

California State Archives  
State Government Oral History Program

Oral History Interview

with

**JOHN F. FORAN**

California State Legislator  
1963-1986

April 23, May 14, 21, 28, June 4, 2003  
Sacramento, California

By Laura McCreery  
Regional Oral History Office  
University of California, Berkeley

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None.

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## INTERVIEW HISTORY

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### Interview Time and Place

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June 4, 2003	Session of one and one-half hours	Sacramento

### Editing

The interviewer edited for punctuation, paragraphing, and spelling, verified proper names, and compiled a table of contents and biographical summary. Mr. Foran reviewed the transcript, making frequent but minor corrections and additions.

### Tapes and Interview Records

The audio recordings of the interview are in The Bancroft Library, University of California at Berkeley. Records relating to the interview are at the Regional Oral History Office. Master audio recordings are deposited in the California State Archives.

## Biographical Summary

John F. Foran is a second-generation native of San Francisco, California. Born in 1930, he attended parochial schools and the University of San Francisco. He was wounded in combat while serving in the U.S. Army's 7th Infantry Division during the Korean War, after which he returned to his college studies. He holds a B.A. *cum laude* in history (1956) and a law degree (1959), both from the University of San Francisco. He is a member of the State Bar of California.

After law school, Mr. Foran served for three years as a deputy to California's then-attorney general, Stanley Mosk. He then went on to private practice of the law as a founding partner of the San Francisco firm of Leonoudakis, Kleineger & Foran.

Mr. Foran ran successfully in 1962 for the 23rd District seat of the state assembly, where he served until 1976. He chaired the Transportation Committee for four years, authoring both the Pure Air Act of 1968 and the law creating the Metropolitan Transportation Commission. He also succeeded Assemblyman Willie Brown as chair of the Ways and Means Committee, a position he held from 1974 to 1976. He played a key role in the election of his lifelong friend Leo McCarthy as assembly speaker in 1974.

In 1976 Mr. Foran ran for the state senate in a special election to replace Senator George Moscone. He went on to represent western San Francisco in the 8th senatorial district of the California legislature for ten years, where he again chaired the Transportation Committee. He authored S.B. 215 of 1981, informally known as the "gas tax bill," which represented a significant multifaceted transportation revenue package. He was a member of both the State Public Works Board and the California Transportation Commission for about ten years.

Mr. Foran left the assembly in 1986 to return to private practice with the Sacramento firm Nossaman, Guthner, Knox & Elliott, LLP. Today he remains a legislative advocate before the state legislature and various departments and executive branch agencies of state government.

[Session 1, April 23, 2003]

[Tape 1, Side A]

McCREERY: This is Laura McCreery speaking. On this tape, I'll be interviewing John Foran in his Sacramento office for the State Government Oral history Program.

Well, we'll start off with a little background, so I'll ask you to state your date of birth and then talk a little bit about where you were born.

FORAN: Okay, sure. I was born in San Francisco, July 11, 1930. I am a son of two San Francisco natives. Both my father and my mother were born in San Francisco, and both of them went through the earthquake of 1906. My father lived south of Market [Street] at that time, and my mother lived in the Excelsior district. They would tell us some stories about it, and it was very interesting.

McCREERY: What did they tell you about the earthquake?

FORAN: Well, my father in particular talked about the chimney falling down in their home. My mother lived in a fairly small cottage in the Excelsior district on Paris Street. When the earthquake hit, most of the then-residential areas of San Francisco were pretty severely damaged, particularly by the fire, so they actually took in the refugees from the other parts of San Francisco. The Excelsior wasn't very well built up, but they did have a backyard, and people went out there and my mother's family let them sleep on the porch. It was

done, I think, by many people where houses were still standing. Many refugees of the earthquake went to the tent city in Golden Gate Park.

McCREERY: Well, perhaps you'll tell me a little bit more about their own backgrounds, and give their names.

FORAN: Oh, sure. My father's name was James Edward Foran. He was at different times an electrical inspector, or he had an electrical contract business, and then he became an electrical inspector for the city and county of San Francisco. He was a city inspector until he died rather prematurely. He died at the age of fifty-eight in 1944. He was an ensign in the navy in World War I, and he was a brilliant mathematician. People would send problems to him from all over, which he just enjoyed solving as a hobby. He did teach numerous young kids, high school kids and others, mathematics. He could do cube roots in his head.

McCREERY: That's wonderful. Well, do you know much about how long his family had been in the city at that point?

FORAN: It's very difficult to trace back the ancestry. On both sides, it's of Irish ancestry. My mother's name was Egan. Her maiden name was McDermott. On my father's side, my grandmother's maiden name was Meehan, and she married John Foran. When I've been to Ireland a couple of times, it was hopeless trying to trace anybody because in the 1916 uprising, almost all of the custom house records were destroyed. So unless you know the parish where somebody was born and baptized you couldn't really trace anyone. I haven't been able to trace anyone back that far except one time when we were in Ireland. Some of them came from near Rascommon, which was where my

mother's mother was from. But not too far from Rascommon, on my father's side, I guess, there's a village called Bally Foran. All it has in it is a church and a bar and a grocery store [laughter]. But I have no way of connecting it, and there are other spellings of Foran, Ford and O'Foran, Forain, which sounds more like the Norman type of people.

McCREERY: Well, talk a bit about your mother's side of the family.

FORAN: On my mother's side there were four brothers and one sister. They grew up in the Excelsior district of San Francisco. She was at one time a telephone operator, but then when she married my father she didn't work anymore. She was quite a character.

McCREERY: How so?

FORAN: Oh, in many respects. She used to go downtown every day and exchange things, get a tie one day and return it the next day. She just loved to go down and do things like that. She was just a charming lady who everybody wanted to talk to. One particular incident occurred when I was at college at USF [University of San Francisco]. I was a member of the student council government, so I had a tux and I had to go to a number of the school functions and dances. I asked her one time when she was going downtown if she would stop at Selix's, which is on Kearny Street, and pick me up a cummerbund to go with this tux. So she went down to Selix's and she went in there--she didn't hear too well--and she said, "I want a concubine for my son." And the guy said, "A what, lady?" And then she said, "a black one." [Laughter] And he went into the back room and couldn't wait on her. He had to have somebody

else come out, he was laughing so hard. Anyway, I think there was a columnist--at that time, San Francisco had four newspapers--I think in the *Daily News* it was mentioned by one of the columnists. [Laughter]

McCREERY: [Laughter] It certainly communicates the colorful side of things. Well, what part of town did your family live in when you came along?

FORAN: In the outer Mission, which is near St. Mary's Park. My sister still lives in St. Mary's Park. She built a house in the early fifties there. I grew up there on Murray Street. My father owned a pair of flats, so we lived in one flat and he rented out the other one. There was a Swedish longshoreman named Henderson who lived upstairs, and they were the renters, the tenants.

McCREERY: And siblings?

FORAN: Siblings. I have two sisters and one brother. The brother is dead. He was an electrician. He was in the Merchant Marine during World War II. My younger sister worked for the telephone company, Pac Bell, and she has retired. My other sister, my older sister, was married to Tim McSweeney, who was with *The San Francisco Examiner* and ran the circulation department. She didn't work until her husband was in his later years. When she went to work, she started at the Giants ballpark, and then she went to work for the city registrar of voter's office. She's now eighty-two, and she worked until she was about eighty. She was in charge of the personnel retirement and pension department for the San Francisco municipal courts. Of course, there aren't municipal courts anymore; they've been combined with the superior courts.

McCREERY: Now, what about your early schooling?

FORAN: Early schooling. Interestingly enough, they just had a seventy-fifth anniversary of my class where I went to grammar school, St. John's grammar school. We went to parochial schools, all of the family. After that, I went to St. Joseph's preparatory seminary for about two, two and a third years and then left there and finished up at Sacred Heart High School. I graduated from there in 1948. At about the same time, I was working as a stock boy at Roos Bros. It was then called Roos Bros., later Roos Atkins. This was in the late forties, early fifties, and I ultimately became a department manager at Roos Bros. I was the youngest department manager.

Then the Korean War broke out, and I was drafted. I was going to go to OCS [Officer Candidate School]. I filled out their forms and passed their test, but they took so long to cut the orders, and I didn't want to spend more time in the army. So when the orders finally arrived, I said, "I don't want them, it's too late." I'd have to stay in the army longer than I had intended, because the draft was two years, and if you went to OCS you'd have to sign up for another year, and I didn't want to do that. There was a general order that when you refuse OCS orders you were sent to FECOM, Far East Command, so I ended up on a troop ship to Korea. I was assigned to the 7<sup>th</sup> Infantry division. That was in 1952, and we were engaged in combat. I was on the front line most of the time, and we were engaged in combat, mostly patrols, but sometimes in attacks or being attacked.

On the night of February 22<sup>nd</sup>, 1953--some dates you never forget--I was in a firefight. We were on a combat patrol--there are different kinds of patrols.

The combat patrol was when you go out looking for a fight. We got one, and we engaged them, and I was shot in the leg. I was evacuated to a MASH hospital, and then back to Osaka Hospital in Japan. The wound was from what is called a “burp gun.” I don’t know if you’ve ever heard of that term. It fires a slug that is almost 45 caliber; it was a big one, so it did a fair amount of damage to the bone in my leg.

McCREERY: Where in your leg?

FORAN: The lower part of the leg. They put me in traction and they tried a couple of operations to try to merge the bone, but they had to wait until it just grew together. That’s the irony of the thing. I spent over a year in the hospital, including Letterman Hospital in the Presidio of San Francisco, which is very unique because normally the army policy is to send you as far away from your home as possible. Of course, Letterman is right in San Francisco, so I should have been at Walter Reed in Washington, D.C., which is normal policy for the army. So anyway, I finally was discharged there.

Prior to that time, before I was drafted in the army, I’d been going to USF at night and taking courses. I probably had maybe a year and a half of units. Instead of going back to night school where I was previously enrolled--my original plan had been to finish up at night school, but I then had the GI Bill, which was quite a blessing from my point of view, because I don’t think I would ever have gone to law school without it.

McCREERY: What were your financial circumstances after the war?

FORAN: Well, very limited. I only had some work that I did parking cars and valet service, so I didn't have a heck of a lot. My father had died. My mother didn't have much. My sister was still not working, or she started working then, so we didn't have very much. At any rate, I went back to day school doing, you know, odd temporary work while attending USF. I graduated cum laude in 1956. Then, much to the dismay of my mother, I told her I wanted to go to law school, and she said, "Why do you want to do that? Why don't you just get a nice civil service job and stay at home?" [Laughter] So, I went to law school. I was president of the honor society, and I graduated from law school among the top of my class in 1959, passed the bar the first time.

The dean of the law school had been contacted by the state attorney general's office. They had a recruitment program for people that had high enough grades, and he recommended me to the attorney general's office. The attorney general was then Stanley Mosk, so [I got] my first job in the field of law with this recruitment program. By this time, I was married. We haven't got to that part yet, but I had been going with my current wife [Costanza Ilacqua Foran] since about '55 or somewhere around there. We got married in 1958 and had my son, David, in 1959. I didn't have a great deal of income. I had the allowance that they give you while you were on the GI Bill, and she was a schoolteacher. So she taught school and I finished school. Our son was born the April before the June graduation.

So getting the job with the attorney general's office was extremely important because they had several people from UC Berkeley and Harvard and

Yale and other places on this recruitment program. They would pay you to do clerical-legal work. You couldn't appear in court or do anything like that.

That would be against the rules. But that meant that while you're studying for the bar, you get paid. So, I was able to support my wife and child through the attorney general's office, because they paid me on the presumption that I would pass the bar, which I did.

McCREERY: Well, what a difference that made, to get paid.

FORAN: Oh, to get paid, right. Because I didn't know how I was going to be able to support my kid. Then, of course, that assignment was to Sacramento A.G.'s office, which at that time was the second building over. That's the library and courts building.

McCREERY: You can pretty much see it from here.

FORAN: You can pretty much see it. I don't know if you've seen the new attorney general's building. It's a huge building up here on J Street. But at that time the attorney general's office was very--I think they have something like fifteen hundred lawyers now. We had maybe statewide a hundred, maybe a hundred and twenty.

McCREERY: Well, that tells you something about how times have changed, doesn't it?

FORAN: That's right. So anyway, the entire attorney general's office for Sacramento was located on the top floor, which is where--the state library is on the next floor down. The courts were on the first floor, the appellate courts. We did a lot of work with the appellate courts because I usually appeared before the appellate court and before the [state] Supreme Court in some cases.

McCREERY: Before we get too far from it, let me draw you back for a moment to your time at USF as an undergraduate. Just tell me a little bit about how you chose to go to school there, and who was influential to you, if anyone, and what kinds of studies and activities you were involved in.

FORAN: When I first started, I was going to be a business major, because of my job with Roos Bros. When I started regular daytime classes, Leo McCarthy--he and I were very close, had been close since he was at St. Joseph's too.

McCREERY: Is that where you met him?

FORAN: Yes. And so he was at USF, and he was a history major, so I became a history major thinking, well, maybe I'll go into teaching. I really hadn't planned on going to law school. At any rate, I became a history major, and that is actually a good background for law school, good pre-law. Some of them take poli sci, some of them take history. You get a lot of the constitutional law and background in the law as a history major. So that's basically what I did. I was president of all of the clubs and organizations of the student body, which put me on the student council. I was very much involved with the library. I was not a jock, and the jocks were very, very strongly in favor of more rallies, but I kept insisting that a certain amount of the money that the student body traditionally gave to the university at the end of the year go to the library, to expand the library and buy books. [Laughter] I usually won, because they needed my vote for other things.

McCREERY: It sounds as if you were a natural leader.

FORAN: Well, I don't know about that. But anyway, I was president of the veterans' club, the history club, and president of the St. Ives Law Club, which is a pre-law society, so I had several offices along that line.

McCREERY: What was the campus like in those days?

FORAN: Oh, it was very, very unlike it is today. When I started at night school, there were Quonset huts on the grounds there. It was not paved, and they called it the "red river" because the earth was reddish and it had gravel, and when it rained it was like a river. You had to slosh through it to get from one class to another. But they were basically Quonset huts because the University of San Francisco, like other universities during World War II, absorbed all of these military people, and they gave courses in ROTC. They were still in that phase of having expanded their facilities to accommodate all of the, actually, mostly military personnel. Then they built the Gleeson Library, which became the law school. Now they have a beautiful new law school, which is a far cry from where we went.

McCREERY: Were any of the faculty members particularly influential or of interest to you?

FORAN: Well, Dean [Frank] Walsh was very influential. We had some pretty good professors. DeFuniak wrote the book on community property law, and I'm trying to think of several others that were pretty prominent in our field.

McCREERY: You mentioned LeoMcCarthy. What are your early memories of him?

FORAN: Well, we met at St. Joseph's. We lived close together. He lived on Murray Street, too, in the park part of it. We were always involved in political discussion. If you want to go back to when I was six years old, the local

assemblyman would be give me a quarter to deliver his little brochures around the neighborhood.

McCREERY: Is that right? Who was that?

FORAN: That was, I think, Gilmore. You've probably never heard of him. He goes back to quite a few years ago. I mean, that's back to the thirties.

McCREERY: So you would go around and--?

FORAN: You'd say, "Gee whiz. Would you vote for this man? He's a nice man," or something like that. That was my early introduction to politics. But then Leo and I would go to movies and then afterward we would sit on the steps of his house or my house and just talk about politics and how to save the world. We became very close friends, and of course we became involved in a number of political campaigns.

McCREERY: What were the earliest of those? Do you remember?

FORAN: Phil O'Rourke for Congress. He ran against then-congressman Mailliard and lost. Then I was involved in the first Phil Burton for assembly campaign, which he lost to a dead man, John Kerry.

McCREERY: I've heard that, but I don't know the details.

FORAN: It's true. Well, he ran and his predecessor, John Kerry, died before the primary election occurred, but his name couldn't be taken off the ballot, so Kerry won the primary despite the fact that Phil was alive and came in second.

Then John O'Connell, who was my predecessor in the 23<sup>rd</sup> assembly district, decided to run. Well, I had worked in support of his assembly campaign as well. Phil Burton moved to the 20<sup>th</sup> assembly district, even

though he could have been selected by the county central committee to be the nominee in the 23<sup>rd</sup> assembly district after the death of Kerry. Phil moved to Tommy Malone's assembly district because it was far more liberal-leaning and more to the taste of the politics of Phil Burton. The 23<sup>rd</sup> was more conservative, much more conservative. It was residential, with Noe Valley, Excelsior, and all of those areas. So I worked in Phil Burton's campaign. I worked in various other campaigns, [Edmund G.] Pat Brown's campaign, Ed Roybal, lieutenant governor, the first Hispanic to seek a statewide office since Tio Pico.

McCREERY: What were your roles in some of these campaigns?

FORAN: Campaign work, organizing the precinct campaigns, and working in actual precinct work.

McCREERY: Which was of course very, very important then.

FORAN: Oh, yes. We didn't have computers. The whole thing was done by manual labor. All labels were typed on Dupli-stickers. All "Dear Friend" cards were handwritten by people in garages. So anyway, Phil Burton, Pat Brown's campaigns, obviously Stanley Mosk, when he was considering a run for the U.S. Senate and then bowed out of that campaign. Then the Kennedy [presidential] campaign, at which time I was a deputy attorney general in Sacramento. I was president of one of the Democratic clubs. We lived out in suburban Sacramento county, and so I organized the precinct campaign for the county, not the city, the county. We had precinct captains, lieutenants, and workers, and I put it together and organized it and rang doorbells myself.

Kennedy was elected in 1960. I won't forget this either, because my mother-in-law came up and took care of our kids when we were doing all this campaign work.

McCREERY: Did your wife join you in that, then?

FORAN: Oh, yes. She worked. She rang doorbells. She speaks beautiful Italian and if there were any Italians, she would address them in Italian. At any rate, we both got the flu on election day, and we still worked on the campaign on election day, both with bad fevers. Finally, when the polls closed, we both collapsed. My mother-in-law had to take care of not only the kids, but us as well. And then, of course, I've been involved in every Democratic campaign since that time.

McCREERY: You mentioned the county central committee. Tell me a little bit about how that was operating, let's say in the 1950s. It was a much greater role then, from what I understand.

FORAN: Well, that was a source of real bitter political infighting. As I said, there were two rival groups, and the control of the central committee was very, very important to Phil Burton. That was something that he had to have, and we challenged it. These are things that are strange to anybody today, but literally, in order to be a member of the Democratic county central committee, you had to have an Irish surname. In order to get some other nationality on there, even Italian, you had to have a county committee member with an Irish surname resign and have another person appointed to fill his vacancy, and that was how non-Irish got on the committee. But there was John Monahan, who had a bar

on Sanchez Street, which is basically the political headquarters of the city, of the Democratic part in the city. A county committee chairman would be elected and remain in office until the next election, and the county committee would never meet during the two year interim.

[Tape 1, Side B]

FORAN: At any rate, the Irish were given to drink, and many times members would be taken out for a couple of drinks and then not show up, and that would shift the balance of power. This occurred in 1964, when Phil Burton had a candidate and some of his people didn't show up. So, our group--the McCarthy, Ertola people--elected then-attorney Don King. Don King is currently retired from the bench. He was an appellate court justice, and he is doing arbitration work, mediation work now. At any rate, he was elected for two years. Of course, no meetings were held during that period. Phil and his group came roaring back in the '66 election, and he captured the chairmanship. The rivalry went on and on, back and forth for a number of years. Ultimately we buried the hatchet--there are several stories about that--and we became, in many respects, allies rather than rivals. Now, of course, you find that John Burton and to some extent Willie Brown are considered the conservatives in San Francisco.

McCREERY: [Laughter] It's all relative, isn't it?

FORAN: Yes, that wasn't the case then.

McCREERY: Right. Well, you mentioned the county central committee and the requirement of an Irish surname, and that there were occasional exceptions, but in reality, how easy was it for anyone else to break in?

FORAN: You submit your name on the county central ballot for election, and most of the Irish were very politically involved, so the Democrats would see Murphy or another Irish name and they would vote for the Irish surnames. The Italians did not participate that much. They were politically active, but they didn't participate that much in the electoral process. Dr. Ertola was a member of the board of supervisors. He was Italian, but there weren't that many members of Italian extraction on the board of supervisors.

McCREERY: Did you have much connection with the board of supes in connection with these political activities?

FORAN: Oh, yes. There was considerable interaction, particularly after I was elected, of course. You always went to all of these functions where most of the supervisors would show up, particularly as it got close to election time. I was president of a Democratic club out in the outer Mission for a while. You have to remember that the California Democratic Council was then in its prime. It was really formed by Alan Cranston and pulled together this grassroots operation, which ultimately resulted in the [Adlai] Stevenson campaign.

The Stevenson campaign was grassroots, both of his runs for the presidency. But it also was probably the reason Pat Brown got elected in 1958, because prior to that time there had been no Democratic governor in the state of California for the entire twentieth century except for Culbert Olson. Also, it resulted in the election of Democratic majorities in the assembly and senate, and it caused the elimination of cross-filing. Have you heard of that?

McCREERY: Yes, I have. It ended in the late--'59 or so? Is that right?

FORAN: Yes, right, and once that ended, then the Democrats were able to just run as Democrats, and Republicans had to run as Republicans; they couldn't run as Democrat-Republican. Once that occurred, then from that time on the legislature in the state of California has been, with a couple of exceptions, Democratic. That was due to the CDC and its grassroots program and the end of cross-filing. So the CDC had a big effect. There were CDC clubs all over the state, and I was involved in them.

McCREERY: Who were the leaders locally in that, CDC?

FORAN: Let's see. I'm trying to remember. Denise Wright was one, Nick Martinez-- I'm trying to remember some of these people--Feigenbaum, Laurie and Ollie Feigenbaum, the Lauders, the Kings. I'm trying to remember. There's another one, and I just can't remember the name.

McCREERY: Let me take you back to the subject of Phillip Burton. You talked about working on his first campaign, is that correct? What kind of a guy was he in those days?

FORAN: Well, Phil was [laughter]--I don't know if Phil ever changed. Interesting story--you may get a better, more accurate picture of it from somebody else, because I wasn't there. But it is my understanding that both Phil and Jesse Unruh were at USC at the same time. Jesse was the ultra-liberal, and Phil was the more conservative. Then when Phil came to San Francisco, he became more liberal. I mean, he had ambitions all along the line in politics, and I think he saw that San Francisco was becoming more and more liberal, and whether he decided or that was his natural bent, I don't know, but he did become very

liberal and moved in the very liberal section of the city. At that time, San Francisco had six assembly members. It has one and a half now. There were Republican assemblymen. Busterud was a Republican, Marks was a Republican, and the others were Democrats. But the method of becoming an assemblyman in those days was quite different from what it is today. Now you hear about multi-million dollar campaigns in primaries.

McCREERY: And sometimes the real battles are fought in the primary.

FORAN: That's right. In San Francisco, at that time, somebody would probably say, one of the bosses--they weren't really bosses like New York bosses, but certainly influential people like Bill Malone, who said, "You'd make a nice assemblyman. Why don't you run?"

McCREERY: Where do you think your own political interest comes from?

FORAN: I guess mainly with the work with Leo McCarthy, and our discussions, and getting involved in campaigns to change the world for the better, presumably.

McCREERY: How did you and he think you could change the world? How could one proceed at that time?

FORAN: Well, I don't know. I personally did not think that I would ever become a candidate. I was going to work behind the scenes, moving the pieces on the chessboard from behind the scenes. Leo, I think, always intended to run for office, but my run for office was more accidental, because I figured I would be a lawyer. I returned to San Francisco from Sacramento to do some more trial work and ultimately considered going on the bench. That's where I thought I was going. Then, of course, John O'Connell decided to run for Congressman

Mailliard's seat, leaving a vacancy in the 23<sup>rd</sup> assembly district, at which time we had this huge primary battle in which Phil had his candidate and I was the moderate candidate. There were eight candidates in the primary.

McCREERY: Do you want to go ahead and tell that story?

FORAN: Well, whoever won the primary won the election. The district was something like sixty-eight percent Democratic, so once you got by the primary, the election itself was automatic, practically. I was home with a friend of ours--he was one of my fellow deputy attorney generals. We had him for dinner in San Francisco. By this time, we had moved to Natick Street in San Francisco, which is in the Glen Park area. He and I took our respective kids to the zoo, and we came back and my wife was preparing dinner for them. We were sitting there eating dinner, and she says, "Oh, by the way, Bill Carpenter,"-- who was an aide to then-Assemblyman John O'Connell--"called and wants you to support him for the assembly race."

McCREERY: What time of year was this, by the way?

FORAN: This was about April. The election would have been in June, so it was about April, early April, maybe. That started a chain reaction. When she told me that, I got on the phone to Leo McCarthy. Leo got on the phone to all of our political group, who--we still meet. We met a month ago. We meet at a restaurant and talk about old times. But this is the same original gang that was involved in my first campaign as well as Don King's election as chair of the county committee. John Delury, who was another candidate of ours who ran in the 20<sup>th</sup> assembly district and was defeated by John Burton in 1964.

Anyway, there was myself; Frank Keiliger was Burton's candidate, he was on Burton's staff; Ted Dolan, who was a brother of the clerk of the board of supervisors; Ernie Lottie, who was a union person; Luke Morley, who was a retired highway patrolman who owned a grocery store on Chenery Street was a candidate. Morley felt that others had no right to run, because he was going to challenge O'Connell. He felt that it was his prerogative, and no one else should get in the race because he was there first. Anyway, there were eight of us all together, and each had their group of followers. The board of supervisors backed Dolan, and then you had some teamsters backing Ernie Lottie.

We had an enormous grassroots campaign with Dupli-stickers. In those days you had your volunteers type Dupli-stickers of all of the people that were registered and on the precinct lists. You took two sets of those for your own use to send out your mailers, and you sold the other two to people who were supporting Proposition A or Measure B or whatever the case may be, so you could have enough money to send out your mailers. And of course, the cost of each mailer was one-and-three-quarter cents, and it was given first class treatment by the post office. [Laughter] At any rate, I won the primary election.

McCREERY: Now, how did you win? Tell me what was going on.

FORAN: Well, we had very strong volunteers. We had many precinct workers. I myself and my wife covered huge areas, mostly in the Excelsior district, where she would take the Italian surnames and I would take all the other surnames, many of which were Irish or Russian, and we would just go door to door and engage

the people in conversation, "Please vote for Foran." We had "Dear Friend" cards. We had a number of people that would take their Christmas lists and fill out a "Please vote for John" postcard and a picture. We would have these "Dear Friend" cards, and we would have people come together, mostly in garages, especially in the Irish section South of Market. They would gather about a half a dozen or a dozen people. They would write out "Dear Friend" cards or put on Dupli-stickers, stuff envelopes, and put the label on them.

The one major piece which I think convinced Sala Burton, Phil's wife, that I was going to win was a postcard called, "He Knows Our District," and it was a collage. In the collage, it had me standing sort of in knickers in front of the Murray Street house, looking corny, very corny. [Laughter] It had me in my U.S. Army uniform, with my ribbons.

McCREERY: Wounded war veteran.

FORAN: Yes. It had me with the attorney general's office in a law library, and it had my brother and two sisters showing "He knows our district," because I grew up there. So we played on that theme, and that theme was basically the factor that won. In addition to that, we had an Irish mailer, signed by Joe Casey, then-Supervisor Joe Casey, and a variety of other Irish notables. We had an Italian mailer, which had a picture of my mother-in-law and father-in-law, who look like Italian opera stars, and my wife and I and our kids with the caption "amico di Italia," friends of Italy. My wife was described as the San Francisco-born former Costanza Ilacqua Foran. So we played on that. Then, of course, at that time there was tremendous church activity, parish church activity in San

Francisco, and we had all of the parishes organized with a chairman for each parish: St. Anne's, St. Paul's, Epiphany, et cetera. They would coordinate with the Men's Club and the Ladies' Clubs to get them to support me for the primary. We would go to all the bingo games and usually, because of our connections, we would know the master of ceremonies of the bingo games, and we would pass out our cards. Of course, the man running the bingo games was on our side; he was probably our committeeman, and he'd go around and say, "Vote for Foran." So, putting all that kind of stuff together, we won the primary.

McCREERY: Aside from emphasizing your San Francisco roots, the Irish and the Italian, was there any other particular way that you tried to distinguish yourself from the other candidates in the field?

FORAN: Well, I was very much, even then, interested in transportation, and had served on different committees and commissions. There was a Bay Area Transportation Study Commission, and at that particular election, 1962, the BART bond issue was on the ballot in the amount of \$798 million. It was thought that if they went over \$800 million it would be defeated. I was a strong champion of transportation, transit solutions to the congestion problems, and as we'll get into later, I became very much involved in the development of California policy into a multi-modal form of transportation, as opposed to what it was, a single-modal form, under [state senator] Randy Collier's regime. When I was first elected, we built highways and nothing else. We had nothing but pavement and concrete, which is certainly not

something that the local people in San Francisco wanted, even in those days.

They wanted transit. So that was one of my major efforts.

I was obviously very much involved with education, pro-education. My wife was a teacher, and she kept insisting on that [issue], and I agreed with her totally. I had strong labor connections, especially in my first years in the state legislature. I had a very strong conviction that we needed to expand our apprenticeship program to bring more people, including minorities, into the apprenticeship program for plumbers or electricians. In the first couple years, I probably authored maybe twenty bills in the apprenticeship field. Some of them are still on the books. It was a labor-oriented [campaign] and, of course, I was involved in the workers' comp issues, and the unemployment insurance, and other labor issues, which were a part of my platform.

McCREERY: You did mention the teamsters earlier. Talk a little bit about what kind of a role they played in San Francisco politics.

FORAN: It was a very interesting role. You know that the teamsters were not part of the AFL-CIO for quite a while. In San Francisco, the teamsters had an independent kind of operation--it was remnants of the old Union Labor party that existed going back to the thirties. So you could get the endorsement of the labor council, the AFL-CIO, but you still needed the teamsters. The teamsters were very big in San Francisco. Think of all of the newspaper drivers and the grocery drivers. They were powerful. Jack Goldberger was head of the teamsters union, and I had his endorsement.

McCREERY: Did you have any trouble getting that?

FORAN: Yes. It wasn't easy because Phil Burton leaned all over him.

McCREERY: I wondered.

FORAN: Yes. I was very strong in the building and construction trades: the electricians, the carpenters, the laborers, and all of those people. And our people--I had Bill Malone on my side. Bill Malone, as you've seen in *A Rage for Justice* was the Democratic boss of San Francisco starting in the fifties. He supported Truman when nobody else would. Of course, he got John Fixa named postmaster general of San Francisco, which is a very important position to young politicians because at Christmastime, when all of the college kids were home or high school kids were on vacation, you could get John Fixa's office to hire all of these people who were constituents of yours or campaign workers. If they had worked in your campaign, you recommended them for the job, and they'd get the job, so they'd have two or three weeks to earn money at the post office. At Christmastime the post office hired up to triple or quadruple their personnel. Unlike the East Coast, which had a different form of helping constituents, we had the post office. Again, it goes Bill Malone, Harry Truman, John Fixa.

McCREERY: That's a nice detail. Well, tell me what else you did to get the teamsters.

FORAN: Well, I had another very strong supporter, and that was then-Senator Eugene McAteer. McAteer was a strong supporter, and of course he had very close ties to the teamsters and other labor groups, so that we were able to put his efforts to work to get endorsements.

McCREERY: Tell me about the primary election itself, and how close it was, and where you were, and all that.

FORAN: Yes, it was close, but I don't know if--it used to have how close it was in here [flipping through a binder]. Okay, this is the general election. I won 34,000 to 12,000 over Sam Wicklow, who was the Republican. They had a hard time finding Republicans to run in San Francisco.

McCREERY: Yes, I bet. [Laughter]

FORAN: I don't know if it has the primary vote in here or not. Some of these do. Oh, wait, here it looks like.

McCREERY: Even to the extent that you remember sort of approximately how it went in the primaries.

FORAN: Well, it was a few thousand votes. I got 7,000 votes. The next person, Bill Carpenter, who was John O'Connell's assistant, had 5,000. Frank Keiliger--no, Frank Keiliger came in second with 6,000. So, one, two, and three were myself, Keiliger, who was Burton's candidate, Carpenter, and then it goes down to Luke Morley got 3,000. The rest of them are not that significant. John King was another Democrat who ran. He was a labor person. Anyway, that's the primary, and then I said that was tantamount to election. Ted Dolan got 2,000, which isn't very much.

McCREERY: Yes, so once you went through the primary, you had it pretty well sewed up, as you say, in a district like that.

FORAN: Right, the only thing you have to worry about then were the primaries.

McCREERY: Well, did either you or your wife have any hesitations about your going in this direction, public office?

FORAN: Well, I had some misgivings. Again, as I said, I never intended to make a career out of it, but it ended up being that way anyway.

McCREERY: It seems that your other activities sort of led into it in a way.

FORAN: Yes, it does. But, again, I was probably going to play a behind-the-scenes role rather than an upfront role.

McCREERY: Well, it's interesting how things turn out. Let's stop there for today. Thanks.  
[End of Session]

[Session 2, May 14, 2003]

[Tape 2, Side A]

McCREERY: We touched last time on your stint with the attorney general's office starting in 1959. I'd like to get a little bit more detail. You mentioned there was a recruitment program. What was the process for that recruitment?

FORAN: Well, it was upon a recommendation, in my case, by the dean of USF law school. I was one of the top students in my class, and he recommended me to the attorney general's office. I went down for an interview and I was hired, and this is before I passed the bar, which was very helpful because I had a two-month-old son. That was a blessing because I was able to support him. My wife had taken a leave of absence from her teaching position in San Francisco.

I was assigned to the Sacramento office. I came to Sacramento with my wife and young child, and we bought a house on the GI Bill. I worked in the attorney general's office, mostly in the criminal appellate division. Then, during the course of about a year, I was assigned to Governor Pat Brown, to advise him presumably on legal affairs, but also to try to give him some political advice as well. I had known Pat Brown for some time.

McCREERY: How did you know him?

FORAN: I knew him from his campaigns for attorney general and then subsequently for governor. I worked in his gubernatorial campaign. I guess that was in 1958 when I was still in law school.

So then I was an advisor to him. When bills would go to his desk they would have to be analyzed, and I and another attorney from Caltrans, and another attorney from a different department were assigned to do this. They didn't have the huge staffs as they do now, so they used to borrow attorneys from different departments and agencies. Stanley Mosk knew that I was political, so he had me assigned to Pat Brown, and I did these analyses during the period of time when he had to either sign or veto the bills. I did that in 1960 or 1961.

McCREERY: Who else was doing that with you for Governor Brown?

FORAN: Another person, Preble Stolz, who later was a professor of law at UC, at Boalt Hall, and another person--I can't recall his name--who was one of the attorneys for Caltrans. The three of us would sit there, read the bills, and then tape our analysis and reduce it to one page or at most two pages, and give the constitutionality, the legal consequence, the support and the opposition, and finally we would suggest a signature or veto, which the governor sometimes followed and sometimes did not.

So that was a sort of a political connection that I had even when I was at the attorney general's office in the legal department. Then in 1962 I asked for reassignment to the San Francisco office of the attorney general's office, and that came about. I was working as a deputy attorney general in the San

Francisco office. That is when the very surprising move [was made] by then-assemblyman John O'Connell, who represented the 23<sup>rd</sup> assembly district of San Francisco, where I happened to be living. He decided that he was going to run for Congress against Representative Bill Mailliard. He didn't tell anyone, and I received word through his aide, who called my home when I wasn't there and gave a message to my wife asking for my support. She gave me the message, I called Leo McCarthy, and he called Don King and Jack Ertola and a group of people that were sort of the moderate Democrats in San Francisco. I was one of only two of us living in the 23<sup>rd</sup> assembly district. Don King, later an appellate justice, was the other. We had bought a house. Actually, no. We were living in a flat, a rented flat at that particular time. Don King, who's an attorney practicing mostly in the West Portal district, lived there. They asked him to run, and he didn't want to run, so I was the choice of our group. I ran for the election and as I told you, I think, last time, the whole race depended upon who won the primary. I won the primary in a field of eight candidates and then was elected to the assembly and came to Sacramento and began my legislative career. I was sworn in in January of 1963.

McCREERY: I'd like to return to your time working with Governor Brown from the attorney general's office. What kinds of things stand out to you about the bills that you worked on at that time, 1960 was it?

FORAN: In 1960 there were a number of bills. It's hard to recollect them, because there are so many bills that passed by, but there were bills in a variety of fields-- parks and recreation. I remember recommending that he not sign a particular

bill for an Indian grinding rocks park, because it was low on the priority of the state park acquisition program, and other ones were ahead of it. But there was a very powerful senator named John Begovich who insisted that he wanted that park for his district and walked into the governor's office and told him to sign it. He was quite a character, very much like John Burton with his language. [Laughter] So the governor signed it. There were several other bills, but basically it was based upon the pros and cons that were set forth. We would read the letters in the file in support of the proposition, and summarize the arguments.

McCREERY: As you say, much as a larger staff might do in a later period.

FORAN: Now they have a huge staff doing it, and they have very full-time people doing it. We only did it during the period of time when the governor had only about sixty days to act on each bill, so it was a question of getting that information to him as quickly as possible, and there was not enough staff to handle it.

McCREERY: Yes, that's my interest. How did Governor Brown use you and the others?

FORAN: We weren't actually meeting with him, although we would sometimes. He would call us in and say why did you recommend this or that, and we would tell him based upon the arguments that were put forward by the proponents or opponents. As I say, if there were other priorities based upon state plans, we would say, "This is not a good idea to sign, because this is not priority. Maybe at another time it would be good to sign, but not at this particular time."

McCREERY: What was Governor Brown's style in working with you behind closed doors?

FORAN: He was charming. He was a very, very able politician of the old school, and he would always listen carefully and be conciliatory and things like that. He would still ultimately do his own thing based upon a lot of political considerations, but he was a very, very charming man and a very, very effective governor. Many years later when he was out of office, I would see him and he would call me "Mr. Transportation," because by that time I enjoyed a reputation of being in transportation. He was just a fine gentleman.

McCREERY: You mentioned last time that the attorney general's office statewide only had about a hundred or a hundred twenty people at that time. Just talk a little bit about how things were set up around the state.

FORAN: Well, it was quite a different situation. All offices were smaller. Caltrans was obviously the biggest office, because it had the entire highway program going full blast. As you may recall, Governor Brown put together the highway program. He put together the water program. He put together the plan for higher education. All of those things were going full force, and the amount of staff to undertake that was considerably smaller than the staffs that they have today for a myriad of lesser objectives. California was a smaller state; we were not the largest state in the United States. New York was still was the most populous state, although during the course of Pat Brown's second term we became the most populous state. Now we're up to thirty-three million people, the largest state in the country. But at that time we were not the first. We were a large state, a growing state, and there was not that much immigration, so you didn't have the multilingual type of problems that you have today in schools.

Education was pretty well funded. They had adequate funding; they can always use more, but I'd say better than 50 percent of the state budget went into education. It was a state that was on the move, very progressive compared to national standards.

McCREERY: How important a role did the attorney general have in this administration? I know that Mr. Mosk had just come in, and had succeeded Pat Brown in that job. What was their relationship? Did you have any view of that?

FORAN: Yes. Stanley Mosk was a very effective attorney general, probably the most effective attorney general up to that time. He initiated a variety of programs that were unheard of in the attorney general's office before. He created a department of consumer affairs to protect consumers from the vested interests. The department of consumer affairs was his brainchild and was very effective. He had a division of civil rights, very small, but he did have one. He intervened on behalf of the public in a few cases which were more consumer-oriented [cases] than other attorneys general had ever undertaken. So he was very effective, and he worked very closely with Pat Brown.

McCREERY: Under what circumstances did you first meet Mr. Mosk when you were coming in?

FORAN: I was interviewed by him when I got the position with the attorney general's office, and he was very cordial.

McCREERY: How did he strike you in that meeting?

FORAN: Well, I was in awe of him, basically. I had heard of him and known him, but I didn't know him personally until then. Everybody called him "the general,"

which is something that the current attorney general doesn't like to be called. But he was very good, very good with people, very supportive of his staff and the positions that they took on legal opinions that we wrote. A very effective attorney general.

McCREERY: You mentioned a lot of work on the appellate court criminal division, is that correct? Tell me a little bit more about that.

FORAN: The attorney general is the chief law enforcement officer in the state. The office usually does not try criminal cases unless there's a conflict. I engaged in some cases with other attorneys where we did deal on a local prosecutorial level, but most of it was appellate court. After a conviction had occurred, the defense would appeal. We would appear in opposition before the appellate court. Then if the case went up to the Supreme Court, we would appear before the Supreme Court and argue again on behalf of the prosecution. There used to be a law that required the confiscation of automobiles if they were involved in drug trafficking, in which case we would actually appear in the trial court and try these cases, non-jury cases, to uphold the confiscation of the vehicle by the state.

McCREERY: How were assignments made in the attorney general's office?

FORAN: There were divisions: civil division, criminal division, consumer division, and then they were subdivided into real estate, administrative law, and divided like that. There was a head of each division in each office and the criminal division--there were only three offices: San Francisco, Los Angeles, and Sacramento.

McCREERY: I know you already had some interest in transportation and specific issues. Were you seeking out certain kinds of things? Do you recall what you wanted to do at that point?

FORAN: When you are first elected [to the assembly] you fill out a form for the speaker--the speaker was then Jesse Unruh--and you indicate your preferences for committee assignments. That's a very important piece of paper to fill out, because it pretty much defines your career in the legislature. I filled out transportation number one, industrial relations, which is the labor committee, finance and insurance, in which I had an interest, and judiciary, civil judiciary, because I was interested in keeping abreast of changes in the law.

The transportation committee was my first choice, because of my heavy involvement in BART, and the establishment of a major transportation system in the Bay Area, of which BART would be the pearl or the queen of the system. I had been involved in attending meetings in the support of BART. The BART bond issue was on the ballot in 1962, the same year that I was elected. The bond issue was \$798 million. They were afraid to go to \$800 million because they thought it might be rejected. I was, as I say, heavily involved in that. Then, of course, when I got to the legislature, there were still loose ends to be tied. The bond issue passed, first of all. It passed by the requisite number of votes in San Francisco and Alameda, but it was under a majority in Contra Costa County. There was a long series of lawsuits. Finally the court ruled that as long there was a requisite number of votes in all three counties combined, it passed. But lawsuits delayed BART by about six months.

There were other factors, and of course the biggest factor was the transbay tube, which had certain cost overruns. I was involved in the sales tax funding of that. I passed a bill that I got agreement on from all sides that we would put a cap of \$180 million to complete it. Certain legislators were concerned about further cost overruns. I put a cap on it, then obtained the support, provided the funding for the BART tube. That's how it ultimately came to be resolved. The cost came in within the cap of \$180 million, and the tube was completed. That was an essential element to the development of the BART system.

McCREERY: How did the assembly transportation committee view BART? How much were people on board with that idea by then?

FORAN: It was pretty supportive. Again, it was a regional authority and, of course, the jurisdiction of the transportation committee was statewide. I was just a member; I wasn't chairman at that time, so it was something that I watched out for very carefully. There were a number of other incidental issues that had to be thought through to make the system work, and I was either the author of some of those, or in some cases it was Senator McAteer, who was the state senator from San Francisco. In some cases he introduced the legislation, and then I would carry it on the floor of the assembly, or push it through the assembly for him to carry on the floor of the senate. So hand in hand we worked together.

McCREERY: As you say, you were just a member when you joined the transportation committee.

FORAN: Right.

McCREERY: Describe a little bit its membership and its makeup at that time.

FORAN: Well, its makeup at that time--the committee was chaired by then-Assemblyman Tom Carrell. Tom Carrell was a very wealthy automobile dealer from Southern California who had a very strong interest in transportation from the automobile dealer's point of view--understandable. He ran a pleasant committee, but essentially transportation policy at that particular time was controlled by the senate [committee]. It was chaired by Senator Randy Collier of Yreka. Randy Collier's concept of transportation was highways, highways, and then more highways, and understandable--he was from a rural area. But he ran his committee with an iron hand, and nothing in transportation occurred without him. Tom Carrell never really had any confrontation with him so they got along fine, and that's pretty much the way it was.

I carried, as a member, quite a number of bills dealing with automobile safety. One particular bill, a safety bill, would have allowed the highway patrol to put a very limited number of unmarked vehicles on the highways, because they claimed speeding was killing too many people, and they needed this particular type of legislation. So I carried that, but I didn't pass it. It was defeated. There were some district bills, but in transportation I carried quite a few bills from the Department of Motor Vehicles, from Caltrans, that the governor's office requested. I had a pretty good relationship with the governor because of previous experience. So quite often Caltrans--it wasn't called Caltrans at that time; it was the Department of Public Works--they would ask

me to carry bills. The Department of Motor Vehicles would ask me to carry bills, and I carried a number of the administration bills on traffic safety, improving the system.

McCREERY: How early did you have your eye on chairing that committee?

FORAN: Well, I didn't know what was about to occur. I was, you know, sitting there, figuring it would take a long time to become chair of a committee, because you have to realize that at that particular time, the so-called one man, one vote-- "one person, one vote" I should call it--had not occurred. That occurred in 1966. At that time, the senate was elected in a way that no single county could have more than one senator. Therefore, San Francisco, L.A., Alameda, et cetera, had one senator, but up to three counties could share a senator. So you had a situation with the senator from Los Angeles representing six million people and having one vote, and the senator from Inyo, Mono, and Alpine representing less than ten thousand people had one vote.

So the entire structure of the legislature was dominated by Northern California, because there are more counties in Northern California than there are in Southern California. As a result, the entire state was run and dominated by the northern legislators in the state senate. Even though the members from Southern California were predominant in the assembly, they could do nothing without the agreement of the Northern California senators. Now, in its defense, it should be noted that these Northern California senators were very progressive. They were the ones responsible for the water program, the higher education program, the highway program, and ultimately, the civil rights law

that was passed by Jesse Unruh, and the Rumford Fair Housing Act. All those were passed by what were supposed to be very conservative Northern California senators, because without their agreement the [programs] wouldn't have been enacted. The Byron Rumford Act, the Fair Housing Act, was very close. There were some very liberal legislators, chief of which was Senator George Miller from Contra Costa County, without whom I don't think any of those programs would have passed. He was a remarkable person, brilliant and very progressive, and chairman of the senate Finance Committee, a powerful body. If George Miller was supportive, usually the legislation would pass. As I say, he was very supportive of all this progressive legislation.

Remember that prior to Pat Brown, there had never been a Democratic governor in the state of California [in the twentieth century with the exception of Culbert Olson], and there had never--I don't think--I will check this out--but I don't think there had been a Democratic majority in either house of the legislature. So this was a whole new era. In '58 Brown was elected, '59 he was sworn into office together with a majority of Democrats, cross-filing was eliminated, and it was a whole different era.

McCREERY: As you say, Prop 1-A coming in and changing the [balance of power].

FORAN: Yes, and George Miller opposed that and tried to do something about it in Congress, but he wasn't successful, and the "one person, one vote" stands today, and that's why you have the domination of the legislature by Southern California, Los Angeles in particular, where you have more representatives.

McCREERY: Did you have much of a view of the fight over that?

FORAN: Oh, yes. I knew all about it. As I say, I had mixed emotions. I thought probably it was fair, although my self-interest, representing a Northern California county, was a problem, because obviously we had needs in the Bay Area which I feared would not be recognized by Southern California. One of the first bills to come up was one to the north-south split for the gas tax allocation. It favored Northern California and it was, I believe, 45-55. The South tried to change it several times to give a greater percentage to Southern California. It would always be passed in the assembly and defeated in the senate until 1967 at which time a greater percentage went to Southern California than Northern California. On the other hand, they could have taken much more than they did.

[Tape 2, Side B]

FORAN: Prior to [Jesse Unruh's] speakership, there was literally no informational base, or database as we would call it today, for legislators to make their decision as to how they would vote on a bill. He changed the situation by setting up staff for every standing committee of the legislature. He provided very competent staff, people who were expert in the field or had graduate degrees in the subject, whether it be education, transportation, agriculture, whatever the case may be. The legislators literally had an ability to examine a bill from an objective point of view, rather than just being told by the Department of Finance or the governor's staff that it does this or is good or bad. The only other entity to provide information on bills was the legislative analyst's office, and they dealt mostly with the fiscal aspects of bills, not with policy. Here you

had staff, now, capable of saying, “This is good policy,” or, “This is bad policy,” or in some cases, “This policy conflicts with the other policy that you just passed, or that some other committee has passed.” It gave legislators a greater role in making competent decisions, so that was one of his major accomplishments. Of course, Unruh’s biggest piece of legislation was the Civil Rights Act. It was a landmark decision, not only in the state of California, but in the entire nation. It was incredible that such legislation would pass in a state, where special interests usually were able to kill whatever they wanted.

McCREERY: What was the nature of the discussion about that at the time?

FORAN: It was very, very controversial. The business community thought it was a terrible interference with their right to do whatever they wanted to do, and it was not easy to pass. Again, I believe it was probably the combination of the powerful speaker Jesse Unruh, and George Miller on the senate side. Hugh Burns was president pro tem of the senate at that particular time. Hugh was very, very conservative, more so than a number of the Republicans, so in order to get something like that passed, you had to get people who were supportive of Hugh Burns behind it. Ed Regan was the chairman of judiciary, McAteer was the chairman of the G.O. [government organization] committee. You had quite a few very, very strong legislators, really willful, but very, very fair-minded in the legislation that I just referred to.

McCREERY: How did Mr. Unruh operate in building his power in the assembly?

FORAN: He was careful to make sure that he satisfied as many legislators as he could, Democrats, since he needed a majority of the Democrats. He'd ask you what you wanted and try to accommodate you to the extent he could. Everybody wanted certain committees, and he couldn't give them to everybody, so he was pretty careful. He balanced the committees to the extent that they were not so lopsided. In many respects today I think they are too lopsided, and they're too partisan. He would try to put some of the conservatives and some of the very liberals on the committee, but then he'd balance it with two or three or people in the middle, so that you couldn't just have a totally liberal committee or a totally conservative committee. There had to be a significant debate on the merits or demerits of the bill or amendments. That is how he operated.

McCREERY: We started talking about your time serving as a member of the transportation committee. How did it come about, then, that you were appointed chair?

FORAN: When the "one person, one vote" occurred, there was a huge exodus of assembly members to the senate, and there were a number of senators that were knocked out because of redistricting. They had to change the lines so that there were fewer senators from Northern California and more from Southern California. I don't know the number, but a significant number of assemblymen went over to the senate at that particular time, thereby leaving vacancies in virtually all the major standing committees of the assembly, one of which was transportation. I went to Jesse and I told him I would very much like to chair it, and I thought I could do a good job. There was some concern of my becoming chair because Randy Collier was chair of the senate transportation

committee, and he was from Northern California. There was a certain amount of politicking done to try to get a Southern California legislator appointed to offset the Northern California legislator in the transportation field, but Jesse stuck with me and made me chair, and I began my career as the chair of the assembly transportation committee.

McCREERY: Who else wanted that job, do you recall?

FORAN: There were several. I don't remember at this time. I can hardly remember who was on the committee at that time, it was so long ago.

McCREERY: That's right, and you were quite a young legislator, weren't you?

FORAN: Yes. I was--let's see--thirty-two when I was elected. But, you know, there were people that were younger than I. John Quimby was elected when he was, I think, twenty-six years old. So there were young legislators. I was one of them, but not the youngest.

McCREERY: I know that you also served in the early years on judiciary. Maybe we'll talk about that for moment. It was Mr. Hayes as chair of that, am I right?

FORAN: Hayes? No, that was much later. When I was on the judiciary committee for the first time, the chair was George Willson. He was the chair of that committee at that time. He chaired it for quite a number of years. I was very much involved in the development of the civil law because I had experience in criminal law, but I also had a fair amount of experience in the civil law. When I was elected, I left the attorney general's office and joined a law office in San Francisco with Steve Leonoudakis, who later became a member of the Golden

Gate Bridge District board, which is another story. I had a law office in downtown San Francisco with Steve Leonoudakis and others.

When I was elected, sworn in 1963, the salary of senators and assemblymen was \$500 a month. We got per diem for attending various committee meetings throughout the state. We had a car allowance, and one secretary in Sacramento, and that was it. Now incoming legislators have a staff of about five or six people. I don't even know how they keep them all busy, because I used to see everybody who wanted to see me, and now we have to go through staff to do that. But essentially, it was a different world from '63 to '67, actually, when "one person, one vote" became effective. Legislators had to have another occupation to be able to support their families, and so I practiced law.

The other thing you should know is that the legislature only met for six months one year, and one month the other year. As a result, you had time to practice. Some people were ranchers, and some people were in real estate or insurance. They practiced their own occupation, because you couldn't live on the legislative salary. That lasted until the 1966 proposition that raised the salary to the grand sum of \$16,000 a year. But then you had to spend more time. It was a two-year session. You didn't have the thirty-day sessions, so you had to cut back on your personal job and devote more time to the legislature. It became more and more demanding.

McCREERY: What had you emphasized in your private practice?

FORAN: Mostly civil law, general law practice. We did everything.

McCREERY: So you say you brought that experience to the judiciary committee?

FORAN: Yes, and the California State Bar was very active. The state bar would have their conferences and conventions and take positions on various reforms and improvements of the civil law, and then these bills would be presented to the judiciary committee. I was very much involved. I served on the Law Revision Commission. We would meet in various places throughout the state, hold hearings to work on major overhauls and changes in the civil law. A person by the name of John DeMouly was then the executive secretary of the Law Revision Commission, which was designed to take a look at all of the laws of the state of California and see how they could be improved and make them more effective, efficient, and fair. I was very much involved in that and participated in carrying some of the legislation, or certainly supporting it in committee.

McCREERY: How did you like that assignment of the judiciary committee?

FORAN: Oh, I liked it. It gave me an opportunity to stay abreast of the law. Again, whenever you had a bill before you within the system, you had an analysis. Of course, the analysis, a good analysis, would say, "With respect to civil code such and such is the existing law. This bill will change the existing law to thus and so. These are the reasons," and you could think it through. It gave you an opportunity to stay abreast of court decisions.

McCREERY: You also asked for assignment to the finance and insurance committee. Talk a little bit about that one.

FORAN: Well, there were a number of issues that I was just generally interested in: the insurance field, we had the savings and loan industry, the banking industry. This was a very powerful committee that had control over a huge network of the financial institutions of the state of California, and I just have an interest in it and served in that capacity for quite a number of years. There was usually a strong rivalry between state banks and savings and loan institutions, and they all had very extensive lobbying activities. Sometimes you became more of a referee than a legislator between the two competing interests, and that was not unusual. We had a variety of issues. In the insurance field, at least later, I carried a number of pieces of legislation expanding the investment capabilities of insurance companies, which would presumably reduce their rates [as a result]. There were very, very restrictive laws on the books at that time.

McCREERY: Let's back up just a moment and talk a little bit about your 23<sup>rd</sup> district as it existed then. Who were your constituents in San Francisco?

FORAN: The 23<sup>rd</sup> assembly district when I ran for office was very heavily Irish, and there was a fair Italian community in the Excelsior or outer Mission district area. The makeup was Democrat, heavily Democrat, but moderate to conservative Democrat. There were many union people living there, particularly the craft unions: laborers, carpenters, electricians. The unions such as SEIU, the Service Employees International Union, were located more in the area of Phil Burton's district, subsequently John Burton's district, and that would be in the eastern-northern part of the city. But the district that I represented was a pretty moderate district, yet heavily union, and I carried

quite a number of bills--I think I mentioned before--bills that dealt with apprenticeship.

McCREERY: Yes. How did you become interested in that?

FORAN: Well, I was a good friend of John Henning, who was later to become head of the Industrial Relations Commission, and he and I had talked quite a bit about how to improve the crafts, to make them more fair in their membership and also to improve the standards so that their workmanship was up to higher standards. So we talked about that, and I worked close in hand with his people in developing this kind of legislation. Again, my district was heavily Democratic. I carried a bill banning strike breakers, which was very, very controversial, and lost on the floor of the assembly, but it was very popular with my labor constituency.

There were several other bills dealing with bonding of employers to make sure that wages could be paid, and fines for avoiding payment of employees. One of the bills I had been trying to pass for ten years. That was a bill called the Free Choice of Physicians. Prior to this legislation, a worker was required to go to the doctor that the employer chose, whether that worker had any confidence in that doctor or not. My bill established a system whereby the employer had to provide a choice of three physicians, and the employee could choose which one he went to. If he felt comfortable with him, the theory then was he'd feel more capable of going back to work sooner, and the worker's comp fund would save money. That was a theory, and it is true, at least I believe it's true, statistically. That's the law, and it's been on the books for

some time. I introduced it every session, year after year, until finally I got one senator who was a Republican, who I guess the business community took for granted--decided that it sounded fair to him, so he voted yes. The bill got out of committee, and then it went to the floor and was signed into law. [Laughter]

McCREERY: This brings up an interesting point, though, that sometimes it takes a long time to accomplish something you're trying to do. What are your thoughts on that?

FORAN: Well, I think it's going to be very difficult in the current situation because the legislators only have six years in the assembly and eight years in the senate. Many of the major issues that I became involved in took several years, and building up confidence among your fellow members that you knew what you were talking about, whether it's education or agriculture or whatever the case may be. I became sort of a guru in transportation, and when I said something on the floor or in committee, I was listened to because I had been around for so long, I knew the subject well. When we get into some of the more specific legislation, we can take a look at the Metropolitan Transportation Commission, which failed the first year before finally getting passed.

McCREERY: It's quite a different setup now, isn't it?

FORAN: Yes, it is. Term limited.

McCREERY: I'm interested in talking about your constituents in the early years in San Francisco. How much did you hear from them about what they wanted from their assemblyman? What form did that take?

FORAN: It took a tremendous amount of constituent contact. We were allowed a district office under Jesse Unruh. That was another one of his reforms, so you had not

only a Capitol office up here, but you were given an allowance to rent office space for a district office, and then you were allowed staff for that particular office. At first it was just a secretary, and then it became a secretary and a chief of staff in that office. I had an office in the state building, and we had meetings with constituents there.

The legislature would meet five days a week for floor sessions, and committees would meet four days a week at least and go home on Fridays. Ultimately, later, it was on Thursdays. But one would go home on Fridays, and your district office would set up appointments with constituents. These people were American Legion, the Boy Scouts, or trade unions, even the Samoans. So on Friday when you got to your district, you had meeting after meeting with various constituents one hour after another.

On Saturday there would be different functions in the district. Virtually every Saturday night some dignitary coming out from Washington, D.C., and you'd be at the Fairmont Hotel. There was the San Francisco Merchants' Association, which encompassed every single merchants' association in every neighborhood in San Francisco. I think there were about thirty neighborhoods in San Francisco, each with their association, and they all belonged to the big one. You would go to virtually all of them. They had little dinners or banquets every Friday night, Saturday night. You'd go to those. And then there'd be the big one association dinner once every couple of months.

There would be labor organizations having banquets for their membership as well as other organizations. Of course there were the usual wakes and

weddings, which are traditional. In the San Francisco 23<sup>rd</sup> district, there would be a number of parish events, bingo games, where you would say a few words and leave, so you had a tremendous contact, direct contact, with your constituency.

For example, when I ran for office the first time and subsequent times, we had a huge number of volunteers working on my campaign, elderly ladies and gentlemen, and they would stuff envelopes and write "Dear Friend" cards, and do all of these things such as attaching Dupli-stickers to mailers, and as time went on you didn't know what to do with them because everything became computerized. When they did all of those things they felt they owned a piece of you, because they were the ones who put you in office, and they could come up and talk to you. Then, as time went on, you didn't know what to do with them, because your entire mailer was put together on computers, addressed on computers, so [you lost] that whole connection, personal connection with the constituency. Now every senator represents eight to nine hundred thousand people, but in those days in the assembly you were [representing] maybe, you know, a hundred and sixty or seventy thousand people.

McCREERY: This was really your home territory, too, very familiar your whole life.

FORAN: Oh, yes, right. I was born and raised in this district, so I knew everybody, and who I didn't know, my neighbors--my relatives knew, so it was a much more intimate type of situation. They should probably consider some sort of a convention, state convention, to change it back to, or at least increase the size of the legislature so there can be more direct contact with the constituency,

because I think it's healthy. What they could do is increase the legislature to two hundred forty or something like that, and give people more intimate contact with their legislator, but that would take a constitutional convention to do, a constitutional amendment, anyway.

McCREERY: But it's interesting that some of the much smaller states have much larger legislatures.

FORAN: Yes they do! Yes, right, they do.

McCREERY: So the whole idea of representative democracy on a practical level is quite different here, isn't it?

FORAN: Right, it is. California before the war was five million people or less. Maybe it was four million people, and a hundred and twenty legislators. There was a pretty close connection. But now with a state of thirty-three, thirty-four million people, how do you make that kind of a contact? You can't really have the personal relationship that we used to have.

McCREERY: Talk a little bit more about the scene in San Francisco in the early sixties. I guess George Christopher was mayor at the time you were elected, and then Jack Shelley came in shortly [after].

FORAN: Yes, Jack Shelley. That's true. George Christopher was mayor, and I had a good relationship with George all through the years.

McCREERY: How well did you know him?

FORAN: I knew him pretty well, but he was a Republican so he was in the other camp, and it wasn't a close connection. I probably became closer to him in later years, after he retired, and I would run into him at various meetings and

conventions. Since my law partner was a Greek, I had a strong connection with the Greek community that he was part of, so I got to know him better at that particular time. But San Francisco had a lobbying operation that was quite effective and mostly concentrated on the senate. We used to scream about the city not giving enough attention to the assembly. The city would have meetings of their department heads and go over every bill that was introduced and recommend positions. One problem with that was that by the time they took their positions, the bill had been amended several times and didn't really look like the bill that had been introduced, and their positions were out of date and obsolete, and quite often we would be trying to find out what they really wanted to do. But I and most other legislators, I in particular, very carefully watched out for San Francisco. Christopher was there, and of course Jack Shelley I knew from Congress. He came out and became mayor, and Phil Burton went back to Washington, D.C. as the congressman from San Francisco, one of the congressmen from San Francisco, and we literally had an opportunity to work together. Jack Shelley was sort of my kind of Democrat. He wasn't far to the left. He was strong with labor, as I was strong with labor, and he was a pretty effective guy. I worked closely with him on the needs of the city, which included everything from education to welfare to various issues affecting the streets and roads. And, of course, there were still issues such as BART, and other local transportation issues as well.

McCREERY: Now, you touched on some of the individual members of the San Francisco board of supervisors in connection with your first election. How much did you interact with them once you were in office?

FORAN: Pretty much along the line of what the city's needs were as expressed through their departmental and lobbying activities. I knew all the members of the board of supervisors. We would go to, again, the merchants' association, but also other events. Virtually all of the supervisors would go to those events as well, so you connected with them, and met with them, chatted with them. You had a pretty good idea of what their interests were and what was going on in the city and what the needs of the city were. So I got along very fine with the eleven members of the board of supervisors.

McCREERY: To what extent did the bloc of legislators from San Francisco work together and coordinate their efforts in Sacramento?

[Tape 3, Side A]

FORAN: I think we worked together on issues that were of paramount importance to the city of San Francisco, such as the transfer of the San Francisco port from the state to the city and county of San Francisco, which was a John Burton bill, and I carried it after he went to Congress. There was other legislation that would affect the city, and we would work together. On other issues, there was obviously a difference between our respective districts. As I said, my district was more moderate, Charlie Meyers in the Sunset district had a more conservative district, and then, of course, there was John Burton, who took his brother's place, Phil's place, and then Willie Brown, and then the other

senator--there were five at the time--Milton Marks. He had been there for some time, and he represented a Democratic district. So we mostly voted together on issues, but there were some issues where there was a difference in our positions, moderate versus liberal issues.

There was a situation that maybe we should allude to. When Phil Burton was elected to Congress and Jack Shelley was elected mayor, that created a vacancy in the 20<sup>th</sup> assembly district--it became the 16<sup>th</sup>. Our group, first of all, had just elected Don King chair of the Democratic county central committee, which I told you about before. We ran a candidate for that seat. His name was John Delury, and he was a very intellectual type of person. He was very active in civil rights and very active in a variety of community affairs. He was a teacher. We ran him and, of course, John Burton won. That created a certain amount of animosity, and that persisted for a number of years until we sort of became reconciled and joined forces together on a variety of things of today.

McCREERY: But it was sort of a long-running divide, wasn't it?

FORAN: It was a divide. It was a feud. It was a difference in philosophy and a difference in, I suppose, visions for the future of the city. So that's the way it was for a number of years but, as I say, it was reconciled later.

McCREERY: Before we get too far afield, let me ask you to describe your class of entering freshmen legislators in Sacramento in January of 1963.

FORAN: Again, this was the first class elected in the new districts that were created as a result of the decennial census of 1960. Then, of course, the bill would have

passed in '61 to be implemented for the 1962 election. Again, it should be noted that Jesse Unruh had just become a speaker when Ralph [Brown] became an appellate court judge in Fresno. That was certainly something he was concerned about, because there were thirty-four new legislators, Democrats and Republicans--actually, one of them indicated that he had been elected before, so he was not really a member of our class. There were thirty-three if you don't count him, but essentially there were thirty-four new legislators that came into office. We had a very strong bond, sort of self-protection. We had an inclination to work together. We were all new to the legislature, and we liked each other's company. We went out to dinner together, drank together, did all of those things together.

But before we were sworn in--this is an interesting story. Before we were sworn in, newly elected assemblyman Leo Ryan from San Mateo, ultimately the congressman who died in Guyana, called me and others in the Bay Area and said that we should all get together to make sure that Jesse Unruh doesn't run all over us, and we should have some sort of a meeting to bring ourselves together, and stand up for our rights, and make sure that we are well taken care of. So, I said, "Okay, that sounds like a good idea." So we had a dinner at my house. By this time, I had bought a house where I live now on Rockdale Drive in San Francisco, and we had a dinner. We invited all of the Bay Area Democrats to dinner, and my wife cooked the dinner, and it was a private dinner to talk about how we were going to defend ourselves from the huge influence of the speaker of the assembly.

Then Alquist, Senator Alquist, loves to tell this story. He would tell it all the time. We had the dinner, we talked about how we would take care of each other and support each other, and then when we came up [to Sacramento], I think the next day, Jesse Unruh was walking along the corridor and saw Al Alquist, and he said, "Hi, Al! How did you enjoy the dinner at John Foran's?" [Laughter] And Al was just dumbfounded. "How did you know about that?" Well, of course, the source of the information was Leo Ryan, who told Jesse Unruh everything that had occurred. [Laughter] I mean, nothing bad came of it, but that's what occurred.

McCREERY: Interesting. Did Mr. Ryan somehow put him on notice that the Democrats were organizing?

FORAN: I guess he did. But anyway, Leo Ryan was the one who disclosed it to Jesse Unruh, and of course, Leo was a very unique individual.

McCREERY: Do you remember the crux of that dinner meeting, though? I mean, what was the strategy for--?

FORAN: Well, I don't think we really developed a strategy. We just sort of indicated that we would support each other if anybody was being really discriminated against, and that was the extent to which we had any decision made. We had a good dinner!

McCREERY: [Laughter] So thirty-three or thirty-four new legislators, depending on how you count it, and the breakdown--I know there were some Republicans. George Deukmejian was in that class, was he not?

FORAN: He was in that class, yes. I don't have that picture, the picture of all thirty-three of them that I have on my wall down in San Francisco, but yes, George Deukmejian was in that class. There were several people who went to Congress: Tony Beilenson went to Congress, George Danielson went to Congress, Merv Dymally went to Congress--he was in that class. He's back in the assembly now. We had Charlie Warren, who became the environmental advisor to [President] Carter. There were several others that went on the bench, and I think, I was looking at [the photo], and I think there are only thirteen surviving today.

McCREERY: Did you say you'd gotten together recently for an anniversary?

FORAN: We haven't gotten together. We got together on the twenty-fifth anniversary. That would be 1993, I think. Then we got together again in 1998. Since that time, there were several people who have died, so the number of people to bring together has diminished significantly, and it's hard to get a date that everybody could agree upon. But we had quite a few people going to the twenty-fifth. George Deukmejian was at that one, but he wasn't at the subsequent one. We had a dinner and had a good time, but we haven't gotten together since.

McCREERY: It's interesting that this group started out fairly close, and that bond really persisted.

FORAN: Yes, it did. We still have, you know, a strong bond. I talk to Zenovich, George Zenovich, who became a judge, fairly often, and there were several others. John Quimby I see all the time. He was a member of that class. Al Alquist and

I are very close friends. He's ninety-six. But, yes, there was a close bond among us. We used to hang out together and do a lot of things together, did a lot of traveling together.

McCREERY: To what extent did you have to call on one another in the way that you anticipated? Were there times--?

FORAN: We never really. It was mainly to make sure that somebody wasn't just frozen out of reasonable committee assignments and things like that, and Jesse was shrewd enough to make sure he didn't alienate this large group, so he took care of quite a few people.

McCREERY: Well, before we leave the early sixties, maybe we can just touch on the national scene to the extent that you were involved and interested, perhaps starting with the 1960 presidential campaign.

FORAN: I thought I went over this where I was involved in the Kennedy campaign.

McCREERY: A little bit. Perhaps you can just tell a little bit more, though, about that.

FORAN: I was then a member of the attorney general's office. I lived out in the suburban area of Sacramento county, not the city of Sacramento, and I became a member of the Democratic club, San Juan Democratic Club. I was a strong, early supporter of Kennedy, and we did whatever we could to get him elected. But the principal thing that we became involved with was the California Democratic Council. The CDC was a powerhouse in the state with the grassroots campaign, so all the clubs were part of the grassroots. I became president of the club, and then I put together a precinct operation in the non-urbanized area.

Actually, you only had the major city of Sacramento within Sacramento county in those days. It was the city of Sacramento and the rest was unincorporated, but the unincorporated area was in the east. I organized the precinct operation, set up captains for the different areas, and got the voter sheets, three-by-five cards, and gave everybody a walking area. On election day, we had a huge get-out-the-vote operation. In the unincorporated area, I don't think they ever had one of this magnitude before. We worked very hard to get him elected. As I told you, both my wife and I had the flu, and we collapsed at the end of the evening.

McCREERY: That certainly is a precursor to how you organized your own campaign a year after, and that experience.

FORAN: Yes, I had been involved in other campaigns where precinct operations were the key. They were Phil Burton's campaign, John O'Connell's campaign, Phil O'Rourke, who ran for Congress against William Mailliard at one point. So I was no stranger to precinct work or precinct operations.

McCREERY: As you served in the assembly for awhile, is there anything important to say about your own reelection campaigns, '64, '66, and so on?

FORAN: My own reelection campaigns were relatively easy because of the heavy Democratic constituency; however, in 1968 there was a major battle. What happened in this particular situation is that they had changed the lines to the extent that I think I lost 50,000 of my constituents and picked up another 75,000. At that time, a person who had run before and lost, Nick Verreos, ran on the Republican ticket, and he somehow convinced the Reagan

administration and the Reagan advisors that I could be beaten and they would have another Republican supporter in the legislature. George Steffes--he was in the Reagan administration--and a few others, locally, were involved.

Verreos raised about \$100,000 against me in the campaign.

McCREERY: That was a lot then.

FORAN: It was a lot of--it was equivalent to a million now, and that one became a very serious campaign. So we had to wage a major campaign in '68 and I won, but it was not a very pleasant campaign. They put out mailers that by today's standards were probably mild, but by those standards--they claimed that I was soft on crime, and they showed a person lurking in an alley, obviously a racial minority, in a mailer. It was pretty bad. But by today's standards it's nothing. What they do today is horrible by comparison. But that's what occurred.

Other than that, there was never any serious contest except for the reapportionment, in which my district was in the middle of the city, and San Francisco was losing members, and there was one reapportionment where basically I was being reapportioned out. Then the state supreme court stepped in and gave me back the district, and I won again.

McCREERY: But you say you generally didn't have trouble getting reelected?

FORAN: No, not in general elections.

McCREERY: Now, as you proceeded in the assembly developing your transportation interests and so on, did you have much thought about your own career path and what you wanted to do?

FORAN: I never really realized that I would become a legislator. I thought I would, again, be behind the scenes. So it kept going on and on, and I had more commitments, and I was moving up the ladder in various committees and chairmanships, but I guess I, at some point, figured I may as well make a career out of it, and that's what I did. But I thought maybe after twenty years I'd go back to law. Actually, it was twenty-four years, so it wasn't that far off. I thought that I wouldn't stay there forever, even though I was not subject to term limits, then or now. I just decided it would be more interesting to leave the capital, not leave the capital, but leave the legislature.

McCREERY: You had the longtime friendship and the law practice with Leo McCarthy. Talk about his coming into the assembly.

FORAN: Yes. Leo was elected in 1968, when Charlie Meyers did not run for reelection. Leo and I were close friends, as I say, going back to high school, and we worked together on a variety of things. Leo, in fact, carried certain bills in the transportation field. I asked him to carry them because I didn't want to author them all, and he was very helpful in getting some funding for BART, MUNI [San Francisco Municipal Railway], and others along that line, so we worked very closely together. He had a variety of other issues that he worked on, and then ultimately when Speaker [Bob] Moretti decided to run for governor, [Leo] decided he was going to run for speaker, so he waged a very, very effective campaign, and Willie Brown was his opponent. Leo literally was able to garner quite a number of the liberal votes, which I think to a good extent Willie took for granted and thought that they would never abandon him, but they

actually did not support him. The Jewish caucus, [Howard] Berman, [Henry] Waxman, and then you had Julian Dixon and members of the black caucus who supported Leo, and the Hispanic caucus who supported McCarthy. So he had a very diverse backing for his speakership.

McCREERY: How early had he thought about running for speaker? I mean, clearly, the position had to open up, but did he talk to you much about his own aspirations earlier?

FORAN: Oh, yes. Once he decided he wanted to do that, yes, he talked to me about it. In fact, I was working on his campaign and working with other legislators, trying to line up the votes for him. Leo had been interested in running for national office as far [back] as I can remember, I think when he was in high school. He wanted to be a U.S. senator, which he ran for twice and didn't succeed. I guess he would like to have been president, but that would have taken a change in the Constitution to allow him to do so.

McCREERY: Because he was born in New Zealand?

FORAN: Born in New Zealand, right. But he had always had national ambitions to be an elected official, so he had zeroed in on that a long time before.

McCREERY: Well, how did you help him, then, in his efforts to move up in the assembly?

FORAN: Oh, well, there were several people that I was extremely close to, Democratic legislators that I was closer to than Leo was: Carlos Bee, Harvey Johnson. There were a variety of others that I used to associate with more than Leo did, so I would go to them and ask them if they would commit to Leo, and line up whatever votes I could while Leo was working on other people. He had to get

the votes, the majority of the caucus, to become speaker, and that's what he was working on, and that's what I was working on. The combination came together, and we had the election, and Moretti resigned, and Leo became speaker.

McCREERY: One has to be a good vote counter.

FORAN: Leo was a very good counter.

McCREERY: Where did he learn all that, do you think?

FORAN: Leo's training was--he was a member of the board of supervisors. He was a good vote counter on the board of supervisors. He worked for Gene McAteer before, and he worked on a lot of McAteer's legislative program, and lined up votes, and doing things like that, so that he had a long experience in that field. He was very, very effective at it.

McCREERY: To what extent was he carrying the torch for Mr. McAteer?

FORAN: Well, they had sort of a falling out at one point. When McAteer bowed out of the [San Francisco] mayor's race, Leo was very disappointed because he wanted to work with him in the city, and McAteer for some reason or another that I still cannot explain, did not appreciate that. So there was sort of a coolness that developed, and ultimately Moscone won the senatorship that Leo wanted, and that was what occurred. Leo just told McAteer that he was going to run for supervisor, and McAteer didn't feel he should.

McCREERY: But you don't understand the source of that cooling off?

- FORAN: No, the source of the cooling off is that when McAteer bowed out of the mayor's race, and Leo decided to run for supervisor, that was the cooling off that occurred at that time.
- McCREERY: But as you say, he didn't ever succeed in the U.S. Senate races that he sought.
- FORAN: No, and that was his strongest ambition. He really wanted to be a member of the U.S. Senate. He would have been a very good senator. In the primary which Barbara Boxer won, he was leading up until about a few days before the actual election, at which time it became "the year of the woman," and that was all over the *L.A. Times*. That tilted it the other way, so the election went to Senator Boxer.
- McCREERY: It's interesting how a phrase like that that comes out of the media can really have quite an effect.
- FORAN: Right. Well, that's what we believed occurred, because he was ahead in the polls before that.
- McCREERY: And then, as you touched on, he was interested in running for governor.
- FORAN: He never ran for governor. His interest was always national.
- McCREERY: I guess I had the impression he wanted to run for governor and maybe didn't see quite the right chance.
- FORAN: No, I think his interest was always national, preferably to go to the U.S. Senate. Where he would go from there, who knows. Maybe for governor then, but his ambition was to be a U.S. Senator.
- McCREERY: Well, perhaps we'll stop there for today. Thank you.
- [End of Session]

[Session 3, May 21, 2002]

[Tape 4, Side A]

McCREERY: Before we started taping, you were recalling an event of being kidnapped along with Leo McCarthy back in the 1950s. Would you please tell me that story?

FORAN: Yes, that was a very unique experience. What happened was I was still in the army, and I was on a convalescent leave from Letterman Army Hospital at the Presidio of San Francisco. The policy of the army was not to release people who were wounded in action until they had done as much healing as they possibly could. So even though my term of enlistment was up, they kept me in until March of 1954, and then they released me from the hospital and the army. That's when I started at the University of San Francisco, full time during the day. But in 1953, October of 1953, Leo McCarthy was attending the University of San Francisco. He was involved in the theater group, and one evening he was going to the university. There was a lecturer who was going to speak on the Far East, and I was interested in it. He asked me if I wanted to go with him. He went to the theater, and I went to the lecture.

After the lecture, he drove me home. I couldn't drive, of course, because my leg was encased in a walking cast. We stopped in front of my house, which was on Murray Street up from his house, which is also further down on Murray

Street. All of a sudden, this young man came running down the street and pushed a gun in the window and told Leo to open the back door. I was sitting in the front seat next to him, and he did so. He had a gun that looked like a cannon, but it was a regular revolver, and another gun. He sat in the back seat and told Leo to start driving, which he did. Leo started driving. There was no I-5, so he drove down the old route 101 to Los Angeles.

It was pretty obvious that this man was on the run and was trying to get away. He kept telling Leo to turn on the radio. Leo turned on the radio and finally, while we were driving--maybe about King County--the radio broadcaster said that a suspect had broken out of a police net when they had sought to arrest him. He had climbed over fences until he got to where we were parked, and that's when he commandeered the car. The announcer indicated that two of the policemen were seriously injured. As a matter of fact, one of them was dead: Dennis Bradley, who was a very popular police officer at that time. But they didn't announce that, which was fortunate because then he might have thought he had nothing more to lose, but they indicated only that the officers were wounded. So he had shot his way out of the net, and then he admitted that he had done it. We continued to drive and got into downtown Los Angeles. Leo was driving an Oldsmobile. When we were in the middle of downtown--we had seen two guns in his belt, and we saw him load one, so we knew they were loaded. He got out of the car in downtown Los Angeles and sort of disappeared into the crowd.

We drove to the first policeman and we started to say something, and we figured he'd never believe us, so we asked where the closest precinct was, which was about a couple blocks away. We drove there and we went into the police precinct and told them what had happened. They were skeptical. They didn't believe what we were saying until they finally got word of the all-points bulletin from San Francisco. The police were still looking all around San Francisco for the fugitive. His name was Harold Miller. He was a San Franciscan--I think he even went to Mission Dolores grammar school. He eventually disappeared into the crowd and went into one movie theater and then into another one, obviously trying to escape from the San Francisco Bay Area.

Finally, I think somebody had given a tip, and he was apprehended coming out of the movie theater by two L.A. policemen who, fortunately, knew he was armed and came up beside him and grabbed him. He didn't put up any resistance because, if he had started firing in downtown L.A. at that particular time, it would have been a massacre because of all of the people in the vicinity. So eventually, then, we were taken to police headquarters. Because of my incapacity, I wasn't used as much as Leo was in being taken to various criminal hangouts to look to try to identify him before his capture, although I was taken to one.

Eventually a brother of my brother-in-law came and picked us up and made sure we had a place to stay that night. We drove back the next day to San Francisco. Then the trial occurred, and Miller was actually convicted of

second degree murder, because some of the evidence against him could not be introduced. They may not have had a warrant. We did not attend the trial because we were excluded by a motion. We were only allowed to come in when we were called to the witness stand, so I don't really have all the details on it. There were various the characters or personalities involved. First was Tom Cahill, who was a homicide inspector at that time, he did the interrogation of Harold Miller. He ultimately became chief of police of the city and county of San Francisco. The district attorney of San Francisco was Tom Lynch, who ultimately became a justice of the California Supreme Court. The prosecuting attorney was Cecil Poole, who became U.S. attorney and ultimately a federal appellate court judge. Leo became speaker of the assembly and ultimately lieutenant governor. I became an assemblyman and then a state senator. Harold Miller served quite a number of years but was finally released. Ed Montgomery, who was one of the reporters who was on the case-- [tape interruption]

McCREERY: We had a pause to get the air conditioning turned off in your office to reduce some of that background noise. You were describing the cast of characters, and you were just on Ed Montgomery.

FORAN: Ed Montgomery was a reporter for the *Examiner*, and they eventually did a story on this in a television program called "The Big Story," which broadcast major reporting events. The defense attorney was a person by the name of Nate Cohn, who had a rather minor practice up to this time. The fact that Miller did not get the death penalty was a major victory for him, and he

became a pretty prominent criminal attorney and did a lot of entertainment law work, too, so he became very prominent in his field. So there were quite a few people who were involved in the process. Pat Brown was attorney general at the time. He became governor, of course. So there were quite a cast of characters that went on to other careers.

McCREERY: It sounds as if you and Mr. McCarthy got into all this just by being in the wrong place at the wrong time.

FORAN: That's correct. Yes.

McCREERY: Did you know Dennis Bradley, the police officer who was killed?

FORAN: I didn't know him myself, personally. The police thought that Leo and I were involved in the crime. They came to my sister's house, and she explained that neither Leo McCarthy nor I had come home that evening, and that was very unlike us so they knew something had happened, and my brother-in-law connected the two, because the story was in the morning paper. We were in the attorney general's office when they finally arrested Harold Miller. There was press from all over the world covering the story. If you looked out the window, you saw more police on the streets of downtown Los Angeles than there were non-police or civilians. When I got off of the elevator after being brought in from the precinct, they said, "There he is! There's the killer!" Of course, it was me, and then they said, "Oh, that's not him. He's the victim."

McCREERY: Now, that's quite a long unplanned drive, all the way to Los Angeles.

FORAN: Yes, it was.

McCREERY: Did Harold Miller speak to you much on the trip?

FORAN: He did. Leo was particularly clever in trying to calm him down, saying, "Oh, everybody gets in trouble." But we were scared, obviously. We didn't know if he was just going to abandon the car and shoot us and take it over and go on. We thought he was probably going to head for Mexico, but certainly his main motivation was to get away from the San Francisco police, who probably would have shot him on sight.

McCREERY: But it sounds as if they apprehended him and wrapped that part of it up fairly quickly once you got down there?

FORAN: Very quickly, yes. Because, as I say, I don't think he really had a plan. If he really had a plan, he might have tried to take over the car and just take off, but he just jumped out in downtown Los Angeles, maybe because we sort of sweet-talked him on the way down.

McCREERY: Well, that's a ride you'll never forget.

FORAN: No, never. [Laughs]

McCREERY: As you say, it's interesting that so many people involved went on to greater things in this state.

FORAN: Right. That's right.

McCREERY: Okay, well thank you for recounting that. We wanted to spend time today talking about some of the key legislation you worked on in the legislature. I thought we might start with the Pure Air Act of 1968, but perhaps you could set the stage with the earlier research on smog, and some of what led you to become interested in all this.

FORAN: Right. Well, speaker Jesse Unruh appointed me chair of the assembly transportation committee in early 1967. That's when my predecessor, Tom Carrell, went to the senate under the one-person, one-vote court decision. At that time, there were no so-called environmental committees in either house, for that matter, and the question of smog was not really understood. Dr. Haagen-Smit, a California Institute of Technology scientist, began to analyze the air, particularly in Los Angeles but elsewhere as well and concluded that smog wasn't exclusively a phenomenon of Los Angeles. He determined that the brown haze was actually smog, created by the combination of hydrocarbons, oxides of nitrogen, and sunshine trapped in an inversion layer. Having identified smog, then of course the question was what are the sources or the causes of smog. Obviously, as is well known today, exhaust from automobiles was responsible for the bulk of smog. Stationary sources, then as today, were a cause, but the primary culprit was the automobile.

The assembly transportation committee had jurisdiction of all aspects of the automobile, highways, transit, and a variety of other issues. Anything that was required or mandated on the automobile fell under the jurisdiction of the assembly transportation committee. It was then called the transportation and commerce committee. I started holding hearings throughout the state, including a number of them in Los Angeles and other areas of Southern California. We developed a bill that literally created what was then known and still is known as the "California car," which required that vehicles sold in

California must meet certain air quality standards, regardless of whether or not they could be sold in other parts of the United States.

This was highly controversial and unprecedented, because the automobile manufacturers wanted to make a car for the entire United States and not to single out any one particular state. We maintained in our hearings--very, very extensive hearings--that the situation in California was unique, we had a greater air quality problem than any other place in the nation, and we were going to do something about it. So we set the standards in statute. We did provide that these standards be economically feasible and technologically attainable. That became the Pure Air Act of 1968. It was the first state legislation on the subject. There was some minor federal legislation on air pollution prior to that time, but with the passage of the California law, it became a national criterion, and many national legislators took up the cause. [Ed] Muskie, Maine's then-senator, who was looking toward running for president of the United States, put forth a bill. Of course, as years go by, we still have the toughest standards in the United States based upon the Pure Air Act of 1968. But now, in many respects, much of it is preempted by the federal Clean Air Act. But still we have a stronger law than anywhere else. That was the beginning of legislation that seriously addressed air quality, not only in the state of California but nationwide and in other states.

McCREERY: Was this legislation intended to address standards only for new cars?

FORAN: Yes. Basically, at that time, we were only going after the new cars because it would have been impossible to get a bill passed that would require people to

retrofit. Catalytic converters came later. In fact, catalytic converters hadn't even been invented at that point in time. So to take a car that was not a new car and apply the standards would have been virtually impossible because of the state of technology. At that particular time it didn't exist. There were other devices even before the catalytic converter that came along. But we gave a lead time to answer the concerns of automobile manufacturers. It didn't totally eliminate their concerns, but we did give them a lead time because from design to manufacture, a vehicle takes about four years. So we did give a lead time. I forget exactly--I think maybe the '72 year ones were the first ones that would have been affected.

McCREERY: Okay. Now, you mentioned the background research on this, but I wonder what was it that actually caused you to sponsor this legislation? What made you move on this?

FORAN: Well, I was in touch with a number of people who were concerned about air quality, particularly in Los Angeles. The committee had jurisdiction statewide, and I felt that since the automobile was the primary cause of air pollution in the state and we had jurisdiction, that we should address it and address it specifically as to what could be done in the state of California. We did not want to wait until the federal government got around to doing something, if ever. I had many meetings with the scientists like Dr. Haagen-Smit and faculty at the University of California at Riverside, who were doing extensive research into air quality.

We had hearings and took a tremendous amount of testimony from scientists, university professors, many of them acting upon Haagen-Smit's identification of the cause of smog and building upon it. It became apparent to me and other members of my committee and ultimately the legislature that this was a source of air pollution that had to be addressed. When I say "hearings," I'm talking about dozens of hearings throughout the state on the subject with maybe hundreds of witnesses, all testifying. Many of them were simply saying, "Please do something about air pollution or smog."

I remember one witness in a hearing in the Los Angeles board of supervisors' chambers, and she came down in a mermaid's outfit and sort of wiggled down the aisle to the microphone and said, "Please help me. I can breathe under the sea, but I can't breathe in the air." [Laughter] There were some people who came up with weird ideas. Of course, Los Angeles is a very interesting city anyway.

McCREERY: Yes, describe the opposition.

FORAN: Well, the opposition--again, the Automobile Manufacturers' Association, automobile dealers--I think they finally came to the conclusion that legislation was going to pass, so they tried to at least make sure that they had a lead time. But essentially there were predictions that the entire commerce of the state of California would go downhill if we passed this legislation, but we did it anyway. The opposition was quite strong and quite vocal. I had a particular special consultant, Karston Vieg, who Jesse Unruh let me hire on a contract basis to work specifically on this, because my own staff not only had this work

to do, but also all the other bills that come before the committee. We just needed extra help, so Jesse authorized it and we had additional help. It was a very extensive legislative program that took a lot of time.

McCREERY: Was there a reasonable consensus within the committee about the position on this bill?

FORAN: Yes. We really had a good bipartisan support for the legislation, mainly because a number of my members were legislators from Southern California. Los Angeles dominated the assembly. They were hearing from their constituents to do something about smog, so they were supportive. We had a very strong support position from Democrats and Republicans, and particularly from Southern California legislators.

McCREERY: The record shows that by the time you put the bill forward, you had many, many co-sponsors. Dozens.

FORAN: Yes.

McCREERY: How did that happen?

FORAN: Well, the bill had a tremendous amount of publicity, particularly in Los Angeles. Once the legislature was doing something about it, many, many people asked to be co-authors. In some cases, I asked if they wanted to be and contacted their office. "Do you want to go on as a co-author?" And most of them did because it was a very hot-button issue.

McCREERY: Describe what was happening on the senate side on this issue.

FORAN: Well, on the senate side--again, this is an interesting aspect of the "one person, one vote," because no longer was the senate dominated by Northern California,

which really did not have a smog problem, but virtually, the [entire] Northern California-dominated senate was not concerned about air pollution. But in 1967, '68, the whole makeup of the legislature was turned upside down. Instead of Northern California dominating, now you had the majority of the legislators in the senate from Southern California, and several of the Northern Californians had been reapportioned out.

As a result, again, the same phenomenon where the constituency demanded something be done about smog, and so the Northern California legislators responded, as well as those from Southern California. We had votes--I don't know how many came on at that time. I'm trying to recall who--the senator, I think, was Tom Rees, representing Los Angeles. He was there when there was only one senator from Los Angeles. Now there were fifteen senators from the Los Angeles area. We didn't have that much difficulty in the senate for this reason.

McCREERY: California had had a Motor Vehicle Pollution Control Board since 1960.

FORAN: Yes, that's right.

McCREERY: What was their involvement, if any?

FORAN: They were eventually abolished. The Air Resources Board replaced them. They had some jurisdiction, but they did not have the power to undertake what the legislature enacted. They had some, I think, hearings on the subject, but they didn't really have the power to regulate restrictions on the engine and on air quality control measures.

McCREERY: So it really took legislative force to deal with this?

FORAN: Right. Yes, they really didn't have that much power at all.

McCREERY: Okay, and as you say that later changed to the Air Resources Board, and I believe Dr. Haagen-Smit was the first leader of that group.

FORAN: He was, yes.

McCREERY: Do you know much about what transpired in that agency?

FORAN: Well, Dr. Haagen-Smit was an extremely capable leader in the air quality field in the state of California. People today take it as a matter of course that air quality is important, but he was a pioneer. He was one who said, "Yes, there is smog, and this is how it is formed." He was very active, and there were several other experts on the ARB as well. The ARB had authority, not only over automotive sources, but stationary sources as well. I think at that time Dr. Haagen-Smit was also concerned about now going after the stationary sources. There were a number of other--I don't know what you want to call them-- devices that were tried, again to control the automobile pollution. There was a crank case device, which caused all kinds of problems.

There were other efforts such as--later, obviously, much later--diamond lanes to control the air pollution, not of the automobile but by where it can drive, and trying to control its presence in smoggy areas. But Dr. Haagen-Smit did a tremendous job--as I say, he was a pioneer in the field. He went after stationary sources, automotive sources. He was the person to go to to talk about photochemical smog.

McCREERY: Do you have much of an opinion of how effective he was, though, as head of the Air Resources Board?

FORAN: Oh, I think he was quite effective. Again, you know, this whole concept was new. People hired at this time never thought of controlling the automobile. It was a sacred cow, and anybody who even thought about doing anything to it could be thrown out of office. It probably didn't happen, but the fact of the matter is, with Dr. Haagen-Smit, he was able to bring public attention to all of this and set up regulations that were conducive to the improvement of the air quality. The air quality in Los Angeles from 1968 to today has incredibly improved. It's a phenomenon of this long history--'68, '78--thirty years.

[Tape 4, Side B]

FORAN: I set the agenda for the hearings and chose the witnesses that I wanted. My star witness was Dr. Haagen-Smit, and he was very effective in convincing all of the members of the legislature of the need for this kind of legislation.

McCREERY: Governor Reagan signed this legislation in July of 1968. What about implementation of the Pure Air Act? What came after?

FORAN: Well, you have to remember that we were dealing not with the regulation, as had been done in past situations of this type, but with an actual statute that required certain standards to be met. The automobile manufacturers, who said it could never be done, did it, and we had a California car. From that point on, air pollution from the automotive source began its decline to where it is today. It doesn't mean that it's totally solved, because there are still diesel fuels and there are still older cars on the road. We haven't won the total battle, the total war, but we have certainly made a major dent in the problem.

McCREERY: Did California's highway agency, the precursor of Caltrans, play any role in this at all?

FORAN: The precursor of Caltrans was the Department of Public Works. Actually, prior to that, it was the Highway Commission, which gives you an indication of the prior orientation of transportation policy in the state of California. The Highway Commission and the Department of Public Works, the whole concept of transportation was automobile and highways and nothing else. Transit was an insignificant part of the whole process. Until I became heavily involved in transportation, transit was the poor second cousin of the transportation policy. Transportation policy was dominated by the so-called road gang: people who made cement, asphalt, trucks, and anything to do with the automobile. So there was an orientation for highways and highways alone, a single-modal transportation policy, and of course Senator Collier promoted that policy. He was from a rural area.

I may have been in the right place at the right time in this case, as opposed to the situation with the kidnapping, when I took over the assembly transportation committee. Senator Collier was interested in highways, but I came from an urban area. San Francisco ultimately had the freeway revolt. There was very little space to put highways in the city and county of San Francisco, which I represented, so my orientation was multi-modal, particularly since I was so much involved in the development of BART. We had a situation in which the world was changing, or at least the California world was changing. Highways were not the only answer to transportation

problems; you had to have transit, not only in San Francisco but in the entire Bay Area.

Los Angeles was becoming saturated with freeways. They continued building freeways, but as soon as they built them, they became congested. So even Southern California and Los Angeles began to look at transit solutions. The creation of the Southern California Rapid Transit district meant that Southern California came to the conclusion they couldn't solve everything by the highway alone. A huge bus system was developed in the Southern California Rapid Transit district, which ultimately became the Metropolitan Transportation Authority, which you have today, but it went through a few generations before it got to that stage. Now, of course, they are building a metro rail in Los Angeles, and their attitude has changed considerably.

McCREERY: What were some of the organizations that were supportive of your efforts to go into a multi-modal orientation?

FORAN: There were transit authorities: AC Transit, BART, San Francisco MUNI, Southern California Rapid Transit district. There was not a formal type of organization called the California Transit Association as there is today, which represents mostly all of the transit operators in the state. There were people who were "transit-dependent": elderly citizens, people with disabilities who could not drive cars or could not conveniently drive cars. They needed transit to get to their doctors' appointments, hospitals, a variety of other destinations, and they didn't have access to automobiles. So you had a strong bloc of senior

citizens and disabled people who were very much interested in the pursuit of the multi-modal transportation system.

McCREERY: Did you hear from them much directly?

FORAN: Absolutely. Oh, yes. We would have, again, extensive hearings. Our hearings, you know, were not only in Sacramento. At the time I chaired the assembly transportation committee, we had a process of interim committee hearings when the legislature was in recess. These hearings would be held, well, all over the state, but primarily in the San Francisco Bay Area, Los Angeles, and San Diego. Occasionally we'd have some up in Eureka or other rural areas to make sure everybody could be heard. We would have hearings, and witnesses would come forward, particularly in the urban areas, and request legislation that would assist them in getting some means of transportation that was not totally automobile-oriented.

McCREERY: Could you draw on any precedents from other states?

FORAN: I don't think there was any precedent for the Pure Air Act of 1968 in any state of the nation, but perhaps there was no state in the United States that had as severe a problem as California, particularly in Southern California.

McCREERY: That's a reasonable assumption, isn't it?

FORAN: Yes. And of course, you know, in the Congress of the United States, there is no "one person, one vote" insofar as the United States Senate is concerned. If you look at the United States Senate, you have big states like New York, California, Texas, but if you take a look at the entire Midwest, from Nevada to Colorado through Nebraska and all of these states, all of them have two senators, and

they are still highway-oriented and automobile-oriented. So it was very difficult to pass transit legislation, although in recent years they have : TEA-21 and ISTEA--those are acronyms for major transportation policy in federal legislation. They have now addressed the issue of transit.

McCREERY: All these years later. [Laughter]

FORAN: Many years later, right. Yes.

McCREERY: You touched upon the fact that there were amendments to the federal Clean Air Act shortly after your California Pure Air Act. The Clean Air Act was amended in 1970 and again in 1977. Did you have any involvement or interaction with those working on it at the federal level?

FORAN: I did. As a matter of fact, when the--I think it was the 1970 legislation--I was back in Washington, and testified before Congress--I think it was the Public Works Committee that heard it at that time. It could have been a subcommittee. Glenn Anderson, a congressman from Southern California who was a good friend of mine would call me up or have me testify and give information that we had that would help them in their particular legislative program. So I did become involved. I supplied information and testimony in Washington. I used to go back to Washington quite often, not only on this, but for other funding for the state of California.

McCREERY: As you said, California may have had the worst air problems, and thus the most need to address them. How hard a sell was this kind of thing at the federal level?

FORAN: Well, once photochemical smog was identified as an automotive source, I think more legislators took it seriously. Remember that, again, the word “environmental” was almost unheard of, so as the word “environmental” became more and more popular, or at least spoken, legislators wanted to do something about preserving the environment. I think this was a key element that caused them to address the issue, which they had more or less ignored for a number of years.

McCREERY: Is there anything to say about what kind of support clean air legislation had from the top officials in the seventies in the Nixon administration?

FORAN: I think they got the word in the administration as well that environmentalism was important and people were concerned about air quality, and they signed the legislation; it wasn't vetoed. There was a certain amount of politics involved in it.

McCREERY: But as you say, it was kind of a shift in the thinking of the entire public, wasn't it, at that time?

FORAN: That's right. It was, yes, so it became a front burner issue.

McCREERY: Is there anything more to say about follow-on legislation here in California?

FORAN: In this area? The next major development was the catalytic converter, which was basically a device, using little BB's of platinum to control the emissions of automobiles. That was basically to meet standards set forth by the Pure Air Act, but by this time the federal Clean Air Act was passed, and the manufacturers had to address the problem from a national point of view.

McCREERY: Those requirements were even stronger, were they not?

FORAN: At first, as I said, the manufacturers said they couldn't meet the requirements, but they had to, so they started working. Ultimately, the catalytic converter, which is still used, of course, is the primary method for controlling air pollution in the automobile.

McCREERY: All right, thank you. Anything else you'd like to say about that?

FORAN: No, I think that covers that part of it, anyway.

McCREERY: Well, we thought we might also talk about the origins of the Golden Gate Bridge and Transit Authority, or whatever it was called at the outset.

[Laughter]

FORAN: San Francisco is spanned primarily by two major bridges, although there are other bridges down in the South Bay: Dumbarton and San Mateo. The Golden Gate Bridge was built by a special district in which several counties from San Francisco north to Del Norte on the Oregon border put up a certain amount of money for the construction of a bridge across the Golden Gate. It is not part of the state system, and it is still a special district. At that time, I think the total construction cost of the Golden Gate Bridge was \$35 million, maybe \$40 million. I don't think you could repave it for that amount of money today. But going back to that time, bonds were sold by the Bank of America, specifically A.P. Giannini, who was one of the main financiers of the Golden Gate Bridge. He supported the bonds. San Francisco put up the bulk of the money, and the other counties--some of them I think put up \$25,000. At any rate, the bonds were sold. While I was chairman of the assembly transportation committee the bonds were paid off, and the question became what do you do next? Do you

make the bridge free, as many people wanted? Or do you try to address the growing congestion problem on the bridge? Remember, it was only a bridge and highway district, and it had no other authority to do anything else.

My law partner Steve Leonoudakis was on the Golden Gate Bridge district board of directors, and we had many conversations regarding how you move people across that narrow avenue, and we came to the conclusion to create a transit district that included not only buses, but ferries as well. I introduced and passed legislation changing the Golden Gate Bridge from a highway district to the Golden Gate Bridge Highway and Transit district, authorizing ferry boats and authorizing buses. Then they were allowed to go out and bond for the purchase of the ferry boats and the bus vehicles based upon the continuation of the Golden Gate Bridge tolls.

You have to remember that the Golden Gate Bridge, which is a beautiful monument, is pretty old, to some extent obsolete--ten-foot-wide lanes as opposed to the twelve-foot-wide lanes on the Bay Bridge--built for a capacity of about, maximum, fifty or sixty thousand, and at the opening probably only had about forty-five hundred vehicle trips per day. At any rate, with the change into a transit district they were able to move far more people. I believe they received federal awards, national awards for increasing the number of people per vehicle. I forget the number--from 1 to 1.5 to 1.8 or something like that. But without that you would have a congestion on the Golden Gate Bridge that would be impossible.

Of course, all other alternatives were pretty much eliminated. One was to build a second deck. The structure would not allow that from an engineering point of view. Another was BART. BART in its original concept called for the inclusion of the counties of Marin, San Francisco, Alameda, Contra Costa, San Mateo, and Santa Clara. Of course, when San Mateo bowed out, you could not get to Santa Clara without going through San Mateo County so Santa Clara had to drop out. Then you had the possibility of putting BART on the Golden Gate Bridge. From an engineering point of view, it became virtually impossible because you have to have vehicles, trains, that can climb up to where the bridge crosses the Golden Gate. Then once on the bridge, to what extent could the bridge handle that kind of heavy traffic and heavy weight. It would jeopardize the entire structure. Oh, there was another idea, and that was the concept of building a second North Bay bridge, which died in its early conception. There were plans to put a bridge to Angel Island and then continue across the bay to Marin County. The environmental aspects of that idea, as they were growing at that particular time, probably would have ruled it out. They would still be working on environmental reports. There wasn't sufficient support for it. So the real only alternative to relieving the congestion on the Golden Gate Bridge was transit, and that's what we did.

McCREERY: What did the citizens of San Francisco think of all this?

FORAN: I think the citizens of San Francisco are pleased with it being a transit district. However, San Francisco has always felt it was the queen city, and that everybody wanted to come to San Francisco, and people should pay to get in,

which they do. Other than the peninsula entrance to San Francisco, you pay to get in. You pay going in on the Golden Gate Bridge and going in on the Bay Bridge. But the point is that they were not that enthusiastic about helping out people in North Bay communities. I always maintained that the San Francisco board of supervisors were being very narrow minded in this respect, because for every dollar spent in San Francisco, a penny of the sales tax goes to the city and county of San Francisco. Think of all the people that work in San Francisco, eat lunch in San Francisco, eat dinner in San Francisco, go to entertainment in San Francisco--that's a lot of money, and they should encourage these people to come rather than make it more difficult for them to get in there.

At any rate, San Francisco has never been strongly supportive of their suburban neighbors, as they should be. I was always supportive. When we get into the issue of the Metropolitan Transportation Commission, it'll be more apparent as to why regionalism is necessary in the multi-county Bay Area.

McCREERY: But as you say, these transit problems with respect to the Golden Gate Bridge mainly affected those who were trying to come in, rather than those who already were there.

FORAN: Right, but many of my legislative programs were very important to the people of the city and county of San Francisco because I usually provided funding for San Francisco MUNI. San Francisco MUNI is a major mover of people, something like eight hundred thousand people a day, so they are not an insignificant part of the transit program. I had a lot of support from the

municipal department of San Francisco in the transit area. When I dealt with other issues involving transit, San Francisco usually got a piece of the action.

McCREERY: Once you passed legislation then, expanding the purview of the Golden Gate Bridge district to include transit, what happened next? How did things play out?:

FORAN: Well, there were a number of issues that were beyond control. Number one, the bridge was getting old. One of the things that had to be done is the weight of the bridge had to be reduced, so they pulled up the pavement and put down a lighter, more technologically improved pavement. The rivets were literally rusting, and many of the rivets, because of the huge amount of salt in the fog that wraps around the bridge all the time, were almost impossible--they couldn't be seen but they were rusting away, so there had to be major improvement along that line. There was a whole restructuring that had to be done because of the age of the bridge. They still have the authority to sell the revenue bonds based on continued tolls under the legislation I passed. They have deficits because the cost of everything has gone up, the cost of the ferry fleet and bus fleet all going up, and that's why the bridge toll is up to five dollars today.

McCREERY: Yes. They have their own fee structure, of course, as a separate entity.

FORAN: That's right, and it doesn't involve the state of California at all.

McCREERY: Maybe we'll pass now into a little discussion of the formation of the Metropolitan Transportation Commission, and as you say, the related issues of regionalism and so on. Now, I don't know where you would choose to begin

this story. ABAG [Association of Bay Area Governments] already existed, of course. How did you start your thinking in these areas?

FORAN: Well, again, another current partner of mine is John Knox. John Knox was chairman for quite a number of years of the assembly local government committee. He had proposed multipurpose regional legislation, which was defeated on the floor of the assembly a number of times, mostly by Southern California suburban legislators. I supported that regionalism even prior to being elected. I was a member of the BATS Commission, Bay Area Transportation Study Commission, which addressed the issue of regionalism and transportation in the Bay Area. I came to the conclusion that just pure politics of the situation would not permit a regional, multipurpose authority to come into being by legislation.

As a matter of fact, Senator McAteer previously had tried to pass what was then called the Golden Gate Authority. Some people called it the Golden Goose. That took in all forms of transportation, including airports and seaports. That was such a huge and immense undertaking, and so many fiefdoms were threatened that it collapsed of its own weight. Having seen these things and having been a member of BATS, I came to the conclusion that if we can't get a multipurpose region, we should address transportation on a regional basis. I had my staff start working on preparation of legislation along this line.

First of all, a year before I actually passed the MTC bill, I had introduced a bill called the Metropolitan Transportation Authority of the Bay Area. I had

been involved with many people nationally in the transportation field. I went to New York on a number of occasions to see how their port authority [PATH] and Metropolitan Transportation Authority systems worked and figure out how we could adapt the best part of it to our Bay Area situation. If you consider New York City, which is a very compact area--it may not seem so, but it is a compact area. You have Manhattan, and you have the boroughs, and you have Staten Island, and you have this conglomeration of entities that engage in transit. Obviously, the subway system is the biggest, and we had just embarked on the BART system. We were new kids on the block in that respect.

I had many meetings with transportation officials and went through what they thought was good and what they thought would work. I came back and introduced the Metropolitan Transportation Authority bill. Well, apparently, again, the politics at the time--the word "authority" was then offensive to some. Now you have L.A. Metropolitan Authority, and people aren't offended by the term anymore. But they were offended then. So my first effort at creating a metropolitan transportation commission failed, not just because it was named "authority," but it was a factor.

[Tape 5, Side A]

FORAN: At any rate, the bill creating the Metropolitan Transportation Authority did not succeed, so I went back to the drawing board. I was still determined that we would have a regional transportation authority, commission--whatever way you want to designate it. This time, though, I decided that in order to put

together such a major change in law--remember the cry of "local control" was always heard. That was what defeated John Knox's attempts--"local control, local control." To have any chance of success, I decided that we had to enlist the support of local entities. So instead of setting up an authority in Sacramento saying, "Thou shall do thus and so, and we know best," I said, "Okay, let's build it from the bottom up and enlist the local support." So again, I conducted hearings in Sacramento during the session and multiple, multiple hearings when the session was over. I had hearings in all of the nine counties, and a significant number of the cities--hearings in San Francisco, Marin County, Sonoma, Napa, Alameda, Oakland, Contra Costa, San Mateo, Santa Clara.

The Metropolitan Transportation Commission is composed of nine counties and then about ninety cities. It's probably over a hundred by now. I invited the elected officials, private citizens, and anyone else who had an interest in the concept of creating a transportation commission to our hearings. They testified, they had their public works departments there. There was some criticism of the old bill, and they came up with suggestions, and ultimately we put together what is currently the MTC, Metropolitan Transportation Commission.

One of the most difficult aspects was the concept of the governing board. How do you get agreement when you have five large counties and four smaller counties? It's sort of like the founding of the United States as to how you put together the compromise between the House of Representatives and the Senate

of the United States. But that's what we had to deal with, the old Philadelphia question.

As I say, we had all of these hearings and had everybody's input. I should say that I did explore the possibility of using ABAG as it then existed and giving it the powers that ultimately now reside in the MTC. That became difficult because ABAG has a huge governing body compared to the MTC. The MTC has nineteen members plus a couple of non-voting members. After exploring that concept I came to the conclusion that it just wouldn't work. I decided that we should create a brand new agency and call it a "commission" rather than an "authority." Then we got agreement from the major counties and the smaller counties. We established the nineteen members, and we used the device of county representation through the board of supervisors and city representation through coalitions of cities within counties. Eventually there was agreement among all of the powers at that time, and we put together the governing body, and it has been in existence since 1971. It was and became the model for federal funding of transportation programs.

The federal government looked at MTC where it had a regional transportation program, cutting out duplication, making sure that priorities were recognized and a fair allocation of funding would occur. The federal government insisted that in the future, federal funding should go through what they termed an MPO, metropolitan planning organization. Unless there was an MTC, a multi-county commission [would fill that role], or if there were none,

then the single county would be deemed for federal purposes the MPO. That's still the law today.

McCREERY: Funds that come, for example, from the Urban Mass Transit Administration go through the MPOs?

FORAN: Right, and in the Bay Area, MTC. That's true of highway funds, so you're talking about multi-billion dollars in federal funds annually that require some sort of a regional analysis and plan before the financing can be achieved.

McCREERY: How did you settle on nineteen members for MTC?

FORAN: Well, just the composition of the nine counties. We knew we needed at least two from the larger counties, and we figured that we could sell the smaller counties on the smaller representation. I guess everybody was watching over each other's shoulder to see that nobody got more representation than they did. Of course, the population of the nine counties was considerably different. Santa Clara has grown tremendously and now feels that it should be an MPO by itself. I hope that doesn't happen, because I think you still need the regional approach to the system. Alameda is much bigger. Contra Costa has grown. San Mateo has not grown that much, and San Francisco has probably lost population.

McCREERY: Was the concept all nine counties or nothing? Was there any threat that some of them wouldn't go along?

FORAN: Oh, yes. We had threats that some would ask their local legislator to oppose the bill and not become members.

McCREERY: Give me an example.

FORAN: Well, I think Napa and--Solano is a county too. Napa and Solano were concerned that they would be eaten up by the bigger counties, but we finally convinced them that it was better to be a player. Again, the federal government had not issued their mandate at that point, so we said we would be more persuasive in obtaining federal funds as a unit, rather than through individual counties or cities. We finally convinced them; however, there was considerable reluctance on the part of the North Bay counties in particular.

McCREERY: What kind of play did this get among the citizens in the counties? What did the public think as you were in the planning stages, or did they have much knowledge of it?

FORAN: The interested parties did, but the average citizen didn't. The concept of a regional transportation authority was not something that they read about in the sports page. It's not something [that's a] live and die thing. It ultimately has a tremendous impact on the quality of life because without it, you'd have huge congestion, and wasted money, and erratic and crazy quilt planning--each individual city or county doing their own thing, and the heck with everybody else. So it has a tremendous impact upon quality of life. MTC works with the air quality boards, and the whole system is integrated to serve the people, but I don't think the average person realizes that it exists. They may not even know that MTC exists, but if it didn't exist they'd be screaming like mad to do something.

McCREERY: Was there much interest among the media?

FORAN: To a certain extent, but not to the extent that we had media attention in the Pure Air Act. It was not that big a deal to the average reporter. Again, the insiders, the people who were in transportation, thought it was wonderful. I used to be on television quite a bit. Whenever they didn't have anything to put on television, they'd call me up and come over and televise me, and have me talk about the Golden Gate Bridge, or the Pure Air Act. On slow news days, I was on television quite often.

McCREERY: You mentioned the earlier work of Assemblyman Knox. To what extent were you sort of carrying on what he had started?

FORAN: To the extent that I believed that multipurpose regional government was needed, particularly in the Bay Area where you have the counties very close together. The Bay Area is more like New York City. In Southern California, you have huge geographical county areas. San Bernardino is as big as many states. They have somewhat of a different approach to it, although they need regional approaches to air, water, God only knows what else.

In the Bay Area you run into a certain number of stumbling blocks. For example, think about water, the peripheral canal and the controversy that created. Having the Golden Gate Authority incorporate the seaports and the airports in order to pull them all together into a cooperative system is pretty difficult, if not impossible, even today. Attempts at regional government today have often failed.

McCREERY: Why are these fiefdoms so ingrained, do you think?

FORAN: Well, they were created many years ago. Water is such a very hot issue--battles between north and south, the battles of the delta, the battles of the peripheral canal. You have the airports, each in competition with the other and owned by individual cities. The city of Oakland owns Oakland airport. The city of San Francisco owns San Francisco airport, which is located in San Mateo County. San Jose owns the airport in that county. There are rivalries, particularly as far as funding is concerned.

Even today, the issuance of a multi-modal transit ticket that can be used throughout the entire Bay Area no matter what type of transit system you operate is barely being achieved. There is the "transit link," which I think incorporates six transit operators in a system where you can go from one system to the other. But there are about twenty-seven entities in the Bay Area that are not participating, or twenty that are not participating. There is a concern on the part of each transit district that they will lose money to another transit district, or that they will not get their fair share, or they may be told what to do by other entities. They feel they know what's best for their own interest, and nobody should tell them what to do.

McCREERY: As you say, you separated out the transportation to look at that regionally because it was too hard a sell.

FORAN: Right. It was almost impossible. John Knox was a very capable legislator, and he couldn't do it.

McCREERY: At the time you were working to form MTC, you had some kind of companion measure to create an office of transportation research and planning.

FORAN: Planning research, yes.

McCREERY: What happened with that?

FORAN: That passed. We set that up. It was 1969, and we created the Office of Transportation Planning and Research, which was more of a statewide approach to see if we could integrate a more rational planning in the field of transportation.

McCREERY: Did you have any hand in setting that up or following up?

FORAN: Yes. But I guess it's not a major body because you have the local entities that do not want their local jurisdiction imposed upon or impeded.

McCREERY: Now, once again, with MTC and the things we're talking about, all this transpired during Governor Reagan's administration.

FORAN: That's correct.

McCREERY: What role did the administration play? What opinions did they have?

FORAN: They helped through the departments that they had established at that time, which was basically the highway department and others. The Department of Motor Vehicles helped because we were dealing with the automobile, and they testified more on an informational basis. I don't believe they really took the lead in the legislation, but they certainly were cooperative. Then-Governor Reagan signed the bill, which was a major achievement because I'm sure he had a lot of pressure not to sign it, or to veto it.

McCREERY: Do you have much knowledge of that?

FORAN: I don't know exactly what happened in the corner office. There are some anecdotal stories that I could tell about Governor Reagan, particularly in the

transportation field. He was a very interesting person. This was his first term as governor, and he was freshly out of the Hollywood complex. We would have meetings in his office on this issue and on other transportation funding issues in his cabinet room. He would come in, and he would say he wanted to cooperate, and he would tell a few Hollywood stories and jokes, and then he'd say, "Now you people work it out." We'd sit there and work on the issue, and then he would usually approve what his staff recommended, but he didn't stay around very long in the cabinet meetings.

McCREERY: That was the extent of his involvement?

FORAN: I had a similar experience in Washington D.C. in going to cabinet meetings there. [Laughter]

McCREERY: During his presidency?

FORAN: Yes.

McCREERY: Something in particular?

FORAN: Well, I don't remember. If you ever look in the club room [here at Nossaman Guthner] at the pictures that are on the wall, I think there's a picture of me with President Carter in the Oval Office. There's another with me in Reagan's cabinet room, and a couple of other pictures too. You might want to take a look at them when we leave. You can maybe raise some other questions. He was a great communicator. He knew how to communicate, and he knew how to sell a program, his tax programs and things like that, but he really left the details and the day-to-day work to staff, many of whom were very capable and were able to work out compromises and amendments. Ultimately, the final

product was usually a pretty good product. So his system worked, but he did not get down into the details. You have some [leaders], Jerry Brown, for example, wanted to know every final, every single detail of what was being done. Reagan was not a detail man.

McCREERY: You say he relied on key staff. Whom on his staff did you work with primarily?

FORAN: I'm trying to remember. Chuck Ereca, head of the Department of Public Works. I'm trying to remember back as to who was in various--Department of Finance was Lyn Nofziger, who understood environmental issues such as the Pure Air Act. He was a pro at it--he is a pro. There were several in his office who saw political opportunities for his not being adamantly opposed to what I considered progressive legislation.

McCREERY: It was kind of a matter of progressive, as you touched on. I mean, the public mind was changing about all this, or evolving, shall we say?

FORAN: That's right. Bill Bagley, another one of my partners, had a major tax bill. I think somebody has interviewed him already, and I'm sure he went over that. Also, I think that Reagan signed a bill that was not "pro-life." It dealt with planning and access to abortion. It wasn't very celebrated at the time, but it was a major breakthrough in the legislative process along that line. There are a number of bills that he signed that would surprise people because he's considered such a huge conservative, and yet some of the legislation that passed, such as the rewriting of the tax laws and the Pure Air Act, were progressive.

McCREERY: It was quite a partisan environment then too, was it not?

FORAN: Not as it is today. There were far more cooperative legislative measures that passed on a bipartisan basis. When we get into the issue of the increase in the gas tax, I could not have passed it without bipartisan support because it required a two-thirds vote in both houses. There was a lot more of that type of cooperation then. Today, it seems to be just rigid. Democrats vote for Democrats and Republicans vote for Republicans, and there's no integration on almost any issue, regardless of how important it is to the people of the state of California. Bipartisanship was just a main theme of the legislative process. We would--obviously, I don't know if it was good for our health, but we'd meet at Frank Fat's or some other place, we'd drink, we'd have dinner together, and we'd talk, and we'd call each other crazy for wanting to pass this, that, or the other thing. But in the final analysis Bagley was the author of the major tax bill in Reagan's era. I was the author of the Pure Air Act. All of these things were done much more on a bipartisan basis. I don't see any bipartisanship over there today at all and haven't for the last couple of years.

McCREERY: You're indicating that you could work very effectively with a Republican administration at that time?

FORAN: Yes, and Republican members of my own committee, particularly in the senate when I was chair of the senate transportation committee. I had Republican co-authors of some of my major legislation, some of whom were considered die-hard conservatives that supported the legislation which could never have

gotten off the floor without their support because of the two-thirds vote requirement.

McCREERY: Why do you think it is so different today?

FORAN: There are a number of reasons. One, the districts are almost unassailable as far as whether or not a moderate can be elected, so you have the extremes in either party, conservative or liberal. The primary determines who's going to be elected, and in most cases in the primary the most liberal Democrat is chosen and the most conservative Republican. The moderates, who used to be the arbitrators of so much necessary legislation, aren't there anymore. Probably my closest friends in the legislature were people like Senator Beverly, a Republican; Senator Maddy, a Republican--we worked on many bills together and voted on a lot of things much alike. It just was a normal way of doing legislative business to seek out support of the other party, and I think it worked better.

McCREERY: I take it that wasn't too unusual then?

FORAN: No. I mean, going back to my earlier days in the assembly, the principal author of most of the social welfare legislation after Phil Burton went to Congress was Jack Veneman, a Republican, again, with Democratic support. One of several major pieces of legislation in the environmental field was authored by Pete Wilson when he was an assemblyman. Houston Flournoy was the author of quite a number of pieces of legislation in the field of education--again, almost all bipartisan. There was very rarely a party line-up bill that passed. It was usually with several from either party. There were conservatives then and

there were very liberal legislators then, too, but sort of a moderate-centered bloc dominated the legislative scene.

McCREERY: Speaking of Governor Reagan's administration, did you have much view of how well the assembly speakers coordinated with his people?

FORAN: Well, it was only '68-'70 when the Republicans had control of the assembly. Bob Monagan was the speaker, but only for two years. He was a very centrist moderate. He was another one of the Republicans who worked closely with the other party. After he became speaker, Jesse Unruh was still there--he hadn't run for governor yet, or treasurer. I guess he was running for governor then. Bob Monagan reappointed me chair of the assembly transportation committee, which was a very courageous thing for him to do because he had tremendous pressure from his own party not to appoint a Democrat to a major standing committee. There were several who were very, very strong contenders for my chairmanship, and Bob Monagan held fast and said that I would do the best job and he was sticking with it, and he did.

McCREERY: Did you talk to him much about this directly at the time?

FORAN: Oh yes, sure.

McCREERY: I'm sure you indicated that you wanted to continue.

FORAN: I told him that I wanted to continue, and I would work in a bipartisan way. I think my record had proved it, but he took a lot of heat for reappointing me.

McCREERY: As a Republican, he was in the same party as the governor. But then, how about when Bob Moretti came in?

FORAN: When Bob Moretti came in, he worked very closely with the Reagan administration on a number of reform bills, particularly in welfare. Moretti did work on a bipartisan basis so that even though the assembly was controlled by the Democrats, major legislation passed and was signed. In order to get a signature, you had to cooperate with the other side.

McCREERY: A different atmosphere?

FORAN: Oh, absolutely. A totally different atmosphere. I hardly recognize it over there today.

[Tape 5, Side B]

McCREERY: We wanted to spend a few more minutes today talking about the Transit Development Act.

FORAN: The Transit Development Act was actually originated by Senator Mills together with Senator Alquist and then Assemblyman Wadie Deddeh from San Diego. It was the major piece of legislation providing funding for public transportation, public transit. As everybody knows, or should know, transit in this country, and really in other countries if you analyze it, never is self-supporting. First of all you have the capital outlay, which is huge, particularly by today's standards. For example, the extension of BART from Alameda to San Jose is something like three quarters of a billion dollars, and that's probably a low side of what it eventually will cost. Actually, that's only part of the funding. It's going to cost more--probably a couple of billion dollars. Anyway, you have the capital outlay, and you have to find the funding for that. But then once you construct a transit system you have to operate it. Contrary

to popular belief, more passengers does not necessarily mean more revenue, because you have to serve those passengers, and you have to increase the number of service routes. The more you increase service routes, and the more you need more equipment--trains, buses, or whatever they are--the more operating cost you have.

There is legislation--legislation, in fact, that I was involved in that requires that in order to obtain public transit funds from the state of California, there has to be a certain amount of fare box recovery. But essentially there has to be a subsidy for the system to work. Highways are literally subsidized by the gas tax. But when you get to transit, if you had everybody pay a cost of their trip from point A to point B, the price would be outrageously high, and it wouldn't work because the higher the price the less passengers you have. It becomes a Catch-22.

So, in the mid-1970s, I believe it was around '74, the TDA bill [Transit Development Act] was passed. This was a very unique thing. It didn't increase taxes, but it provided that there should be a sales tax on gasoline--I shouldn't say the sales tax on gasoline--that the sales tax as it pertains to the price of gasoline shall be remitted to the local government on a formula basis as if the sales tax on gasoline had previously existed. Prior to this time there was no sales tax on gasoline. It gets very confusing. Then a formula had to be created so there was no tax increase. It was a revenue-neutral system, and that's how the formula was developed. The formula provides funding for operating transit systems, as opposed to capital outlay.

I was very much involved in that legislation and supportive of it, although I was not the author. As a matter of fact, I think--I'm trying to recall whether that was passed the year before I went to the senate or the year after. I'd have to look it up. But essentially, at that time I had not [yet] become chair of the senate transportation committee, but I was involved in committee work and pushing the bill, persuading others to vote for it and speaking for it on the floor. I felt that it was absolutely necessary to have viable public transportation--public transit--in California.

McCREERY: Do you remember the origins of this idea that the local governments would have some say over the use of those tax funds?

FORAN: Well, it was a bill that was conceived primarily by Senator Mills, who was then president pro tem of the senate. Again, I believe it was when I just got to the senate. I'd have to look up the dates because they get confusing after awhile. Essentially, it had to be passed so that there was no increase in tax, and since most of the transit operations are local--either run by cities or individually-created entities, such as AC Transit--they had an interest in getting operating money, because they had this huge dilemma: the more they built, the less capable they were of running the service. So there had to be a source of revenue, and this was the only one that could be passed, because if you went for a straight tax increase it would fail.

McCREERY: Had other states done anything like this, do you know?

FORAN: That I don't know. Not prior to this time, I don't think. But, maybe they didn't have the structure we had either, because we had the fuel tax. We have a

Constitutional provision, Article 19, which provides that fuel tax on gasoline can only be used for streets, roads, and highways, with a minor exception as far as guideways. That's not a major amount of money, but it's one source of capital outlay for public transportation. But once you get it built you've got to run it, and therein lies the problem. You can't find the money to run it just from the fare box. You have to have other sources.

McCREERY: So this TDA legislation originated in the Senate with Mr. Mills. Tell me how it progressed to the extent that you remember.

FORAN: It was a very novel idea because it provided a source of revenue that had not been there before for transit. I guess if I had a way to characterize it, it was a sleeper. I think by the time people realized what the bill did and how it changed the formula, it was already passed and on its way to the governor. [Laughter] A number of entities would have normally opposed it. This was before Proposition 13 of course, so there was not the strong partisanship that existed later, but I don't think it could have been passed in today's atmosphere.

McCREERY: Do you recall much of how the sponsorship in the assembly went? How tough a sell was it?

FORAN: It was tough going there for awhile, but again, it didn't have the attention of the members as it might have otherwise garnered today, or even later in the session. It was passed because most legislators had transit operators and entities in their districts. They needed it and convinced many of the legislators who would have otherwise opposed it that it was necessary to do this. Basically good, strong lobbying by transit operators and transit entities.

McCREERY: What about major opposition outside the legislature?

FORAN: Well, you had--I believe--I'm trying to remember--taxpayers' associations and maybe the chamber [of commerce] opposed it, the state chamber. I'd have to go back and take a look at who was listed on the analysis. I guess the highway lobby did not get too upset about it because we weren't taking any of their money. You didn't have the organized type of opposition that you'd normally have today.

McCREERY: After the fact, after this was in place, how happy were all of you with the results? How well did it work?

FORAN: It worked quite well. It was a major source of transit funding. Over the years it is probably not adequate to deal with the funding necessary for transit operations, but it's certainly the only game in town. Of course, it becomes to some extent a political football in the budget process, where funding goes up and goes down depending upon the circumstances. In the current budget, the one we're in 2003-2004, it has been reduced but it's still there. It's not being eliminated. If you were to talk to the California Transit Association--Josh Shaw, who's the lobbyist for that organization--you'd understand how important it is to their whole process of keeping transit running.

McCREERY: Did other states or areas adopt this kind of tactic, do you know?

FORAN: Not that I know of. I don't think so.

McCREERY: But it's worked well here?

FORAN: Right. Maybe other states have different systems of funding transit. I don't know. Probably New York has different systems. But when you get to the middle of the country, transit isn't the most popular issue.

McCREERY: Even today, there are really [only] a few metropolitan areas that need this sort of thing.

FORAN: That's right, yes. And there's always rural versus urban in these situations.

McCREERY: Anything else about that?

FORAN: No. I think that it is important legislation, an important part of the whole transportation system in the state of California.

McCREERY: Let's stop there for today. Thank you.

[End of Session]

[Session 4, May 28, 2003]

[Tape 6, Side A]

McCREERY: We talked quite a bit last time about some of your early transportation-related legislation and work chairing the transportation committee in the assembly. I'd like to continue with that theme today. We touched on the fact that the Public Works Department was the precursor to Caltrans. Could you talk about that body and sort of what it meant politically when it came into being?

FORAN: Well, first of all, I was not the author of the legislation that created the California Transportation Commission. By that time, I had moved to the Ways and Means Committee as a subcommittee chair, and Wadie Deddeh became chair at that particular time. The proposal was to create a California Transportation Commission to replace what was once, a long time ago, the Highway Commission and then the Public Works Board that actually made the determination as to where highways would be located and how they would be funded. My main role with respect to the CTC, the California Transportation Commission, was that the proponents wanted my support, and I said I would not support it unless there was some guarantee that it would not be used for pork barrel legislation. The proponents of the bill and the author agreed to that and I then supported it.

As a result, there is a method of funding that sets up eight categories of funding for transportation, which include capital outlay, maintenance, local streets and roads, and a variety of things like that. Essentially there is not a method of establishing pork, which I thought would be disruptive of the whole system because what you need is an integrated highway system in the state of California--any state for that matter. You can see the things that happen in the federal government, where huge so-called "demonstration" or pork projects are introduced into the major transportation funding legislation. It probably will be done again with the new transportation authorization that's going to occur sometime, presumably, before September 30<sup>th</sup> when the old one expires. At least we do not have the crazy quilt kind of pork operation that would otherwise occur.

In another area of what I would call "anti-pork," when I was chair of the senate transportation committee I established a policy which has been reinstated every year since then that we would not adopt "project" bills, which are basically pork. The reason is that once you start down that road, there's no end to the pork because if member A gets a pork project, then member B comes in and member C, and pretty soon you have highways that go all over the state that are not even connected, but just simply [created] to satisfy a very limited geographical constituency. That does not serve a statewide purpose as far as transportation is concerned, so that's basically where I was on that particular issue.

McCREERY: Well, in both cases, how hard was it politically, though, to eliminate the pork, as you say?

FORAN: It had to be done at the beginning. As an example, in the legislative creation of the CTC, it was established policy *ab initio*, and also by establishing the policy of the transportation committee. Basically, once you establish that kind of a tradition and your members agree--because generally, everybody agrees pork is bad and not a good policy. But specifically, individual legislator A or individual legislator B says, "Yes, that's okay for everybody else, but my project is different." Of course, that breaks down the system and then the system doesn't work anymore. So far the no-project policy has worked well. Hopefully, it will continue, but they could change the policy, and they could get back into a pork system.

McCREERY: Talk a little bit about California Transportation Commission itself and how it operated in relation to the gubernatorial administration, for example.

FORAN: The California Transportation Commission has nine members appointed by the governor. One of the members wears two hats: one a transportation commissioner, and the other, that of a public utilities commissioner. It's a joint appointment, and that particular individual serves in both capacities. For the most part, there has been an effort--not always successful, but there has been an effort to try to have a distribution of commission members north, middle of the state, and southern part of the state. That has been pretty much a system that has worked. There's no requirement that they do so, but there is pressure that builds up when one part of the state is underrepresented as compared to

another part of the state. Most of the commission members who have been appointed over the years--it's a non-salaried appointment, as you may know--have been very good appointments. They have been very concerned about transportation in the state. They have been dedicated public servants. They are in many cases quite knowledgeable in the field of transportation.

One of the members of the CTC for a number of years was my law partner Bill Bagley, who wore both hats, CTC and PUC [Public Utilities Commission], and he ultimately became chairman of the CTC, and he had a very strong influence in support of transportation. He insists to this day that the whole system is inadequately funded, which is absolutely true. Just a couple of years ago, Senator John Burton had a study done that showed that the needs over the next then-twenty years for transportation in the state of California would exceed \$100 billion. We aren't even near that kind of funding at the present time. For the most part the CTC has been very good as far as policy-making is concerned. I don't know if you [want to] get into that at this stage, but the whole system that was created in the early seventies has been altered significantly in the mid-nineties by the passage of what was then SB-45 by Senator Kopp.

Now, prior to SB-45, the CTC distributed all of the funds as they saw fit because all of the funds were under their jurisdiction. This meant for the most part they followed the recommendations of the local or regional transportation authorities, but there was no requirement that they do so, and sometimes they did not. Of course, when there were major state projects that they were

interested in, they would allocate greater amounts of money to those projects. As a result, there would be less available for certain very important local projects. Well, SB-45, which was '96 or '97--I forget which--altered the way the transportation funds are distributed. SB-45, which was authored by then-Senator Quentin Kopp, provided that highway funds be allocated 75 percent by the regional or local authority, and 25 percent subdivided into inter-regional and rural pots that would be distributed by the California Transportation Commission. Basically, the CTC had a role to play in inter-regional projects and could arbitrate between regions as opposed to regions fighting and vying over whatever funds were available.

That was a major change in the method of transportation funding--I think a very good one, because it is far better to establish a transportation system from the bottom up, one that examines and prioritizes local needs or regional needs as opposed to having the state of California, Sacramento saying, "This is what's good for you whether you like it or not." It is a much improved system. I think SB-45 was a great improvement on the CTC legislation. Maybe if it was done originally, that would have been a better system when it was first initiated; however, probably, that couldn't be passed at that time. There would have been a lot of resistance from the state, and you wouldn't have had the legislation that made this redistribution. But essentially, that's the CTC story, and that's where it is today.

McCREERY: In light of our conversation last time about regionalism, how did this inter-regional concept come up, do you recall?

FORAN: Well, there was a great debate over how much should be allocated by the locals and how much by the state of California. I think at one time the bill, SB-45, called for an 85 percent distribution by the locals and 15 percent by the state, so there was strong resistance from state bureaucrats, Caltrans, and others. You have to remember that California is a pioneer state in the whole field of transportation and transportation funding. The California highway system was the envy of the world. It was examined and inspected by people from Europe and everywhere else as being the model to follow.

Things changed. Among the changes were a declining revenue as cars became more fuel efficient and therefore less fuel tax was collected, and, therefore, less money for the highway account. At the same time a huge growth in the state occurred, which created a greater demand. Pat Brown is given credit for the creation of the highway system as well as the higher education system. The water system was one of the jewels in his crown that he always talked about.

And of course, the other major change that occurred in the whole transportation system was that the local and regional areas, local in particular, realized that they could not meet the demands of their constituencies. Local authorities were created which put so-called "measure issues" on the local ballot. These measures put to the voters the question of whether or not they would agree to an increase in the sales tax for transportation projects. It is important to recognize that the sales tax was on all goods sold in the county, not just gasoline, all goods, whether a meal at a restaurant, purchase of a car, or

purchase of an appliance. This sales tax, which was usually about a half percent, would be dedicated to specific projects that were set forth in the measure that went on the local ballot, in other words, projects to complete a freeway, to complete this interchange, or to put a certain amount of money into transit. Because the money was not under Article 19, it was free from the Article 19 restrictions to be used for highways and streets and roads only. This meant that a county--the first being Santa Clara County, which passed a half-cent measure--[could] develop programs for the construction of major transportation improvements. Santa Clara was the first, and then it was followed by Alameda, San Francisco, Los Angeles, and others. Los Angeles is unique in this respect. All of the measures had termination dates, usually ten years, and Los Angeles didn't include a termination date on their measure. Therefore, Los Angeles currently has a sales tax for transportation purposes that goes on and on forever, unlike all of the other counties in the state.

There's a big issue currently as to the vote requirement for these sales tax measures and how to change the threshold for the vote from two-thirds to something less, either [a simple] majority or 55 percent. There are bills pending in the legislature today that deal with that issue. All of these counties, representing 85 percent of the population of the state, have sales tax measures for transportation purposes. This is one of the major funding sources for transportation today. The state is no longer the giant in the field. The state is a major player, undoubtedly, because it still collects fuel tax money, even with a declining revenue base. But essentially the transportation systems, both transit

and highways, have largely been taken over by the local measure counties.

That is another factor in what I described as the SB-45 issue. Since the locals were now doing their own funding, then they should call the shots more, and that's basically what it was about.

And of course, you know, even though the local measures raise these funds, more funds are needed. The demand for money is astronomical because costs are so high, with environmental reports and land prices. Costs are so much higher than they were in the sixties or early seventies, so in addition to the local funding you need state funding and federal funding as well to do the whole project, which are, in most cases, very, very expensive. Think in terms of BART to the airport. These are huge, immense--you're talking billions. We used to talk millions in the old days. [Laughter]

McCREERY: What was your view of this switch to much more local control and raising the money locally?

FORAN: Well, I supported it. In fact, I was at different times chairman--I think I was chairman of the senate transportation committee when Santa Clara sought the creation of the authority to let them go forward with their sales tax measure. Then there were a couple of other bills that authorized other counties to do the same thing. As more counties received authority, then-Senator Deddeh introduced a bill that said, "Okay, all counties can do it if they want it. You don't have to come up to the legislature every time. There are fifty-eight counties in the state of California. You don't have to have fifty-eight bills. All counties can do it under the same terms." However, the supreme court ruled

that a two-thirds vote was required. Prior to that ruling several of the counties, including Santa Clara's first measure program, was done with less than two-thirds.

McCREERY: But, of course, in the earlier days of CTC, there was much more power concentrated there in all of these financial issues.

FORAN: Yes, that's right.

McCREERY: Now, you touched upon the fact that all of the CTC members are the governor's appointments. Is that appropriate?

FORAN: Frankly, yes, in my opinion. I am not an advocate of legislative appointments. A good reason is the recent decision on the coastal commission that the legislature and the executive branch are constitutionally separate and should continue to be separate. One should not impede on the other's functions. The legislature makes a law; the executive branch implements it. I think having a single appointing power, namely the governor, creates a greater degree of accountability. When you have other commissions where there are legislative appointments as well as gubernatorial appointments, you have a diffusion of accountability, and nobody knows who's responsible. But the governor has to answer to the electorate. He's either given the credit or the blame, and it creates a good degree of accountability. So I believe in the gubernatorial appointment, and I would not support legislative appointments.

McCREERY: You already mentioned that you think many, if not most, of the individuals appointed turned out to serve effectively and well. Is that right?

FORAN: Right, yes. There has been no scandal, no kickbacks or anything like that.

And of course, that's another degree of accountability. If there is someone who engages in indiscretions or outright misuse of office, again, the governor has to take the heat and explain why he, or maybe someday she, appointed such-and-such a person.

McCREERY: How did Mr. Bagley approach his role when he chaired the commission? What was his style?

FORAN: He was very effective, very much involved, as Bill always is. He did his homework, knew exactly what the projects were and where--not from a sectional point of view, but from a statewide point of view, and I think he did a very good job. He was highly respected among commission members, and he was very persuasive.

McCREERY: Let's also get a little bit of background on the state transportation commission.

FORAN: The California Transportation Commission? That's what we've been talking about.

McCREERY: No, I guess I'm thinking of--was there a separate board of the transportation commission?

FORAN: No, that would be the successor agency. Yes, I created a board--sort of a policy research board, but it didn't really have that much to do with the CTC.

McCREERY: So we've covered that.

FORAN: Yes, I think we've covered it already.

McCREERY: We wanted to also talk today about your sponsorship of SB-215 in the senate years, of course, and just sort of what prompted the start of that.

FORAN: Again, you have to go back to the situation as it existed in about 1980-81. At that time, the revenues of the state of California from the highway account were running out, and we were about to reach the point where the state of California would not be able to make the federal match. The federal government, in interstate highways, provides 90 percent of the funding, and the state has to come up with a 10 percent match. In other cases, the feds have to come up with 75 and the state 25. In order to qualify for these monies the state, whether it be Missouri or Michigan or whatever the case may be, must match federal funding. Otherwise they don't get the federal funds, and the federal funds stay there until they are reallocated to another state that can make the match.

We were in this terrible situation in which we were threatened with the loss of hundreds and hundreds of millions of dollars of federal funds by our inability to make the match. I introduced SB-215, which among other things raised about one-and-a-half billion dollars in toto. It increased the sales tax on gasoline by two cents, from seven to nine cents. It increased the truck weight fees. It increased the fees for obtaining a license. At that time, I believe you paid three dollars and twenty-five cents to obtain a driver's license, and it cost ten dollars to process it, so it was a loser. We increased a number of other fees and revenue sources until we got in excess of a billion dollars, and we were then able to make our match. But the process whereby the legislation passed was extremely difficult because it needed a two-thirds vote, and there were many stumbling blocks along the way.

I created an organization--a coalition, if you will, called Californians for Better Transportation, CBT. I called up an old friend of mine, Jack Maltester, a political person who had been head of the League of California Cities, mayor of San Leandro, and a charming person. He always told the story that he was in his garden tending his roses when I called him and asked him to come up and talk to me. I asked him to head up this coalition. The coalition consisted of a huge bloc of people interested in the transportation system: teamsters, truckers, transit associations, League of California Cities, they then called it the County Supervisors Association, all of the transit properties, BART, AC Transit, labor--operating engineers were big supporters, laborers, building and construction trades unions. This was a huge coalition when we put it together and was one of the main methods of getting SB-215 passed.

The other method that I utilized was to have Caltrans prepare maps of the entire state of California with overlays of the senatorial and assembly districts on them all. I lobbied with the coalition that I formed, but I also lobbied individually. First of all, the coalition had various lobbyists--labor had lobbyists, AC Transit--all these entities had lobbyists. We would meet in a room that I'd set up, and we would give out assignments as to how to get this or that member's vote. We needed to reach the two-thirds vote in the senate and subsequently the two-thirds vote in the assembly. The Orange County Transportation Authority, or the County of Orange and all other counties felt it was very important not to lose all of these federal funds because of inability to make the state match. The funds could conceivably go to Mississippi or some

other state. The federal government didn't hold the funds and send them back to you when you are able to make the match. So we had this group. We'd meet every week and we'd give assignments.

[Tape 6, Side B]

FORAN: I had the lobbyists for all of this huge coalition calling on every single member. The other part was, as I said, I had Caltrans put together a map identifying which projects were in each assembly and senate district. There would be a very important project in Assemblyman A or Senator B's district that they were very, very strongly supporting and promised to do everything they could. We showed them that if this SB-215 doesn't pass, it's not going to go forward and God knows when it'll be completed, if ever. With that kind of a map, I personally went to every single member of the legislature, the whole hundred and nineteen, made an appointment just as if I were a citizen. Usually you can get an appointment any time you want if you're a fellow legislator. This worked. I was able to say, "If you don't support the bill, you may as well forget about the project A or B or C or D in your district, because it's not going to occur. There won't be another opportunity because the federal funds will be gone." That was successful, and that's how I eventually put together the two-thirds vote in both houses. That's how 215 became law.

We haven't gotten to the finale. [Laughter] Then the question is, would the governor sign it? The governor was Jerry Brown. At that time, the head of the BT&H, the Business, Transportation, and Housing Agency secretary was Lynn Schenk, who is now a chief of staff to Governor Gray Davis. The director of

Caltrans was another famous name, Adriana Gianturco. There was a major battle waged in the corner office with Lynn Schenk supporting a signature, and Adriana Gianturco requesting a veto.

McCREERY: Were you present for that?

FORAN: No, I wasn't, but I knew all about it. I got daily reports from people who were there. This went on, and when the session ended the governor signed the bill.

McCREERY: Describe the personalities a little bit in this case.

FORAN: Well, Lynn Schenk was a former Congressperson, and she was a very effective head of the Business, Transportation, and Housing Agency. She was, I think, more far-sighted in her approach to the transportation issues. Adriana Gianturco wanted to contract the highway program. She was very unpopular with many transportation people throughout the state. There was one other factor that you should know, and that is, in order to get the bill signed and in order to get the requisite two-thirds vote, I had to put a provision in the bill that, even though it passed in '82, it would not be implemented until middle of November 1983, which would be after the election. [Laughter] Nobody wanted to vote for a tax increase prior to [the election], whether they were legislators or the governor.

McCREERY: While I'm thinking of it, the gas tax hadn't been raised in quite a while.

FORAN: No, it hadn't.

McCREERY: Put the two-cent increase in perspective.

FORAN: Right. The two-cent increase--I'm trying to remember exactly when it went to seven, but it had to be sometime in the sixties, I believe. As I say, the amount

of money coming into the highway account was diminishing. Again, we did have the sales tax on gasoline. That sort of gets into another story as to how I was able to move some of that money around too. But essentially, the population of California was just growing like mad, and we had to deal with the transportation needs with a diminishing revenue source.

McCREERY: What was Governor Brown's take on all of this with the two advisors taking opposite sides?

FORAN: I was not privy to exactly what occurred. I do know that they were both very strong in their positions, and the governor, I'm sure, took heat from one or the other. I don't know if they were in the same room at the same time or whether or not they came in separately, but in the final analysis he signed the bill, and that's how 215 became law.

McCREERY: What about the vote in both houses? How close was that?

FORAN: Very close. I might have got one over the two-thirds in the senate, but then when we got to the assembly it was touch and go. We had a [roll] call of the house, some members saying, "Well, I'll be your fifty-fourth vote, but I won't be your fifty-third vote." That meant you had to persuade somebody to go first. I think we got up to forty-eight, forty-nine and then we had to work very hard to get the final fifty-fourth vote. But there's one important element, and that is that it was a bipartisan vote. While the majority of the Republicans did not vote for it, the Republicans that did vote for it didn't suffer any consequence. They felt they were being very responsible and saving major projects in their district. Now remember, the coalition was going around

saying, "You can't let this project die in your district." [The legislators] were being lobbied to support their own local program. There was another provision that was insisted upon, and that is in order to receive the funds the boards of supervisors had to pass a resolution saying they supported the concept.

McCREERY: Who insisted on that?

FORAN: I'm trying to remember exactly who insisted upon that. I do know that Los Angeles objected to that provision and then, ironically, were the first to adopt a resolution. [Laughter]

McCREERY: It's interesting it was such a close fight because, as you said, you had visited each and every member of both parties.

FORAN: Yes, but, you know, they would not necessarily commit. And of course, quite a number of them voted no. So it was very difficult, and up to the last minute I didn't know if we were going to get it, and then of course we knew we had the fight in the governor's office to get through.

McCREERY: Implementation delayed until late in '83, as you say?

FORAN: Yes. Well, it may have been implemented in November of '82. At least it was after the election.

McCREERY: What was the effect of this once the tax increase went into effect?

FORAN: Once the increase went into effect and the other fees, which were an important part of the whole program, we were able to proceed with our transportation program. We made the federal match. All the projects that were on those maps that I carried around with me went forward, and it was a major part of the transportation system. I don't know where we would be without it.

Now, interestingly enough, subsequently, after I had done this and Jerry Brown had left office and George Deukmejian became governor, I wanted another increase because, again, we were falling behind. Not that we were threatened with the loss of federal funds, but we were falling behind considerably and we would be in a mess again. I had a number of meetings with Governor Deukmejian, and he was not supportive of any tax increase at that time.

That leads to what happened in '89-'90 when I was out of the legislature. One of the reasons I left the legislature was a sense of frustration that I'd not be able to continue to put together an adequate transportation program for the state of California. So, comes '86 and I wondered, "If I'm not going to be able to do this, do I want to stay around?" It was not the sole reason, but it was a major reason in my decision not to run for reelection in 1986. I simply chose not to run. I never lost an election. I just decided not to run, and of course there was a big battle over my seat after I left.

But then, subsequently, Governor Deukmejian was persuaded that the problem was serious enough to support a major tax increase in the amount of nine cents per gallon. We've gone from seven to nine. Now we're at nine. This [later increase] was another nine cents. This was 1989, and then there was a measure on the ballot in '89 which passed, increasing the fuel tax by nine cents, but not at once.

McCREERY: It was gradual, year by year?

FORAN: It was five cents immediately, and a penny a year for the next four years after that, until you get to nine cents, again, to soften the blow. Also, there was another initiative placed on the ballot for rail funding: Proposition 116. Both of them passed by significant numbers and increased the fuel tax on gasoline to eighteen cents per gallon, which is where it is today. I was very much involved in it, but as an advocate. I was representing a number of public authorities that were very, very much supportive of the increase in the fuel tax. So anyway, after having decided to retire, ultimately the governor decided to support a revenue increase for transportation.

McCREERY: How was he convinced to support it, do you know?

FORAN: I think the situation was growing more and more critical. Highways were not being built. Transportation needs were not being met. There were a variety of other pressures on him. I suppose people pointed to Pat Brown and his highway construction program, and maybe Governor Deukmejian wanted to at least be remembered for having solved a major, critical problem in the state, so he decided to support it, and that's how it went. There was a lot of Republican support for these projects as well. It wasn't purely a Democratic kind of thing.

McCREERY: So that continued after you left as well?

FORAN: Yes, and you have to remember that transportation's a critical part of the economy of the state of California. In order to deal with the economy, I think the Governor, Deukmejian, realized that and responded to that accordingly.

McCREERY: We also wanted to talk about SB-300.

FORAN: Yes, okay. In the years after 215, there was what we used to call an “overflow.” The overflow was from the sales tax on gasoline. Here again, we have a phenomenon that was not anticipated. When the sales tax on gasoline, with that weird formula that I described before, was adopted, it made sense. It was revenue-neutral and it balanced out. But the price of gasoline started rising. As the price of gasoline started rising, the amount of money collected from the sales tax on gasoline--not the fuel tax, the sales tax on gasoline--increased significantly. It did this each year, and the amount of money above where it was anticipated originally would flow into the general fund, so I put in a couple of bills to pick up that difference--it was not that significant at first, maybe sixty million dollars or something like that--and put it into the transportation system in the state of California. And of course, since it was free money it could be used for transit or highways. So then there was a fairly high increase in the amount of sales tax on gasoline collected, and the figure was about three hundred million dollars.

In 1978 the so-called “Prop. 13 babies” had been elected--that’s what they called themselves. Some of them called themselves “cavemen.” Sometimes they were called “cavemen,” but they sort of enjoyed it, so they called themselves cavemen. People like Bill Baker, Pat Nolan, and a variety of other legislators were very conservative, but sort of responsive to needs in their own areas. I worked together particularly with Bill Baker, the assemblyman from Contra Costa County, and we put together a package. We said, “This is pork to a good extent, but it’s the only way you could get that money into

transportation.” They were good projects, but we divided up the three hundred million dollars so that the Republicans got a good chunk of it, the Democrats got a good chunk of it, and most of it went to local streets and roads, which the Republicans very strongly support.

That was distributed to the local governments, cities, and counties, and I called it my “pothole bill” because we had all kinds of local street repairs that were needed. There was a tremendous amount of deferred maintenance on local streets and roads, and the more you defer the maintenance the more it costs, because at one point, instead of repairing, you have to go to reconstruction. The whole road collapses, and as a result you have to redo it. We were looking at situations in which some counties, and I suppose a few cities, were just going to have gravel roads rather than asphalt roads because the situation was so bad. We were able to put that money into that and, again, the persuasion was, “If you don’t do it, this is the consequence.”

McCREERY: How did you settle on streets and roads as the beneficiaries?

FORAN: Because they were in the greatest need at that time. They did receive some of the fuel tax money from 215, but it wasn’t adequate. It was nowhere near enough because the maintenance had been deferred for years and years and years. Here again, maps--maps of the counties and what the situation of the roads were, and how far behind they were in repairing, replacing, and maintenance. We used the method of showing, “This is your assembly district,” or, “This is your senatorial district. This is the state and condition of roads in your county, your city. It’s getting worse and there’s no method of

improving it in sight unless you support something like this.” That’s how we put together, again, a bipartisan bill, lots of Republicans on it, and again, a two-thirds vote required.

McCREERY: Was that pretty much a one-time thing?

FORAN: That was pretty much a one-time thing because then the general fund became more and more needy, and the Department of Finance, no matter who was governor, would usually oppose anything along that line after that. But it was a major breakthrough, and again, the need was great as far as city and county roads are concerned. One other thing: when I passed 215, I didn’t know how my election was going to come out. I even had video made showing the potholes to use in my campaign for reelection. We got all ready for a major attack on me for having been the big tax raiser, and as it turned out there was no major battle. I won handily without any difficulty at all.

There was one incident, though, which remains a mystery. Somewhere after 215 was passed, someone began circulating dollar bills in San Francisco and in Sacramento that said, “Kill Foran.” I reported it to the legislative Sergeant at Arms and to the San Francisco police. They watched my house. They watched my family. They put extra watches on me in Sacramento. Nothing came of it, and eventually the dollar bills stopped appearing. But there were a number that appeared in both cities. We don’t know who did it, why they started, and why they stopped. Maybe it was a joke, who knows?

McCREERY: Was it tied to 215 in your mind?

FORAN: Well, it was after 215, and my name had been in the papers so much on that issue that we presumed it was. But the San Francisco police watched my house and nothing came of it.

McCREERY: Good. It's hard to know what to make of that sort of thing. Well, let's move on. We've already touched on a couple of things after you left the legislature. You had mentioned you wanted to talk about SB-290, which was setting the stage for some state and local partnerships and the transit blueprint. Am I saying that right?

FORAN: Yes, those were after I left the legislature. There are a few other things that I was involved in with respect to the legislature, not necessarily transportation. I was very much concerned about the expansion of liability, and ultimately I put together a bill that limited the amount of recovery for pain and suffering that could be obtained, particularly against cities and counties. That was SB-75. I passed it in the senate and lost it in the assembly. Ultimately, an initiative was put together, Proposition 50, which enacted it into law. I was involved in tort reform quite early.

McCREERY: I do have down that we wanted to talk about that. I was only thinking that we might follow some of the transportation themes through, but I do want to give due time to these other issues and other committees as well.

FORAN: I'm just trying to see what else we would want to talk about.

McCREERY: You had mentioned the act that offered some kind of assistance to individuals displaced by freeways, the Marks-Foran Act.

FORAN: I think I was in the assembly--a California residential housing plan. It provided that where people were displaced by freeways, they would be compensated, not just for the property, but they would be given relocation assistance as well. In other words, you take away their home, and then they still have to move and live someplace else. It was basically a provision that said, "When you are displaced by a freeway, you lose more than just the value of the house." Of course, there's inverse condemnation and methods of determining what is the fair market value. Most people never feel that the fair market value is really the fair market value. There's often a great deal of disgruntlement and concern about that. So, the legislation—I think we had some federal funding available in addition to state funding, to make that money available.

McCREERY: How did you and Senator Marks get together on that?

FORAN: Well, it was my bill, and when I got it over to the senate, he wanted his name on it, so that is what is called "tombstoning." I didn't believe in too much of tombstoning. I didn't care. I wanted the legislation more than my name on it. I didn't think it was important to have my name on it. It was important, I felt, to get the result.

McCREERY: Were there particular examples of displacement that were key?

FORAN: Yes, there were quite a few. We had Caltrans and the Department of Transportation do some analysis, and there was a significant concern about it at that time.

McCREERY: We talked a fair amount last time about the Metropolitan Transportation Commission. As that continued to exist throughout the seventies and the eighties, what kind of a response did it get about how good a job it was doing? Were there some complaints?

FORAN: Well, my biggest fear about the MTC was that they could not satisfy everyone--the demand, as I said before, was far greater than the supply of funds. I was fearful that they would come to an impasse on certain issues. There are still significant battles that are fought in the region, but for the most part it's worked pretty harmoniously because most of the commissioners have been supportive of the regional approach rather than just their limited area. Think about the situation. You have Santa Clara, Alameda, San Francisco--sort of the giants of the MTC--and they have their agendas and other areas have other agendas. But so far it has worked out pretty well.

Yes, there are criticisms. Any entity, city, or county, as the case may be, that doesn't get everything it wants is unhappy. But there's no way to make everybody happy unless we had unlimited funds to deal with the issues, and we don't. In fact, we have far fewer funds than are needed, and across the street [in the Capitol] today, they're being cut back more in the transportation field. So, yes, there are people who are critical of it, but for the most part, most of the counties and cities are supportive. They feel they've been dealt with fairly.

Again, this is based upon the way MTC works. You take county A, and then you have within that county six, seven, ten, more cities. Each one of those cities, as well as the county say to the MTC, on the regional transportation

plan, "This is our priority." In San Francisco it may be MUNI extension or something like that, or in Santa Clara it may be completion of a freeway section or something of that nature. As a result, you have sort of, "Okay, you're the ones who prioritized it." The state isn't coming in and saying, "You must do thus and so." The regional authority is setting the rules, and the rules are, "We have so much money"—there's an estimate put out by CTC all the time. We estimate you have so much money. Here's the pie. Carve it up, and carve it up in a priority basis." And of course, there are a lot of arguments within the city or within the county, various entities pushing for one project over the other, but ultimately the city council or whatever it may be makes the decision, "Yes, these are our priorities: one, two, three, four." We submit that to the regional transportation authority, the transportation authority submits it to CTC, CTC accepts it. You have a system that recognizes what's important to the local communities, and even though it doesn't work perfectly it's as good as you can get.

[Tape 7, Side A]

McCREERY: Well, even in the area of public transit, for example, one of the complaints that I would read occasionally about MTC over the years was that they had a bias towards funding BART over buses and other kinds of transit agencies. Did that kind of thing reach your attention very often?

FORAN: There is always an issue with respect to that. The fundamental difference between buses and a heavy rail system is cost.

McCREERY: The capital outlay [for rail] is huge.

FORAN: The capital outlay and cost to maintain, operate, purchase rolling stock, a variety of things like that. It's much cheaper to do it for buses, and buses have the advantage of being more flexible than a fixed rail system. But again, it really boils down to the lack of funds. MTC has been very, very--if you read their blueprint, their current plan, their twenty-five year blueprint, MTC has been overwhelmingly supportive of public transportation, much to the dismay of some very strong highway supporters. In their current blueprint--something in the neighborhood of 70 percent is for transit. Now, transit needs are great because all transit has to be subsidized. You can't operate it on the fare box alone. So when AC and BART and San Mateo and whoever else is seeking the funds, they want more so they can provide more service and pay off bonds or whatever they're doing, but there's only so much money. Unless you can get more money into the system, you can't satisfy everyone. But the reason for disparity between BART and AC Transit, to the extent it exists, is the cost differential.

McCREERY: Of course, BART was originally conceived to be a much larger system.

FORAN: Yes, it was.

McCREERY: Then they shrank it down, started there, and then now they're trying to go off in all directions.

FORAN: Right. They're trying to put it back to where it was originally. It's unfortunate that BART did not ring the bay. The basic reason was that the county of San Mateo by a 3-2 vote of the supervisors took that county out of the system. As I said, there's no way to connect San Francisco to Santa Clara county without

going through San Mateo except for coming down the east side, which is what they're doing now--far more costly. When you think of a seventy-five mile fixed-rail system that was constructed for less than eight hundred million dollars, and today they talk in terms of billions just to make a short extension, it's an incredible achievement. Think of the Washington D.C. Metro. The greatest thing that the Washington D.C. Metro had was a rich uncle, Uncle Sam. [Laughter] The United States could never be embarrassed internationally by failing to support it, so they always had a rich uncle to go to. BART doesn't.

McCREERY: The kinds of commuting here in the Bay Area--the numbers are a bit different too, aren't they, than in Washington?

FORAN: Much higher, because we have, you know, a conglomeration of smaller counties as opposed to Southern California, and the biggest problem that we have in the San Francisco Bay Area is topography. We have to go over hills and bays to get from one point to another. As a result, the topography makes it much, much more costly. The transbay tube is under San Francisco Bay.

McCREERY: And now it needs some retrofitting.

FORAN: Now it needs retrofitting because of earthquake problems. And the extension from Alameda to Santa Clara County is in the neighborhood of two billion dollars. That's more than twice what the original BART project cost. So costs go up astronomically, and earthquake-proofing is another major factor in everything. The issue of the retrofit of the bridges after the 1989 earthquake is

something that I was heavily involved in, not as an insider in the legislature, but outside the legislature.

McCREERY: Go ahead and talk about that a little bit.

FORAN: Okay. In the late nineties, it became apparent that the costs of retrofitting the bridges, the five bridges in the Bay Area, to make them seismically safe following the 1989 earthquake was increasing rapidly, getting higher and higher and higher. I represented the Metropolitan Transportation Commission before the legislature, and we had to make a deal with Southern California. The MTC argument was that since the bridges are state highways, they should be funded out of the state highway account. That was the position of the Bay Area. The position of Southern California was, "You have tolls on those bridges so use your tolls, and leave the money in the highway account because we need it in all of the big southern counties."

The clash occurred, and there were key players on the Bay Area side: Senator Lockyer, who was senate president pro tem, and Senator Alquist, and they were able to push for a settlement. The settlement was basically a compromise. Part of the cost would be paid out of the highway account, and part of it paid from toll bridge increases. That is how the issue was resolved. That was fine up until about two years ago when it became apparent that Caltrans cost estimates were way under what they [should be]. Instead of one billion cost, it was going to be two-and-a-half billion.

How do you resolve that when everybody thought it had been put to bed? Of course, it wasn't, and as a result you had another major piece of legislation.

MTC was heavily involved in it, and I was heavily involved in it on behalf of MTC, and ultimately the compromise came down with a certain amount of it again being paid with an increased dollar toll. The increased dollar toll would now continue to extend the dollar surcharge on the tolls, using part of that money for the bridge retrofits and part of the highways account money, as was the original compromise. The question then became, what happens if there's another cost overrun, which everybody assumes is going to occur and in fact has occurred. Caltrans insisted that their figures were absolutely correct and they had no problem, even though MTC hired independent engineers to make a new estimate. The independent engineers said that the Caltrans estimate was \$600 million below where it should have been. Caltrans says, "No, we stick by our figures," and as a result, as part of the legislation, Caltrans today is responsible for finding the money for the cost overruns beyond where it was agreed upon in the legislation two years ago. That means eventually it has to come out of the highway account. There's no other place for it to come from. I was involved in that particular legislation. Assemblyman Dutra was the author of it. He was chair of the assembly transportation committee.

McCREERY: Why have costs gone up so much?

FORAN: Costs have gone up because all costs of construction have gone up. All environmental requirements cause delay. All delay causes increase in costs. Today there is CEQA and the Endangered Species [Act]. But the costs have just risen. All costs of everything have risen, but probably the cost of construction has risen much more than the cost of groceries or whatever you

want to say, just a higher cost. Bids come in, such as on the Bay bridges, higher than anticipated. They start with their pencils, let's say, in year one, and by the time they start letting the contract in year three or four, the cost has gone up, doubled in many cases. Of course, again, declining revenue. The highway account is probably going to be depleted soon. So things are getting worse.

McCREERY: That would be a first.

FORAN: Yes. Usually there's been a major reserve of funds in the highway account. There are some things that will occur. Proposition 42 will dedicate funds from the general fund--sales tax on gasoline--for transportation purposes, but not until 2008. In the meantime the statute prevails, and the statute, like any other statute, can be amended, repealed, or changed. The current situation today is that the governor's office is requesting a total suspension of Prop. 42 funds, which is about a billion dollars a year. The budget that was passed out yesterday, out of the committee, calls for a \$500 million loan rather than a total suspension of the Prop. 42 funds.

McCREERY: Well, one of the key things, of course, in transportation planning is the ability to look ahead a number of years and anticipate what the needs will be. How good a job is California doing of that by now, given the fact that we have a bad budget situation?

FORAN: In many respects, not well, because highways and any form of public transportation including rail or even busways take a long, long time. Probably busways take less time because they're more flexible. But essentially rail or highways, from the time of conception to the time of people using them is ten

years, minimally. You have to have long-range planning. One incident that I was involved in I think is indicative of not having long-range planning. In the 1970s, I was still in the assembly and I was chairman of the assembly transportation committee, and at that time Assemblyman Bob Crown from Alameda county proposed a bill that had the effect of killing the so-called southern crossing bridge across San Francisco Bay. I opposed it on the floor of the assembly, but I was chairman of transportation, he was chairman of the Ways and Means Committee, so he won. By putting together the regional vote on it, it literally killed the southern crossing, for which all of the property was already purchased and owned by the state. The money was in the bank, in the highway account, for its construction.

Now you have a situation in which the Bay Bridge, San Francisco-Oakland Bay Bridge, is totally inadequate and way over its originally designed capacity. You have a situation in which [U.S.] Senator Dianne Feinstein suggested, "Why don't we take a look at the southern crossing again?" She had a study made, and I think it came in at something like three-and-a-half to four billion dollars. As a result, we're going to be stuck with this horrible congestion, and had we built the southern crossing--the money was there--it would be in operation today, and instead of having--I don't know--a hundred and eighty thousand car vehicle trips per day on the Bay Bridge, you'd be bringing it down to ninety or a hundred, where it was supposed to be in the first place. But that's an example of poor long-range planning, and most people would

agree it would be great to have a southern crossing today. Again, there would have been no displacement, no condemnation of property, nothing.

McCREERY: Of course, Mr. Crown met a tragic end.

FORAN: Yes, he did. And he was a good friend of mine. I'm not saying anything detrimental. He had a program. He had constituents over there that he was taking care of, and he wanted a park over there. But given the few people who were impacted--they were not even impacted by condemnation--he wanted a park there, which is there today. But compared to the quality of life that has resulted with this huge congestion, it was not a good trade-off in my opinion.

McCREERY: Who are the other people you've been able to turn to who are able to think long-range on these large transportation issues?

FORAN: Well, I think Senator Mills was a long-range thinker. I think that Senator Alquist was a long-range thinker. Lockyer, who supported the bridge toll funding for the measure that funded many projects in the Bay Area. I think Quentin Kopp--well, I wasn't in the senate when Quentin Kopp was there, but I think he was a long-range planner. Those were basically the people that I worked closely with on a variety of issues.

McCREERY: I'm interested in your comment that some of the frustration about transportation issues partially led to your leaving the senate when you did. You know, we can come back to that, but that says a lot about how well you felt you could get things done, or couldn't get things done.

FORAN: Well, as it turned out, had I known [Governor Deukmejian] would change his mind in four years, maybe I would have stuck around. I probably wouldn't

have. I think it was time for me to hang it up. But it was certainly a factor, because I had several meetings with the governor and his cabinet staff, and every time I mentioned an increase in the gas tax, he would say no. Then later he changed his mind. The problem became so great that he simply had to recognize it, and he did to his credit.

McCREERY: You've mentioned rail projects a couple of times. We're hearing a fair amount about high-speed rail now. How important is that in the state?

FORAN: Well, I think it's important. Frankly, I believe that the air space is diminishing, and the demand for travel within this state is increasing. I think there will come a point when we cannot simply get on an airplane and fly to Los Angeles or San Diego, because the air traffic is going to be so great. I mean, if we're going to have forty-five, fifty million population in the state, how do people move in this congested field? Now, if you have a high-speed rail system similar to those used in Europe--France, Germany, et cetera--you can literally get to your ultimate destination faster than by airplane, especially now with the security situation [since September 11, 2001]. You could leave downtown San Francisco and arrive in downtown Los Angeles in two-and-a-half hours, three hours or something, depending on how the system is configured. You go from downtown to downtown, not airport to airport, and airports are always outside the central district.

I think it is a very important piece of the transportation system. It will all depend upon whether or not the public supports that kind of a program. It will have to be funded by some sort of revenue source, and the revenue source will

probably have to be one that it is capable of issuing revenue bonds based upon the revenue source from operations. Then, once it is completed, at least according to the reports of the high speed rail commission, it is supposed to be capable of operating without subsidy. That is in their report, so you would not have to have the subsidies that you need in other systems because the fare box would take care of it. It would be in competition with airplanes, and airplanes would have to reduce their fares in order to attract customers. But essentially, given the European experience and the Japanese experience, it is a system that other nations employ much more so than we do. I think we're sort of behind the curve in this.

McCREERY: What would it take for Californians to support that?

FORAN: Well, it has to go on the ballot, first of all.

McCREERY: But I mean just politically, what would it take to bring it about?

FORAN: Oh, it would take a major campaign of support. There will be a lot of opposition. The airlines may oppose it, although there's one proposal to let the airlines in on it and have them book people either on train or plane, and therefore not make them competitors but rather actual allies or associates. But they will probably oppose it, because they don't seem to be intrigued with that particular idea. There will be other opposition from all anti-tax groups. It's easier to defeat a bond measure than to pass one, and therefore it would take a significant amount of fundraising to put the measure across, to have it passed on the ballot.

McCREERY: It'll be interesting to see what happens with that, if anything.

FORAN: Right. You know that there's legislation--a measure going on the ballot, a nine billion dollar bond issue.

McCREERY: We'll know more soon. But it's the first time it's been so strongly considered.

FORAN: Right, this is as far as it has ever gone.

McCREERY: What else do you see ahead in the transportation field?

FORAN: Well, I think, again, we have reached a stage where there is almost no land available for construction of more highway lanes. The situation is eventually going to get to the stage where people will simply not be able to get into their vehicle and take off to where they want to go, when they want to go, any time of the day, or week, or year. As a result, there will have to be some further dedication to all forms of public transportation. Even though people would prefer to be in their cars, there will come a time when they can't. A number of cities--I believe Rome, parts of London, and others--are banning cars from the central city totally. Again, their territory is much smaller than ours. We have more room to expand, but we've gone practically as far as we can on building lanes. There may be some more highway lanes that could be built in San Bernadino County, Imperial County, San Diego. But essentially we've run out of space for highway lanes, so the future lies in public transportation, which the public will have to become accustomed to. They simply will not have this great freedom to do what they want when they want.

McCREERY: Anything else you'd like to say about transportation measures?

FORAN: I'm trying to figure out what else--again, there are so many bills. Transbay Terminal--I had legislation on that. We went over the Golden Gate Bridge.

McCREERY: We didn't really talk about the Transbay Terminal, if you'd like to.

FORAN: No, I had legislation to have that made into a multi-modal transportation facility, and that legislation passed. Now, of course, we're at the stage where we have a huge problem of funding the rehabilitation and reconstruction of that facility, and the money isn't there. How we work on it I don't know, but I had legislation in that field.

McCREERY: Again, that's something that could have been done a long time ago, I suppose.

FORAN: Yes, right. That's again--we were talking about long-range planning versus short-term planning, and we got stuck with the short-range planning, and that's one of the problems. Other transportation bills: I had the helmet bill.

McCREERY: Let's do that.

FORAN: That might be interesting. [Laughter] The first one didn't pass. Here again, I was concerned about federal funding. I didn't have anything against the motorcycle riders, although many people thought I did. But essentially, it was in the seventies, and the federal government at that time said, "Unless you have a state law requiring helmets on motorcycle riders, we are going to withhold your federal funds." Well, it was a threat. I believed the threat. The federal government didn't take it that seriously and never really enforced it, at least in the seventies.

I introduced the bill, got it out of committee, got it on the floor, and it was defeated on the floor by both Democrats and Republicans, an interesting coalition of opponents. The Republicans felt that if motorcyclists want to bash their heads against the wall, let them do so. Gene Chappie, who eventually

became a congressman, called helmets “brain buckets.” He was one of the opponents. Then on the Democrat liberal side it was a question of a civil liberty, a right not to wear a helmet, and therefore they did not support it.

McCREERY: It wasn’t considered such a safety issue then, was it?

FORAN: No, it was not, although I argued safety. I said that the cost of maintaining people when they become vegetables is huge. There’s a cost to society that isn’t taken into account. At any rate, the bill failed. There was one newspaper article--I forget which one it was in--[in the photo] I am up against the wall in the corridor, and Sonny Barger, a well-known member of the Hells Angles, is there with his chains and his leather jacket, pointing his finger at me and saying what a terrible bill it is. [Laughter] I forget which paper it was in, but that was my issue with the helmet bill. Of course, I finally gave up in trying to get it passed, and ultimately it was passed in the last few years.

McCREERY: Later on.

FORAN: It’s still on the books, and every year the motorcyclists come up to support bills that would repeal or diminish it.

McCREERY: Make a showing in the Capitol?

FORAN: Right, yes. But it hasn’t been repealed.

McCREERY: But, as you say, an interesting array of opponents that first time.

FORAN: Yes, right. They don’t seem to have that kind of a coalition going any more. The Democrats on the left or liberal side seem to feel that it’s more important to see that people are not injured and made into vegetables.

McCREERY: Of course, now we have all of these helmet laws for bicycles as well.

FORAN: Right, exactly. I was never involved in that.

McCREERY: But the concept didn't exist back then, did it?

FORAN: Right.

[Tape 7, Side B]

McCREERY: We wanted to just back up and finish a couple of things from your time in the assembly. We hadn't talked yet about how it came that you took over as chair of Ways and Means. I know this is the time of Mr. McCarthy's rise to the speakership, so maybe you could just tell that story.

FORAN: Assemblyman Moretti was speaker of the assembly, and he had decided to run for governor. Leo McCarthy had indicated that he was going to run for speaker and began going around having private meetings and gathering support. Eventually he was made speaker. Assemblyman Moretti resigned because there was pressure from the Democratic caucus that he could not serve two masters, raise funds for his gubernatorial race and still at the same time raise funds for the assembly members to be reelected and stay in control of the assembly. Leo McCarthy was ultimately elected, and he asked me what I wanted to do. Did I want to take the chairmanship of transportation again, or would I be interested in the chairmanship of Ways and Means? I chose Ways and Means, and I became chairman.

There were a couple of things that occurred during my chairmanship. Number one, we were in a recession--'74-'75--and we had a real problem with respect to the economy--nowhere near the problem today, but a serious problem. The budget was about fourteen, fifteen billion dollars for the entire

state of California. The chair of either the senate Finance Committee or the assembly Ways and Means Committee in alternate years carries the budget bill and has to defend it and push it through and get the two-thirds vote. In order to deal with that I embarked upon a program, obviously with the speaker's support, to try to move up public projects. I went through the whole budget and looked for projects, whether it was buildings on university campuses or on state college campuses, or transportation projects, or public buildings, state buildings, and not only in the capital, but elsewhere in the state--Los Angeles, everywhere. We tried to bring those forward to assist the economy in trying to get started again.

That was one of the main things I did. I had the committee divided into various disciplines: social welfare, education, transportation, and I had some very, very key staff people involved in those fields. One of the main things that I did as chair of the Ways and Means, and probably not many people are aware of it, but right now, there's a fiscal committee hearing going on in the Capitol in what is now called the assembly Appropriations Committee, because they split Ways and Means into Appropriations and Budget. At that time, they were combined into one committee: the Ways and Means Committee, so that literally the ways and means committee guarded both gates: the budget expenditure gate and the appropriation spending gate. The more appropriations you had, the more difficulty you had to deal with the budget, which also had to be passed. There had to be some sort of a discipline, if you

will, as to what you put out in the appropriations side in order to balance what you eventually had available for the budget.

Then, the chair of the Ways and Means Committee was chair of the appropriations and chair of the budget at the same time. We would have meetings with our members and discuss how we are going to make a determination so that we would not put out every appropriation bill, because we might be spending more money than there was available. Some of my members were agreeable to that, and they said, "Yes, that's a great idea." But when it came right down to the vote on a bill, the \$50 million or \$100 million appropriation, it passed. I told my committee members, "You said you would hold the line on these appropriations, and you put them out. Now, how are we going to fund them?" But they'd answer, "Oh, but it was such a good bill. I couldn't vote against it." We had a situation in which we were spending more than we had, and more than we could expect.

McCREERY: It's one thing to say that in the other committees, but appropriations has to--

FORAN: Appropriations was the one committee that had to be responsible. Many policy committees, tax committees, and labor committees put out every bill because they considered it to be good policy. They even would say in committee, "Well, appropriations is a fiscal concern. That's not our concern. We like the policy. Pass it out." But Ways and Means was the last stop.

I finally came up with the concept of creating a suspense file. What the suspense file did, and is doing right now while we're speaking, is the bills are heard, and if they cost any significant amount of money--more than a hundred

thousand or whatever, then the motion is to put them in a suspense file. They sit in the suspense file until you get close to the adoption of the state budget bill. Then you take up the suspense file and determine what you can afford, and then pass only those bills out that come within the estimated revenues. That is the suspense file, and I inaugurated it. It was subsequently inaugurated in the senate, and it's still in existence. As I say, it's going on right now. They're taking up the assembly suspense file at this point, and it was my invention.

McCREERY: Where did the idea come from, do you recall?

FORAN: Oh, frustration. Absolute frustration. I kept saying, "But you promised you were not going to put out every major expenditure bill that came along." And they said, "Yes, but they were good bills." Especially the liberal members of my committee [were guilty of this]. The more moderate or conservative members went along and voted no, but as long as you had enough aye votes, the bills went out. I couldn't stop them. I told the speaker, "They keep voting for these bills after telling me they were going to use more discretion." That's how I invented the suspense file, and it's still in existence. It's an appropriate way to control the flow of good policy measures to meet the capability of funding, not only in the fiscal year that they would be passed, but for future years. Some of these policy bills have long lives. Once programs are established it goes on and on and on, and the funding has to be there not only the year you put the bill out, but the year after and the year after and the year after. You have to prepare for that by making sure you can afford it.

McCREERY: As a practical matter, how well did the suspense file work when you first started using it?

FORAN: It worked very well. It was the only way we finally got the handle on appropriations. The way the system works, usually the leadership gets together and goes through various bills and decides which ones--again, really not on the merits of the bills, but on the costs involved and whether or not there's enough revenue to support the first year of the bill and the subsequent years of the bill. Bottom line: can you afford it within this fiscal year? In many cases, they say, "We can't do it this year, but keep trying and eventually maybe we'll be able to have enough revenue to do whatever you want to do." Most of the members accept it because they recognize you can't spend yourself into oblivion. So it's been an accepted policy.

McCREERY: Talk a little bit about the makeup of your committee at the time you were chairing.

FORAN: I had people from the liberal wing and people from the conservative wing of the Democratic party. I had a wonderful Republican vice-chair, Frank Lanterman. He tried to be a curmudgeon, but he wasn't. He was a very, very thoughtful and interesting person, and he was very fair, and he had a lot of imagination and vision. He would support a number of major changes in the law that would not normally be supported by the conservative Republicans over there today, but he was a very responsible legislator despite his conservatism. He was very helpful to me in making the committee work, because if he voted yes on some of the measures, many of the Republicans

went along because he was the spokesperson for the Republican party on the fiscal committee.

I had Alan Sieroty, who was very liberal. He had a difficult time voting against major appropriations bills. Ken McDonald, who was very moderate. So you had different personalities in it, like Ed Z'berg. We had quite a few very, very sharp people. One of the things we had, which is not necessarily the case today, is that we had most of the chairpersons of the key standing policy committees as members of Ways and Means, so that if you had a major issue involving natural resources, there was Ed Z'berg to speak for the policy of that committee. If you had a major education bill, you had the chair of the education committee. So you had Ways and Means Committee as a fiscal committee. [tape interruption]

And anyway, you had policy input from the chairs of policy committees serving the Ways and Means Committee.

McCREERY: If they were represented, as you say, then you could really do the tough job of deciding the fiscal side of things.

FORAN: Right, yes. And, of course, the chair of the policy committee would certainly be supportive of bills that were put out of his or her committee and at least be able to make the argument that this is one that does deserve to come off the suspense file and go to the floor.

McCREERY: How did you like that assignment, chairing Ways and Means?

FORAN: I liked it. It was very interesting. It's interesting that in the old days you had to wait years to even become a member of the Ways and Means Committee, and

then more years to become chair of a subcommittee of Ways and Means, or the Finance Committee in the senate as the case may be. Today you have chairs of the subcommittees in their first year, so there's not a great deal of background information that the individuals have. It's not their fault, of course, but that's the way term limits work, and essentially you have people who are unfamiliar with the myriad of subjects that the California state legislature has to deal with.

McCREERY: Now it's divided into appropriations and budget, but especially in these fiscal areas, it must be hard for people to have the depth of knowledge.

FORAN: Well, that's it. And of course, unfortunately, the magnitude of the problem today is not something that we had to face. I mean, when I needed funds to balance my budget, I would know where all the cookie jars were and take a few million out of here, a few million out of there, and eventually I'd get a balanced budget. Those funds, as you can read in the newspaper, are gone, and they're into heavy borrowing. Heavy borrowing doesn't solve long-term problems; it causes long-term problems because the debt service continues to grow, especially if they're GO bonds, general obligation bonds, because the fact of the matter is those bonds have to be paid off. Revenue bonds are a little easier to deal with, but with revenue bonds you have to have a source of funding, such as a tax base or a toll base, or whatever the case may be.

McCREERY: You also served on the joint legislative budget committee of the assembly. Tell me just a little bit about that.

FORAN: Well, joint legislative budget committee is, as the name implies, the senate and the assembly get together. One of the major functions of that is to deal with

situations where the legislature is out of session. That means by preparing a letter signed by the senate joint chair and the assembly joint chair, you can literally appropriate funds when the legislature is not in session to deal with emergency situations. Of course, you have to get all of the facts and background prepared to do that. The other issue of the joint legislative committee--it deals with a lot of housekeeping, hiring of legislative counsel's office personnel and it's sort of a housekeeping kind of thing, but a fiscal housekeeping committee, rather than a policy housekeeping committee.

McCREERY: And similarly, the joint legislative audit committee?

FORAN: That's different, yes. That's a different body entirely, and that's to take a look at different departments and agencies of state government and determine whether or not they're spending the money wisely and efficiently and effectively.

McCREERY: How did you get that assignment?

FORAN: I don't remember spending much time on the audit committee. The joint legislative committee, yes, but I think there were certain issues that--I think I was just assigned it involuntarily. I don't think I requested it.

McCREERY: Perhaps we'll talk for just a few minutes about your transition over to the senate side, and the circumstances surrounding that election and everything. I know it's quite a little story!

FORAN: Right, yes. That was an interesting story, too. The situation developed when then-Senator George Moscone decided to run for mayor of San Francisco and was elected. This was before the tragic events that unfolded later.

McCREERY: Sure. 1975, he was elected.

FORAN: Yes, right. I said I wanted to run for [his senate seat], and I sought the support of a number of people, obviously my closest allies: Leo McCarthy and Don King and the Ertolas and several others in this endeavor, and they supported me. But I also sought the support of Phil Burton, Congressman Phil Burton, and he supported me, and George Moscone supported me. I had a coalition of right and left, liberal and moderate, if you will, and with that coalition I ran for the state senate. There were two other major candidates. One was Bob St. Clair, the former 49er football player, and the other was Bill Shoemaker, a city councilman.

McCREERY: The football guy, is that right?

FORAN: He was a 49er, yes. He had a liquor store on 24<sup>th</sup> Street in the Mission district. This was a primary, and the primary, again, was the election because of the makeup of the district. Anyway, that campaign went quite well, and I was elected in a special election. The big difficulty in that election was not getting elected, but in convincing people that--my primary was in May, and my general election was in June. We had to get people to the polls in May so I could be the nominee to be elected in June. We had to pull back all of our brochures and mailers and stamp in red, "The election is May 15." [Laughter] We had to convince them that the general election was in June.

McCREERY: Was Mr. St. Clair your main opponent, would you say?

FORAN: I think he was. He came in second, I believe.

McCREERY: What kind of interaction was there between the two of you during the campaign?

FORAN: Oh, we were friendly, but, you know, rivals for the seat. I had a much better organized campaign than he did.

McCREERY: He had not held elective office, I take it?

FORAN: No, he hadn't. No. But the other person, Bill Shoemaker, had.

McCREERY: How tough a campaign was that, though?

FORAN: It was tough in the primary. I did a lot of precinct walking and doorbell ringing, and all of the things you have to do again in a campaign that is people or grassroots-oriented. I rang a lot of doorbells. So did my wife and other people who worked in my campaign. We had a big sign-hanging campaign and all of those things that go with it. It was a grassroots campaign.

McCREERY: This is the eighth senate district--as you say, heavily Democratic. How much of a difference was there in constituency from what you were accustomed to?

FORAN: That's an interesting question. When I undertook to run--see, in the assembly I'd only represented a portion of San Francisco. The senatorial district included San Francisco plus the northern half of San Mateo County. I thought it was going to be very difficult to get my message across, particularly since one of the candidates was a city councilman from Daly City and had connections in San Mateo. How was I going to connect with San Mateo? As it turned out, when I started campaigning and going to San Mateo County, there were many city council people that Assemblyman Lou Papan introduced me to, and I got their support. I had many city council people supporting me.

Then, much to my surprise, I found out that I had a huge number of friends and relatives in San Mateo County. My wife also had the same, and many of my supporters had contacts as well, so that when it came down to it, I had cousins and former classmates all over the northern half of San Mateo County. The reason is that a significant portion of the people who grew up in San Francisco, who I went to school with, or my friends went to school with, or my wife went to school with, moved down the peninsula more than they did to Marin, Alameda, or Contra Costa County. It was just the way they seemed to drift, so that you had huge colonies of ex-San Franciscans, native San Franciscans, in San Mateo County--San Bruno, Millbrae, Daly City, Pacifica, all of them. That constituency worked very much in my favor because it was like coming home again.

Many, many of the people in the outer Sunset and areas like that who grew up in San Francisco--they [lived in homes that] were called "Jumbo Fives." During the Depression they were suitable for one kid or maybe two, but as the second generation grew up they had more kids, and they couldn't live in a "Jumbo Five," so they moved down the Peninsula. There was a huge bloc of people originally from San Francisco who lived in the peninsula, and they were my natural constituency. It worked out very fine. That was a unique feature that I didn't expect.

McCREERY: What about the decision to run for senate? Was this a natural transition for you? What made you select this timing?

FORAN: Well, the timing was selected for me.

McCREERY: By Moscone's vacating.

FORAN: By Moscone's vacating the office. The office was vacant, and as everybody looked around for who was going to run, we had by this time made peace with the liberal bloc of the Democratic party in San Francisco. Phil Burton and I became fairly close friends. When I was chairing Ways and Means, he was putting together the GGNRA, the Golden Gate National Recreation Area legislation in Washington, D.C. There were a number of state parcels, parks on which we worked together to transfer them into GGNRA and to create this huge national park complex. We worked together very closely. Then in the 1982 election--the reapportionment, redistricting--Phil, as I'm sure you've read, put together the reapportionment plan. One district that he made for his brother John was only connected between Marin and San Francisco at low tide [Laughter], and he called that his contribution to modern art. He also in that reapportionment literally wiped out the congressional seat of John Rousselot, who recently died.

At any rate, he did this. He knew everybody's district. He could tell somebody from Ohio what the best lines for him were, and he was a genius at it. At any rate congressional redistricting is done by state legislatures, not by Congress, even though the congressional lines are in the bill. He had put together a congressional redistricting package, and I was the floor jockey for it on the senate floor. We got to a point where one of the congressmen did not like the lines and contacted some of the senators, and they refused to vote for the congressional reapportionment bill. I had the bill on call of the House and

worked the call. Actually, I don't know if I was taking the bill up, but I was working the bill. In the back of the chamber there was a red phone connected directly to Washington, D.C. I was talking back and forth with Phil, and this was after I was in the senate, so he had already been a supporter of mine. We got to a stage where the whole congressional plan was going to go down the tubes. Finally I worked the floor and I got the necessary votes for the bill, and I got on the phone and I called Phil. I said, "Phil, I got it. I'm going to lift the call and we're going to put the bill out." He said, "Stop. We're redrawing some lines." [Laughter]

McCREERY: So this wasn't finished. [Laughter]

FORAN: "But I got the votes!" He said, "Never mind. We're going to cut a deal." So they changed some of the lines. The opposition was removed and the bill passed. It was another interesting development.

McCREERY: How did you make the peace politically with the Burtons?

FORAN: Well, I think the main thing that occurred was in the seventies, and I used to go back to Washington fairly often, mostly to try to get additional funding for transportation for the state of California or the Bay Area--but again, mostly for the state of California. We had an incredible advantage over other states because we had Bizz Johnson, who was chairman of the House public works committee. Nowadays, that jurisdiction is diversified, but at that time he controlled all public works and highway programs in the United States, and he was quite a person. I passed a resolution dedicating part of the freeway of Highway 65 to his memory. Anyway, I was back on one of my missions to get

money for the state of California, and I always had to call on our own delegation, Congressman Mailliard when he was there, and then Phil Burton. Phil wanted to talk politics all the time, so when the day ended we'd go the Rotunda, the restaurant-bar adjacent to the Capitol. We got into a long discussion.

[Tape 8. Side A]

FORAN: A long conversation that went far into the night. As I recall, we started talking about the fights over the county central committee, which I described to you before, that go way back to the early sixties. We talked about different districts. Finally we came to the conclusion, "Why are we fighting over such a simple matter?" I admired Phil for what he did in the black lung disease. I told him I thought he did a fantastic job in that particular legislation. There were a number of issues on which our voting records were not that different, really. It was more whose side you were on. So we were not enemies, and we were not even ideological opposites. We supported a lot of the same things. We both supported labor legislation and a variety of things like that.

So anyway, long into the night, and I can remember when the waiter came up and said, "Congressman Burton, we have to close." Burton said, "You just go back to your kitchen and stay there. I'll stay here as long as I want, and if you try to do anything about it, I'll close this place down." [Laughter] So that's the way he was. He was outrageous in many respects. I'm sure there are a lot of descriptions of Phil Burton in your archives. So anyway, we said, "Well, why

don't we just say, 'You take this side of the city, and we'll support some on the other side for county committee.'"

Agar Jaicks was the chair of the county central committee. We could get along with him. He was fair. We worked together on a variety of campaigns for Democratic candidates statewide and nationwide. So it seemed to be stupid to continue this rivalry. I think that was the night that we buried the hatchet, at least I buried the hatchet, and then of course it took my colleagues a little longer to reconcile. But that's what occurred, and that's sort of the history of the reconciliation of the Burton and McCarthy-Foran groups.

McCREERY: So suddenly the time was right to reconcile, and really it was more like coming full circle because you and Mr. McCarthy had started out walking precincts for [Phil Burton] in the fifties, right?

FORAN: Yes. There was another incident that you should be aware of that is very interesting. That is my campaign for reelection in the 1974 primary. That was another factor in at least the reconciliation between Phil Burton and myself. At that point, I was challenged in the primary after my 23<sup>rd</sup> assembly district was collapsed into the 16<sup>th</sup>, which was a district represented by John Burton, who had gone to Congress. So that was a vacant seat, but it was partially a brand-new district and a very liberal district which Phil had when he was in the assembly, way back in the late fifties. I was challenged by Father Eugene Boyle in the 1974 primary, and that was a very close race because the district had changed so significantly. Even my old 23<sup>rd</sup> assembly district had changed. For example, the Castro Valley, which used to be Irish-Catholic constituency,

had become gay, and there were a lot of other changes in the makeup of the constituency. I really didn't have that much connection with the new constituency, so it was a very tight race. Father Boyle had a number of people from the farmworkers community.

McCREERY: How well did you know him before the campaign, if at all?

FORAN: Father Boyle? Oh, I knew him for about ten years or twelve years before. Anyway, it was a very difficult campaign. The primary, again, was the election. In that particular election, John Burton did not support me. He supported Father Boyle, but Phil Burton supported me.

McCREERY: So they split among themselves.

FORAN: And Phil took a lot of heat on my behalf.

McCREERY: But, as you say, that may have set the stage for later deciding to reconcile.

FORAN: Right, exactly. I was very grateful to Phil because it was an important endorsement to have him on my side in that primary.

McCREERY: Were you able to work with him when he was in Congress?

FORAN: Oh, yes. As I said, we worked together on GGNRA and on the reapportionment issue. There were other issues involving the state. Again, the jurisdictions, except in the fields that we're talking about, are pretty far apart. He was very effective and quite a remarkable person in passing legislation with support of people who you would never expect. He used to be able to get votes out of the southern Democrats, who were more conservative than today's Republicans.

McCREERY: He could build coalitions?

FORAN: Yes, he could. But, you know, I would go back, and I would tell him what I was working on, and he'd bring me over to introduce me to different congressional committee chairs. It worked out quite well. He was not really that much interested in transportation.

McCREERY: You had to have a meeting of the minds on other things?

FORAN: Yes. But there were other people in the transportation field that I worked with. I mentioned Bizz Johnson, and there were quite a few others. I had a good relationship with the rest of the members of the Democratic caucus in Washington--the Democratic delegation, because I had served in the state legislature with over half of them. Of course, Glenn Anderson, a good friend, was chair of the transportation subcommittee on transit.

McCREERY: Yes, his name has come up before. Well, just give me your impressions, though, of coming into the senate after serving in the assembly all that time. How did it differ?

FORAN: Oh, it was a totally different experience. The senate is a smaller body, more collegial, more cooperative, less partisan, or at least it was then. We seemed to work well together. I was elected in a special election in '76. In the regular election of '76, a whole raft of additional people from the assembly came over. Bob Beverly and, I think, Bill Campbell came over then, as well as several others. I had many friends from the assembly come over, so I had a comfort level with former colleagues. Bob Beverly was, and still is, a very close friend. One interesting story on Bob Beverly is, when I was chair of the Ways and Means, he was minority floor leader. What would happen is I would present

the budget on behalf of the majority party, and he would get up and attack it as being a terrible piece of legislation. People in the gallery would watch us battle and argue on the floor of the assembly. Then when the debate ended, we would go out to lunch together. They'd see us having lunch. They couldn't figure out, "These people hated each other on the floor and then had lunch together?" [Laughter]

McCREERY: Nothing personal.

FORAN: Right, yes.

McCREERY: Yes, that's interesting. Well, let's see. I guess Mr. Mills was still pro tem when you came in, and you'd of course worked with him quite a lot already. How did he operate, though, once you got in and saw him at work in the senate?

FORAN: Well, Bob Presley was chair of the senate Transportation [Committee] when I arrived, and Jim wanted to make me chair of Transportation, and eventually he did. Presley eventually became chair of the senate Finance Committee, and that left the vacancy in the chairmanship of senate Transportation, and Mills appointed me to it.

McCREERY: Yes, appropriations, maybe.

FORAN: Well, finance at that time. They hadn't split it.

McCREERY: They hadn't split it yet. Well, talking of the pro tems, do you want to talk about when David Roberti came in?

FORAN: Yes, David Roberti came in, and of course I did not support him for pro tem. There were about two or three of us that did not--Bob Presley was one, as a matter of fact.

McCREERY: Why was that?

FORAN: Well, I had felt that I had a commitment to another person, and I felt that I should stay with it. But in the meantime, people like Senator Dills and Senator Alquist had decided they were going to support Roberti. I went to Roberti after he was elected president pro tem and said, "Well, you know, we can be friends or enemies, but I hope we can be friends. Even though I didn't support you, I'd like to continue as transportation chair. He said, "Oh, I'd rather be friends also." So he reappointed me chair of the Transportation Committee.

Then we became very, very close personal friends. He's of Italian extraction, as is my wife, and within a year or so we took a trip to Italy together. It was a trip sponsored by the Italian government. We went to Bari, the area that his people were from, and visited areas along the Adriatic side of Italy. We met with the Pope and a variety of Italian officials. When we would have to meet with them, David Roberti was very accommodating, but at one time he just rebelled and said, "I'm not going to go to another reception." He finally did, but they were running us ragged from one town to another, to a reception, to a meeting, to this and that. It was incredible.

One incident occurred. My wife speaks fluent Italian. I think they'd taken us to a reception, then a city council meeting, and then into these grottoes that were just above the water, and we had been going in and out of all of these caves. My wife was walking along and she was listening to these people speaking in Italian. They didn't know she could speak Italian, and they were saying, "These Americans, they dress terribly, don't they?" So she turned

around to them and spoke to them in Italian saying, "If you had to go to a reception and then a council meeting and then through the grottoes, how would you look?" [Laughter]

So I got along very well with Roberti. There's an annual trip to Washington, D.C. by the legislators, senators. I used to put together the senate contingent and work on that for him. Senator Dills used to preside over the senate, and he wanted to be named pro tem as an official designation, and the caucus didn't vote for it, so he said he wasn't going to preside anymore. So as a practical matter, I presided over the senate every day for ten years-- sometimes Bob Beverly would preside. But essentially, I presided over the senate every day for ten years. Occasionally they'd bring somebody else up. I enjoyed presiding because after awhile it gets boring on the floor. At least [in presiding] you have to stay alert and watch what's going on and who to recognize. I enjoyed presiding. It was virtually every day.

McCREERY: You did get to work very closely with Mr. Roberti.

FORAN: Oh, yes. We worked very closely together.

McCREERY: What kind of a leader was he?

FORAN: He was good. He didn't like to make decisions sometimes, but he was a good leader. He was more partisan than Jim Mills and engaged in a lot more fundraising for the purposes of electing and reelecting senate Democrats. One of the complaints against Senator Mills was that he didn't do enough fundraising. [Roberti] really put together a major campaign of fundraising projects to elect and reelect Democratic senators.

McCREERY: He certainly lasted a long time in that job, didn't he?

FORAN: Yes, he did. So he was pretty effective.

McCREERY: You mentioned that you were preceded by Senator Presley in the transportation committee. What was that change of power? How did you go about taking over as chair there?

FORAN: One of the things I did, and I don't recall the exact personalities, but I wanted to make sure I had a committee membership that I could work with, that had sort of the same vision or thinking that I had. At that time, Senator Mills was pro tem, and I would ask him for specific appointments of other members. If there was a vacancy I'd go and look over the list and see who would be compatible.

McCREERY: What were you looking for? Whom did you try to get?

FORAN: Mostly people who would be interested in the long-range objections. On the Republican side, Ray Johnson, who was a very moderate Republican. Ollie Speraw, who was very conservative but actually supported SB-215. I had a sprinkling of Republican votes for SB-215. First Bob Beverly supported it and then Ken Maddy supported it. Although I did have Beverly on the transportation committee for two years, he preferred the Judiciary Committee, which met at the same time. But I needed somebody of his caliber to keep the program running, and he agreed to serve for that two-year period.

[End of Session]

[Session 5, June 4, 2003]

[Tape 9, Side A]

McCREERY: We wanted to return again today to your time in the senate and talk about a couple of key legislative topics outside the transportation area. You had mentioned to me in earlier discussions the Hillside Strangler case in California, and how you ultimately did some work on an ID system that had some bearing on those kinds of criminal cases.

FORAN: Right. What the situation was is the system of identification of criminals who leave prints, which are usually referred to as latent prints--they are prints at the scene of the crime, fingerprints, that is--the system that was in place at the time that I proposed certain legislation was such that it would take years to match up a latent print with whatever prints are on the local files throughout the state. There was no central control system for identifying a latent print.

I worked with a San Francisco judge, and with the highway patrol commissioner Glenn Craig, and we provided for the funding and the setting up of a system whereby the state would pay 75 percent of the city or county cost of integrating the local police identification systems with a state system. The state would pay 75 percent of the cost, and the locals would pay 25 percent. A fair amount of money was involved. The result was that a latent print could be

identified in minutes or hours as opposed to years. One of the police homicide inspectors in San Francisco indicated that to identify a latent print under the old system would require his whole police career of twenty years.

This system was put in place. It's in place now, and it does provide for the central identification of prints found at the scene of the crime and allows them to be identified in a very, very short period of time. As a result, I'm told that the Hillside Strangler in Los Angeles was caught, and this was the process that brought that about.

The main point of this type of approach to crime is that it's far more effective than simply increasing the penalties and the time individuals who are convicted must serve in prison. Increasing penalties doesn't really stop crime. The only way you really get a handle on curtailing crime is by identifying and apprehending the individuals, many of whom are walking the streets.

I used the example when I presented the legislation on the floor that if a potential criminal is smart, he will usually commit his crime out of the jurisdiction where he lives. In other words, if he lives in Los Angeles, come up to San Francisco or the Bay Area and commit the crime, or vice versa, because the only way of apprehending him or identifying him would be through the local identification system, which didn't have the capacity to find an individual from one area to the next. This is the major theme of the legislation I carried, and it has been successful.

McCREERY: Are you suggesting, then, that it's effective as a deterrent?

- FORAN: It's a deterrent insofar as people who commit crimes and get away with it often commit more crimes. And to that extent, yes, it's definitely a deterrent.
- McCREERY: Do you know the details of how it was used in the Hillside Strangler case?
- FORAN: I was only told that, and I don't really know the details. I've been told that that--I think I was told by the highway commissioner that that was the case.
- McCREERY: How did you hook up with Commissioner Craig as the main person to work with on this?
- FORAN: I knew him from way back, from the time he was a liaison person from the California Highway Patrol to the state legislature. I had known him for twenty, twenty-five years.
- McCREERY: How did you settle on this formula of 75 percent state paying the costs, and 25 percent local?
- FORAN: Basically, it seemed that the 75 percent was a significant incentive to have the local entities participate.
- McCREERY: What did the local entities themselves think about this development?
- FORAN: They were very, very supportive because they had many unsolved crimes, and for them to try to track down individuals in other jurisdictions or other communities was virtually impossible. They didn't have the manpower or the ability to do so, so this changed that considerably. They were very supportive.
- McCREERY: What was the opposition, if any?
- FORAN: Well, I guess the opposition was the cost. I forget what the total cost of it was. In retrospect, and compared to what the situation is in Sacramento today, it

seems like it was minimal. But it was primarily the cost that would be involved insofar as establishing the program.

McCREERY: Has any follow-on legislation built on this particularly, do you know?

FORAN: I believe they've expanded it and extended it. It's still part of the California Department of Justice criminal identification process.

McCREERY: One last thing. Do you recall where the idea actually came from to put this into place?

FORAN: I had some study, at least on my own part, as to why crimes were increasing, and basically I felt that simply increasing penalties was not a solution. I met with, as I say, people in San Francisco--the police department, judges, and we talked about it and finally came up with this approach.

McCREERY: What were other states doing?

FORAN: Some other states have similar systems. The FBI has a limited system as well, but one can't just take a latent print and try to rely upon the FBI. That was totally inadequate to deal within a state. As to other states, I think some of them may have followed suit, but I don't know exactly now whether they have or not. I don't know, we may have been the first in the field. And again, you have to realize that California is such a huge state with a huge population. You might be able to do this in South Dakota or North Dakota without much difficulty, because there are only two or three major cities in such an area. But when you have a population of California's size, it's really a problem.

McCREERY: I take it you didn't have too much trouble shepherding this through the legislature. What were the financial barriers?

FORAN: Well, the financial barriers--again, we always had problems of cost, even though they are not of the magnitude they have today. It's still there, and any bill that called for an appropriation or expenditure of money had to be justified in order for the members to vote in support.

McCREERY: Thank you. We also wanted to touch today on your involvement in some tort reform legislation in the 1980s, specifically SB-75, which limited some of the pain and suffering damages that would have to be paid by the so-called "deep pockets" entities.

FORAN: Yes. There are a number of areas of tort reform that I became involved in during my legislative career. I felt and still do that the system of litigation in the state of California is out of control. There are so many class actions, there are so many actions against the so-called "deep pocket" that I think are unjustified and are basically designed to provide fees for lawyers. There were several bills. Most of my other bills were not that successful. But essentially you have a situation like this: several years ago, the state of California--I shouldn't say "the state of California." Several years ago, the courts in the state of California abolished the doctrine of contributory negligence, which provided that if the plaintiff, the person who was injured, was even 1 percent negligent, then that person was precluded from any recovery whatsoever. The courts instituted comparative negligence whereby liability would be based upon the culpability of the defendants, each individual among several multi-defendants who were at fault. Insofar as liability was concerned, *Li v. Yellow Cab*, I think, was the principal case on that subject. What happened, however,

is they didn't go the next step further, which would be logical and consistent, and that would be to allocate the damages that could be obtained as a result of the successful plaintiff's case. That meant you had a situation--let's say you have a personal injury accident at an intersection of a city street. What happens then is for purposes of discussion only, the plaintiff who was injured was struck by a person driving at eighty miles an hour, recklessly, and crashed into the plaintiff, and the plaintiff was very, very seriously injured. The plaintiff attorney sues not only the reckless driver, but the city, the county in some cases, and any other potential defendant that has money, the "deep pocket." So the taxpayer is the "deep pocket," and that's what I object to in this whole thing. Because even though there may have been weeds growing or some slight obscurance of the view of the intersection, a tree or something like that, the city is really only 5 percent liable for the accident, and 95 percent for the person who's speeding and struck the plaintiff's car. Yet under the joint and several liability law in the state of California, the city can be forced to pay 100 percent of the damages under those circumstances. I don't think that's right, I don't think that it is just, and there should be comparative damage. So, that's what I provided for in my SB-75.

McCREERY: That's if the person judged 95 percent liable, in our example, is not able to pay?

FORAN: Well, what it does is it limits the applicability of pain and suffering, and the plaintiff would still get whatever it takes to make that person whole again--loss of wages, medical expenses--rehabilitation from the "deep pocket." That's still

capable of being accepted. Now, I should say that my SB-75 did not pass. It passed the senate but did not pass the assembly. But a group of people of a similar mind were able to gather signatures and place it on the ballot, and it was Proposition 50, and it passed, and that's the law today. But Proposition 50 was basically word-for-word the same as my SB-75.

McCREERY: Before we talk in a little more detail about the proposition, put your SB-75 in context. Hadn't there been several bills of this nature over a period of several years?

FORAN: There had been several bills introduced, none of which passed.

McCREERY: So they all met the same fate?

FORAN: Right.

McCREERY: Passing in the senate and then dying in assembly?

FORAN: Usually the California trial lawyers opposed them, and they were able to bottle such bills up in committee, which they did successfully year after year. I did carry similar legislation relating to transportation, on the cost of liability. The state of California's Caltrans was being sued because the median strip was not up to superior standards. The main reason they weren't was there was not enough money in the whole highway account to go back and redo all median strips in the state. As a result, there would always be a liability there. I tried to do similar things with restricting the liability to the state of California, and it was not successful.

McCREERY: Now play devil's advocate for a moment. What was the position of the California Trial Lawyers Association?

FORAN: California Trial Lawyers Association have always felt that, first of all, they are protecting the consumer or the plaintiff. But I think when you look at their attitude as a whole, they are really looking after their own welfare as far as fees are concerned, because most of the trial lawyers take these cases on a contingency basis, which means they only get the money to the extent that it can be collected. Therefore, they are always in favor of continuing, one, the deep pocket and two, continuing joint and several liability, because it's a windfall for them. But they basically say that they are protecting the public. I seriously question the validity of their arguments.

McCREERY: Who in the legislature was taking that side of things?

FORAN: Well, I don't remember the exact individuals, but several legislators were allied with the trial lawyers on these issues. None of the legislators are there anymore. There were a group of legislators who were very much in favor of expanding liability and against tort reform. SB-75 was a very, very difficult piece of legislation to pass, and it's obvious why I didn't pass it. But it did ultimately become the law.

McCREERY: What did you do to try to pass it, knowing that similar bills had failed over several years?

FORAN: We had witnesses to testify to the injustice of holding a party 100 percent liable for damages when they were only 5 or 10 percent responsible for what occurred. Ultimately, at least as far as the senate was concerned, I was able to persuade enough senators to vote for it. I was not able to persuade enough assemblymen.

McCREERY: Did you have a key ally on the assembly side?

FORAN: I'm trying to remember who I asked to carry the bill. I'm not so sure. It may even have been Bob Beverly, but I'm not positive about that. It was a much more bipartisan body at that time, and as a result a Republican author could successfully carry bills. It may have been Bob Beverly.

McCREERY: That leads me to ask whether you were taking a solid "Democrat's position" on this.

FORAN: Well, I don't know if the trial lawyers were as strong then as they became. They were strong, no doubt about it, but they are now even more powerful to the extent that they bottle everything they're opposed to in one or the other judiciary committees.

McCREERY: But I wonder if you were kind of open to charges that you were somehow aiding the insurance companies.

FORAN: Not really, because most of the people that were supporting it were public entities--they could not afford these judgments. The state of California had difficulty affording the judgments.

McCREERY: Of course these government entities were in the post-Prop. 13 period and really seeing a change in their own financial pictures anyway.

FORAN: Right, yes. But let's leave the insurance companies out. You also had small businesses affected. You had big businesses that were being subjected to lawsuits simply because they had the deep pocket. That's where the injustice, in my opinion, lies.

McCREERY: Well, let's go on and talk a little bit more then about the ballot initiative, which I understand was the June election of 1986.

FORAN: Right. Well, I was the author of the legislation after which it was patterned, and I joined a number of speakers throughout the state in support of Proposition 50. I spoke on several occasions throughout the state. I debated the subject with opponents of the measure, appeared before different forums and argued for the initiative. The initiative was successful. I was on radio and television in support of it, but there were other speakers as well, a speakers' bureau for it. I didn't spend too much time in Southern California, but at least in the Bay Area, I was very active.

McCREERY: Who funded the effort?

FORAN: Well, it was funded by, I think, the business community to a good extent. Yes, the insurance companies were involved, and they funded it. I believe the California Medical Association was very active in it. There were a number of entities that felt very unfairly treated by the existence of the joint and several liability law, as it applied to them and others.

McCREERY: There was a fairly broad--?

FORAN: It was a very, very broad coalition: business, doctors, a whole array of groups. Insurance was involved, but there were others that felt that the law was wrong.

McCREERY: As with many ballot initiatives, I wonder how much the public knew about or cared about this on, you know, a man-on-the-street kind of basis.

FORAN: Right. The average person on the street wouldn't know what we were talking about, except to the extent of the injustice of a person being held responsible

for 100 percent of the damages when their fault was only 5 or 10 percent. I think that grabbed them. To that extent, the public was able to identify with it, and that's why they passed it.

McCREERY: We know that so many of the ballot initiative campaigns these days, if not all of them, have organizations hired to run those campaigns. Was that the case back then, or do you remember how it went?

FORAN: I think they did have an organization. Yes, as a matter of fact, I can be more specific than that. Woodward McDowall was retained as a consulting firm to push for the adoption of the initiative. The McDowall of Woodward McDowall was Jack McDowall, who was a Pulitzer Prize winner of a San Francisco paper, and a very, very good friend of mine. We used to talk many times over the years when I was in the assembly and he was a reporter. He was a reporter for San Francisco, and we had a very close relationship. I was very glad when they retained that particular firm, and they were very successful.

McCREERY: Do you remember much about what they were able to offer in the way of strategy or that sort of thing?

FORAN: Well, I think the strategy is much like I described it: having editorials, getting media attention on the injustice of the system as it was then, and I think they were able to get that message across. That's why they were hired, really, to get the message across as to why the initiative should be passed.

McCREERY: Did that involve television commercials and that whole range of things?

FORAN: Oh, yes. Television--I don't think it was to the extent that they have television today, like the Indian casino issue, or something like that. I don't think there

was any budget of that magnitude, or coverage of that magnitude. It was a much lesser campaign, but an expensive campaign.

McCREERY: What has happened since the proposition passed? What's been the effect over time?

FORAN: Well, there has been a curtailment, but Proposition 50 had a limited application of the law as it pertains to joint and several liability.

McCREERY: Was there anything else that you did in the way of working on tort reform that you wanted to mention? I know that was a primary one.

FORAN: Well, there were several bills. The question of curtailing punitive damages, which I also think are out of control. The question of curtailing frivolous lawsuits, which are out of control. It goes on, a whole list--they're still fighting those issues in the Capitol, but tort reformers are generally unsuccessful, and it's frustrating.

McCREERY: I'm just generally getting at what your interests were in this area.

FORAN: I wasn't always a tort reformer. I came from an attorney background. I was a general practitioner. I had personal injury lawsuits, so I didn't come in with that frame of mind. Looking at the entire economy of the state of California and the impact of the litigiousness on the economy of the state, I felt it was more important than the individual lawyer's ability to get contingency fees. I was concerned more from the overall impact of the state.

McCREERY: I wonder what can be done about the out-of-control aspect?

FORAN: Well, I think if you think about it--first of all, the United States is definitely far more litigious than any other industrial nation in the world--Britain, Germany,

France--they don't have these very liberal liability laws. If you take the United States as having laws that promote litigation, then consider California is double that as a state litigating. It's looked upon by businesses in other areas as one of the reasons they will not locate in California and be subject to various forms of liability. So it does have a serious impact on the economy.

McCREERY: Of course, there's something about our society by now that says you're not serious about a decision unless there's a lot of money behind it.

FORAN: That's why lawyers are unpopular and why all the lawyer jokes.

McCREERY: [Laughter] Yes, there have been plenty of those, haven't there? Just wrapping up our discussion of your time in the senate, then, did you want to talk about any of the other policy committees that you served on, besides transportation, of course?

FORAN: Well, I served on the Ways and Means Committee. We covered that already. In the senate I served on the GO committee, and that was the Governmental Organization Committee. It handled all of the legislation as it pertains to gambling and horse racing. I think I was basically a moderate on that committee. I served on the insurance and financial institutions. In that area, I did expand the ability of insurance companies to broaden the scope of their investments, thereby being able to build up greater reserves, and presumably reduce the cost of premiums.

McCREERY: What was your big-picture thinking on that?

FORAN: Whatever can be done to reduce costs is going to reduce premiums to the consumer. The insurance industry is highly competitive, so if you can reduce costs the competition is so severe that the rates go down.

I was chair of a select committee on housing and urban affairs when I first went to the senate. This is a select committee, so it didn't have the power to deal with bills. It was a very frustrating experience, because I wanted to increase the amount of housing available in the state of California. There was obviously a shortage, and people were having a more and more difficult time buying a house. This has become a very significant issue today. There was a big debate on the floor yesterday on a bill by Darrell Steinberg, which only applies to the Sacramento area, on housing. It's highly controversial, but the problem with housing is that you need such a huge amount of money to subsidize additional low-cost or low-income housing because of the tremendous cost that's involved. What happens is that you try to encourage it as much as you can, but if you have a ten million dollar bond issue, you're still only going to build maybe ten thousand houses under a subsidized system, so that doesn't really make too much of a dent in the whole system.

McCREERY: Had you had interest in housing issues before that?

FORAN: Well, basically because my constituents were saying, "We can't buy a house. We can't qualify for mortgage. The price has gone up. When can we get some sort of reasonable housing program where we can get into one?" So that's basically why I got into it. It was more in the San Mateo area of my senatorial

district, where there was land still to be developed, as opposed to San Francisco, where there was very little land.

[Tape 9, Side B]

McCREERY: I didn't mean to cut us off there. We were talking about housing, and I was saying that, in describing your reconfigured senate district with northern San Mateo, I wonder, as you went through your senate career, how did your service to that constituency differ from what you were accustomed to in the city?

FORAN: I only represented a portion of San Francisco in my assembly district. When I became a state senator, I represented half of San Francisco and half of San Mateo County. Now, the interesting part of my senate district was that there was a very close a harmony between the area of San Francisco that I represented and northern San Mateo County. Among the differences: obviously, difference number one, in San Francisco I represented part of the city, and there was only one school district in San Francisco. It was a so-called high-wealth school district because it had such high property taxes; the land was so valuable. But that didn't mean it was a high attainment school. They needed categorical aid, because they had the immigration problem. In the assembly, I was very responsive to the categorical aid legislation, which I supported, and addressed the issues as they pertained to San Francisco Unified School District.

When I had the new senate district, I not only had the high-wealth, categorical-aid-needs of San Francisco Unified School District, but I also had nine other school districts. The senatorial district at that time was around six

hundred thousand people, five hundred thousand. I had not only high-wealth San Francisco, but I had extremely low-wealth districts over on the Pacific coast area, near Pacifica. With high-wealth, low-wealth, middle-wealth school districts, it was a juggling act to try to represent them.

Basically, what I did was try to serve all of them to the best of my ability. I would meet with people from each school district, and I would try to see if we could work out how the budget could be put together with a fair amount going to a low-wealth school district, as well as to categorical to high-wealth school districts. The same pertains to the issue of the cities and counties. In San Francisco, I represented one city--one city and county. In San Mateo, I had, I believe it was nine or ten cities within the county of San Mateo, plus the county of San Mateo. I used to attend most of the meetings of the councils of cities. They would meet in San Bruno or Millbrae or whatever, and they would have representatives from their various city councils. San Francisco did not really participate in these, so in order to represent San Mateo, I attended them and tried to work out some of these issues whereby I could serve both types of communities.

One of the issues, which was a very difficult one, was that the labor wanted binding arbitration as it pertained to police and fire. I was generally supportive of that concept when I represented San Francisco alone, but after Proposition 13, I said, "The cities cannot afford that." Therefore, I did not support it, and I did not support that for the remainder of my legislative career, much to the dismay of my friends in labor.

McCREERY: That's right, and you had a long history with them in the city, didn't you?

FORAN: Yes, I did. I had a very strong labor background--backing, support.

McCREERY: So that was surely some clashing over the years.

FORAN: Oh, yes. Well, there are a lot of clashes that occurred. I can't recall them all, but you have different constituencies, and you try to serve the different constituencies, but it would be--in my opinion, it would have been devastating to the local communities if the binding arbitration legislation had passed after the adoption of Proposition 13.

McCREERY: To you it's really a question, is it, of representative government? Your changing constituency, changing circumstances, led you to change your mind because of the way to represent them?

FORAN: Right. You have to represent your entire constituency, and it isn't all homogenous like when you represent one city or a part of one city.

McCREERY: Certainly legislators vary in their views of that--to what extent are they promulgating their own views, and to what extent are they representing?

FORAN: Yes. I tried to take a statewide approach to a variety of things. Basically, transportation was obviously one. But you can't just say, "Take care of this city or this community, and the heck with the rest of the state," because you are a state policymaker. You may have a smaller constituency, but you are, in effect, a state policymaker. One should recognize that responsibility.

McCREERY: Talk a little bit about your key staff people, both here in the Capitol and in your district office. Whom did you rely on over these years?

FORAN: Well, I had some very good staff people. In the assembly I had Bruce Samuel, who was a very good person on the transportation staff. I had Phil Ryan when I first was elected, but he became a very prominent attorney in San Francisco and still is. You probably read about him in the paper with respect to the police situation going on now. I had a number of other people in the Ways and Means Committee: John Delury, Tom Sweetman, Bill Abalona. All of these people were experts in their fields. In Ways and Means, when it was budget and appropriations combined into one committee, you had to deal with such huge and complex fiscal issues. I had nine consultants. I had a chief of staff, which was John Delury, and then I had a consultant to deal with social welfare, one to deal with education, one to deal with transportation, one to deal with parks and rec, agriculture. When a bill got to Ways and Means after the policy committee, I would assign one of these experts. They were very, very good at analyzing bills, and coming up with costs, and prioritization.

In the senate, I was very fortunate to have as my chief staff person Mehdi Morshed, who is now dealing with the high-speed rail. He was excellent. He had incredible credentials. He had experience with Caltrans, but he was a graduate of Washington University in engineering, and then he had a master's degree from UC in the field of transportation. You don't find people like that willing to stay in government, and that's unfortunate because the issues are complex, the state is complex, and you need all the help you can get to make sound, rational, and far-reaching long-term decisions. People like Mehdi Morshed were excellent.

Then of course, during the period that I was dealing with SB-215, when we started putting it together, we soon realized the complexity of a multibillion dollar tax package and that we needed additional help.

In that respect, I went to the legislative analyst's office and asked for someone that I could hire away from him. Bill Hamm was legislative analyst at that time, and he has always given me a bad time for taking one of his best analysts. But the fact of the matter is I needed a person to crunch the numbers in the transportation field. We made him an offer to Steve Schnaidt, who is currently chief consultant to the senate Transportation Committee and he accepted. I don't think he regrets having left the legislative analyst's office, but the legislative analyst was sorry to lose him. There again was a person with a high degree of expertise, good background, good experience, and knowledge of the subject.

McCREERY: Realizing that you've been out for awhile, I wonder what trends you may have been able to observe with regard to legislative staff.

FORAN: Well, for one thing, many of the long-term staffers are gone, and some of them are still leaving. I think that's unfortunate. Mehdi Morshed, of course, has left. There are several who left like Dave Doerr, who was consultant to the Revenue and Taxation Committee for years and years and years. There are a variety of others, such as Steve Thompson in the health field, who now works for the California Medical Association. I could go through a whole list of them. Because of term limits they do not feel secure in their jobs. In many cases, the new legislators want to bring somebody in from the district who worked on

their campaign. That's not a good idea, because they don't have the qualifications, experience, or ability to deal with such complex problems.

There's a trend now to try to pay an adequate salary to try to keep assembly staff on, but even at that, you don't retain some of the experts that we had then.

Term limits is a factor.

McCREERY: What about other support within the system, such as the assembly office of research, for example? How strongly did you draw on that in your time?

FORAN: I drew upon the senate office of research more than the assembly office, because in the assembly I had my own staff due to the committees that I chaired. But I also drew upon the assembly office of research. I had some bills in the taxation field, trying to close loopholes such as court cases that I thought were depriving the state of its due amount of revenue. But I used the senate office of research on various pieces of legislation.

There was another thing that was, I thought, extremely important. It was something that was initiated by Speaker Jesse Unruh, and then followed up in later years by Senator Alquist. That was to work very closely with the University of California. Every year, we would have a conference or seminar at UC Berkeley. We would have various professors address issues important to the state, including an economic model for California, providing predictions and prognostication. We had other professors who would analyze issues like the split role in property taxation. The discussion of infrastructure in my transportation programs were always on the table. There was David Rosen--is he still there?--to discuss the housing needs of the state of California. It was

tremendously helpful in dealing with not only what we were involved with in our committees, but the whole issues in general and how the state should address them. I think there was a good deal of legislation that came out of that—some by me, some by others.

I don't know if they're still doing that anymore, but it was every year. We would pack our bags and go down to Berkeley, usually on a Thursday, and stay till Sunday, and have seminar after seminar, and discussion, free discussion, question and answer, and it was extremely helpful, and I think probably more important than the senate office of research, although they attended and they participated. There were other staff members from the finance committees and other committee staff attending as well. You had legislative staff, university professors, other people, experts in the field with their input, and the legislators themselves literally going to school and getting educated on major state problems.

McCREERY: The latest research and how things are playing out in the real world?

FORAN: Right, and the biggest thing was UCLA, when they would come in and give us the [UCLA Anderson Forecast]. The report would literally predict the coming year as far as the economics of the state of California were concerned. It's a very sophisticated, highly computerized system that is just fascinating. You can't predict, but they've been very, very accurate in determining the economy for the coming fiscal year. That's very helpful because one thing you need to know is how much money you're going to have to spend when it comes down to trying to allocate your resources.

McCREERY: I wonder, can you think of an example of legislation that grew out of one of those sessions, just to make that connection?

FORAN: I'm trying to recall. I think some of the legislation in the energy field, I'm not positive, but I think in establishing the energy and resources agency, not establishing it as an agency, because that was done under a reorganization plan, but trying to provide adequate incentives for construction of power plants and producing power. I believe legislation came from that source. I believe there was legislation in the taxation field. As I recall, Senator Petris was the author of some major legislation in that field. Senator Alquist would have been dealing with the energy issue, although he subsequently became chair of the senate Finance Committee, so somebody else would have handled that. I think certainly it was helpful insofar as my moving infrastructure legislation.

McCREERY: Where you really would need a view of--?

FORAN: Yes, you'd need a long-term view.

McCREERY: It kind of ties in with what we talked about last time--the ability to do long-range planning.

FORAN: Right.

McCREERY: Thank you. That gives a good idea of how you were able to collaborate on some of these things. Let's move on and talk just briefly about your reelection campaigns in the senate. We described how you came in, in a "special," in 1976. Your reelections came up first in 1978, and then in 1982. Is that right?

FORAN: Reelected would be '78, and that was not too serious a campaign. Again, the primary was the major place to get elected.

McCREERY: In your heavily Democratic district.

FORAN: Right. I had, by this time, pretty well established a relationship with most of the cities, the city councilmen, the board of supervisors, the various police, fire, and all of these other organizations that were in San Mateo County. With that kind of support, I had a pretty easy election. In the 1982 election, I anticipated major opposition because of having passed SB-215, the gas tax bill, even though they never found out who was writing on those dollar bills. But the point is we were prepared for a major attack, but it never occurred. I argued at that time, and apparently I guess people must have bought that argument to some extent, and that is if you're really upset about paying two cents more per gallon, you could go a block away and find a difference of two cents less. Given the seriousness of the problem the state faced in being unable to meet their federal match, the two cents was nothing because you could literally go a few blocks further and find a difference of two cents if you were really bent upon saving the two cents per gallon.

McCREERY: How did you finance your reelection campaigns? Anything to emphasize there?

FORAN: Not really. First of all, I did not have fundraisers in Sacramento. I had one because I was persuaded to by the Democratic caucus in the senate to hold one so we could raise more funds for other members with serious contests. But I really didn't have fundraisers in Sacramento. As a matter of fact, fundraisers in Sacramento didn't really occur until the mid-seventies, and there were never fundraisers such as they have every night in Sacramento today while the

session is going on and while major bills are being acted upon. So I never had one. Most of my funds were raised locally. Many of my colleagues kidded me because I would invite them down to my fundraisers, which were held usually at one or the other place. One of the places was the Sons of Italy Hall out in the Excelsior district, and the other was the Irish Cultural Center on Sloat Boulevard across from San Francisco Zoo.

McCREERY: Your two major groups of constituents, ethnically speaking.

FORAN: That's right, and in the case of the Irish Center, the Irish ladies would bake Irish bread, and we didn't have very much by way of expenses, so we were able to raise a fair amount of money. Now, there were lobbyists up here who sent checks to my fundraisers locally. That's true. But I didn't hold the fundraiser in Sacramento while session was going on or bills were pending that they were interested in. Usually my fundraisers were after the session ended, in the fall after the session concluded. So there would be no connection between a contribution by, say, a lobbyist in Sacramento and a bill he or she was interested in.

McCREERY: Because the bill-making part was over with by then?

FORAN: But now you have the fundraisers every night. I don't know how many there are tonight but I'm sure there are several. Maybe there aren't tonight because they've got such a big problem on the floor. But all last week and the week before and the week before.

McCREERY: We talked about how you were in a pretty solidly Democratic district and didn't have serious challenges once you were in either the assembly or the senate.

FORAN: Only the two that I mentioned. One was when they raised a huge war chest for Nick Verreos in the assembly, and I won that. That was a general election, and the other was the primary election when the shape of the district changed and Father Eugene Boyle ran. That was closer. Other than that my races were pretty easy, but you also have to remember that I spent a tremendous amount of time working the district, going to all of these functions in San Francisco and all of the communities in San Mateo, Pacifica, San Mateo City, Brisbane, Daly City, San Bruno, Millbrae.

McCREERY: That was true throughout your terms, not just at campaign time?

FORAN: Right, right. Yes, because the events go on all year. My wife, fortunately for me, was very willing to accompany me to all of these events. Sometimes if it was a city council or a group of city councils I would go by myself. There were many functions, a retirement banquet for a city employee where I would go to that and present a resolution.

McCREERY: How much was your wife a participant behind the scenes?

FORAN: Oh, very much. She was of Italian extraction and spoke Italian fluently, and in the first election in 1962, she worked precincts with me. She worked precincts in the senate race, which was really the next time we had to do it. She also worked in the Verreos campaign and the Boyle campaign. She went to many, many functions. We were often at the Fairmont where the fundraisers or

dignitaries would come into town. She went to virtually all of them, and we had to get babysitters because our kids were young. She says that we put a young girl through college by having her as a babysitter when we needed to go to all of these events. My wife was very supportive.

McCREERY: Sounds like it. And then outside of campaign time, did you consult her much formally or informally? Was she interested and involved in what you were doing all along?

FORAN: Yes, my wife is a former school teacher, so her top priority was and is education. She would lobby me on that issue very strenuously. She wanted to make sure that I supported education, which I did. I believed in it. It was an important part of all the bills that I voted on. So we were harmonious in that respect.

McCREERY: Talk just a bit more about your decision to leave the senate and not run for reelection in 1986. You touched on the fact that you were frustrated at Governor Deukmejian on the transportation funding issues, but how did this decision really come about?

FORAN: I had, as I had said originally, never really expected to be a candidate in the first place, but that was sort of an accident of politics because my predecessor ran for Congress, and I was on the spot there and the people in my camp were supportive. I never thought I would end up spending twenty-four years in the legislature, half in each house. As time went on, I was thinking that I had certain responsibilities to my wife and family. The salary of a legislator was not that great, and I thought that I should start looking toward retirement. I

was fifty-five when I quit, so the time had come to give some consideration to leaving.

The specific event that occurred was when my very close friend John Knox had joined Nossaman, Guthner, Knox and Elliot and was doing very well, and he told me that I should give it consideration. So we met at the stock exchange club for lunch. He put me in touch with the managing partner of Nossaman. We had a long lunch down in Los Angeles and discussed the possibility of my joining the firm and particularly doing lobbying work because John Knox at that time was moving towards more retirement and was not as active as he had been. So I met with the managing partner. Nossaman made me an offer to be a contract partner, and as a contract partner I joined the firm. That was in December of 1986. My term ended November 30 of 1986, and the contract partnership commenced on December 1, the following day.

McCREERY: [Laughs] No break whatsoever.

FORAN: No break whatsoever.

[Tape 10, Side A]

MCCREERY: You were just talking about your transition.

FORAN: I was taken aboard as a contract partner on December 1, 1986. My term expired at midnight the day before, and I went to work for the firm. They just had a miserable little office up on 11th and J Street. They had not moved into this office at that time. I began work and started attracting clients extensively, and pretty soon I was one of the major billing attorneys in the office. I was an attorney and a lobbyist. Most of the lobbyists in this firm are not attorneys. In

fact, I am the only one who is both--oh no, actually Jo-Linda Thomas is also an attorney, but she does not practice law.

McCREERY: You were a registered lobbyist from the outset, then?

FORAN: Yes. So I had a couple of clients immediately and then started building up a practice. As I said, I joined the firm in December of '86, and by April of '87, five months later, I was offered an equity partnership, and I became an equity partner. At that time, they had a percentage system for the partnership, so I came in at 85 percent equity partner. Within three years I was 100 percent equity partner and stayed that way until they changed the system. I was one of the top-billing attorneys in the firm for several years.

McCREERY: How large was the firm when you came in?

FORAN: The firm has about 120 attorneys now. I'd say there were maybe eighty, so it was a much smaller firm, and we didn't have as many lobbyists. The Sacramento office, first of all, didn't have any attorneys other than myself. I was the only attorney. Bob Sullivan and another person who came over with him from his firm weren't even here, so it was basically a lobbying operation when I joined it, and then we expanded into the law. Now we have more practicing attorneys than we have lobbyists. But at that time, there were no other attorneys and no other practice.

McCREERY: Well, I can take a guess, but tell me, what have you been able to do for this firm? I'm just thinking generally what emphases?

FORAN: First of all, my background in transportation was a major selling point, not only for my lobbying for transportation clients, but for the law firm to build up

a major transportation practice in the state. We now represent transportation departments in Virginia, state of Washington, Minnesota, Florida, Nevada. We have undertaken major transportation programs. The biggest, one of the biggest, well maybe the biggest, I don't know--one of the biggest issues that I was successful in passing was the creation of the transportation corridor agencies of Orange County. They were then called JPA, joint powers agencies, and that authorized the county of Orange to establish about sixty-eight miles of toll roads within that county and only within that county.

There are other toll road private partnerships that were passed in subsequent legislation, which have become rather controversial. But the one that I got passed was basically the authorization for the Orange County toll road authority. With my background as a transportation person in both houses, I was fully aware that the county of Orange was sort of the stepchild of the state of California as far as transportation funding was concerned. The reason for this was that the county of Orange grew so fast that the allocation of funds to that county was always behind the curve, and they really could not build the system that they needed to move this tremendous increase in population. The only way they were ever going to get these roads built where the toll roads are now was by setting up a system of toll roads. These were the first ones in the state other than--the bridges have always had tolls, but this is the first time we had tolls in the state other than the forty-nine mile drive in Monterey, which is a tourist thing. That's not really a highway, so this was the first toll highway, and the firm put it together. The design-build is a way to fund and build a

system without going through all of the bureaucratic red tape and slow process of a normal freeway system. So the toll roads in Orange County were built on time. The prediction was when we were passing the bill that they could not build these highways for another twenty-five years, and they would not be in existence today. You have to remember that these highways are different from private toll roads. These are public roads administered by publicly-elected officials and owned by the state of California and built on legislatively adopted state routes. So they are a unique kind of infrastructure, and they must have free parallel freeways in order for them to go forward.

McCREERY: How was that aspect dealt with, having the requirement of free parallel roads?

FORAN: Some of the legislatures insisted that in order to have toll roads that people couldn't afford that they should have an alternative.

McCREERY: What's your view of that?

FORAN: I think it's correct. Yes, I think it's correct.

McCREERY: That's a good example though of a major long-term effort. I didn't realize you were working in so many other states.

FORAN: Well I'm not, but the law firm is.

McCREERY: Okay. Well, how do you reflect on your decision to leave the senate in the mid-eighties?

FORAN: Well, I have said to people who've asked that question that I have no regrets about having run for election and stayed in the legislative service for the length of time that I did, and I have no regrets of having quit when I did. I felt like I accomplished a good deal with my life and career, and I am proud of it. But I

think it came time to seek another--I was young enough to go back into a law firm, and I thought it was the right time to do it, and I am very happy to have decided to do so. I have more financial security, and that's important.

McCREERY: I wonder which of these accomplishments, the many that we've talked about, which are personally most gratifying to you, and why?

FORAN: Well, I think the saving the state financially and the SB-215, the creation of Metropolitan Transportation Commission, the reorganization of the Golden Gate bridge and highway district, the legislation on tort reform and the legislation in the criminal identification system. I think that those are achievements that I am not sure what would have occurred if I had not pushed them.

McCREERY: Well, it's nice to look back and see the long-term affects of some of those.

FORAN: Yes, you always want to say you feel like you've done something important or contributed to the community and the public well-being, and I think I did.

McCREERY: I wonder if I could ask you to talk a little bit about the race to succeed you in the 8<sup>th</sup> senate district. That was Lou Papan and Quentin Kopp?

FORAN: Right. In that particular race, it was a very interesting race because Lou Papan, who was the assemblyman, ran for the senate seat and had a primary. He spent quite a bit of money on the primary. Jim Gonzales, who is a lobbyist now, was one of the main contenders in the primary. He was a former San Francisco supervisor, and Lou Papan won that primary. Later Quentin Kopp, who was a San Francisco supervisor, decided to run as an independent, which many people thought was an absolute impossibility. But he ran as an independent.

He voted most of the times with the Democrats when he was up here, and he was a Democrat who actually was a participant in my original group of people back in 1962. In fact, I had lunch with him and that same group yesterday.

McCREERY: Yes, many have assumed he used to be a Republican, but it's not so.

FORAN: No, he was never a Republican. He was an independent. [Before that] he was a Democrat. He came from the east, of course, and he was a Democrat in San Francisco from the time he arrived. Anyway, the independent campaign, Quentin was highly visible in both San Francisco and later in San Mateo County, but primarily in San Francisco. He had a lot of attention, and a lot of newspaper attention, media attention, and he beat Lou Papan, much to Lou's surprise.

McCREERY: May I ask whom you were endorsing?

FORAN: Yes, I did endorse Lou Papan. Lou Papan had helped me considerably when I ran for the first time for the senate for San Mateo, and I felt like I owed him that support, and I did support him. It should be noted, too, that Quentin Kopp ultimately became the chairman of the senate of Transportation Committee, and he followed many of my policies, including the committee rule against pork projects.

McCREERY: Yes, we did talk about that and giving him credit.

FORAN: He did a great deal in the transportation field, and I was quite proud of his record.

McCREERY: I wonder if I could also ask you this. It's going back a little bit in time, and realizing that you were in the senate at the time, but your close friend Leo

McCarthy lost his speakership [of the assembly] in 1980. Do you have any thoughts on that occurrence and how it transpired and why?

FORAN: Yes, I was in the senate when that occurred. First of all Leo was a good speaker and a reform speaker, and in the area of reform he was trying to curtail the wild expansion of committees and select committees, which caused a certain amount of problems with his own constituency, which were the Democratic members. While I was in the senate, several of these assembly members came to me, knowing how close I was to Leo, and told me that, "You've got to talk to Leo. He's in trouble. He's not paying attention to the gripes that are going on behind his back." I would convey this to Leo, and Leo would say, "No, don't worry about it. Everything is under control." Then, of course, there was the major coup with Howard Berman that split the Democratic party wide open, as far as membership of the legislature is concerned. There were huge primary battles among Democrats as to supporters of Leo McCarthy and supporters for Howard Berman. A lot of money was spent and a lot of effort and ill will. Unfortunately that's what occurred. I don't know if Leo would have paid more attention to my messages that I was obviously being given to convey to him, but the fact of the matter is that it didn't occur, and that's what happened.

McCREERY: 1980 was quite a year, wasn't it?

FORAN: Yes it was. Yes it was a bloody battle all over the state in contested primaries.

McCREERY: Well, how well did he recover? He of course went on, became lieutenant governor.

- FORAN: Well, he ran for U.S. Senate and he was unsuccessful. I think that was his biggest disappointment, because I think that's the one position that he wanted more than anything else.
- McCREERY: You said he was interested in national office from the early days.
- FORAN: Right. Yes, and he was not born in the United States, so he would have had a difficult time unless they changed the Constitution in running for president of the United States. But the issue was moot anyway because he didn't succeed in winning the U.S. senator's race.
- McCREERY: Anything else that you'd especially like to say about your time in the senate?
- FORAN: No, I think it was more collegial then, it was more bipartisan, it was more moderate, and there was a greater degree of coming together of the two parties to solve problems. I think the state would be better served if that kind of atmosphere existed today. Today you have extremely rigid ideologues on both sides, right and left, and I think that is going to be very, very detrimental to putting the state back on an improved economy and balanced budget. I regret the loss of the middle in both houses.
- McCREERY: You were fairly firmly in the middle, weren't you?
- FORAN: I was in the middle, yes, and my constituency was in the middle. It seems to me that there was a determination. "Look, we've got a problem. We've got to solve it together." People like Bob Beverly and Ken Maddy, particularly, Bill Campbell, were of a caliber to try resolve problems and get the issue behind us. But today you have these caucus positions that are adamant, and I don't know how it will be resolved in the future. In the current situation, you can expect

deficits for the next several years, so even if they overcome the current 38.2 billion-dollar deficit, they have only further deficits to look forward to the next year and the year after and the year after.

McCREERY: Really, any fix at this moment can't expect to last too long.

FORAN: That's right. Right.

McCREERY: We've touched on the issue of term limits. I wonder if you could share your thoughts on that situation.

FORAN: Well, first of all term limits never applied to me. It was adopted by an initiative after I left the senate. Technically and actually, I could run for the assembly and the senate and spend six years in the assembly and eight years in the senate again if I chose to do so, and I do not choose to do so. I really think it limits the ability of the public to determine who they want to represent them. Simply because a person has been there for six years or eight years, if the people want to keep that individual I don't think that they should be deprived of the opportunity to do so. That's one thing. The other thing is I think you lose a tremendous amount of talent and experience by having term limits. As we talked about this before, many of these subjects of legislation [takes shape] are very complex and require long-term solutions, and usually legislation over several years before being perfected. That's also a problem with term limits, which I think is unfortunate.

McCREERY: Does the legislature have less power overall?

FORAN: Well, there's always been this statement that as a result of term limits, the lobbyists have more power or the staff has more power. I'm not so sure that

that's a fact. It may well be that the lobbyists have less power, because they don't have long-term relationships with many of the members. But the main thing is that prior to term limits there would be somebody on judiciary, somebody on education who knew the policies as they developed and whether or not they should be changed, and I think that's very difficult to come by now.

McCREERY: Thank you. Maybe I'll ask you to talk briefly about some of the awards and honors, such as the John F. Foran freeway.

FORAN: [Laughs] Well, I had, as I said before, I think I changed the direction of transportation policy in California. The legislature adopted that resolution, naming that freeway after me. It was carried by Bob Beverly, who was a Republican, and there was quite a tribute made at that time. Also, when I retired there was a very extensive tribute made on the senate floor, and I have tapes of what occurred then. I was given the award from the League of California Cities that hangs over there dealing with SB-215. I was given dozens of other awards over the years. The creation of the Metropolitan Transportation Commission. MTC has an annual award for the legislator--congressperson or assemblyman or senator--who has done the most for transportation in the area each year, and that's named the John Foran Award. The last time I think it was presented to John Dutra, the chairman of the assembly Transportation Committee. So yes, it was nice.

McCREERY: That's good recognition and appropriate to the areas you've worked so much on. Well, as a member of the third house now for quite some time, any other observations that you want to make, now that you're on the outside?

FORAN: I've represented quite a number of different clients over the years. I've represented ACTR, the Association for California Tort Reform. We talked about that particular issue. We talked about the JPAs. I represented the National Association of Securities Dealers, NASD. I represented a group of engineers in the state, major engineering companies that dealt with the so-called project delivery, that is to allow private engineers to design freeway exchanges as opposed to having it done all in house, which the in-house engineers, the Caltrans engineers, opposed. That legislation was successful although it didn't do that well as far as the court was concerned. I represented Farmer's Insurance for a few years. I represented Pfizer company. I represented Nissan motors. I represented Avis Rent-a-Car. I represented the Santa Clara county traffic authority, which was the measure we talked about, the local measures. I represented the Edison company. I represented the Metropolitan Transportation Commission, Los Angeles County Transportation Authority. I represented the California Association of CPAs. I represented a couple of Indian tribes for a while.

McCREERY: That's an interesting issue right now, isn't it? Are you working on anything with that?

FORAN: No, I'm not. I don't have any Indian clients. There were some conflicts with other clients. This is one of the biggest problems in the lobbying field. We are a law firm primarily. We're only incidentally a lobbying firm, and we only have as I said six lobbyists in the whole firm, the whole statewide firm. As an ethical law firm, whenever we are approached by a client, we must

immediately send out a form asking if there's any conflict whatsoever if we were to undertake representation of such a company. We don't undertake them unless it comes back negative, that there is no conflict. But that also has the result of our turning down a number of clients. I turned down a couple this year already because of potential conflicts with other lawyers that are working on another aspect of a case. Sometimes it's purely just a matter of the principle or the client not wanting to have a representative of somebody they're opposed to on some other issues, and it's not a direct conflict. But that's the way it works, anyway, so they do check the conflicts and make sure there's no representation that could be adverse to a client.

McCREERY: Are those disclosures reliable or do conflicts sometimes surface later on?

FORAN: No, they're quite reliable because everything is on the computer. As soon as somebody sends around a conflict notice, it immediately goes to every single lawyer and lobbyist in the firm, and it's picked up like that, thanks to computers.

McCREERY: I understand you're keeping in touch politically also through the Sacramento Seminar. You're a cofounder of that, is that right? Tell me just a little bit about that.

FORAN: Yes, I was. The Sacramento Seminar. When Proposition 9 passed and nobody was talking to lobbyists, I was still in the senate at the time. John Knox, myself, and Paul Priolo, who was a former Republican minority leader said we should keep the network alive. I talked to Lorenzo Petrini, who is the owner of the North Beach restaurant at Stockton and Columbus, and made a standing

reservation whereby we could come whether there was three or thirty of us. We would meet there every Friday, we still do, and we have now a group of people that includes individuals who worked for the *Washington Post*, *Boston Globe*, television, judges, former legislators, political consultants--it's quite a group and it's a very interesting.

Sometimes we don't have a speaker, we just talk about politics, whatever is current, the police department scandal or the war in Iraq, or whatever the case may be. But we often have speakers, and we've had Senator Boxer, Mayor Willie Brown, several Congress people, many candidates, assembly members, senators, Attorney General Lockyer--it goes on and on and on. It's just whatever is of interest we put together. We usually have between forty and fifty people when we have a speaker, usually twenty or thirty when we don't. It has grown. We've taken trips to New York and met with legislatures back there.

They had a very interesting trip to London. They were entertained in Number 10 Downing Street, and they were in the parliament. I couldn't make that trip, because I had another commitment. It seems like I always have other commitments when they make these major trips. They're talking about going to Germany, again dealing with the governmental people. They are very informative and interesting, and I enjoy it. It's still going, and it's getting more and more attention. People are anxious to come and present their views and go through the rather serious grilling in the question and answer period, because it's off the record and no holds are barred.

McCREERY: It does sound stimulating.

FORAN: Yes, sometime if you want, I'll take you there.

McCREERY: That would be nice, thank you. Is there anything else that I should have asked you?

FORAN: Well, I think we've covered pretty much of the--I mean, if you took all of the bills that I've carried, we'd be here for months, but in many cases, I don't even remember all of them. But it's been a very interesting thing, and I'm glad they have the oral interview program. I talked to Barry Keene, who has been interviewed, and I guess Leo McCarthy and John Knox. I'm sorry you didn't get Jesse Unruh.

McCREERY: Yes, I am too. Well, thank you very much for all you've done for us.

FORAN: Okay, good, very good.

[End of Session]