably been ripped up by developers.

Alan Pattee was a rancher, a livestock rancher. He was killed in an automobile accident a few years ago.

Tom Rees. He was young. He later, I think perhaps in '62 or thereabouts, was elected to the House of Representatives, then decided not to run for reelection to the House a few years later. I don't know what he does now, but he was always interested in import-export business investments, and so on. He was born in 1925, so he's sixty-three now. He married the daughter of James Boccardo, the big lawyer from San Jose. I just don't know what he's doing now. He was the fellow who chaired the Finance and Insurance Committee in the assembly for at least one term.

Moving on, Wanda Sankary. Wanda only served one term. She was defeated by the Republican George Crawford in '56. She is still alive; in fact, I saw her very recently. She was a lawyer who married a classmate of hers from law school named Morris. I believe he's still in private practice in San Diego. He at one time was a deputy U.S. attorney from southern California. She still lives in San Diego and has a son who is a medical doctor here in San Francisco. He was in the papers here a short time ago in connection with an AIDS [Acquired Immune Deficiency

Syndrome] test that they've been giving. They charged that he was charging too much. You may have seen that.

HICKE: I don't recall it.

O'CONNELL: Timothy Sankary his name is. She doesn't practice law any longer. Wanda would be around sixty, I would guess, now.

Jack Schrade was another old-timer. Let's see when he was hatched. He served a few terms in the assembly and then went on to the senate. He was born in 1902. So if he's alive, he'd be eighty-six. He's I guess you'd call it right-wing Republican, interested in [Inaudible] affairs and that sort of thing. He's sort of an anticommunist type fellow, you know; he could see Reds everywhere.

HICKE: Did he ever talk to you about that? You said that you were considered an ultra-liberal.

O'CONNELL: Well, yes. But I can recall from after I left the assembly, and I was proposed to serve on the Industrial Accident Commission in 1963 by Pat Brown, that nomination required ratification by the senate. Schrade, then in the senate, led the fight against my confirmation, largely because he didn't want my leftist, as he put them, views.

HICKE: Well, that was one thing I was going to ask you about. Since you mention it, what happened there?

O'CONNELL: What happened?

HICKE: Yes. You were appointed, right?

O'CONNELL: I was appointed, yes; I was confirmed. Those confirmations are generally fairly easy. But because of Schrade, and I believe also partly because of the attitude of the insurance industry in California, who didn't care about what I thought about loyalty oaths and that sort of thing They thought I would be giving their money away too much as a member of the Industrial Accident Commission, dispensing workers' compensation benefits. That was, I think, the reason for a good deal of the opposition to me,

because it was under the cover of the other thing, my ultra-liberal views, they said, in other areas. It had nothing to do with economics.

HICKE: Why did Pat Brown appoint you to this?

O'CONNELL: Well, you'd have to ask Pat Brown that, I guess. As I recall, Phil Burton interceded in my behalf. I think he probably had as much influence on the appointment as anyone else did, other than Brown himself. So much for Schrade.

HICKE: Okay, now we get to Jesse Unruh.

O'CONNELL: Yes. Unruh, of course, in that class became the best known and the most powerful . . .

[Interruption]

HICKE: You were just starting on Jess.

O'CONNELL: Oh, Jess, yes. Well, what can I say about Jess that you don't already know?

HICKE: Well, tell me your first impressions of him.

[End Tape 3, Side A]

[Begin Tape 3, Side B]

O'CONNELL: We became very good friends just right from the start. Jess was a very liberal guy in those days. I think he may have become less so after he became speaker and had to accommodate to other philosophies. He was kind of a maverick, a brash young man, when he first came up. He did wear shoes, contrary to what some people said about him. [Laughter] He was a very impecunious young man when he came up; he had no visible means of support that anybody could determine. He had tried for the assembly a couple of times before, and had been defeated. But he persisted. I think the first time he ran was very shortly after he was graduated from USC [University of Southern California], probably in about 1948 or '50. He finally won in 1954. I

think he beat [John W.] Johnny Evans; you could look it up.¹

He was interested in the same kinds of things I was: workers' compensation, social insurance, that sort of thing. He voted right with the speakership thing; in other words, he voted with Lincoln instead of Smith. Jess had a great sense of power, how to acquire it and how to use it. He and Phil Burton were the two most adept in that area that I've ever come across.

HICKE: Can you think of any examples that would illustrate that for either one?

O'CONNELL: Well, manipulating enough votes to become speaker.
[Laughter]

HICKE: Well, yes, but I'm thinking more specifically.

O'CONNELL: Well, prior to becoming speaker, he aspired to become the chairman of the Ways and Means Committee, which is the most powerful committee in the assembly. Jess understood that, and he knew that in that position he could wield more power than he could on any other committee. I think he might have had his eyes on. . . . I'm not sure whether he was ever chairman of the Finance and Insurance Committee. He might have been. It says in my book that Tom Rees was the chairman in '59, which I think was the year that Jess became the chairman of Ways and Means.

HICKE: Do you know why he was interested in power, and how he got to be so good at it?

O'CONNELL: Oh, I suppose it was just his personality. I don't know. Some people aspire to power for the sake of power, some to acquire material goods. In Jess's case, I think it was more

1. Unruh received 19,465 votes to Evans's 17,196.

the former than the latter, although the latter certainly must have appealed to him some because he did become a fairly wealthy man, as I understand it.

HICKE: Do most people who go to the legislature aspire to power? Is that one reason why they go?

O'CONNELL: Oh, certainly. If you decide to become a candidate for any public office, it's because you have convinced yourself that you can do the job better than anybody else can. It's an ego trip for everybody who's in public office. Jess was certainly not lacking in ego, nor was I, nor was anybody else.

HICKE: I think it takes, like you said, a fairly strong ego to take that kind of punishment which you get if you get beaten and so forth.

O'CONNELL: Yes. Well, if you win, there are certain rewards that go with the satisfaction of your ego; that is, your stature within your community rises considerably. You're treated with respect that the ordinary person does not get. There are certain perks and privileges that go with being elected to anything, whether it's dog catcher or president of the United States. And Jess thrived on being looked up to as a leader, not just a small leader, but a large leader. As the speaker of the assembly, he was—I guess as they say, the speaker of the assembly is the second most powerful man in the state. I guess that's true because he does have an awful lot of power. Jess thrived on it.

After a few years of serving as the speaker, he wanted to be governor of California. In fact, I recall that when Pat Brown decided to run for the third term—that would have been in '66—Jess was quite annoyed with the governor. He thought that the governor should have been satisfied with his two terms, and allowed him, Jess, to take on

Ronald Reagan. But, of course, Brown did run and lose to Reagan, and Jess had to wait until 1970 for his shot.

HICKE: Do you have any personal recollections of him, or anecdotes?

O'CONNELL: I socialized with him quite a bit. Jess was a guy who loved a good time. I recall one time being at a cocktail party, I guess you'd call it, but it was held out in the open during the hot months in Sacramento. I recall that it was at a party that was being staged by Tom Rees and Don Bradley. [Donald] Don Bradley was not a member of the legislature, but he was a Democratic politician; he used to run campaigns on the statewide level for the state central committee and for Pat Brown and others. Rees and Bradley were sharing a house. Anyway, they decided to have this lawn party. Jess was there and I was there, many others. After a few drinks, the boys decided to play some games. One of the games consisted of vaulting a couple of picnic tables. They put two picnic tables together.

HICKE: End to end, are you saying?

O'CONNELL: No, side to side. They all took turns running and trying to broadjump the tables. And there's old Jess out there, weighing close to 300 pounds, I guess, in those days. He goes running at the tables and takes a mighty leap and didn't quite make it, and landed on his back. I thought, "Oh, my God, the guy's killed himself." But he got up and didn't seem to be fazed by it at all, went back and tried it again; and the next time, he made it. You know, it was only a couple of minutes between attempts. He was kind of a gutsy guy. Of course, he'd probably had a few drinks that had given him a little Dutch courage. I remember looking at it and deciding, well, that was not for me. [Laughter]

HICKE: Caution is the better part of wisdom.

O'CONNELL: "I'm too dignified for that." But that was one incident. I don't know what it demonstrates except a certain determination. Another time I remember being over at Bedel's at lunchtime, at the bar with Jess and others, including Danny Creedon. Danny was a lobbyist for the beer people in those days. Jess and Danny were engaged in a little horseplay. For some reason, Jess wound up grabbing Danny by the ankles and lifting him overhead upside-down. Creden was not light, either; he must have been close to 200 pounds. There's old Jess laughing and Danny laughing. It was all done in pure sport. But he was physically a very powerful man.

HICKE: What was he like in the assembly?

O'CONNELL: Oh, he had a great sense of humor, an ability to extemporize, tell stories, laugh at himself, and laugh at everybody else without making everybody mad at him. A keen mind. He could get to the heart of any problem and understand what was going on and talk about it. He wasn't a great orator in the classic sense of the silver tongue, but he had a kind of rough way of doing things that was humorous and also to the point. A very remarkable guy. He also used to like to sing; he had a fair voice. He never tried to sing anything very ambitious, but I remember one about the Bismarck. You know that song, the sinking of the Bismarck, a German warship?

HICKE: No, I don't think I know that one.

O'CONNELL: It's a long, dirge kind of thing. He did it kind of funny.

HICKE: Was he persuasive on a one-to-one basis?

O'CONNELL: Oh, yes. I admired him very much. I could disagree with him at times. Particularly later, after he became the speaker, I thought he compromised with what I considered ideals for political exigency. I do remember one time after. . . . We had—that is, the Criminal Procedures Committee had—killed

this Cahan repealer for the second or third time, I guess. Jess said to me and to others in our little group, "Well, now I can feel safe from the cops; now all I have to worry about is the criminals!" [Laughter] I'm paraphrasing; I think he said it a little better than that.

But he supported, as long as I was there, the committee to that extent. He was just as liberal as anybody else could be, because he allowed us to have the power that we did. A possible exception was his persuading Jerry Waldie to get off the committee, and I think we talked about that last time. But he didn't damage the committee, because he replaced Waldie with someone else who was just as tough.

But out of the people I served with in the legislature, I admire Jess as much at least as anybody. I always thought he was my friend, and until his dying day he was. I never felt deserted by him at all. I didn't see very much of him after he left the assembly to run for governor. For a couple of years I didn't see him at all until he became the treasurer, and then I occasionally bumped into him. I went to his memorial services recently. Good man.

Now that brings it down to Charlie Wilson, I guess. Wilson later went on to the Congress and got into some kind of trouble there. I'm not sure whether he got indicted or what it was. Perhaps you know. But he was probably just defeated because of a scandal that attended to whatever he was doing. He had been a Republican, had tried for the assembly as a Republican, and then was defeated by the Johnny Evans that Unruh eventually defeated. Then he decided to change his registration and become a Democrat. He won as a Democrat in a different seat.

HICKE:

Was this before cross-filing ended?

O'CONNELL: Oh, yes. He was first elected in '54, and cross-filing was not repealed until '59. But a version of the cross-filing had been enacted in '52, I believe. I believe it was in 1952 that by initiative the opponents of cross-filing had qualified a measure, and the legislature opposing it but being fearful that it would pass, put a competing measure on the ballot which preserved cross-filing but required the party designation of the candidate to appear after his name. So if a Republican were running in a Democratic district for his own nomination and chose also to seek the Democratic nomination, it would be obvious to the voter that this man running for the Democratic nomination was a Republican.

That had a very profound effect on matters. It did pass and the cross-filing thing was defeated. But in the '54 primaries was the first time that party designation was required. [Thomas A.] Tommy Maloney was a great example of that. Tommy Maloney was a Republican who had served in the legislature for something like thirty years. He started out in the senate, and then because of reapportionment he was maneuvered out of the senate, and then was elected without interruption in total legislative service to the assembly. But then he was in for about twenty-eight years or something in the assembly, and had always cross-filed and had always won in the primary. But in 1954, he had to disclose his party affiliation, and the Democrats put up a man whose name I don't even remember. But he was an older fellow who was almost totally blind. He had no money and no organization, and came within a hair of taking the Democratic nomination.

That was the same year that Phil Burton lost to the dead man in what later became my district. Phil took one look at the results of that primary election in the

adjoining district and promptly moved into it after his own defeat, moved in there and took on Tommy Maloney in '56. Phil was much younger and much more politically savvy than the other fellow was, and had more support, more money, everything. Yet even Phil had difficulty getting that nomination away from Maloney by just a few hundred votes. But he did win, and he went on in the general election of '56, defeated Maloney by again a few hundred votes, in a district that was lopsidedly Democratic.

I mention this to illustrate the importance of that party designation thing that was passed in '52. But then in '58, when the Democrats elected a governor for the first time in twenty years, one of the first things on the agenda was to pass a bill to abolish cross-filing, which was done in '59 by the legislature and not by initiative.

But anyway, getting back to Charlie Wilson, he was a member of that "Little Oil" group that I mentioned, and I think pretty much of a political opportunist. He had been the darling of the American Legion and the VFW [Veterans of Foreign Wars], and I think he served as . . . what do they call it? Commander or something.

HICKE: Of the VFW?

O'CONNELL: Well, let's see. [Reading] "Member of the American Legion and the Veterans of Foreign Wars." I thought he was a commander or something, but it doesn't say. He belonged to everything: Masons, Shrine, the Elks, the American Legion, the Rotary Club, YMCA, Chamber of Commerce, VFW. Insurance broker, although I don't know how active he was in the insurance business. He was mostly a full-time legislator, I think.

Chairman, Criminal Procedures Committee, 1959-62; Robert Crown, Phil Burton

HICKE: Are there any other people, colleagues or other people, who stand out in your mind during your years in the legislature?

O'CONNELL: Well, I turn naturally to those who were on my Criminal Procedures Committee first. Phil Burton was there, and Nick Petris, and Bob Crown. I should remember.

HICKE: Well, it was a long time ago.

O'CONNELL: The committee is probably in here, in this little handbook of mine.

HICKE: While you're looking that up, I'm going to change the tape here.

O'CONNELL: Okay.

[End Tape 3, Side B]

[Begin Tape 4, Side A]

O'CONNELL: Are we back on the air?

HICKE: Yes.

O'CONNELL: There was Nick Petris I've mentioned, Phil Burton, Bob Crown, Jerry Waldie. Those fellows were all close friends of mine, and I found very much in them to admire. The other members—there were two Democrats: Tom Bane, who's still there—I'd even forgotten that he was on the committee. He's a nonlawyer. I thought Kilpatrick was the only nonlawyer, but Bane was on the committee also. I was never very close to either Bane or Kilpatrick, for that matter, that is, philosophically. But I was to the others.

Three Republicans were on the committee: Bruce [F.] Allen, who later became a superior court judge in Santa Clara County, who I think passed away not so long ago. He was strictly a prosecutor type. [George G.] Crawford, the

O'CONNELL: fellow who beat Sankary, is now a judge—the last I heard he was a judge in San Diego. Another prosecutor. And then Lou Francis; we talked about him and his battle to outlaw pornography.

We had a group which ranged up to twenty-five, around thereabouts, who could be counted on to be liberals on just about any issue you could think. These fellows were all of that stripe.

I recall an amusing story about Bobby Crown. One time we had a bill before us. And for some reason, the bill had avoided the Criminal Procedures Committee and came out of some other committee. But it made it easier for store detectives to arrest shoplifters, and was sponsored by the retailers. It in my opinion violated the constitutional rights of the. . . . Just because there's a problem with shoplifters, you don't declare that the constitution doesn't apply. Anyway, I spoke against the bill on the floor and we got about twenty-five votes against it. But of course it passed.

Bob Crown voted with the majority. I remember afterwards talking to him: "Bob, what are you doing, voting with the cops on an issue like this?" He was kind of vague about it, and nothing more was said. I wasn't accusing him of selling out or anything of the sort. But I recall three years later that Bob would say publicly that the one vote he regretted having made was the time he "let the shoplifters down." [Laughter] That's a true story; he let the shoplifters down.

He, of course you know, was killed in an auto accident. Another ironic thing. Bob was a physical fitness nut; he worked out every day in the gym. Even when the session was going on, he'd take time out during the day to work out over at I think it was the Elks Club. They had

some kind of a pool and gymnasium. He never smoked or drank. When he could, he'd go jogging. It was while he was jogging on the streets of Alameda that he got hit by a car and killed. If he just hadn't been such a physical fitness nut he wouldn't have been killed.

HICKE: I know there's an East Bay Regional Park named after him, an area there over in the Park District.

O'CONNELL: Yes. They have a trust set up, Crown Memorial. I think it's run by [Louis] Lou Angelo. He used to work for Crown, you know, was an aide. They sponsor something like a scholarship to law school, the University of San Francisco Law School. Bob was a graduate of that law school. I think that's the way it works. Lou Angelo is still in Sacramento. I think he works for the Personnel Board, something to do with the Personnel Board. Everybody liked Bob. He was a good, solid political guy; he only let the shoplifters down. [Laughter]

HICKE: His one mistake.

More on Phil Burton

O'CONNELL: Yes. Phil Burton is another absolutely died-in-the-wool liberal, and also is a, I started to say earlier, guy who loved power. He knew how to get it and how to use it.

I had a falling out with Phil. It started when I became a candidate for the House of Representatives in '62. Phil didn't approve of it for reasons which are unclear. Although he was in a position to be of help to me, he didn't extend it. And I believe that he not only didn't help, but he actively hurt my candidacy in that year, at least the campaign manager of my Republican opponent later told me as much. I don't know whether it was because Phil lost to a dead man and I took a place that he thought rightfully should be his, or whether he wanted to get to

the Congress before I did, or whatever. I don't really know. But things were never the same after that. Although, as I say, he did help me with Pat Brown to be appointed to the Industrial Accident Commission, which may have been to relieve his conscience or get me out of the partisan political scene. I don't know what.

HICKE: I know in 1968 you ran for the senate, and I saw a newspaper article where you had some criticism to make of the Burtons at that time.

O'CONNELL: Yes, I regret ever having made that statement for the public. What I said was true, that is, that he had told me if I ever wanted to make a political comeback that I should move to Los Angeles or someplace, get out of San Francisco. That is what he told me. But another thing about the '68 affair is that I was going to make this run. I wanted to, but Phil had a candidate, [William] Bill Newsom, who is now on the court of appeals. Newsom came to me—this was before either one of us had filed—and told me that Phil wanted him to run for the senate against Milton Marks.

HICKE: Who was from Marin [County], right?

O'CONNELL: No. In those days, it was all San Francisco. Newsom and I talked about it in my office downtown. Newsom wasn't sure at all that he wanted to run, but he said that Phil wanted him to run. So I said I was seriously thinking about running myself. Of course, he knew that; that's why he was in my office. I got the impression from Newsom that if I really decided to run that he would drop out.

Then the weekend went by, and I think the following Monday, Newsom called me to say that he'd been persuaded that he was going to run. So by this time I got my back up a little bit, and I said, "Well, I'll see you." So we wound up both filing. I didn't have any money, and Burton had preempted all the normal party support that I might have

had from labor and traditional sources of Democratic support. It turned out that I didn't put on any campaign at all. I didn't have any signs or mailings or literature. I filed and made an abortive effort to get something going. I couldn't find any support.

It turned out that I got 75,000 votes or something, but it was not enough. It was damaging because it forced Newsom to spend a lot of money in the primary that he would have preferred to have saved for the general, and he lost to Marks. That was my last hurrah, I guess you might say.

V OTHER EVENTS

Demise of the California Democratic Council

HICKE: Let's go back a little bit to some other things that I want to ask about. I know you have a story to tell about the demise of the CDC [California Democratic Council] and [] Sy Cassidy?

O'CONNELL: Oh, yes. Well, that came in 1964.

HICKE: I'm not sure, but that's what I have.

O'CONNELL: Well, I guess it all started about '64. Sy Cassidy, who has been the publisher of a newspaper in Oceanside I think it is, or Carlsbad—one of those towns just north of San Diego—told me he was going to be running for the presidency of the California Democratic Council, and that he had the support of Alan Cranston and Pat Brown. So I agreed to put his name in nomination at the convention, which was in Sacramento that year. I was being criticized by the liberals of the CDC because they had it all figured that if Cranston and Brown were supporting Sy that he was the establishment candidate and not one of theirs. But I didn't perceive it that way. So I went ahead and nominated him. Sy became the president. At the same time, some others

decided to run me for vice president. I agreed to run, and I was elected to that.

Then, of course, the Vietnamese War was cooking along. Sy Cassidy became from the start extremely vocal against our involvement in that war. At that time, the CDC was a force to be reckoned with; it had lots of members. Anyway, the press knew what the organization represented and Cassidy got lots of ink. He got to running up and down the state criticizing [President] Lyndon Johnson and our involvement in the war. Pretty soon the word came down, as I understand it, from Lyndon Johnson and his people that "you've got to do something to muzzle this guy." There were people within the CDC who said to dump Cassidy. So this internal war broke out between the conservatives and the liberals within the CDC. When I say conservatives, I don't mean conservatives in the right-wing sense, but the establishment kind of Democrat.

HICKE: Do you want to say who any of these people were?

O'CONNELL: Well, one of them was Roy Greenaway, who is one of the principal aides of Alan Cranston. [Joseph] Joe Wyatt was another one. I can't remember all the names now, but they were more conservative types, establishment types.

I refused to go along with this. Finally, it was my idea at a convention we were having in Bakersfield, I believe, the following year that in order to resolve this, Cassidy ought to ask for a vote of confidence in mid-term to see whether he should continue to serve as the president and presumably continue to be as critical as he had been before. So we had a very lively convention and it went that way, except that the convention gave him a vote of no confidence. So Cassidy was out, and from that point on, the organization was decimated. The Cassidy supporters, almost half of the activists, sort of walked away from it.

I think John Burton, Phil's brother, later became the president; but by that time it was a paper tiger I think, and I don't think amounts to much of anything right now. I think Tom Hayden's group is probably much more powerful than the CDC.

HICKE: And you think that was the turning point, then, that internal dissension?

O'CONNELL: Oh, yes, I do. It was over Cassidy and over the Vietnam War. It all seems so unfair to me. Cassidy was invented by Cranston and Brown; they were the ones who got him to consent to be a candidate to be the president of the organization. Cranston was one of the—he was the first president of the CDC, which was born at Asilomar in 1952. Brown had never really been friendly to what the CDC stood for. Brown and Clair Engle and people like that didn't like the idea that an organization should have this much voice in the nomination process.

HICKE: They didn't have as tight a control as they wanted.

O'CONNELL: That's right. But of course, Cranston loved it because that's how he was born. And then in '64 when Cassidy was proposed, it was something like a merger of the old and the new in Democratic politics, which floundered almost immediately over this Vietnam controversy.

HICKE: How long were you vice president?

O'CONNELL: Oh, I served out a term. I don't know whether it was a year.

HICKE: Was it two years?

O'CONNELL: I don't remember whether it was one or two years. I was active in the organization. I served as a vice president; I was also on the board of directors of the state organization. After Cassidy was booted out, I sort of lost interest in it. I don't recall whether I did anything further in it. It wasn't really so much the war itself,

although I was opposed to the war. It was kind of a personal thing—the traitorousness of people who put Cassidy in there in the first place. I didn't think you should do that to anybody. You know, high treason or crimes of moral turpitude or something like that maybe might be a reason to remove such a person, but not because he had a purely political point of view, even though it happened to be opposed to that of the Democratic president of the United States.

San Francisco City Hall Riots of 1960

- HICKE: Okay. To switch gears again completely, what about the city hall riots?
- O'CONNELL: Oh, the city hall riots. Well, that was May 13, 1960.
- HICKE: A memorable date for you I can see.
- O'CONNELL: It was a Friday, too.
- HICKE: Friday the thirteenth, huh?
- O'CONNELL: Right. I was born on Friday the thirteenth. Well, there was a time when the House Un-American Activities Committee [HUAC] came to San Francisco to investigate the infiltration of suspected communists into public education, I think was the thing then. There were lots of people who didn't like what HUAC was doing, including me, and including the American Friends Service Committee.

I had a call earlier—a week or so before the committee came to town—and was asked if I would speak at a rally which would be held at Union Square in San Francisco on May 12 during the noon hour. I was told that I would be asked to speak just for five minutes, and there would be two other speakers, Phil Burton and [Richard] Dick Byfield, "Canon" Byfield, who was Bishop Pike's assistant at that time. So I agreed, and we all showed up at the right time.

Quite a large crowd gathered, and of course, they had a public-address system set up, and a rostrum. There were lots of TV cameras around and newspaper guys, so it was well covered. I made a speech in which I talked about the first amendment and the fifth amendment, why I thought that the people subpoenaed to appear before HUAC should not have to rely on the fifth amendment to refuse to answer questions . . .

[End Tape 4, Side A]

[Begin Tape 4, Side B]

O'CONNELL: . . . about their political beliefs and associations, and that it isn't treasonous to insist on a constitutional right to freedom of speech and associations. I spoke for three to four or five minutes. It was a very peaceable assembly; nobody threw any rocks, or nobody even booed me. I mean, people just either applauded politely or enthusiastically—I don't even remember. Phil Burton made a speech in a similar vein, and so did Byfield. Neither one of us talked for more than a few minutes. So we all disbanded, the crowd disbursed. I was going to lunch with a fellow from the ILWU [], Lou Gottlieb.

Anyway, the next day was a Friday and I was in my office that afternoon. It was fairly late; it was I think around 4:30 or so. I got a phone call; it was from somebody who had been at the city hall and had been a witness to the so-called riots: the police and the firemen with their hoses hosing people down the steps of the Rotunda there.

Well, the purpose of the call to me was to tell me what was going on and to tell me that fifty or a hundred people had been arrested and taken down to the hall of justice and charged with rioting or whatever the technical

charge was. They were calling me as an attorney who might be of some help in arranging for bail for these people. So I said sure, and left my office and went down to the hall of justice and did what I could, you know, to assist. I think most of the people were "OR'ed," or released on their own recognizance.

But that wasn't the real point of it. Unbeknownst to me, the House Un-American Activities Committee had subpoenaed the TV tapes of the proceedings there at the city hall, and also the rally at Union Square on the preceding day. And then they put together a film which they called Operation Abolition in which they had spliced the scenes taken at Union Square into the other to make it appear that there was a connection between whatever was going in Union Square and the so-called rioting at city hall a mile away on the next day. I was in the film; so was Phil Burton—just the video part, no audio; our words were not reproduced. Then they started showing this film all over the country. They say that more people saw that film than any film that Hollywood ever put out.

HICKE: This is a committee staff or something that went about showing the film?

O'CONNELL: Yes. Well, it was made available to patriotic groups and to schools and so on. And it was shown everywhere. As a matter of fact, the following year, I was invited by the Democratic Clubs of San Diego to come down and speak to the people who would be watching the film, and I was expected to make a critique of the film.

HICKE: At least you'd get a chance to answer.

O'CONNELL: Yes. So I was glad to go down, and I did. They had a community auditorium—I forget what they call it—there in La Jolla. It was just jam-packed with people who had each—they all had to pay fifty cents or a dollar or something

O'CONNELL: admission charge. So they showed first the film in its entirety, then they had me say what I wanted to about the accuracy of the film. So I spoke and I told them about how the film had been spliced, and all that; that the film was inaccurate, at least to that extent; and that the riots so-called would never have occurred if it hadn't been for the actions of the committee; and that the police department and the fire department themselves had more to do with the disturbances than the people did.

Then it was opened up to a question-and-answer period, and one woman first started off and she said, "Well, the chairman of the committee says the film was accurate in every respect. What do you say to that?" I said, "Well, I've told you where it's inaccurate, and I assume that the chairman of the committee who vouches for the accuracy of the film knows the truth of the matter. If he's telling you that it's accurate, then he's not telling you the truth."

Another questioner says, "Well, J. Edgar Hoover says the film is accurate." So I said, "Well, I don't know if Mr. Hoover knows whether the film is accurate or not. But my answer would be the same. If he does know, then he's not telling the truth." So then the person says, "Are you calling J. Edgar Hoover a liar?" I said, "Well, I don't have any legislative immunity as I stand here, but yes, I would say that if he's not telling the truth, he's a liar." And oh, man! I didn't really know it until things started to happen that a good quarter of the audience consisted of people from the local John Birch Society chapter. I thought a riot was going to break out there [Inaudible] I was glad to see a few officers in uniform who would protect me so I wouldn't be tarred and feathered and ridden out of town. [Laughter]

O'CONNELL: I stayed over that night, and the San Diego papers were full of it: "O'Connell calls Hoover a Liar." Then I found out that La Jolla was one of Hoover's favorite haunts. He used to spend his vacation there every year. He liked to go to the Del Mar race track. Anyway, so much for that.

The next experience I had with that incident came up in the following year, in '62. That's when Richard Nixon was running against Pat Brown for governor. Nixon was making his comeback after losing to Kennedy in '60. Brown and Nixon had a statewide radio and television debate. During the course of the debate, Nixon asked Brown, "Are you supporting O'Connell and Burton who helped to instigate those riots in San Francisco in 1960?" Brown, of course, knew that neither Phil nor I had anything to do with it. He said, "What you're saying isn't true, and of course I supported their position," or something to that effect.

But I found later from the political editor of the [San Francisco] Chronicle, Earl Behrens, who was the squire, the dean of all California political reporters, and a fairly right-wing Republican himself, told me some time later that he had been furnished a copy of Nixon's script in advance of his debate, and that he spotted this question that Nixon was going to ask of Brown. And he told Nixon, "You can't use this because it's not true." So Nixon was warned in advance of the untruth of the matter, but went right ahead and did it, which shows you something about Richard Nixon, I guess. So that's about the story of Operation Abolition, as far as I'm concerned.

There are probably a few more. I asked for and received some retractions. I threatened to file libel suits against CBS. I had somewhere around, I think, from Eric Severeid a retraction.

HICKE: That doesn't do much good.

O'CONNELL: No. It didn't help my campaign at all. I can't say that I would have won. That was 1962; that was the year of the Cuban missile crisis which occurred in late October. Probably as a result of the missile crisis only, I think, four incumbents of either party out of 400-odd were defeated in that year. I think two of the four who were defeated were in jail, and the other two had been reapportioned so badly that they couldn't make it.

HICKE: Well, do you want to go for a few more minutes, or shall we put the rest off for another time?

O'CONNELL: Well, suit yourself.

The Budget Process

HICKE: Were you involved with the budget process?

O'CONNELL: Yes. One contribution to the budget process, which I think was in my first term—it could have been the second—but when the Republicans were in control of the assembly, they brought the budget bill out in the customary way: they start it in the assembly and sent it over to the senate, and amendments are made. Then it comes back to a conference committee. The real budget work was done in this conference committee.

One day Tom Caldecott, when he was the chairman of the Ways and Means Committee in the assembly, got up to tell us what had been accomplished in the conference committee, what changes had been made. I rose to a point of order: "How am I supposed to vote on something which is not before me? Do I have to rely on the word of one man? Not that I doubt his reliability, but the constitution says that every proposal has to be in writing and at the desk of every member before we can vote."

O'CONNELL: That brought a halt to the proceedings. So I asked the Legislative Counsel for an opinion: am I right here or am I wrong? This was something that had been done this way for fifty years or so, and nobody else had ever objected.

We recessed for the weekend, and I remember I was home and I got a phone call from the legislative counsel. He said, "You know, you requested this opinion, and it's confidential between you and me, whatever that opinion is going to be." He said, "I'm going to have to agree with you that it has to be in writing and at the desk of every member. But I can't tell Mr. Caldecott or Mr. [Hugh] Burns or anybody else without your permission." I said, "Go right ahead." [Laughter]

When I got back, they didn't say anything, but claimed that to reduce all these changes into writing would take so much time, the physical problem was too much. And as it turned out it wasn't all that much that trouble to do it. Then I got a rule change made to write it specifically into the joint rules. It's still there, as far as I know. So that was probably the noblest thing I really did.

I never was on the Ways and Means Committee; I didn't have any direct involvement with formulation of the budget. Some people said I tried to spend too much money, the state's money, to do good things, you know. It's still a bad rule. In fact, I saw an article in the Chronicle just yesterday, a letter from Barry Keene, who's the senate majority leader now—or not. . . . Yes, he's the majority leader. [David] Roberti is the president.

Anyway, Keene was answering critics of the legislative process and people who want to keep the initiative as it is because of the inability or the refusal of the legislature to act in areas where it should act. One of Keene's responses to that was, one of the real problems that the

legislature has is the two-thirds rule. Whenever anything is going to cost any money, it requires a two-thirds vote of the membership to get it enacted. And if you were going to try to change that, you were going to have to have two-thirds to go back to a simple majority.

In the assembly, at least when I was there, they issued a bill that if it even indirectly suggested it was going to cost the state any money, it had to be referred to the Ways and Means Committee from the policy committee in which it originated. This slows down the process, and further gives the Ways and Means Committee a power of life and death over every other committee, which I think is wrong. Ninety-nine percent of the bills that go to the Ways and Means Committee have no business there, because it's just a hint of an appropriation in it somewhere. Excuse me, I'm going to have to run upstairs.

[Interruption]

Governor Goodwin Knight; Thoughts on the Constitution

HICKE: Well, just a couple more questions here. You've talked a little bit about Pat Brown. Did you also know Governor [Goodwin] Knight?

O'CONNELL: Yes.

HICKE: I wonder if you could maybe compare the two different styles of leadership.

O'CONNELL: They weren't very different, I don't think. Knight was a man who tried to cultivate a fairly liberal image as a middle-of-the-roader. He was a friend, or was regarded as a friend of organized labor. In fact, he was elected in 1954 with the support of organized labor against Richard Graves, who was the Democratic nominee. Of course, that was the only time that Knight was elected governor. He became governor when Earl Warren was appointed to the Supreme

Court by Eisenhower in '53. He had been lieutenant governor and moved on up.

He was an affable sort of man. He once asked me at a dinner in his home—he used to entertain members of the legislature from time to time in the old governor's mansion in Sacramento—he once asked me, I think in my first term, if I might be interested in a judgeship, which I took to mean that he might reward me with such if I went along with some of his proposals. I pointed out to the governor that the constitution required that I be a member of the bar for five years before being eligible to be appointed, and I only had one year. We changed the subject. [Laughter] But he wasn't a bad guy. I had no very distinct impressions of the man. He was Republican and I'm sure was partisan in his own way, but he never did anything particularly to offend me.

Brown, when he came on, he was a partisan Democrat. He was also a middle-of-the-road kind of fellow. In some ways, they had the same avuncular air about them.

HICKE: I notice that you have referred to the constitution quite a number of times. Of course, that last one was not in reference to any big policy decisions. But other times, have you particularly relied on the constitution or studied it, or is this fairly typical of how things go?

O'CONNELL: I remember in law school I took the course everybody must in constitutional law. I found it a fascinating subject. It's a wonderful study of American history to just trace the various decisions of the court and interpretation of parts of the constitution. I believe that there's never an excuse to ignore the provisions of the constitution. I suppose I refer particularly to the Bill of Rights.

HICKE: Yes, you mentioned the first amendment several times.

O'CONNELL: Well, the first, the fifth, the fourth—those are the ones that you consider mostly. Of course, you have the fourteenth amendment, but that seems to come up mostly in terms of how much the fourteenth amendment affects the first ten amendments, the original Bill of Rights amendments, for finding limitations on the powers of the Congress. The fourteenth is the limitation on the power of states, and the question now is how much are the states limited by what used to be considered only limitations on the Congress?

And then you get into this big original intent thing that Ed Meese and other people are pushing, whether the constitution is a living thing and has to be reinterpreted to keep pace with the changes and times. I'm not a Borkian; I don't stand with him or with Meese either. I prefer to look at the constitution as a commonsense document that ought to be interpreted in a way to do the most people the most good, and never to allow the majority opinion to squash the minority, or squelch it, I should say. You know, a chain is only as strong as its weakest link, something like that.

The Role of the Third House

HICKE: The last thing I want to ask you about is the role of . . .

[End Tape 4, Side B]

[Begin Tape 5, Side A]

HICKE: I was just asking you about the role of the Third House.

O'CONNELL: Well, there are those who will say that the Third House is only there to advise the legislature, to provide the expertise necessary for the legislature to understand the proposals that come before it. But everybody really knows

that that's not all that the Third House is for. The Third House is, almost by definition, the representatives of special interest that have their own axes to grind, and when they advise the legislature as to what should be done in a certain area, it's their own interest that comes first and not the thing, the proposal, the idea considered in an intellectual vacuum. I'm sure there have been many changes in the powers of the Third House between the time that I was in the legislature and today. I suspect that if anything, the Third House was more powerful in my day than it is now.

HICKE: What was your relationship with members of the Third House?

O'CONNELL: I knew them, I guess, the individual members as well as anybody else did. Some of them were contributors to my campaigns, but not very much. My campaigns never cost any money, and I thought that it was somehow immoral—and I think most of us felt the same way, in those days—to accept more than we actually needed to finance a campaign.

And the idea of building up a war chest for future campaigns or for the more ambitious campaigns was not much thought of. Perhaps Jess[e] Unruh and people with his kind of power thought along those lines, but certainly I didn't. If I thought I'd needed a couple of thousand dollars to run a campaign—maybe three or five, whatever it was—I would raise. . . . You know, the standard sources were usually labor unions that would come up with a couple of hundred dollars or so.

It wasn't until I ran for the House in '62 that I ever had need to really raise some money. I raised about \$50,000 then. Very little of it came from the Third House. I had some from labor. I was one of the "peace candidates" of 1962. That was a national organization that asked people to tithe to support national peace campaigns. And I received

quite a lot of money from odd contributions, like \$142.80, that being a tithe.

But nowadays, the speaker of the assembly and the president of the senate have put themselves into a position of exerting more influence on campaign contributions than the Third House does. Of course, the Third House provides a good deal of the money that is funneled from the Third House through these two leaders, and they in turn dole it out in such a way as to maintain their own power and so on.

HICKE: In your work in the legislature, did you have to deal fairly often with the District Attorney's Association and that kind of . . .

O'CONNELL: Oh, always, always. The District Attorney's Association, the Sheriff's Association, the Police Officers' Association. They were all quite interested in what we were doing. They wanted to shape the direction of criminal law. They never came to us to ask for better wages or working conditions for policemen because the legislature didn't deal with that. That's done at the local, county, city level.

There are a few areas where state law can provide fringe benefits to police and fire. For example, in the labor code, section 3850 or thereabouts, it creates a presumption that if a fireman or policeman has heart trouble, then it's caused by employment and therefore it's compensable under the workers' compensation act. But the Criminal Procedures Committee didn't deal with that.

The lobbyists for these law-enforcement associations never had any money to spend, not even to buy you a lunch. They just didn't spend any money; they were just trying to sell their ideas. They had a certain power through the local press. They were trying to intimidate you to go along with what they wanted to do. If you didn't, it was implicit

O'CONNELL: that you might be attacked by the editor of your hometown paper. But I just dealt with them as advocates of a certain position, with which I usually disagreed.

When they first came to me—and I think we went into this last time—about changing the obscenity law in California, I told the district attorney of Alameda County and the leader of the association, "Why don't you guys leave well enough alone? You've already got a U.S. Supreme Court opinion backing up the constitutionality of the present statute. Why do you want to take a chance that your changes will hold up also?" He just shrugged his shoulders and said, "I agree with you, but there's nothing I can do about it. We can't oppose this bill."

Even on this subject of capital punishment, if you wanted to have a public debate, you could always get somebody to argue the position that the death penalty should be abolished. At first you could get people from the District Attorney's Association, some police association, to take the opposite of the argument, but after a few tries, they just gave up. I'm sure they didn't think that they were getting defeated in the debate, but they were in the uncomfortable position of having to argue that it's somehow okay to take a man's life deliberately. You know, it is kind of an uncomfortable—it would be terribly uncomfortable for me; it didn't seem to bother some people. But it seems to me that it's a less comfortable position to take.

But the Third House is there, and it always will be, I guess. You can call the American Friends Service Committee or the ACLU or so-called "do-good" groups members of the Third House—and they are. But usually when you think of Third House, you think of giants of industry and that sort of thing, the oil people, or the movie industry, or

farmers, or whatever. They're talking about money. They're not talking about ideas; they're talking about money. I'm sure that on occasion they're willing to bribe to have their way.

[Arthur] Artie Samish, who used to control the legislature by his own claim, thrived on it. When Samish was in control of things, the members of the legislature got \$100 a month and no expenses. When they were broke, they came to Artie and they got their money to pay the hotel bill and put food on the table. There was no question that one became beholden to him under those circumstances. But the more independent of financial help just for living purposes the members became, the less influential the Third House becomes. It's only when you talk about greed . . .

HICKE: As opposed to need.

O'CONNELL: Yes. You know, you look at what's going on with certain members of the administration in Washington. You have to see pure greed in influence peddling. I was reading the news yesterday. This is not an instance of greed, but it's something that doesn't sit right with me. Cap Weinberger has got an agent, and he's going around the country and getting \$25,000 and \$35,000 an appearance to make speeches. There's nothing illegal about it, as far as I can tell. But I don't think I could bring myself to do that. I'm not that greedy, I guess. I'm sure Weinberger has got more money than I do already. I have never felt a need to have a whole lot more than it takes to live comfortably. I don't have to impress everybody; I don't have to become a jet-setter and own my own private jet or anything like that. So I'm here in my twilight years, I guess, enjoying life.

HICKE: On the whole, did you find your time as a legislator rewarding?

O'CONNELL: Oh, yes. I had a great deal of satisfaction in accomplishing what I managed to accomplish, although considered more in a negative way than positive. But I think I was a little bit like the boy with his finger in the dike for a while; I think I made a contribution that way. I learned a great deal. I learned a whole lot more about other people's business than I would have had I not been there. I don't have any regrets about it. I don't have any great yen to get back into it. Not that I would turn it down necessarily, but I figure my time has come and gone, and the opportunity to go back to the legislature is probably not there, probably never will be there, and I'm content to do what little I can in less obvious ways, or less open ways.

HICKE: Well, you've certainly done a lot for the state oral history program. This has been a very informative interview, and I thank you very much for taking the time to do it.

O'CONNELL: Thank you; it's been a pleasure.

[End Tape 5, Side A]