

California State Archives
State Government Oral History Program

Oral History Interview

with

JOHN K. VAN DE KAMP

District Attorney, County of Los Angeles, 1975-1983
Attorney General, State of California, 1983-1991

July 21, August 18, 25, September 8, 15, 30, October 14, 27, 2003
Los Angeles, California

By Susan Douglass Yates
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RESTRICTIONS ON THIS INTERVIEW

None.

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KEVIN SHELLEY
STATE OF CALIFORNIA

PREFACE

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

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

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

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

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

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Center for California Studies
California State University, Sacramento

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University of California, Berkeley

Oral History Program
University of California, Los Angeles

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

John F. Burns
State Archivist

July 27, 1988

This interview is printed on acid-free paper.

TABLE OF CONTENTS

INTERVIEW HISTORY i

BIOGRAPHICAL SUMMARY iii

SESSION 1, July 21, 2003

[Tape 1, Side A]1

Family background—Parents Harry Joseph Van de Kamp and Georgie Kalar Van de Kamp—Growing up in Altadena during the late thirties and early forties—Attends Trailfinders School for Boys in Altadena—Develops an interest in conservation and preservation through outdoor activities while at Trailfinders—More on parents—Sister Gretchen Van de Kamp—Finishes high school at John Muir College in Pasadena—Mother is a Roosevelt Democrat and father is a moderate Republican—Religious upbringing—Family travels across the country to take Van de Kamp to Dartmouth College.

[Tape 1, Side B]27

Learning to drink responsibly—Dartmouth College—Becomes a radio announcer and station manager at the campus radio station WDBS—Academic and extracurricular interests in college—Summer jobs include working at ABC—Joins the United States Attorney’s Office after finishing law school and military service—Benefits of working in the U.S. Attorney’s Office early in career—Van de Kamp is named interim U.S. Attorney—Plans after completing law school—While deputy director of the Executive Office for United States Attorneys Van de Kamp heads special unit to look into draft violators—Overseeing Resurrection City and the case of H. Rap Brown—Personal thoughts about events of the mid to late sixties.

SESSION 2, August 18, 2003

[Tape 2, Side A]49

In 1969 Van de Kamp begins to look into several career opportunities

when Richard M. Nixon becomes president—Becomes a Democratic candidate in the 1969 special election for the Twenty-seventh Congressional District—Campaigning and raising funds—Jesse M. Unruh—Republican opponent Barry M. Goldwater Jr.

[Tape 2, Side B]74

More on Republican opponent Barry M. Goldwater Jr.—More on 1969 congressional campaign—The campaign experience—After losing the 1969 election Van de Kamp decides to return to California permanently—Serves as campaign manager on Jesse Unruh’s 1970 campaign for governor—More on Unruh—Helps friend Ed Miller in his 1970 campaign for San Diego district attorney—Returns to Washington D.C. in the summer of 1970 to work on a chapter of the final report issued by the President’s Commission on Campus Unrest—The bi-partisan nature of the state legislature in the 1960s and 1970s compared to Washington, D.C.—Role of campaign fund-raising on increased partisanship—Unruh’s inability to raise as much money as Ronald W. Reagan in the 1970 governor’s race—Reasons for creating a federal public defender’s office.

[Tape 3, Side A]97

Hiring staff for the Los Angeles Federal Public Defender’s Office—Serving as a public defender and working with defendants.

SESSION 3, August 25, 2003

[Tape 4, Side A]108

The Pheaster case—Appointment as district attorney of Los Angeles—Impressions of the District Attorney’s Office in the mid-seventies—Van de Kamp’s inaugural speech addresses goals for the DA’s Office—Van de Kamp appoints Steven Trott and Andrea Ordin—Early efforts in the DA’s Office to reorganize juvenile court—Cases handled by the DA’s Office over the years—In response to theft and fraud problems in the movie industry, establishes the Entertainment Task Force.

[Tape 4, Side B]130

The Roll-out Unit is established in response to the Eulia Love incident as well as other incidents of police shootings—The Board of Supervisors—Establishes new programs and units to focus on specific

issues—Bureau of Child Support—Improving the Bureau of Investigation—More on new programs and units—Coming into the DA’s Office as an outsider—Administrative focus.

[Tape 5, Side A].....153

The 1976 Los Angeles District Attorney campaign—Opponents in the 1976 election—Proposition 13—The 1980 campaign.

SESSION 4, September 8, 2003

[Tape 6, Side A].....162

More on Van de Kamp’s inaugural speech as DA—DA’s Office efforts to pursue public corruption cases—Van de Kamp is a potential candidate for the FBI directorship in 1977—Meeting J. Edgar Hoover in 1966—The impact of Proposition 13 on the DA’s Office—Changes in the DA’s Office in the seventies and eighties—Non-partisan role of the DA—Meeting future wife Andrea Fisher—Events leading to Van de Kamp’s decision to run for California state attorney general in 1982—Democratic opponent Omer L. Rains.

[Tape 6, Side B]188

Raising funds and campaign strategies—Issues raised by Republican opponent George Nicholson—Campaign platform—Organizing the office and hiring staff for the Attorney General’s Office—Creation of the Cal-ID system and its use in helping to apprehend Richard Ramirez—Other technological advances include the use of DNA and the Cal-PHOTO system—Campaign Against Marijuana Planting program is created to deal with increased criminal activity during the eighties.

[Tape 7, Side A].....211

Expands the efforts of the Division of Law Enforcement—Focuses efforts in the area of consumer fraud and environmental protection.

SESSION 5, September 15, 2003

[Tape 8, Side A].....221

Reapportionment and the Sebastiani initiative in the early eighties—Working with the Governor’s Office on the budget when there is a deficit—Division of Civil Law—Unitary tax law—Reorganizing the

Division of Criminal Law and creating a Correctional Law Section—Establishes a Major Fraud Unit as part of an effort to provide more support to local law enforcement—More on organizing the Attorney General’s Office—More on the office’s efforts in environmental protection—Antitrust enforcement dealing with the mergers of supermarket chains .

[Tape 8, Side B]242

More on antitrust enforcement dealing with the mergers of supermarket chains—The Attorney General’s Office successfully prevents the merger of Southern California Edison and San Diego Gas and Electric—Coordinating with attorney generals in other states on antitrust enforcement—Increasing costs in insurance leads to efforts to regulate—Van de Kamp argues Proposition 103 (November 1988) in front of the California Supreme Court—Van de Kamp’s stance on the death penalty and efforts to streamline the process—The Division of Law Enforcement and providing support to local law enforcement—The Bureau of Criminal Statistics.

[Tape 9, Side A]263

Through various programs and activities the Attorney General’s Office concentrates on dealing with increasing cases of child abuse—Role of commissions and enacting recommendations.

SESSION 6, September 30, 2003

[Tape 10, Side A]272

The shooting of school children by Patrick Purdy leads Van de Kamp to champion legislation banning assault weapons—The Roberti-Roos Assault Weapons Bill—Creates a commission on racial, ethnic, religious, and minority violence—More on the Assault Weapons Bill—Other activities of the Civil Rights Unit—A.B. 1952, AIDS drug testing legislation.

[Tape 10, Side B]294

More on A.B. 1952, AIDS drug testing legislation—Governor Deukemejian—The activities of Executive Programs—Meeting regularly with police chiefs and sheriffs—Working with the press and media—A.B. 3300, the Trial Court Delay Reduction Act also know as “fast track”—How the Attorney General’s Office worked with the legislature

on bills—The Attorney General’s Office role in the initiative process.

[Tape 11, Side A].....317

More on the Attorney General’s Office role in the initiative process—Van de Kamp’s stance on the lottery initiative—The initiative process.

SESSION 7, October 14, 2003

[Tape 12, Side A].....325

Observations on the recall of Governor Davis and the election of Governor Arnold Schwarzenegger—The Commission on Judicial Appointments—The impact of the 1986 elections on the make up of the California State Supreme Court—Chief Justice Rose E. Bird and the court during the early to mid eighties.

[Tape 12, Side B]350

More on Chief Justice Bird and the court during the early to mid eighties—Chief Justice Bird—The Commission on Toxics— Van de Kamp serves on the Special Committee on Criminal Justice in a Free Society—Van de Kamp’s 1986 re-election campaign—Supporting candidates while running for office—More on the 1986 re-election campaign—The appointment of a state treasurer after Treasurer Jesse Unruh passes away—Problems with the savings and loan industry in the late 1980s—Working with Governor Deukmejian and his staff—Relationship with the legislature—Comparing the first term with the second term in the Attorney General’s Office.

[Tape 13, Side A].....372

Making the decision to run for governor—Van de Kamp’s campaign focuses on developing three initiatives—Dianne Feinstein—Van de Kamp gains the endorsement at the State Democratic Convention.

SESSION 8, October 27, 2003

[Tape 14, Side A].....385

Van de Kamp’s thoughts on his strengths and weaknesses as a candidate for governor—More on using initiatives as a campaign strategy—Van de Kamp’s term limits initiative versus Pete Schabarum’s Proposition 140—Legislative response to the term limits initiatives—Changes in the

legislature since Proposition 140 passed—Financial impact of initiatives on campaign—Campaign team—Use of the media during the campaign—Dealing with negative campaigning—The role of pollsters.

[Tape 14 Side B]408

More on strategy behind proposing initiatives during the campaign—Republican candidate Pete Wilson supports Proposition 115—Campaigning for Propositions 129 and 131 after losing in the primary—The governor’s race leading up to the general election—Andrea Van de Kamp—Diana Van de Kamp—Activities in the Attorney General’s Office through the end of Van de Kamp’s term—Joins Dewey Ballantine after considering a number of options—Various activities Van de Kamp has participated in since leaving office—Thoroughbred Owners of California—In 1992 chairs an interview panel for the selections of the Los Angeles chief of police—Chairs a 1992 commission to present budget options to the Los Angeles Unified School District—Democratic leadership in the House—Thoughts on challenges and accomplishments throughout career.

[Tape 15, Side A]433

Reflections on experiences throughout Van de Kamp’s career.

INTERVIEW HISTORY

Interviewer:

Susan Douglass Yates
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Interview Time and Place:

July 21, 2003
Van de Kamp's office in Los Angeles, California
Session of one and one-quarter hours

August 18, 2003
Van de Kamp's office in Los Angeles, California
Session of one and three-quarters hours

August 25, 2003
Van de Kamp's office in Los Angeles, California
Session of one and three-quarters hours

September 8, 2003
Van de Kamp's office in Los Angeles, California
Session of one and three-quarters hours

September 15, 2003
Van de Kamp's office in Los Angeles, California
Session of one and three-quarters hours

September 30, 2003
Van de Kamp's office in Los Angeles, California
Session of one and three-quarters hours

October 14, 2003
Van de Kamp's office in Los Angeles, California
Session of two hours

October 27, 2003
Van de Kamp's office in Los Angeles, California
Session of one and three-quarters hours

Editing

Yates edited for punctuation, paragraphing, and spellings, verified proper names, and prepared the table of contents, biographical summary, and interview history.

Mr. Van de Kamp reviewed the edited transcript and returned it with a number of corrections.

Interview Preparation

In preparing for the interview, Yates conducted research at the *Metropolitan News-Enterprise* office in Los Angeles, as well as the *Los Angeles Times*, *Statement of Vote*, and *California Journal*. Yates also reviewed *A History of the California Attorney General's Office*, biennial reports and commission reports issued by the Attorney General's Office, and the 1975-1976 and 1976-1977 biennial report of the County of Los Angeles Office of the District Attorney.

Papers

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

Tapes and Interview Records

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

BIOGRAPHICAL SUMMARY

John K. Van de Kamp was born February 7, 1936 in Pasadena, California. He grew up and attended school in Altadena until the age of twelve when his family moved to Pasadena. He attended Trailfinders School for Boys, McKinley Junior High School, and graduated from high school at what was then John Muir College. He graduated from Dartmouth College in 1956 and received his LL.B. from Stanford Law School in 1959.

In 1960, after completing military service, he became an assistant United States attorney with the U.S. Attorney's Office. He served as chief of the Complaint Unit, chief of the Criminal Division, Chief Assistant U.S. Attorney, and in 1966 to 1967 was United States Attorney. He became deputy director for the Executive Office for U.S. Attorneys in Washington, D.C. in 1967 and became director of the office in 1968.

Mr. Van de Kamp first ran for public office in 1969. He won the Democratic primary for the Twenty-seventh Congressional District but lost in the special election to Barry M. Goldwater Jr. In 1969 and early 1970 he served as staff director in Jesse M. Unruh's 1970 run for governor. During the summer of 1970 he returned to Washington to work as a special assistant to the President's Commission on Campus Unrest.

In 1971, Mr. Van de Kamp was selected as the first Federal Public Defender in Los Angeles by the Judicial Council of the Ninth Circuit Court of Appeals. As the first Federal Public Defender, he hired lawyers and support personnel to represent defendants charged with federal crimes who could not afford adequate legal counsel.

The Los Angeles Board of Supervisors appointed Mr. Van de Kamp Los Angeles District Attorney in October of 1975 after the death of Joseph P. Busch. He was subsequently elected to the position in 1976 and easily won re-election in 1980. During his tenure as district attorney, Mr. Van de Kamp created units that focused on specific issues including gangs, sexual assault, domestic violence, child abuse, career criminals, and set in place programs to help victims and witnesses of crime, as well as establishing a unit to respond to cases of police officer-involved shootings.

In 1983, Mr. Van de Kamp became California Attorney General after winning the 1982 election against George Nicholson. He served as Attorney General until 1991. While Attorney General his administration gave new emphasis to environmental, consumer protection, anti-trust and civil rights enforcement through a new Public Rights Division. In the area of law enforcement the Attorney General's Office helped to modernize the Department of Justice's scientific and technological resources, including developing the Cal-ID Program and the use of DNA in investigations. The Attorney General's Office sponsored the 1986 Trial Court Delay Reduction Act and the 1987 California AIDS Drug Testing Program, and was instrumental in helping to pass the 1989 Assault Weapons Bill.

Mr. Van de Kamp ran for governor in the 1990 election losing the Democratic candidacy to Dianne Feinstein in the June primary. After leaving the office of attorney general at the end of 1990, he joined the firm of Dewey Ballantine LLP and became Of Counsel in 1996. Since leaving public office he has been involved in a number of public service, professional, and business activities. He was recently elected to be president of the State Bar of California.

[Session 1, July 21, 2003]

[Begin Tape 1, Side A]

YATES: As we were talking briefly about how we were going to get started today, we typically start with a general background, from the very beginning, in fact, of asking where and when were you born.

VAN DE KAMP: Born February 7, 1936 at the Huntington Memorial Hospital in Pasadena.

YATES: I know where that is. Now, let me ask you a little bit about your parents. First of all, their names, for the record?

VAN DE KAMP: My mother's name was Georgie E. Kalar. My middle name is Kalar. My father's name was Harry Joseph Van de Kamp.

YATES: And where were they from originally?

VAN DE KAMP: My mother was born and raised in Salinas, and met my father while she was a third grade schoolteacher down in Fullerton back in the late twenties, early thirties.

My father was born and raised in Milwaukee, and with his family, I think while he was still in high school, moved out to Pasadena. So he had lived in Pasadena since probably about 1918, something in that vicinity.

YATES: Do you know why they moved from Milwaukee?

VAN DE KAMP: Well, I know my father never wanted to go back to Milwaukee, it was so cold. But the family came out primarily because there was business here. My father's sister's husband [Lawrence L. Frank] had gotten into the bakery business with one of my father's brothers, Theodore [J.] Van de Kamp, sometime in the late teens, and so, really the whole family moved out. There were two brothers on my father's side, and he lived with a couple of sisters on South El Molino [Avenue] in Pasadena, which is a house that stayed in the family for, oh, close to probably sixty, seventy years.

YATES: So it seemed a good opportunity, Los Angeles in general, in terms of for a business?

VAN DE KAMP: Yes. It was a place of opportunity, I think, for everybody. And they made a great success out of the bakery business. The so-called Van de Kamp bakeries became a landmark in southern California until they sold out in the middle fifties. You had freestanding stores with windmills, Dutch girl hostesses, or salespersons, in costume, if you will. And later they went into self-service after World War II. Well, even till today you will see Van de Kamp bakery products. You'll see them in the remnants of the Alpha Beta stores, because Alpha Beta bought out the Van de Kamp's name after a successor-owner to my father's family organization went into bankruptcy.

YATES: I've seen them at Ralphps.

VAN DE KAMP: It is Ralphs. Ralphs is a successor to Alpha Beta. And what they did is they bought out the name in bankruptcy, the Van de Kamp's name and all the recipes, and so they have their central baking facility, and I guess they produce it from there, and then sell it through their stores. But our family sold out in the middle fifties.

YATES: But you said your father. . . . Was he actually part of the Van de Kamp's bakery business?

VAN DE KAMP: No. My father was the youngest member of the family, and he had some kind of bad experience along the line. I think he worked at the bakery for a little bit, and decided that he was going to be on his own. And when I was born, he was a teller at the Security First National Bank in Altadena, and was there for. . . . Gosh, I would imagine he worked there for close to twenty. . . . Not twenty years, probably ten, fifteen years.

YATES: Out of curiosity, what was his schooling?

VAN DE KAMP: Father went to high school—no college—graduated from Pasadena High School.

YATES: How did your mother's family end up in Salinas?

VAN DE KAMP: I don't know the full story, but they had come out, I believe, in large measure from West Virginia, and had settled there. My grandfather [James D. Kalar], I believe, was the county clerk in Monterey County for a number of years until he retired because of illness. They lived on Front Street in Salinas. My mother, who just passed away on May 5th

of this year, was in school with John Steinbeck, to give you a sense of her time. Steinbeck was about three years older than she was, but she remembered him, as a lot of people did, as the bad boy in the high school in Salinas.

Anyway, she was the oldest of her siblings. They're all sisters. She had three sisters, and she was the oldest, and went to San Jose State Teachers College, graduated from there, then went south to teach.

YATES: Do you know how she ended up teaching in Fullerton?

VAN DE KAMP: I don't know how she ended up there.

YATES: Somehow.

VAN DE KAMP: Somehow, yes.

YATES: Now, how did your parents meet?

VAN DE KAMP: I think they probably met on a blind date, through a mutual friend.

YATES: Because Fullerton and Pasadena aren't necessarily right next to each other, especially then.

VAN DE KAMP: Right. I think one of my father's best friends, a man by the name of Freddy Fox, who later became a screenwriter and a cartoonist, may have introduced them along the line. They married, I believe, in about 1933, if I'm not mistaken, which, of course, is right in the middle of the Depression.

YATES: And did your mother have to give up her teaching position at that point because she got married?

VAN DE KAMP: She did, and they bought a house in Altadena. Somebody left them a little bit of money, and up on North Holliston Avenue, right near Calaveras Street, and it's a house that they had till 1948. And I grew up there. That's where I was . . .

YATES: You said it was in Altadena?

VAN DE KAMP: Yes.

YATES: So they did OK. They were doing well enough that they could somehow manage to have a house?

VAN DE KAMP: I think the house. . . . I think that you buy a house back then for \$7,500, with a mortgage, right? That's included in the 7,500.

YATES: How did they do during the Depression?

VAN DE KAMP: My father continued working at the Security First National Bank, which became, what, Security Pacific [Bank], and then First Interstate?

YATES: That's what I remember it [being].

VAN DE KAMP: Yes. But that's what it was then. And, you know, they made ends meet. When the war came, World War II. . . . In fact, I remember Pearl Harbor Day, I was five years old then, and we had a family gathering at my father's and mother's home in Altadena, and everybody came up, and there was all the talk about Pearl Harbor and what lied ahead. About that time, he started to fill in working at our family restaurants, and he was just beyond the age group for a call-up for service. In fact, he was a warden, an air raid warden, during World War II in our neighborhood. And he started to work over at Lawry's

The Prime Rib, which is the family restaurant that they had put a little money. . . . Another relative had died and they were able to put a little bit of money into it. And frankly, that bit of money probably ended up getting me through college and law school, and it was a very successful venture for them in many ways financially. And today the restaurant business is still going strong.

But he started work over there as assistant manager, and then helped manage the place, and he worked over there until he died, back in 1977.

YATES: I'm sorry, you said that happened right around 'forty . . .

VAN DE KAMP: It was about the beginning . . .

YATES: The beginning of the war, of our entering the war.

VAN DE KAMP: Yes. [The] Second [World] War.

YATES: I know you were born in 1936. You said they were married in '33.
You have siblings?

VAN DE KAMP: I have a sister, Gretchen [Van de Kamp], who was born in 1939.

YATES: OK. So there were the two of you. You're the older of the two. And when you mention the Depression, of course, you're right on the edge of that in terms of what you remember, but what was it like growing up in, I guess, Altadena? I was going to say Pasadena, but you said you grew up in Altadena, really. Right?

VAN DE KAMP: Yes. For the first twelve years of my life, I grew up in Altadena, and what I remember about it was not really the Depression, because these

would be the later years of the Depression, but it was a very family-oriented neighborhood where the kids would go out in the summer and play Kick the Can. I had two friends of my age who lived just across the street. We've been friends until this day, actually. When my mother died recently, one of the guys called me up. I hadn't seen him for a while.

It was a very nice neighborhood to grow up in, and, you know, I don't think we really felt the Depression very much. My mother and father did, because my father, having been a banker, was always worried about every dollar that was made, and was very prudent in the way he dealt with his money. And my mother was the same way. She was worried until she died that she would never have enough to take care herself, even though she was very comfortable financially when she passed away. So clearly it left a scarring experience, you know, for them. They grew up in a different era than my daughter [Diana Van de Kamp] is. And so I think I picked up a little bit of that, probably some of my penurious habits.

YATES: Well, what about your mom's family? Did the Depression have a big impact on them?

VAN DE KAMP: I don't know. I don't know that much about it.

YATES: So it was her experiences primarily that really. . . . She felt it herself, and your father?

VAN DE KAMP: I don't know whether she had a scholarship when she went to San Jose State, that was a state school, so it couldn't have cost all that much. My grandfather died, I believe it was either '38 or '41. My two grandfathers [James D. Kalar and Henry Van de Kamp] both passed away within about three years of one another.

YATES: So you didn't really know them.

VAN DE KAMP: No. So I don't know quite what was left behind financially. I know that my grandmother [Clara "Mama Kadie" Kalar] lived on Front Street for many years, and then another sister [Geraldine Mahoney] had sort of watched over her in Salinas, a sister who had stayed there. And then she—my grandmother—passed away. . . . Gosh, the sixties? Something like that.

YATES: Well, it sounds like a great place to grow up, Altadena. I mean it still seems like a great place to this day. I'm sure it's changed quite a bit. But what was your family life like?

VAN DE KAMP: Well, my father. . . . I'm trying to remember his work schedule. It changed over the years. It depends on, you know, what one remembers.

YATES: Sure.

VAN DE KAMP: My father was a tennis player, and he used to play tennis. He was a great smoker all of his life, and he used to play tennis with his cigarette in his mouth, the goddamnedest thing I've ever seen. But when I was a kid, about nine years old, I started to play tennis, and so

for a number of years, I'd say three or four years, I was playing tournament tennis. My father essentially had taken me up to some public courts and taught me how to play.

He had founded, along with some of his friends, a club called the Altadena Town and Country Club, which was an old place that had been run down. Originally it was on the edge of a golf course in Altadena, right around the corner from where we lived. In fact, during World War II, my friends and I would build bunkers on the side of the hill overlooking the course, to basically take out the German tanks that were coming across the golf course. Right?

The golf course had gone to hell during the war, and just after the war—there were a couple of tennis courts there—my father and some friends started to play tennis up there, and then they started the club, which later got repaired and was put in pretty good shape. And they used to have some very good tennis tournaments. They built additional tennis courts, and I played a fair amount of tennis up there as a kid and used to ball-boy in tournaments. I remember ball-boying for Maureen Connelly at one time when she was a fairly junior champion. She was eighteen. She became the Wimbledon champion a couple years later.

So a lot of my early years were spent playing tennis.

YATES: I know that area has had a lot of tennis activity going on, didn't it?

VAN DE KAMP: They would have a pretty good tournament up there, and I played in mostly public stuff. I never went over town or played in the fancy tournaments. But I played playground tennis, and had some friends that played there, and I was OK for a while. But then I gave it up for a few year, and picked it up later playing on the tennis teams at McKinley [Junior High School] and [John] Muir [College].

When I was about nine, I went to a private school in Altadena called the Trailfinders [School for Boys], which had a big influence on my life.

YATES: So up until that point, you'd been going to a . . .

VAN DE KAMP: Went to a public school, Altadena Elementary School, through, I guess, the fourth grade. And then. . . .

YATES: And then you said you went to Trailfinders.

VAN DE KAMP: I skipped half a grade while I was at Altadena. So I guess when I was about nine I went up to Trailfinders, which was literally right up the street, on El Molino and Mariposa [Street]. And it was a school that was developed by a couple, a man by the name of Harry [C.] James and his wife, Grace Clifford James, and it was basically a school of about forty students. I would say two-thirds of them lived in. They had a pretty good piece of property there on that corner, with playgrounds, and cages for birds and animals.

But it was essentially an outdoor school, where every two weeks you'd go camping. And so at nine, ten, you're going out, camping

overnight. On occasion you'd have to cook your own meals, you know, you have to make your fireplace and cook your own meals—part of the self-reliance development program.

And then in the summers, they had six-week summer camping trips where we would go to places like Tuolumne Meadows up in Yosemite [National Park], the back country of Yosemite, and spend four weeks there, then two weeks at Tenaya Lake, which is just a little bit lower. You go out climbing every other day. The day in between you'd be in camp cleaning your clothes. They had a little bucket, not actually a bucket, a ceramic thing that you'd do your blue jeans in, and, you know, take care of your belongings. And it was a very good experience, I mean in terms of self-reliance.

YATES: Yes. It sounds wonderful.

VAN DE KAMP: One year we went to the Hopi Indian country, then up to Zion [National Park], and Bryce [Canyon National Park], and the Grand Tetons. And we did some serious climbing in the Grand Tetons. I mean, here are kids twelve, thirteen, fourteen, climbing the Grand Teton, which is a serious climb.

YATES: I was going to ask you. So there are about forty students at this school?

VAN DE KAMP: Forty students in the school, and we'd have twenty to thirty that might go out in the summer camp.

YATES: And what were the age ranges then?

VAN DE KAMP: Well, usually nine to fifteen, that group.

YATES: How did you end up going there?

VAN DE KAMP: My parents had heard about it, and they thought it would be a very good learning experience. We had small classes. The main teacher, Mrs. James, was one of the really wonderful, great teachers of all time. And it was a good experience because you'd show up in the morning at seven-thirty. I'd walk to school most of the time, which is not very far from where I lived, maybe a mile and a half, and the first thing, you'd be placed on a work assignment, where you had to clean out the cactus garden—that was one of the unhappier jobs—or clean out the area where the rabbits were being kept, or the trails, or whatever. So you had work assignments that would be varied.

Then maybe half an hour later you would then report in to the library, and then into the living room, where you'd get the newspaper read to you for about fifteen or twenty minutes. And then you'd hear classical music for another twenty, twenty-five minutes. That's how you'd start your day. So you'd be in class, let's say, at eight forty-five, nine o'clock, after you'd had a full dose of the current world events from the newspapers, as well as a dose of music appreciation. Classical music—you'd be hearing anywhere from Sibelius. . . . I mention Sibelius because Sibelius was still alive, and we used to send cigars to Sibelius for his birthday—to Mahler.

YATES: Did you ever hear back from Sibelius?

VAN DE KAMP: He'd write a thank-you note. The opera. The opera would come to town and a bunch of us would go to the opera. It was a wonderful way to expose kids to a much broader part of life than you would normally get. And it was not an expensive school. It was fairly rough and ready in terms of the accoutrements.

YATES: And then the rest of your day would be, you'd have . . .

VAN DE KAMP: Classes. Regular classes.

YATES: Regular subjects that you studied.

VAN DE KAMP: Yes, that's right. And, you know, we had some great success stories of people that came out of that school, botanists, geologists. But above all, one of the common features of the people that came out of the school was a real love for the environment and conservation, national parks, camping, and that kind of thing.

YATES: I was going to ask you what you got out of going there.

VAN DE KAMP: Well, it helped me a lot, in terms of policy interests, particularly in park preservation. You know, one of the things I think that I did OK as attorney general was in the environmental protection area. I was honored to be involved with the Nature Conservancy at a time when they dedicated a number of their new parks here in California. Ring Mountain, for example, or down at. . . . In fact, right behind you there's a picture there down near Temecula—what is the name of the area?—but it's up on this beautiful area of vernal pools that has been expanded. It's the Santa Rosa Plateau. That picture came from a

developer who we stopped from developing down there, and who later gave five hundred to a thousand acres to the Nature Conservancy so they could expand their protected area down there.

YATES: And just for the record, since the tape recorder can't see this, it's a beautiful photo of . . .

VAN DE KAMP: It's a photo of a large—it looks like Engelmann Oak.

YATES: It's beautiful.

VAN DE KAMP: In the middle of a field. It's very plain. That had to be given to me after I left office, because anything that was given to me before was verboten.

YATES: So this experience at this school, it sounds like really instilled a great love of nature.

VAN DE KAMP: Yes. That all sounds a little corny, but the outdoors, certainly.

YATES: Yes. It gave you an appreciation.

VAN DE KAMP: And preservation.

YATES: I wanted to ask you a little bit more about your family life. You talked about time you spent with your dad. What about with your mother and how . . .

VAN DE KAMP: Well, let me finish with my father, because we'd play tennis—my father loved sports—we'd go to the track meets together. My father had been a runner, despite his smoking, when he'd been a kid.

YATES: You said he smoked while he played tennis.

VAN DE KAMP: And we'd go to football games, and the whole family, on occasion, would go down to the Owl Softball games down at Brookside Park in Pasadena in the middle of the summer. This was a big family event. Or we'd go out to picnics on weekends, when I was not out with the Trailfinders. So, you know, we'd basically get in the car a lot of times, even on a weekend, and get out for the day and take a picnic lunch, and hike, walk, swim, whatever.

My mother, who was quite a remarkable person, had given up teaching to basically raise my sister and myself. And my mother was a good athlete. She was a fine swimmer, loved to go to the ocean and surf, and she played some tennis, she even played a little golf, and was a very good cook, very outgoing and aggressive. When my sister went to college, and after I was away at college, she went back to teach. She went to teach over at Anoakia in Arcadia and essentially started, or expanded, a life of her own.

She was co-founder of a major arts program in Pasadena; she was president of the Pasadena Philharmonic; she was involved with the Claremont Colleges, I think the organization was called the Colloquium. And this was a time when women's liberation was not a word that was even talked about, but my mother, just through dint of personality, and maybe a little pushiness, had a very busy life. She was also a gardener and became one of the really fine amateur

horticulturists. She became the treasurer of the American Horticultural Society, and also was active in the Pacific Horticulture Society.

When my father passed away in 1977, she, who was then involved in Descanso Gardens, was able to get some seed money together and raised over a million dollars to build a hall over there, which is their all-purpose hall as you come into Descanso Gardens, where they have their camellia shows.

YATES: I've seen that, yes.

VAN DE KAMP: They surprised her at the end of the day by naming it [Georgie] Van de Kamp Hall. It was a surprise. I don't think that was what she had in mind, although she loved every minute of that when that occurred. But that's a beautiful building. We had a local architect, in fact, a fellow who went to school with me, Barry Berkus from Santa Barbara, who did the architectural work on the building. It's very much like a [Charles] Greene and [Henry] Greene building, which ties in very nicely with the architecture around Pasadena.

And about a week before she died—I don't know that she ever saw the letter—Supervisor [Michael D.] Antonovich sent her a letter saying, "Dear Georgie, I want you to know that the board has appropriated money to fix up the hall." So that hall was built in 1982, thereabouts, and now twenty years later they had to do some deferred maintenance.

But, anyway, just to go a little bit further about her life, she, as a mother, she was very concerned about our grades. She very much wanted us to succeed and watched us like a hawk in that sense. And if I got a bad report card I would know about it.

She was at one time trying to get me to go into the foreign service, and get trained to be a public officer in the State Department. She was very involved in when I went off looking for college and this kind of thing, because she. . . . And my father, too, wanted to make sure that my sister and I had every educational benefit that they didn't have. She was probably the first in her family to go to college. My father never did. He never did primarily because of the economics of the time and of the family. And, of course, going to college was more normal by the time I went, than in his era.

YATES: Their generation.

VAN DE KAMP: Yes. Their generation. It was sort of . . .

YATES: Especially for your mother, to go to college, to go to Teachers College.

VAN DE KAMP: Yes.

YATES: Did your sister go to Trailfinders?

VAN DE KAMP: No. My sister went to public school—Arroyo Seco [Elementary School]. We moved to Pasadena, down on La Loma Road, in 1948. So my sister went to public school, and then went to Mayfield for a number of years—the junior school—and then ultimately went up to a school called Castilleja, up in Palo Alto. And when I was in law

school, I'd go over and see her. She was a boarder. Then she went on to Garland [Junior College], in Boston, for a couple of years.

She served a term—I don't know quite how this all worked out—with the Ford Model Agency in New York. I've seen her book. Somebody put it together last year. She had an Audrey Hepburn-like neck, and some of the pictures of her at that age, when she was twenty-one, twenty-two, are just absolutely gorgeous.

YATES: Sounds like she took quite a route through school. She went to a number of different places.

VAN DE KAMP: Yes. Well, yes. Mayfield's in Pasadena, so, you know, she spent most of her time there, and then she went to Castilleja, which is a boarding school in Palo Alto.

YATES: So how many years did you go to Trailfinders?

VAN DE KAMP: I was there for a total of four years. I skipped the eighth grade. So I was there for four years.

YATES: And why did you skip eighth grade?

VAN DE KAMP: I guess they felt I was ready for it, that I didn't need to do it. So the result was I was sixteen when I graduated from high school.

YATES: Well, now, I read somewhere you went back to, for the last couple of years, to public high school. Is that right?

VAN DE KAMP: I did. When I finished Trailfinders, it was the ninth grade. I went to McKinley Junior High School in Pasadena, and then to John Muir College, they called it. It was a two-year high school, eleventh and

twelfth grades, and two years of junior college. I did the two years in high school before I went to Dartmouth [College].

YATES: I see. And what was your experience like at John Muir?

VAN DE KAMP: It was good. I was young for my class, but I was elected to the Student Council. I played tennis, a lot, and varied between number one or two on the tennis team. I played on the golf team. In my second year there, I took a lot of junior college courses, which were useful in a number of ways because I was dealing with older people in my class, and getting some more sophisticated kinds of classes to go to.

But I got involved in student affairs there, and enjoyed it. I just went back to my fiftieth high school reunion a couple of months ago. My old doubles partner from high school Bill Travers, who has been a geology professor at Cornell [University] and runs a natural gas company out of Carpentaria, came down for it, and [I] saw a lot of people that I knew from back then.

YATES: What were you interested in at that point academically? If you can pinpoint anything.

VAN DE KAMP: I was headed for a liberal arts education and was interested in government and politics, and to a certain extent, history, literature.

YATES: Did you have any teachers at John Muir that really had any impact on you?

VAN DE KAMP: Yes. I think the one teacher that many of us enjoyed, and I think he's still alive, is a man by the name of George Feinstein, who taught

literature. What he did was rather useful. You'd come into class, after reading the homework assignment, and immediately he'd say, "Fine. I want you to write a . . . I'm going to give you eight minutes to write an essay on *x*." Something about what you'd read. And so, you know, you'd have to grind something out. And then we'd talk about it, and go back and forth in the class. And the class had very bright people, many of whom went on to college.

And what he did, though, was to get you to do it. There's no better experience for college than writing, and just doing it. I mean, sure, getting criticized for when you're off-base, or your grammar's bad, but also learning how to put things in some kind of order. Because I found in college the most useful talent to have was the ability to write exams, to write papers, and that kind of experience was invaluable. And the only way you can write well, in my view, I guess some people are just naturally talented at expressing themselves, is to just do it and do it and do it. And so that was enormously helpful. And also the classes were fun. He was a great Mark Twain devotee, and I think still writes letter to the *Pasadena Star-News*. He's one of those lifelong letter writers. He's retired now, but a very interesting man.

YATES: Well, I was thinking about the period that you were growing up, and you mentioned a family function where people were talking about Pearl Harbor. And, of course, you were a little bit on the young side,

but I was wondering how much interest you or your family had in following what was going on during World War II.

VAN DE KAMP: Well, I was what. . . .

YATES: You were a little young.

VAN DE KAMP: I was a little young then. I guess I was five years old, but I remember that day very well because people were talking about it and people were frightened. Then during the war, I started to read, very early, so the first thing I would do would be to run and get the newspaper. I remember following the war, especially in the Mediterranean, very closely, day after day after day. You'd see these propaganda movies, but you'd also follow the war very carefully.

YATES: You're talking about the movies, like you'd go see if you went to see a picture?

VAN DE KAMP: *The Sands of Iwo Jima*, or *Thirty Seconds over Tokyo*. Those are two pretty good movies, by the way. But you saw a lot of propaganda stuff about the war. Movies became a staple of our life.

YATES: What about your family, or as a group, your parents? You and your sister would have been really young, but I'm thinking, would there be lots of discussion about things at the dinner table?

VAN DE KAMP: Yes. Usually, in those years, we would have dinner together. Later my father would have dinner over at the restaurant with the co-workers, and then get home, and sometimes he'd sit down and have a drink with us. So yes. It would be a time when my mother would

make dinner regularly, so it was not a thing where it's just done on the fly. You sit at the regular dining room table and have dinner and chat about whatever had happened during the course of the day, which is, I think, a very valuable thing for families to do, and doesn't happen much anymore because families are so busy.

YATES: Right. Everybody's got different activities. What about their political leanings—your parents?

VAN DE KAMP: Well, my mother was a Franklin [D.] Roosevelt Democrat, and my father was a Republican—I think he voted for Franklin Roosevelt once and said he'd never vote for him again. And I think I may have been one of the very few Democrats that he ever voted for. But his family was very conservative. In terms of unions, the Van de Kamp bakeries were picketed, had really some violent labor problems back in the forties. Fortunately, my father was not involved in that. But his family was just very anti-union at that time.

My father was probably more moderate than his brothers in some ways. I mean, he voted for people like [Thomas H.] Tom Kuchel, who was a moderate Republican, and, you know, he crossed the line, I'm sure, once or twice, but he was economically a Republican.

My mother, on the other hand, had strong social values, certainly civil rights, and supported the kinds of issues that I think the Democrats have worked for for a long time. My father, on the civil rights front, was, I don't know if you'd call him liberal, but certainly

was extraordinarily open. People who came to his funeral from the restaurants, people that he'd sat down to dinner with for years, were the guys who worked in the kitchen, the waitresses, you know, regular working-stiff kinds of people that my father had a lot of respect for.

And one of the things I've always been proudest of about my father's family is that in terms of openness, The Prime Rib, long before most restaurants in Los Angeles were available to African Americans, was very open. So the Tom Bradleys from the early times of their life were always very welcome, were and are to this day, and we helped break a lot of ground in Los Angeles in that sense.

YATES: So it sounds like your father, in his own way, was not of the same bent as the rest of his family.

VAN DE KAMP: Well, in that area, I don't think the family was ever out of the mainstream.

YATES: Oh, OK. So there were those. . . . It was sort of moderate.

VAN DE KAMP: Yes. It got to civil rights issues, I don't think. . . . Maybe not on welfare or on economics issues or tax issues or union issues, for some reason.

YATES: So this wasn't just your father; it was the rest of the Van de Kamp family.

VAN DE KAMP: Yes. I think his brothers were quite conservative in their own ways, but I think, again, on civil rights, I think they were pretty good. My father's sister married Lawrence [L.] Frank, who was Jewish, and we

were in business, the two families, the Frank and Van de Kamp families, we're still in business now, eighty-four years later, which is quite remarkable. And there's never been an issue there with the two families.

YATES: Well, speaking of religion, that's one thing I didn't ask you about, if you grew up with religion playing a role in your family.

VAN DE KAMP: Well, my mother was a Presbyterian. My father was a Catholic. And my mother had promised when she was married that she would raise her children in the Catholic church, and so my sister and I were. I never went to Catholic school, but I did go through religious catechism training over at Mayfield. When we moved down to Pasadena in about '48, I was volunteered to mow the lawns over at the Mayfield Senior School. They'd just gotten this school from the Strub family, and in so in return for that, I got my catechism there and I had my confirmation there. I think was the only male in the confirmation class.

However, my mother. . . . I went to a couple of Presbyterian camps—and my mother, strangely enough, about a year before she died, told me that she wanted to be buried in the Catholic church. She never converted, per se, but when she died in May of this year, I made sure that her funeral services were conducted in the local Catholic church outside of Paso Robles.

YATES: Interesting. College. You mentioned about your mom taking, of course, an interest, and your father, too, of where you were going to go. I assume that you assumed you were going to go to college. That wasn't a question.

VAN DE KAMP: No. I did. Well, in high school, I was a member of the California Scholarship Federation, and [my] grades were pretty good. But I started very early. With some help from my mother I got *Lovejoy* ['s] catalog, which listed all the schools in the country. I had pretty well decided I was going to go to a small liberal arts kind of college, and looked at places like Wabash [College] and Oberlin [College] and some schools in the Midwest and eventually got interested in Dartmouth, because of its outdoors reputation. The Dartmouth Outing Club takes a lot of the young people back into the wilderness, there's skiing, and all the rest. It's a small school, and it really ultimately was the first school on my selection list, and I was lucky enough to get accepted there.

YATES: So you started Dartmouth in. . . .

VAN DE KAMP: In '52.

YATES: 'Fifty-two. OK. That's a long way from home.

VAN DE KAMP: Yes. In fact, we drove back there from California. We took a cross-country trip.

YATES: Before you actually started there?

VAN DE KAMP: First year. We took our time. I remember we stopped at. . . . The first night out was at Las Vegas.

YATES: What was that like?

VAN DE KAMP: Well, it was the old days. We stayed at the El Rancho Vegas. I'll never forget going into the barbershop. And my father was either getting a haircut or a shave. I mean, it was great to go into that barbershop because I wasn't sure whether we saw Bugsy Siegel, or someone like him. The people there were quite different.

But we somehow ended up in Santa Fe, and I remember my father, who used to carry around his bottle of Old Crow, decided to ask me, "Would you like to have a drink?" Sure. And so I started my drinking career at age sixteen.

YATES: On Old Crow.

VAN DE KAMP: Which was very useful. My father was a bourbon drinker, and so there was nothing extraordinary about drinking by the time I went back to Dartmouth.

YATES: How long did you take to make the trip?

VAN DE KAMP: We must have taken, I'd say about ten days or so. It was almost like a family vacation. And we went through Saratoga, Rutland, and then into Dartmouth. So they had a chance to see it. And I think they felt they had something invested not only in me, but in the place, which was nice, because they came back for my graduation years later.

But getting back to this drinking thing . . .

YATES: Hold on. I want to turn the tape over.

[End Tape 1, Side A]

[Begin Tape 1, Side B]

YATES: OK. You were talking about your. . . .

VAN DE KAMP: The drinking thing was a valuable lesson. You know, my father took the mystery out of it, just by, “Have a drink with me.” No big deal. When I got back to Dartmouth, I was sixteen, most the guys in my class were eighteen, they’d come out of Phillips [Academy] Andover, Phillips Exeter [Academy]. What is it? I keep getting the two confused. Exeter and Phillips Andover, I guess it is, the two known prep schools. You know, for the first couple of weeks, the drinking that went on there, kids were just getting bombed every night. It was as if suddenly they’d been let out of their cages—they’d never had a drink before, and now they had absolute freedom.

For me, it wasn’t a big deal. And I made sure that I passed on the lesson to my own daughter. I gave her a glass of wine when she was in her mid-teens and did not make a big deal out of it.

YATES: Right. Instead of going off to college. . . .

VAN DE KAMP: I’ll never forget one night, we had some friends in, and she was drinking champagne, and she, as you can with champagne, drank too much, and learned a good lesson. Fortunately it was right at our house. [Laughter]

YATES: Right. I know, of course, this is obvious to you, but I keep thinking, of course, Dartmouth was an all-male college. Not that that matters, but did that have any bearing on where you wanted to go to school, whether it was coed or not?

VAN DE KAMP: No. No, I didn't go there because it was all male. In fact, it isn't today, and my wife [Andrea Fisher Van de Kamp] became one of the first women assistant deans of admission at Dartmouth in the early seventies. When Dartmouth went coed, my wife was hustled to go to work in the admissions department at Dartmouth, and as a result I met her during one of her trips out here to California. That's where we first met.

YATES: That was the connection, Dartmouth?

VAN DE KAMP: Yes.

YATES: So you go to Dartmouth, and what was it like?

VAN DE KAMP: Well, I don't know what it's like these days, but when you arrived you had a some freshman hazing, where the upperclassmen had you carrying their furniture around, and doing all these kinds of things. You wore silly beanie hats, and all the rest of it.

On the other hand, what they did, and it's quite smart, is they get the class together, where you get to know everybody. And through the convocations and other programs the first couple of weeks you do get acquainted. And I enjoyed it. I got involved in the college radio station almost from the very beginning.

YATES: How did that happen?

VAN DE KAMP: Well, you had various activities you could get into, the Dartmouth Outing Club, WDBS, which was the Dartmouth radio station, the theatre group, you know, all kinds of things like that. And somebody just said, as a lark, "You should go over and audition to become an announcer." Well, I did that, and they accepted me. I went through the training period. I spent much of my life at Dartmouth in the college radio station. I was the station manager my last year. I had an evening news program, the six o'clock news, every night.

Now, mind you, this station was not a heavy hitter. We probably reached three or four hundred people in a good hour. It was a carrier current frequency station, but it, you know . . .

YATES: But that's kind of an unusual experience, I would think, to be able to do that.

VAN DE KAMP: Well, we had what we called the Ivy League stations. All the major schools had little radio stations. And at WDBS we'd be on twenty-four hours a day during exam time. I remember when I'd finish my exams I'd take the twenty-four-hour shift, usually around Winter Carnival time it would turn out to be, and you'd keep the place going just by putting on record after record. In that era we started with 78s, we got to 45s, then 33s, and we used to have about fifteen or thirty 33s, right. So you just had to keep flipping, or turning records all the

time. A lot of the records that we'd play often got so scratched and beat up that they were almost unusable.

And the one large Ampex tape machine would go out every two weeks, and we'd have to send it from Hanover, New Hampshire, to Redwood City to get it repaired. It would come back, and it would work for a couple of weeks, then you'd have to send it back again. It was primitive

YATES: You were deciding what you were going to program, or what you were going to play, basically?

VAN DE KAMP: Well, you'd have different programs for different things. The evening news—you'd pick up the news off the tickertape, and edit it, and get it into fifteen minutes, and that was it. And there were classical music programs, popular music programs, and you'd schedule different programs. I mean, I'd go down and have an assignment to do some live music at the Hanover Inn where some guy would play the piano for half an hour, right. Or when they had the Hums in the spring, that is, when the fraternities would have their glee clubs, they would stand out in front of the Dartmouth Hall and they'd compete. There'd be winners, the best Hum group of the year. So we'd broadcast those live from there. When there'd be concerts in Webster Hall, for example, for glee club performances, and we'd carry those, do those live. We did football games and baseball games, you know . . .

YATES: So everything.

VAN DE KAMP: A little bit of everything, yes. I was not a very good basketball announcer. I tried it one time. I got so far behind the action I pretty much gave it up. Baseball was hard, too, because you'd run out of things to say. You have so much dead time in baseball.

YATES: So it's sort of the opposite problem from basketball.

VAN DE KAMP: Yes. Basketball is just trying to keep up with the players. You didn't know. . . . You didn't even know your own team usually, especially the freshmen games. These were players you'd never seen before. And the other team, I mean, totally unknown. It was good training. Some guys could do it pretty well. And we'd do hockey. I ended up doing a little color at football, that was about it. I was not a very good sports announcer.

YATES: Obviously you went to a liberal arts school. What were you leaning towards at that point, in terms of what you were going to study at college?

VAN DE KAMP: Well, the first two years were pretty basic in those days at Dartmouth.

YATES: Did you have requirements you had to fulfill, basically?

VAN DE KAMP: Yes. You had to take science and English, history, and a language course, I mean some basic things. In the last couple of years you had a chance to major in something, and I decided to major in government, or political science, as it's known most places. I remember writing my term paper on William G. Bonelli and his attack on the *Los Angeles Times*. Bonelli had been the head of the State [Board] of Equalization,

and became something of an outlaw. I think he ended up in Mexico as a fugitive. It was a wonderful political story. In looking through my mother's papers the other day I found the paper. I hadn't read it since college.

YATES: How did you end up picking that subject?

VAN DE KAMP: I just thought it was an interesting story, which it was, because it pitted a corrupt guy versus what was then a very corrupt political establishment in Los Angeles, which was the *L.A. Times*. You have to remember Chinatown, and the *L.A. Times*'s political influence that they exerted for years and years and years that really ran Los Angeles. It's hard to say who was worse, Bonelli or the *Los Angeles Times*. The statutes have run out on the *L.A. Times*. When Norman [Chandler] took it over, they lost much of their political punch, but before his time they would name senators, congressmen, local political officials. They basically were the political power in this community.

YATES: So you haven't reread your paper, you say?

VAN DE KAMP: No. But I have it.

YATES: Well, like I asked before, were there any particular professors that you had, that had any kind of impact or influence on you at that juncture?

VAN DE KAMP: I'm trying to think of ones with lasting impact.

YATES: I mean, maybe not. I just was curious.

VAN DE KAMP: Yes. Nobody that really comes to mind. I can remember some of them. I had some good professors. Professor [] Garfinkel was the

government professor I had when I wrote this paper, and I remember him. A number of others were entertaining. [Professor Harold Wilson was an expert on Diderot and was a stimulating teacher. The Great Issues course in my senior year was my favorite. It brought a broad diversity of speakers once a week to speak to the entire class—speakers ranging from Robert Frost to Thurgood Marshall.]¹

YATES: Were you active in any student government when you were at Dartmouth?

VAN DE KAMP: Yes. I was on the Undergraduate Council for a while. And again, I ran the college radio station in my senior year.

YATES: It sounds like that probably took a fair amount of time, doing that.

VAN DE KAMP: Well, the college radio station took a lot of time, usually five or six hours a day—it was great fun.

YATES: Were you doing any sports yourself at that point?

VAN DE KAMP: I played some freshman tennis.

YATES: The weather . . .

VAN DE KAMP: The weather's not very good because it gets so cold so fast. I learned how to play squash. I played a little JV squash and tennis, but that was about it athletically except for intramural baseball and basketball. In fact, I went back there to do a lot of outdoors stuff, and I think I went

1. Mr. Van de Kamp added the preceding bracketed material during his review of the draft transcript.

canoeing once or twice, I went skiing once. I didn't do anywhere near what I expected to do. I just got so tied into the college radio station.

YATES: Yes. That sounds like a regular activity. At what point did you start thinking about what you were going to do when you left college?

VAN DE KAMP: Well, it was really up in the air, and finally I decided I'd try law school. Well, first the broadcast industry did not appeal to me particularly, it's very hard to break in unless you start at a very small station someplace. Second, from an administrative standpoint, I spent a little time in New York visiting moguls. I remember going down to ABC [American Broadcasting Corporation] one time, and spent the morning with the number two guy at ABC television. And then I'd spent a summer over at ABC here in Los Angeles as a mail clerk, where I had been driving a Jeep back and forth between the studios at Prospect [Avenue] and Talmadge [Street] over to Hollywood [Boulevard] and Vine [Street]. But I worked the rounds, so I got to know. . . . I was probably nineteen then.

YATES: You said during the summer you did this?

VAN DE KAMP: Yes. Summer job. I got to know the executives. I was getting paid around forty dollars a week for this big job. But I got to know people, and saw the way things were being done there, and I thought, boy, this is not a very pleasant place to work. People seemed to be knifing each other in the back every day.

While I was there, by the way, I remember giving a paper one time to the station manager, Earl Hudson, who was an old-timer, suggesting that television should really start putting on first-run, class B movies, and do it with a little premier. People in those days were hungry to see stars live on television. You're too young to remember the *Milton Berle Show*, but, I mean, he'd bring on people that nobody had ever seen live before, and it was always very exciting. Anyway, this concept later became Movie of the Week. Not because they had stolen it from me. Somebody else, I'm sure, developed the idea.

YATES: Figured it out.

VAN DE KAMP: Yes. If you think about it, that's really what Movie of the Week is all about, without the personal interviews with the people who are on those shows.

YATES: Well, it sounds like a good experience, because it also helped you think about what you wanted to do, or not do.

VAN DE KAMP: Well, no. I found work experience is terrific in terms of getting started in life. I worked part of one summer over at our family's production facility before I went over to ABC. In fact that summer I worked for a couple of weeks over there on the bottling line at the Lawry's food plant. And one summer I worked in the restaurants, doing kitchen work. I also worked as a counselor for one Trailfinders group for a number of years, driving the vans and serving as one of the senior counselors at those camps.

And so I worked every summer, outside of a trip or two after I got out of college, doing something, bringing a little money in, but also getting a broad experience.

YATES: It sounds varied.

VAN DE KAMP: Yes.

YATES: You said you decided on law school. What was really behind that decision in terms of why you wanted to go?

VAN DE KAMP: Well, I think at that time the decision was based on a couple of grounds. One, I wasn't quite sure what I wanted to do; second, I thought that having a law degree would be useful in business and necessary in the practice of law. I thought that if I went into our family business that having a law background and being a practicing lawyer could be helpful, whether it's in the tax work, or whatever was needed.

It was the best decision I ever made. When I left law school, I went and finished my service duty. I had been in the National Guard and went on a six-month active duty program at Fort Ord and then down to Fort Knox, as an enlisted man. And when I came out in April of 1960, I went around looking for work, and interviewed firms. Again, my luck held, because I interviewed at the U.S. Attorney's Office, and Laughlin [E.] Waters, who was then the U.S. attorney, a Republican, knew some members of my family. They had an opening or two over there, and he agreed to take me on. Now, at that time, I

was, what, just twenty-four years of age. Today you can't get in the U.S. Attorney's Office unless you've had several years of practice.

YATES: Well, I was wondering, because I noticed that you basically went straight from law school, except for this period of military service, into this position, and I was wondering how common that was.

VAN DE KAMP: Well, at that time you could do it. In fact, I talked to Burt Pines this morning. Burt is the former city attorney, and now Governor Davis' judicial appointment secretary. Burt came into the U.S. Attorney's Office right after he came out of NYU [New York University], along with a good friend of mine, Michael Balaban. They both came in around the same time, and you could do that. Today—maybe it's just the job market—they want a couple of years' experience.

YATES: Before getting into that more, I know you went to Stanford [University] for law school, and how did you end up choosing Stanford?

VAN DE KAMP: Well, I decided to come west, and come home, figuring that if I was going to practice in California, that not only would it help me with the bar, but also that you'd know other California lawyers. And Stanford, at that time, along with Boalt [Hall], had a reputation of being one of the best California law schools. And also was away from home. I wanted to continue to stay at least some distance from my family.

YATES: What areas of the law did you start developing an interest in?

VAN DE KAMP: My interest at that point was just getting out of law school. And in terms of interests. . . . I was not particularly interested in tax. In fact, I think one of my worst grades was in tax. But I remember going through moot court and enjoying that, not that I did anything extraordinary in moot court.

But the notion of having the type of an active, vigorous life, tied into a trial practice rather than being a probate or estate lawyer, appealed to me. That's why the U.S. attorney's job was near perfect because I was in court almost from the very beginning, I tried my first case less than a month after I joined the office. All of a sudden you're given a file and you have to go down and try a case. That's pretty intimidating at the beginning, but I'll tell you, it breaks the ice, you get in, and you're on the right side of the issue most of the time. You have high ethical responsibilities, you're working for great people, you're working around wonderful people that are very close to one another, and you really learn. It's sink or swim time. And to this day, the U.S. attorneys have an annual event, a dinner that comes up in November, where graduates of that office get together and socialize. Many of my old friends who worked with me over there still come to this event. It's a great fraternity.

And it was a great experience. If it had not been for that, I would never have had the rest of my career. When I started off there I tried some cases, and probably was average in terms of my trial ability. I

worked in the Complaint Unit, which is the intake unit for the Criminal Division, and finally—well, not finally, it was after about two years—I was asked to run the unit. And, for about two and half years I ran it. I'd take all the cases before the grand jury, handle the sentencing calendar down in the district court, which is basically the master calendar, and then the sentencing calendar. So I got to know all the other lawyers in Los Angeles who would come into federal court, a lot of them from downtown firms who were volunteered to come up and defend cases. I would have to settle cases with them.

Anyway, I got on an administrative track in the office. I'd occasionally try a case, but I became the assistant chief of the Criminal Division, which meant that I had to review all four appellate briefs, help edit them. And then I became head of the Criminal Division.

YATES: So this added another dimension, it sounds like, to what otherwise would have been trying cases most of the time?

VAN DE KAMP: Yes. And it was a little different kind of track than I would ever have expected, but I guess I was OK at it. And then, when [Manuel L.] Manny Real came in as U.S. attorney I became the chief deputy U.S. attorney for Manny, and then later then for [William Matthew] Matt Byrne [Jr.].

In the meantime, when Manny Real became a U.S. District Court judge, I was appointed by the court as the interim United States attorney. So for about four and a half, five months, I served as the

United States attorney. My picture is still up there on the wall, there, looking like I'm about twelve years of age, which I was.

YATES: You weren't very. . . . You were older than twelve, but. . . . Is this the '66 to '67 period?

VAN DE KAMP: Yes. And what happened there is that when Real became a district court judge, there was a vacancy. Then the president has to make an appointment, and he didn't make an appointment for four and half months, so there has to be somebody who acts in the interim. And so I was appointed by the Court to be the interim U.S. attorney. And then when Matt Byrne joined the office, I became his chief deputy.

YATES: OK. That sequence, I'm just thinking about the path that you took, and you'd mentioned that it really shaped what happened to you the rest of your career. Before you started this position as assistant United States attorney, what had been your thoughts about what you might actually do after you finished. . . . You know, you've gotten your degree, you've passed the bar. Where did you think you might go? Was it still with your family business?

VAN DE KAMP: I was wide open. I, frankly, had concluded that I was probably better off by being independent from my family. Our family stockholder interest is on the minority side, and so I figured that no matter how much I loved my family, that that would always be somewhat of a barrier, and, also, would not be making it on my own. So I decided that I would try to be independent of the family operation, but still be

involved. I've been on the family company's board now for many years. In a way, maybe I'm more valuable to them in that capacity than I would have had I gone in there. I'm sure I'm much happier having done what I've done than going into that business with its limited opportunities.

But in terms of where I was going to go, I mentioned that I had decided I was not going to go in the administrative part of the entertainment business. I do remember interviewing an entertainment lawyer, whose main job was drawing up contracts. I wasn't particularly excited about that, frankly.

And I was not excited, really, about joining a downtown law firm, as many of my friends in law school did, because they ended up doing fairly routine, mundane. . . . I shouldn't say mundane, or routine, that may not be fair, but basically office kind of law work. And I was looking for a little bit more excitement.

[Interruption]

YATES: We just stopped for a minute. You were talking about the early part of your career. We'd gone through it pretty quickly, how you became assistant United States attorney, and then you were the United States attorney for a period, you said, during this interim period. Then I know went to [Washington] D.C. to be with the Executive Office for United States Attorneys. And how did that happen, then?

VAN DE KAMP: That happened because after the Watts riots in 1965, I was assigned to drive Ramsey Clark, who was then either the deputy attorney general or head of the Lands Division, around Los Angeles. And after I became the chief deputy to Matt Byrne, it was suggested I go to run the Executive Office for U.S. Attorneys in Washington. It's basically the administrative arm of the Justice Department that deals with all ninety-three U.S. attorneys around the country. We screen the personnel employment situation—their hires—we watch their budget, we know when to put holds on the budget, and we're their contact point in their office in Washington.

So I went back there as the chief deputy in that office in 1967, and was not appointed the director for some time because the then-director was up for a judgeship and did not become a judge until the middle of 1968.

YATES: So that's when you become director, is in '68.

VAN DE KAMP: Yes, in the middle of the year. During that time, I was asked to do some unusual things. I got a call when I was down at Williamsburg with Matt Byrne over Thanksgiving in 1967, and was told that the attorney general and the deputy attorney general wanted me to head a special unit to look at draft violators. They'd made a deal with General [Lewis B.] Hershey, who agreed to stop reclassifying First Amendment users as draft violators, people who were demonstrating against the war, and he was doing that. He was reclassifying them and

calling them up. He agreed to stop that if the Justice Department developed this special unit that would go after those who were advocating violation of the draft rules as opposed to just exercising their normal First Amendment rights.

So I was assigned to run that unit, and moved downstairs next to the head of the Criminal Division's office. This led to the indictment of Dr. [Benjamin] Spock, one of the cases that the unit put together in conjunction with the Boston U.S. attorney's office. That led to a trial that was memorialized in the book [*The Trial of Dr. Spock*] by Jessica Mitford, which was, you know, a big trial of that period; it ended in conviction for all but one of the defendants, and later ended in an appellate reversal on a technicality and was never retried.

I spent a couple of months up in Boston. I was excluded from the courtroom because I was a potential witness, having received the draft cards when they turned them in in 1967 during the march on the Pentagon. That's memorialized in Norman Mailer's book *Armies of the Night*. In that particular situation they came to the Justice Department in the afternoon, we brought them in, served them coffee, and they then proceeded to turn a couple of hundred draft cards in after making their case against the war and left. It was that act that was a key part of the criminal action that was brought against them several months later.

YATES: So since you were. . . . Pardon my. . . . I'm not as familiar with this as I should be. So because you were part of the group that accepted the cards then, that meant in terms of when the case was tried later. . . .

VAN DE KAMP: I could not be in the courtroom. I was a potential witness. I was an eyewitness, supposedly, to this "terrible"—end quotes—act that they had performed.

Remember this was '68, and you had the president deciding not to run, you had the riots in Chicago after. . . . The Chicago riots occurred after the assassination of Martin Luther King [Jr.]. I flew out to Chicago with the then deputy attorney general Warren Christopher. We had a little command post, and were trying to stay in touch with what was going on there. Fortunately, by the time we got there, the worst was over. We flew in on Air Force Two.

YATES: Do you happen to remember what the date was?

VAN DE KAMP: No, I don't. I think it was in the spring.

YATES: Well, he's assassinated, I think it's April 4th. I can check the dates, of course. So it would be early April.

VAN DE KAMP: I remember it was cold in Chicago, and we flew over, and you could see fire down below. It looked pretty messy. But the worst was over. They had prepared to bring in the army from Denver to put down the riots. But the army that they brought in, fortunately, did not have to be used in any visible sense. So that was one of a number of special projects I worked on that year.

Then that summer you had the Southern Christian Leadership Conference march on Washington, led by Ralph Abernathy, the successor to Martin Luther King, who by mule and by wagon brought in a tremendous number of people into Washington that were encamped out there in the area just near the Lincoln Memorial. The job of the Justice Department was to keep peace. We sent teams of people out there to make sure that nothing terrible happened. It was a miserable situation for them, because it had been very rainy and wet and muddy, and just an ungodly place to have to spend a couple of months. It was called Resurrection City—a real misnomer.

YATES: So what were you and your office having to deal with?

VAN DE KAMP: We didn't have too much to do. We just had perimeter surveillance, if you will. The one case I do remember that came out of it, or a potential case, was the case of H. Rap Brown, who at that time was regarded as a dangerous black militant. After the riots in Washington had been seen. . . . Anyway, Brown was seen carrying and brandishing a gun down on Fourteenth Street. The right wing press at the time was saying, "Go after him. Prosecute him," and so forth. And we ran an investigation that established, if I remember correctly, that when he was seen with the gun he was taking the gun away from someone to put it away so that it would not be brandished or used—in short, acting to keep the peace.

But it's one of those good lessons which came out of my life as a prosecutor, not the least of which, withhold judgment until you know all the facts. Make sure you know the other guy's story. Really surprising. Sometimes you get cases that look like their dead-bang just to look at. You've got to file, you've got to do something. And then all of a sudden you find the goddamnedest story on the other side that explains the situation fully. You would have made a total fool of yourself if you ever prosecuted that case. In this case, the Rap Brown case, people had jumped to judgment without knowing what the facts were. And we didn't. And even though the attorney general got grief for a few days, you know, "Why didn't you charge this guy?" we did the right thing.

YATES: This sounds like a particularly difficult time. I mean, you can imagine that it is just with everything that's going on, but in being in the position you're in, and you're mentioning things that you learned from it, I was wondering what were your thoughts politically, too, about some of the activities that were going on, or just your personal thoughts about all of this?

VAN DE KAMP: Well, it's interesting. When I was assigned to the draft violation job, I was really a one-person task force. We had some others who worked with me on a part-time basis. I think I had fairly normal views about the war, thought we were doing the right thing. But as time wore on, and I started to read such things as the testimony of Robert [S.]

McNamara regarding the “attack”—in quotes—on the [USS] *Turner Joy*, a very dubious proposition which precipitated a lot of our effort in Vietnam and the escalation of fighting there, I started to have doubts about what we should be doing in Vietnam. I was never, at that point, a dissident. I thought that the job we had to do was to support the rule of law, and that was what we tried to do.

I thought, too, that what we did with General Hershey, by promoting speech, was the right thing to do, even if people disagreed with the war. And I thought that when there was abuse of that privilege that something needed to be done. That’s always very tricky because in hindsight almost inevitably when you start holding back demonstrations and using the criminal sanction there’s always concern that you may have been too tough or too rough on putting a damper on free speech. On the other hand, when they’re destroying property or privacy there are other interests that are involved that need to be protected.

My views on the war changed, and when I ran for Congress in 1969]¹ I ran on a plank of putting an end to the war and coming out with a resolution that called for disengagement.

YATES: This is a good place to stop, and we can pick up some more on that congressional race. How does that sound?

1. Mr. Van de Kamp ran for the Twenty-seventh Congressional District.

VAN DE KAMP: Sure.

YATES: OK.

[End Tape 1, Side B]

[Session 2, August 18, 2003]

[Begin Tape 2, Side A]

YATES: Good afternoon.

VAN DE KAMP: Good afternoon.

YATES: It's the eighteenth of August. It was a few weeks ago when we met, and as I was just mentioning to you, as a reminder, when we left off last time you'd just mentioned your '69 race for Congress. I thought we could pick up there. But I did want to ask you, before we do that, if you'd thought of anything that you wanted to add about any of the previous [topics]. Do you feel like we covered those all right, that you can remember?

VAN DE KAMP: I'm looking forward here. I haven't really thought of any great holes in what we talked about.

YATES: Well, if you think of anything, you're welcome to add it at any point.

So let's start with the 1969 race for Congress. Why don't you tell me how that came about.

VAN DE KAMP: Well, I was in Washington at that time, with the Executive Office for U.S. Attorneys. I was the head of that office. And the election had taken place, and [Richard M.] Nixon was coming in January 20th to be

inaugurated, and it was very clear that I would be replaced. In the course of that period of time, since I was a political appointee and was subject to the whims and caprice of the new attorney general, I started looking around about where I should end up.

There were really three opportunities that emerged. Henry [E.] Peterson, who was head of the organized crime section of the Criminal Division, was a friend of mine. I had great respect for Henry, and he asked me if I would be willing to serve as the head of the strike force in New Jersey. That would require moving to Newark and investigating some of the Soprano-like cases that emerged there. I had already been up there to look at a famous case where a resident of the state had ended up in a lime pit, apparently as a result of a Costra Nostra-like killing.

Anyway, that was on the table. I also had been contacted by AID [United States Agency for International Development] to go to Colombia—this was long before the drug troubles in Colombia—to become a special adviser to the attorney general of Colombia as they reformed their prosecutorial system. And since I had been running the Executive Office for U.S. Attorneys and had a fairly long prosecutorial background, they thought I might be ideal for the job. The one hang-up was I did not speak Spanish. I spent some time studying Colombia and what Colombia was all about. And it was an interesting opportunity, frankly, [but] the language business was my biggest

concern. Yes, you could learn Spanish sufficiently, but you really couldn't get by on an interpreter, which I'd have to do for a long period of time.

Anyway, sometime in February of that year, I got word from Matt Byrne, now a United States district court judge in Los Angeles. He called me to ask me whether or not I was interested in running for Congress. [Edwin] Ed Reinecke had become lieutenant governor. A former congressman, he had a pretty safe seat out in the [San Fernando] Valley, but not overwhelmingly Republican. And the news was that there'd be a special election called to replace him in the Congress.

YATES: Who was the judge?

VAN DE KAMP: Matthew Byrne. We'd stayed in contact, and he basically alerted me to this.

Anyway, I thought about it for a while, and then one day at almost noon in Washington, I was sitting at my desk. . . . And meanwhile Nixon had taken over, but my successor had not taken office—he was around—a very nice man by the name of Harlington Wood [Jr.], with whom I got along just fine. Anyway, I got a call from, I forget who it was, to say that that evening—now mind you, it's noon in Washington—in Los Angeles there's going to be a screening committee to look at the potential Democratic nominees for that race,

and they're going to try to reach a consensus decision so they had a unity candidate. If I was still interested, I should come to that meeting.

So I sat there for a few minutes. . . .

YATES: Doesn't give you much time.

VAN DE KAMP: I thought, well, it's either fish or get off the pot. I decided that I would do it, or make a run for it, and took a cab to Baltimore, got on an airplane to Los Angeles, and said, "Take me to the Hilton Hotel," where the meeting was to take place. Well, he took me to the downtown Hilton, and I got there, oh, maybe six-thirty or so. The meeting was supposed to start about six, six-fifteen. I got there only to find out that it was not at that hotel, it was at the other Hilton Hotel, in Beverly Hills. And I figured, well, I really blew that one.

In any event, I got a cab and went out to the Beverly Hilton Hotel, found the room. There were sixteen to twenty people representing all aspects of Democratic political groups in the Valley, such as they were—club leaders, labor leaders, and the rest—who were there to make the decision. And a number of candidates had already come in to make presentations about their background and why they should be supported by this group. Anyway, I came in, I took my coat off, and finally they asked me if I would speak and make a presentation, and I did.

The next thing I found out was that I had won the endorsement of that group by something like a fourteen-to-two vote. I would be their

nominee, so to speak, although this was not binding because there's nothing that would bar anybody from running.

YATES: Let me just ask you, you called it a screening committee, and then you mentioned that there were different, it sounds like, components of club members or whatever. Who actually organized the screening committee? Was it the State [Democratic] Party, the County [Democratic Party]?

VAN DE KAMP: No, it had been local labor leaders, members of the AFL-CIO [American Federation of Labor—Congress of Industrial Organizations]—the machinists, the aerospace workers, the carpenters all had representatives there—and others heavily involved in Democratic Valley politics. It was not the State Party; the State Party was quite distant from all this.

YATES: That would make sense that it would be more regional. I just wasn't sure. How typical was that, do you happen to know, to have something like that?

VAN DE KAMP: Well, it's a very unusual kind of a situation because special elections don't happen very often. I think the reason there was so much interest was that this was about a 48 percent Democratic, 48 percent Republican district. Maybe a little bit less on both sides, but pretty evenly divided in terms of registration, with a stronger component of conservatives who belonged to the American Independent [Party]. And then a few that were in a more leftish kind of a party. And so as I

gathered then, and I found out later, it was a kind of a registration which favors Republicans, because Democratic turnout is usually so low compared to Republicans.

YATES: In a special election?

VAN DE KAMP: Yes. It was a pretty safe district for Republicans, as Ed Reinecke had found out. The other part of the news was that Barry [M.] Goldwater, Jr. was going to run on the Republican side.

Well, in any event, the next thing that happened is that, with the help of Bob Moretti's local field rep, Eleanor Ray, we found an office and started to get going, and had to file. On a wet rainy Friday, the last day of filing, we went out and gathered signatures. We needed to have forty good signatures from people within the district.

And I'll never forget that day because I met Bob Hanna of the Carpenters at about eight o'clock at a restaurant out in the Valley. Bob was their political representative and a very nice man, plus. In any event, we started to gather signatures, and it was raining that day, just pouring. And so we'd go into restaurants and bowling alleys and places like that, and ask people if they would sign on.

Well, the difficulty was that we had to sign up voters from the district. It didn't cover a solid block in the Valley. It curved around from Studio City and circled the main part of the Valley. It went up into parts of Glendale, and over to Sylmar and onto Lancaster and Palmdale, and as far up as China Lake. It was really a strange-looking

district. And so we didn't know with certainty whether or not the people who were signing these petitions were good signatures.

YATES: What does that mean, a "good signature"?

VAN DE KAMP: From the district that was affected; that is, they were registered voters within the district. And, anyway, Bob and I labored, and we finally ended up with about fifty-nine signatures and got it in about five minutes of five at the registrar's office. And I didn't know until Monday that indeed we qualified with forty-one good signatures. So eighteen of them were bad. If I had had two less signatures, my political career probably would have been over at that point.

So that was the beginning of what amounted to a sixty-day marathon, not too unlike what is going on in California right now with the candidates who have a much bigger mountain to climb in terms of reaching thirty million people, as opposed to maybe a quarter of a million people.¹

YATES: So what did you do next, in terms of. . . . You got your signatures. Then what was the next thing you did?

VAN DE KAMP: Well, the next step was to get around as much as you could. We were able to get some money together. I think I raised something like fifty thousand dollars for both the primary and the runoff.

YATES: That sounds like a lot.

1. Mr. Van de Kamp is referring to the candidates running in the October 7, 2003 recall election.

VAN DE KAMP: Now, mind you, this was an open election in the sense that Republicans and Democrats were on the same ballot. So if you're a registered Republican, you could vote for me as a Democrat.

YATES: Oh, I see.

VAN DE KAMP: And it's the old fashioned cross-filing. At the end of the day, the leading Republican would runoff against the leading Democrat. We had something like sixteen candidates who were in the race.

YATES: Actually, I don't know if you care, but there's the list of candidates, actually. This is, for the record, from the Secretary of State's *Statement [of Vote]*.

VAN DE KAMP: God bless you.

YATES: So down where it's green, I highlighted it down at the bottom.

VAN DE KAMP: I would love to get a copy of this.

YATES: Oh, sure.

VAN DE KAMP: Because that's really fascinating, because. . . . In fact, if you have a copy of my gubernatorial race. . . . [Laughter]

YATES: I can get all of those for you. That's easy.

VAN DE KAMP: That'd be great.

Anyway, what happened. . . . Let's see. I'm counting them now. You had one, two, three, four, five, six Democrats in the race, and I received. . . . Well, Goldwater won 40,000 votes, which was way ahead of his nearest Republican, who got 17,000 votes. I got 17,500

votes, so I was 22,500 votes behind Goldwater in the primary. But the two of us were to run off.

YATES: Now, in terms of getting the support of the screening committee, or approval, or whatever, how did that play into your ability to campaign and fundraise?

VAN DE KAMP: Well, it meant that the labor groups were relatively united behind my candidacy, and gave me access to the Aldine printing operation that they used in those days and some financial support. I was able to raise some money beyond the labor money, going to people like Paul Ziffren and people who were willing to help me get started. But, again, we only raised forty to fifty thousand. But as you see the final vote here, Goldwater was ahead by some 23,000 in the primary over me, but in the general, he won by about 15,000 votes.

YATES: So you cut it.

VAN DE KAMP: So we cut it down. We lost fifty-five, forty-five, fifty-six, forty-four, something like that, as I remember. It was regarded as a respectable finish.

Now, what did I do in the two months? Gosh, there are all kinds of wonderful stories, but for me, it was probably the best introduction to real politics that one could have. It taught me what you have to do to run, and it served me in good stead elsewhere. Not that I was a great candidate, either, but, you know, you have to go out, meet people. I mean, you do such things as working the lines at theaters on

Friday nights, so literally, while people are standing out there waiting, you go down the line and introduce yourself.

I had a man who used to squire me around. He had to be close to eighty years old, a big heavy-set guy who had a pork pie hat, Harvey Wirtz. And Harvey and I would start about seven o'clock in the morning and go to every possible event we could. I mean we'd start in the back of supermarkets, and he would be in front of me, and he'd tap some lady on the shoulder, and say, "Have you met Mr. Van de Kamp?" She would look startled, and she'd say, "No." And he'd say "Well, here he is."

YATES: Now, how did you hook up with him?

VAN DE KAMP: Harvey was an old Valley political activist. He was very close to [James C.] Jim Corman, who was the congressman. Jim was very supportive of my race because his district was right next to it. He'd represented the Valley for a long time, was a wonderful congressman, and a great man in his own way. Unfortunately he lost years later to [Roberta F.] "Bobbi" Fiedler in the election when [James E.] Jimmy Carter lost the presidency. But Jim was a very active person, and he turned over whatever he could to me in terms of support in the Valley.

YATES: I interrupted you. You were talking about the types of things you were doing.

VAN DE KAMP: Yes. We'd start at the back of supermarkets, and we'd usually get thrown out. The closer you get to the checkout stand, the more likely

the manager was to say, "I'm sorry, we don't let that go on in the market." But it didn't stop us. We did it. We were nice to people. They were nice to us. Harvey was a very sort of intimidating kind of a man, and so he'd step out of the way and people would sort of breathe a sigh of relief because he looked like he might have invaded their turf when he tapped the lady on the shoulder.

So we'd do things like that. You go to coffee klatches, and anyplace where you could meet people to get to know you. We did a letter mailer, which I put together with a couple of friends of mine from the *L.A. Times*. Gene Blake, I remember, was one of them. Gene was a fine investigative reporter from the *L.A. Times* who shared my political values. I remember he came out and met me for breakfast one day and we went through and we developed a brochure that we used in the course of the campaign, the kind of brochure I could give to somebody when I was in the back of the market, or going down the theater line on a Friday night, or going down to the bowling alley out in the Valley. That's another good place to campaign. People are relaxed. Joe Kirkwood Lanes on Ventura Boulevard was a wonderful place to be able to campaign.

I found there was a deaf mute league on Thursday night out there at that time, and I knew that they were there. I'd go in there about ten-thirty at night as my last stop of the day, and I'd walk down the lanes

to say hello. And all down the lanes people would start signaling that I was coming, not as a warning but to welcome me.

Now, issue-wise in the campaign, I ran as a moderate Democrat. I tried to capitalize on having been the U.S. attorney. I supported a negotiated settlement of the war in Vietnam, which was, of course, on everyone's mind that year. I took fairly traditional Democratic views on most of the national policy issues.

One of the things that I had to do since this thing happened so quickly was I had to learn a lot more about national issues, and certainly what was going on in Congress. I thought I knew a fair amount. But God bless them, the Democratic Congressional Campaign Committee sent me piles of issue material, which I was able to review when I got home at night. And I'd rented a place out in North Hollywood, which was in the district. Curiously enough, I couldn't vote for myself.

YATES: I was wondering, did you still have a permanent residence in California?

VAN DE KAMP: Well, my family lived in Pasadena, and I still voted in Pasadena. That was my residence, but I lived in Washington. I had literally flown out from Washington to enter the race.

YATES: So obviously Pasadena wasn't in the district.

VAN DE KAMP: Pasadena was not in the district, so I rented an apartment in North Hollywood and lived there, and I was eligible to be elected under the

[U.S.] Constitution, but because of state law, I couldn't vote for myself, which posed an interesting kind of issue. "Where are you going to vote, Mr. Van de Kamp?" And I'd have to pass it off with a little double-talk, or the Abbott and Costello routine. Fortunately it was not the kind of election where they're going to cover you at the polls when you go and vote.

YATES: Yes, because a lot of times that does come. . . . I mean, not just that, but the whole idea of the carpetbagger. I mean, even though you're from nearby, you're not from that district. But that didn't seem to be a problem, particularly?

VAN DE KAMP: Well, the way I dealt with that was that I used to have a line. I said, well, you know—when I came on the stage in this campaign—people talk about the "windmills of his mind," because that was a popular song of the day and related to the Van de Kamp windmills. And I said, "When Barry Goldwater comes on, they sing 'By the Time I Get to Phoenix'"—the Glen Campbell song of the day. In the minds of most people he was the carpetbagger. So the residence issue never got to be important in that campaign. And I had the advantage of at least growing up nearby and having lived almost all my life in southern California, where Barry had not. Barry was raised in Arizona.

YATES: That's right. I hadn't thought about that, although it's obvious.

You were mentioning about the Campaign Committee, I believe you said, helping in terms of issues, information. But how much did you know about that district per se?

VAN DE KAMP: I learned as I went along I found quite different attitudes in that district. Certainly Studio City was more of a hotbed of what I'd call fairly liberal people who would tend to vote on one side of the Democratic Party. I mean, this is an overgeneralization, but if you traveled to Lancaster and Palmdale and Quartz Hill, you're dealing with the Wild West, where people had a very strong interest in property and individual rights, and were much more conservative in their views. And if you swing around the north Valley to Sylmar, in that area you had some fairly strong minority areas of Hispanic and black folks who were involved in the party. So the district was really interesting from that standpoint.

I spent three or four days at one point in the campaign going to the northern part of the district. We would go up and I'd do Lancaster and Palmdale, and then you'd go further out, China Lake is way up there. It's next to an air force testing base, as I remember. And I remember we had a dinner or a little fund-raiser there one night. And it's way up there. Really, it was a very strangely shaped district. It's been redrawn since that time.

It was a very interesting sixty days. Towards the end of it, I'd drive by a golf course and I'd say, "Gosh, golf never looked so good."

Because you were just going sixty days without any kind of relief, and you get tired but it was exhilarating. For me campaigning was usually regenerating.

After I won the primary, the Democratic side of the primary, almost the very next day I got on a plane to go to Washington. A friend of mine by the name of Tom Finley, who'd been in the Justice Department with me, agreed to pick me up, and I made the rounds back there for fund-raising purposes including a visit to the to the AF of L-CIO and their building trades folks.

But we started off going over to the office of Fred [R.] Harris, who was then the head of the Democratic National Committee. And that's part of the experience I will never forget. We went in, and Fred had been, what, a senator, and he was running the DNC. This again was 1969. Do I have that right? He came out in his shirtsleeves, and we talked for a few minutes, and he said, "Well, I'll try to have something for you at the end of the day. I think I can get some help for you."

And so we went off and did the rounds, and saw people. Well, we went back about three, three-thirty in the afternoon to see if there was anything there, and he came out again in his shirtsleeves and said, "Here, here's \$2,000." And he handed \$2,000 in bills to us. And I put it in my pocket and said, "Thank you," and we started off to the airport.

And I asked Tom, “Where do you think that came from? How does that get reported?” And neither one of us knew, so when I got back to California, I sent it back. I just figured life is too long to. . . . God knows from whom that came, and what kind of problems that might develop. And to this day I do not know where he got that money, because he never indicated that to us.

So there were a lot of lessons learned in that campaign, like that. I mean, you had to be very careful about things like that, because they can come back to haunt you in the long run.

YATES: So at that juncture, then, \$2,000 would have been a fair amount of money, right?

VAN DE KAMP: That was a big chunk of money in those days.

YATES: What were you typically getting in terms of when you would get funds? Like \$100?

VAN DE KAMP: Yes. You’d get \$100, maybe \$250, and I got a few checks from people like Paul Ziffren for like \$1,000—got a few of those. But most of them were small, some of the labor contributions were substantial.

The labor people also contributed manpower. We had a little campaign headquarters over on Ventura Boulevard near Woodman [Avenue], just a small building. I guess that it had not been rented, so we were able to get it, and put some phones in there and set up our headquarters. And labor guys would come in, older guys, usually

retirees, and work the phones making calls and helping setting things up. That was a big help.

Organized labor was terrific in that campaign. The machinists, the aerospace workers, the carpenters. In a sense I was the labor candidate in that race.

YATES: You did mention Bob Moretti. What role did he play in this?

VAN DE KAMP: Bob let his AA [administrative aide], Eleanor Ray . . .

YATES: Oh, right. You mentioned her name.

VAN DE KAMP: . . . help. One of the things I had to do—even though I was running for Congress, I was told I really had to go to Sacramento to meet Jesse [M.] Unruh and Bob Moretti, who I did not know personally. I flew up there one day and basically kissed their rings. Never got any help from the Democratic State Party to speak of. They were almost impotent. I learned at that point how impotent the Democratic Party structure is here in California. There are a lot of volunteers who work in Party organizations, but in terms of fund-raising and being particularly helpful in campaigns, it certainly. . . . Now, this was a little campaign for them, perhaps, but. . . .

YATES: I'm trying to think in terms of . . .

VAN DE KAMP: You really have to make it on your own, is the answer. You run, you've got to make the decision pretty much for yourself. You have to decide how you're going to do it and assemble your own staff. You

know, you don't get anointed by anybody. You just have to make it on your own.

YATES: I'm thinking of the timing, because by that point. . . . Let's see, 1969. Was the CDC [California Democratic Council] still pretty active in terms of any kind of involvement?

VAN DE KAMP: Not as active as they'd been eight or nine years before. They were still alive, but. . . .

YATES: They were really strong in the late fifties and into the mid-sixties.

VAN DE KAMP: You know, one other person in that campaign that was helpful. . . . I mentioned Eleanor Ray, who was wonderful in helping get the office set up, and Harvey, who has gone to his great reward, who drove me around. He had helped [C.] Estes Kefauver. He had a long political history himself.

But another person who I met for the first time was a young fellow from UCLA [University of California, Los Angeles] who may have been all of twenty, twenty-one, Michael Berman. Michael is the brother of Howard [L.] Berman. And Michael was regarded, even then, as an expert on direct mail. And so Michael came in, and we had a certain amount of money. I forget the exact amount. It wasn't much; it was probably under \$10,000 in the general campaign. And we basically said, "All right. Here's an amount of money. See what we can do with direct mail."

And so what Michael devised were a series of letters to different interest holders. If you owned a motor home, you might get a letter from me on motor home subjects. That is he would send mail to the people in the district who were recognized as having a motor home license. That's just one example. We probably sent out ten to, oh, twelve to fifteen letters to those kinds of groups to try to stimulate their interest in my candidacy. And it was a very effective thing. I think it helped me a lot, ultimately, down the line.

The turnout for the race was. . . . You have that sheet you showed me a second ago.

YATES: Yes. Here you go.

VAN DE KAMP: I'm trying to read the primary vote here. Maybe 120,000 voted in the primary, and ultimately in the general election we had about the same number of votes, which is rather remarkable. It was the only election in the county, that is the runoff, and the turnout was close to 40 percent. Today when you get 40 percent at a general election it is regarded as pretty good, and here we were able to get close to that out in . . .

YATES: In a special election.

VAN DE KAMP: Yes.

YATES: How did you meet people like Michael Berman, or Bob Moretti, for that matter? How did you hook up with these people?

VAN DE KAMP: Well, I met Bob because Eleanor Ray was involved in the district. She probably was involved in that steering committee group.

YATES: I see. OK.

VAN DE KAMP: And so got in touch with Bob. And then I met Bob in Sacramento and met Jesse Unruh for the first time. And I later worked with Jesse about a year or two later. And that's how I came to his attention. The fact that I'd done as well as I had in as difficult a district was regarded as a plus. I was not a person to be written off in future races.

YATES: What was that experience like, meeting Jesse Unruh for the first time?

VAN DE KAMP: It was a very brief meeting. I don't remember having much of an impression about the meeting. It was a typical Sacramento thing, because people kept popping in. You know, I was just there to shake his hand. Probably a waste of time, when you think of the amount of time it took to do it, but it was one of the things that you have to do; again, kissing the rings of the people who are then in power.

YATES: Now, I'm trying to think, I'd have to look at the calendar again, was he still speaker at that time? Or was he. . . .

VAN DE KAMP: This was '69.

YATES: Because that's the year that Bob Monagan became speaker. It probably was later in the. . . .

VAN DE KAMP: Well, yes. I'm trying to remember the exact history of all that. But when I went to work for Jesse, he had been Speaker of the House. I went to work for Jesse later in 1969. This was in the spring of '69. In

September of that year they asked me to come into his gubernatorial campaign. I became the campaign manager, of all things, for his gubernatorial race, and served in that capacity for about five or six months. Just before the primary, they changed horses.

But that was a very interesting experience, and again, the only reason I was there was because I had behaved OK and done all right in this congressional race. I think Jesse felt it helped him to have me in that position. And we were friends until he died. I spoke at his funeral here. You know, he was quite a remarkable person. If you think of the people who left behind a legacy in California, a good government legacy, Jesse Unruh probably is way above almost everybody else.

YATES: Yes. That is why I was interested, even the first time you met him, if you had any kind of impression. But it sounds like one of those quick sort of, you know. . . .

VAN DE KAMP: Yes. There wasn't much of an impression. He was big and heavy at the time, and not particularly attractive. He had a very low metabolism. During the workup to the gubernatorial campaign he went on this terrible diet and he had his teeth fixed. He went through agony. Got himself down to a fairly respectable weight, and, you know, it made him a more presentable television-like candidate. He was known as "Big Daddy" because of his girth and heaviness, but that was in large part because of this awful metabolism. When I worked with him, when he was really trying to take some weight off,

he could only eat about a meal a day, at best, and was going through torture during much of this. But the result was that. . . . Well, we're jumping ahead here.

YATES: That was my next area I want to talk to you about. But maybe a little bit more on the special election. In terms of any campaign strategies, I realize you had this really short window, just under sixty days. Can you talk about that in terms of maybe the primary versus the general election? Or however you think it makes sense to talk about it.

VAN DE KAMP: Well, the campaign strategy in that kind of race is pretty simple. Goldwater was already an identified name and people had a pretty good sense of where he was coming from. They identified him with his father [Barry M. Goldwater].

From my standpoint, I had the advantage of a last name that was recognized by some because of the bakery business that bears my name, although I've never had any direct relationship with the bakery outside of the summer working there as a packing clerk. But the bakery made me identifiable to a lot of people and it brought back good memories, non-political memories, and so that was an advantage. I'd been the United States attorney, so I could campaign as the former United States attorney—that was a positive. It was a responsible position. Nonetheless, most people out there did not know who I was. So the major problem that I faced was to get people to know who I

was and what I was about. That was the challenge from the very beginning.

I had to separate myself a little bit from at least one of my Democratic candidates. The candidate that really came the closest to me was Gary [A.] Schlessinger, who was a lawyer. He won 12,381 votes, according to this right here.¹ Gary was able to attract more on the left side of the Democratic Party. He ran a strong anti-war campaign, and had more identification with the people who were on that side of the Party, the people from Studio City, for example.

And so I had to get identified, I had to position myself, I had to raise a little money, and had to keep going, thinking that if I won the primary that I'd have a chance in the general campaign. I did not run because I thought I was going to lose; I really did think that if it was a real head-to-head race with Goldwater, that I could beat him on the merits. I say that because Barry, who I got to know a little bit, and I liked personally—how can I put it gently—was intellectually not the strongest candidate the Republicans could put up. He had the benefit of a great last name, he was relatively attractive, he had that chin that was identifiable, and he had all the money he needed. Where we may have had forty to fifty thousand in the two campaigns, he had two hundred to three hundred thousand dollars that he raised.

1. Secretary of State's *Statement of Vote*.

YATES: You were mentioning, for example, Vietnam, and your position on that, and the fact that this district was so odd. You have fairly moderate liberals in areas like Studio City, but then you go to Lancaster and those areas. How did you deal with issues in terms of in the more conservative parts of the district?

VAN DE KAMP: I tried to be consistent. I was not going to hedge my position. I felt that, I think. . . . Now, I had gone through the war, if you will, at the worst point. I was in Washington with Ramsey Clark, getting involved with the Spock case, and seeing the anti-war demonstrators raising very significant issues. As I said before, I read the testimony about the *Turner Joy* and became very disenchanted about the war and believed that it was time for us to try to reach a decent settlement and get out. And essentially that's what I said in the campaign.

Now, mind you, I'd been in the [Lyndon B.] Johnson administration, and so someone could attack me as having been part of the war group, although the Justice Department was hardly involved with that on a day-to-day basis.

But the answer is I tried to be consistent throughout. The difficulty in a race like this is that you can only get so many messages out, especially if you have limited amounts of money. And we had to do that through the. . . . We sent one mailer to all the voters in the primary. Later we had these individualized kinds of letters that we sent out. Of course, we had the brochures. I think we used our money

fairly effectively. And then, of course, we had the labor groups writing their own constituents.

YATES: OK. So that's one way that they helped you.

VAN DE KAMP: What I describe for you, and it's fairly simple, is name identification, understanding of who I was, being able to protect myself against someone on sort of the other side of the Democratic Party. I thought of myself as a moderate to centrist Democrat. And so that was necessary for the primary.

Once you get into the runoff, it's a little different matter, because there the goal was to increase your identification, yes, but also to engage Goldwater in debating, so people could make the head-to-head comparisons. I remember we did a piece, a handout, comparing the candidates, and they'd show Goldwater's experience, or lack of it, on the one side, and my fairly extensive experience on the other, and then our relative positions on issues to get people to make a choice. It was a fair piece, by the way. It was not a hit piece that was slanderous or libelous, or anything like that. It was the kind of piece that belongs in politics where you're trying to differentiate the two candidates. And obviously, when you do that, you try to do it in a way that benefits you, perhaps, a little bit more than the other guy. But at the same time, you have to keep it. . . . If it's to be effective, you have to be relatively fair. I think ours was.

YATES: Hold on just a second. We're at the end.

[End Tape 2, Side A]

[Begin Tape 2, Side B]

YATES: OK. I cut you off.

VAN DE KAMP: Well, while we improved my visibility and identification, it was very difficult to engage him in any kind of meaningful debate. We had one debate up in Burbank. I think that was the only debate that he permitted himself to be engaged in. Then we were both invited to go on the evening news with Channel 4. Tom Brokaw was here locally at the time, and so we were both to have short interviews. I would go on one day, he'd go on the next day and, again, so people could compare the candidates.

And so I did my little thing one day, and the next day we were all watching for him, and Brokaw got on the air about 5:05, or about the time it was supposed to happen, and said, "Well, we were to interview Mr. Goldwater today, and we'd set this time, but we just got word from Mr. Goldwater that he was stranded, had a flat tire, out in Lancaster, and so will be unable to make it. We'll now have a couple of minutes of recorded music." [Laughter] They should have played "By the Time I Get to Phoenix," but they didn't. And he ducked, I think he ducked the interview, and basically stayed in the high desert, staying away from any kind of confrontation, which, in . . . I guess you call that Rose Garden politics, and it worked.

YATES: You said you did have one debate with him?

VAN DE KAMP: Yes.

YATES: Now, what was that situation? How did that happen?

VAN DE KAMP: Somebody had set it up early on. It was about the second week of this four-week runoff period and he had agreed. It was fairly well attended. Maybe a couple hundred people came to lunch, and it was a structured kind of debate where candidates were asked to answer certain questions. There was no real back-and-forth business. So the structure of the debate was a little clumsy.

And it went all right, as I remember. You never do as well in those things as you should. But, you know, in those kinds of situations you rarely are ever going to achieve a knockout, and we didn't that day. But that was the last time he decided he was going to engage in a debate so I must have done something right.

YATES: So that was before the situation with Tom Brokaw?

VAN DE KAMP: Yes.

YATES: Did you want to debate him some more?

VAN DE KAMP: Oh, yes. Oh, yes. I'd like to have joint appearances out there every day. Again, he was not particularly strong intellectually, but it was a gentlemanly kind of campaign. I think we both felt pretty good about that. There was nothing that was mean, or terribly negative about it that left any scars.

Years later I was up for the directorship of the FBI [Federal Bureau of Investigation], I think it was about 1977. They had a

screening commission for the president, and I was one of five candidates that were put forward by this commission. I was then interviewed by the president and the attorney general. One of the first letters that Jimmy Carter got was a letter from Barry Goldwater, saying what a great director of the FBI I'd make.

YATES: How well did you know him at that point?

VAN DE KAMP: Not very well. I mean, we met in the campaign trail and were not unfriendly, but we never socialized with one another.

YATES: So it was a surprise?

VAN DE KAMP: Yes. I thought it spoke well for him, but it also spoke well for the kind of a campaign we ran. Because life is long, and too many candidates go out there and burn all their bridges and think they can get away with it, and get so negative, go beyond the bounds. And, so, you know, sometimes. . . .

YATES: Well, when you got up to election night, how did you feel about how things were going?

VAN DE KAMP: Now, another thing I learned is, we had a lot of phone-calling from our headquarters to try to gauge what our chances were, and my based on the reports I got my sense going in that night is that I had a long shot chance of winning, or coming very close. But I learned there that those kinds of phone calls, while they may help you, unless they're done in an organized way by a real statistician, don't really tell you very much.

YATES: So when you say phone calls, these were on how things were going at various times?

VAN DE KAMP: Well, these were phone calls like the day before the election—"Who are you going to vote for?" and this kind of thing. The responses our callers got were relatively positive. I had not gone in believing that I was a winner, a clear winner, but I thought we had a shot at it.

YATES: And it sounds like you didn't do too badly.

VAN DE KAMP: Did all right. In retrospect, once I learned a little bit more about turnout rules I concluded I could be correctly accused of naiveté and not having a better understanding of that. That's one of the things I learned, and it helped elevate interest in the district, and later that district was redrawn.

So today, I think Brad Sherman, who is a Democrat, represents at least part of that area. Howard Berman represents part of that area. I forget how. . . . But anyway, there's been a major shakeup in the entire area, as there should be because of the strange way it was configured.

YATES: It sounds like you liked that experience of running for office.

VAN DE KAMP: I did. I'm not sure I was very good at it. Some people are to the manor born. I don't think I ever had that quality, in terms of being able to meet people and glad-hand, in a way. But that's one thing you learn. . . . And people were genuinely nice. I mean, that's one thing about campaigning, people say, "Oh, isn't it a drag to go out and campaign?" The answer to that is no. It can get ugly once in a while

as the two warring camps fight, but when you're out there shaking hands with people or talking to people, generally people really go out of their way to be pleasant and friendly.

And some wonder how candidates can put up with these kinds of campaigns. You're working sixteen, eighteen hours a day, but there's a tremendous amount of reinvigoration that you get out there. I mean, again, people pump you up, so that physically and emotionally you go on, and get to like it. Now, it's not a narcotic, but it helped me later on, certainly in my other office-seeking.

I never got to be what I'd consider a great candidate, but I watched myself in some of the debates with Dianne Feinstein, and it wasn't bad.

YATES: I would imagine it would help your motivation level, just the actual experience of campaigning and interacting with people.

VAN DE KAMP: Yes.

YATES: So when you did lose this election. . . . What were your thoughts, after you learned that you'd lost the election, about whether you wanted to run again?

VAN DE KAMP: Well, I didn't have any immediate thoughts. There are some people who came to me and wanted me to run for the [California State] Assembly out there in that same area, and some other races, and I said no. What I did after that race, after. . . . I think it was about the end of April that that race took place . . .

YATES: April 29th was the election.

VAN DE KAMP: April 29th, yes, and literally four weeks after the primary.

YATES: Yes. That's really fast and furious.

VAN DE KAMP: And anyway, after that, I went back to Washington. I still had my apartment there, and I sort of read a lot of mystery stories, a lot of Ross Macdonald mystery stories—waiting for the phone to ring on opportunities.

YATES: Now, had you officially left your position, then, when you went into this race?

VAN DE KAMP: Yes. I had taken a leave of absence, but then resigned. I'm trying to remember the exact timing. But I didn't go back there to go back to work in the Justice Department.

The question was whether I was to stay there in another capacity. The corporation counsel's job was open in Washington, and there was some thought I might go after that. That's like your city attorney is here. I spent a little bit of time back there trying to decide what to do, and I finally decided it was time to come home and get reorganized.

So I came back, I worked for my family's company for a little bit, worked on a couple of projects for them on real estate, another really terrific learning experience. But then after three or four dead months I got the call from the Unruh people and started to work with them. And so I was there from around September, into probably late April or May of the following year.

YATES: Explain again now what were you doing exactly for the Unruh campaign?

VAN DE KAMP: I came in as the deputy campaign manager, and since they didn't have a campaign manager, they asked me to run the campaign. Jesse had set up a headquarters that I organized and fixed up on Western Avenue. We brought in a staff. When he was away from Sacramento we would schedule him, try to raise some money and put the operation together to make the run. We'd also organize issues meetings.

Jesse had many old friends in the business, people like Paul Ziffren, [Frederick G.] Fred Dutton, Max Palevsky, Allen Kreps, Frank Burns, who was very close to Jesse. For me it was a brand-new group of people. [Phillip H.] Phil Schott, who had worked as Jesse's AA in Sacramento. And put the campaign together. He beat Yorty about two to one in the primary—Sam Yorty, the former mayor of Los Angeles.

It was a memorable sort of a period of time. To watch Jesse in operation, he was such a fascinating character. I remember taking him to New York one time. We flew back, he was going to do the *Dick Cavett Show*, and he did a good interview on the *Dick Cavett Show*. In fact, we did a number of things like that. The idea was to get him on television and humanize him. He appeared on Della Reese's show one time. We got him to sing "I Walk the Line," which he did relatively well—not exactly Johnny Cash.

But that night, after the Cavett show, I'll never forget it. After the taping we met some friends of Jesse's, people who worked in the [Robert F.] Kennedy campaign in 1968. Jesse, was, as you know, very much involved in that, and then went to the Democratic [National] Convention and was very active. The California delegation played a very important role in that convention, and there was a real bonding of the people involved there.

So at this little dinner in Toot Shor's—I'd never been there before, in New York—Jesse met [Eugene P.] Foley from Minnesota, and Bill Barry, who's Bobby's bodyguard, a former FBI agent, a couple of other people who were in town, and they all came over and started drinking. Jimmy Breslin was also there—Jimmy the famous New York writer, who was also a friend of Jesse's. At some point in the evening—I'm trying to remember this—I think Barry was sitting down, and Breslin got in this big argument with Barry, the FBI agent. Breslin yelled at him, "You don't give a goddamned about Bernadette Devlin," who was then a young well known fiery Irish legislator. And here are two Irishmen, you know, just getting into it.

And finally, Breslin picked up a bowlful of cigarette butts—Barry's steak was full of ketchup—and Breslin just threw the cigarettes down on the ketchup on top of the steak.

Breslin said, "Goddamn, you don't give a goddamned about Bernadette." So he poured the cigarette butts on the ketchup and the

steak, and everyone looked up with amazement, there was a long pause, and Barry then picked up the plate and threw it at Breslin—right at his chest. For the rest of the evening Jimmy was walking around Toot Shor’s with this great ketchup stain on his jacket. Toot Shor, meanwhile, bundles over and says, “Boys, boys, stop it. We can’t have this kind of thing in this place.”

It was getting a little bit raucous and I said, “Jesse, I’d better get you out of here because you’ve got to go to Washington the next morning.” So much to his unhappiness, I got him back to the hotel. It turned out that about a half an hour later that some of New York’s finest were having a retirement party down in the basement of Toot Shor’s, and they came up to the bar about midnight, and one of them apparently made a hit on the daughter of Henry Rogers, who was from L.A. and head of one of the great PR firms—Rogers Cowan. They were at the bar, and apparently the policeman came up and hit on her, and finally it got so bad that a couple of off-duty policemen jumped out from behind the bar and they had a great melee. I mean, they had to call in the real police, on-duty police, to quiet things down. Well, this is New York. [Laughter] I have a hard . . .

YATES: It sounds like Jesse wasn’t involved in all of it.

VAN DE KAMP: I’ve had to pause a little bit to remember this, but, it was [Laughter] only thirty years ago.

YATES: Explain to me again the timing, when you were doing these kindsof trips. Was this before the. . . .

VAN DE KAMP: This was before the primary, yes.

YATES: It was. OK. So the focus was on Yorty, and getting the Democratic. . . .

Now, you mentioned people like Fred Dutton and some other individuals who had a fair amount of experience with campaigns. I know his name through. . . . It's the same Fred Dutton, right, who worked on the Brown, [Edmund G.] "Pat" Brown [Sr.], campaigns?

VAN DE KAMP: Yes.

YATES: What, at that point, were you learning from these various people who'd had a fair amount of experience campaigning? I'm assuming you're learning, because you hadn't done much before.

VAN DE KAMP: Yes. Everyone was trying to get Jesse out of Sacramento, so as to establish his own independent identity, and also to help him raise money. I think most people thought at that point that Reagan was still vulnerable, that he had already been governor, he had a record, that he might be beatable. It turned out that that year was, as I remember and have talked to others who've written about it—Lou Cannon, in particular—that it was not a very good year for Republicans, 1970. [Nelson A.] Rockefeller and Reagan were two of those that escaped, and Reagan's race against Jesse was the closest race, vote-wise, that he ever experienced.

Jesse, who at the end of the day had virtually no money, was relegated to trying to get free media by going around and standing in front of oil wells, and insurance companies, to dramatize issues involving them from a populist standpoint, just to get media attention. That's how he had to run his campaign. Reagan did a Rose Garden campaign and really never came out of it. But he only won by about 4, 4½ percent, something along those lines. Jesse did remarkably well, ultimately, in that year.

So what do you learn out of all that? I mean, again, it goes back to the essential issues. It's a combination of identity, getting people to like you as a person. Reagan had that quality probably better than anybody that I can ever remember. Even though I thought he was pretty thin on a lot of policy issues as a candidate I don't think there was anybody any better. Someone could take a swipe at Reagan, and rather than getting angry or malicious, he'd make a joke. It totally disarmed whoever it was, whether a newsman or an opponent. Like he did. . . . Was it Walter [F.] Mondale—in 1984—with “There you go again.”? He had a wonderful quality about him that most candidates could learn a lot from. Not that you can have the personality that Reagan had, but. . . . And I remember this was an unusual event. Reagan was elected the president in, what was it, 1978 or '80?

YATES: Nineteen eighty.

VAN DE KAMP: 'Eighty. And this is for the first term. There was a civic lunch here at the Biltmore Hotel. The place was jammed. And Unruh, of all people, was asked to give a speech, or a toast, to the president-to-be. Reagan was about to go to Washington to get sworn in.

YATES: Seems like an odd choice.

VAN DE KAMP: It was a very odd choice. And Mrs. [Nancy D.] Reagan was sitting up on the dais, and when Jesse got up, she gave him a dirty look from behind. To her, I'm sure, Jesse was a coarse, difficult guy, certainly not in her league from a social standpoint. And Jesse proceeded to give as civil and as an admiring talk about Reagan as a person and as a candidate as you'd ever heard. I mean, as gracious. . . . Now, this is long after they'd ever run against one another. I thought Nancy's teeth were going to fall out of her mouth, watching her in the middle of this business.

Anyway, so what do you learn on that? That is life is long, once again, and how you deal with other people and treat them as human beings, even if you have different points of view, goes a long way in the long run.

YATES: So you said you joined up with them before the primary. Were you with the campaign all the way through the general election?

VAN DE KAMP: No, but what happened was that, again, I was an interim head of the campaign. Jesse tends to get unhappy, and he was either unhappy with himself or with me, and so around April of 1970 he decided he was

going to make a move, and so we worked this out. He brought in Phil Schott as his campaign manager. And I continued to campaign for him. I'd go up to Lancaster or go to places and give speeches for him, and stayed with him in the course of the campaign.

I went to Washington that summer. My friend Judge Byrne became the executive director of the President's Commission on Campus Unrest, and so he invited me to come to Washington for a couple of months that summer to help write a chapter in the document that they wrote on Kent State [University] and Jackson State [University]. I came home in late September, and then off and on spent time in San Diego, living with and helping my friend Ed Miller, who was running for DA [district attorney] of San Diego.

At the end of his campaign I served as his de facto campaign manager. I lived with him, would get him up in the morning, take him to factory gates. And that was a great campaign. He had a campaign manager and staff. Ed was really one of the lucky ones because he was told by the people who were supporting him, "Don't worry about money." So he never had to worry about raising money. All he had to do was go with me to factory gates, try to shake three thousand hands a day. There was enough money to run media spots.

The group that was supporting him was something of an upstart group in San Diego. The old power resided with C. Arnholt Smith, who I believe later was convicted and sent to federal prison on. . . . I

forget the charges. But he had tremendous control over politics and real estate and people in San Diego, and he funded the chief deputy district attorney's campaign for DA, who I think was probably a pretty decent sort of a fellow. And Ed ran against him, and at the end of the election night I remember putting Ed to bed around two o'clock in the morning. All night long the vote count shifted. Ed was ahead by 500, then 1,000, then 300, then 1,200, and down again. It was very. . . . When he went to bed, I don't think he. . . . He did not know whether he'd won the election or not.

So that night I went back, after I'd put him to bed, to the campaign headquarters to grind out a victory statement, which was somewhat presumptuous, since we didn't know he had won, announcing how we'd overthrown the establishment in San Diego. And by god, in the morning, when they finally finished the vote count, he had. He won by six or seven thousand votes, if I'm not mistaken. And that led to Ed's career for how many years? About twenty-four years as the DA. He was a very good DA during most of that period.

YATES: So it sounds like you were pretty politically involved, then, basically from when you decided to run for the special election, except for a couple of months of going back to D.C. to work on the president's commission. And just briefly, on the president's commission, then, you said you were helping to write the report. Is that what you were doing?

VAN DE KAMP: I was assigned to work on a chapter. They assigned out various parts of the final report to some of us. John Konstantaras from LAPD [Los Angeles Police Department], who is a well-known strategist—I think John's now retired—and I worked on the law enforcement response, almost a tactical response to what do you do in the face of mob violence. Because it's clear, certainly at Kent State, that the National Guard ended up killing some students unnecessarily, where a decent strategic response could have avoided that.

YATES: So that's what you were working on.

VAN DE KAMP: We worked on it, and the chapter is still there. You can read it; it's a pretty good chapter. I mean, it may put you to sleep, but. . . .

[Laughter]

But I remember the experience that John and I had. We'd be sitting there in the office in Washington on a hot summer night, going to about eleven o'clock at night, going through every word, every sentence, word by word by word, and changing it or refining it. So it was a fairly rigorous kind of an exercise.

YATES: And I can tell from how you are describing it what your view on it was, but how did you come to a decision about what you actually were going to recommend?

VAN DE KAMP: Well, the commission had to do that. We were basically carrying out .

..

YATES: Giving them. . . .

VAN DE KAMP: Yes, trying to articulate probably better than they did . . .

YATES: What they thought was appropriate?

VAN DE KAMP: Yes. And they had to approve it at the end of the day.

YATES: And how did that all work out, in terms of your working with the commission, or coming up with language that worked?

VAN DE KAMP: It went fine, I think. I don't know, because we were not privy to the actual commission meetings. So it's hard to know how all this was received. It was an interesting experience, though, because you have to remember Nixon was president of the United States then. They had appointed a commission, so-called Scranton Commission, led by former governor—he may have still been the governor—[William W.] Bill Scranton of Pennsylvania. And then Byrne, who later became a judge, was brought in as the executive director. He brought me in as an old friend and helper.

But I was a Democrat, and so I stayed as far in the background as I possibly could, because in Washington, unlike Sacramento, the knives are out, especially the Party knives, and the fact that a Democrat was involved with the commission in some way could have been a problem. I stayed in the background.

YATES: You didn't think it was like that in Sacramento, at least at that time?

VAN DE KAMP: No, I don't think so. After Prop[osition] 13¹ passed, when you had the post-Prop. 13 babies in Sacramento, it got more divisive politically. But in the old days there used to be a lot of horse-trading back and forth. I mean, Unruh. . . . One of the things that drove us nuts was that Unruh delighted in. . . . He loved to be the leader, and he did not leave his leadership till April of 1970 or thereabouts. About a month or two before then, he had engineered the election of Jack Schrade, a Republican, I think as the president pro-tem of the [California State] Senate.

YATES: How did he do that?

VAN DE KAMP: Well, that's a good question. But he was able to work enough deals out to get someone that he felt he could deal with in that job, and he was so proud of himself for having done that. But I mean, he knew how to work the levers of power up there, and, again, he could deal with Republicans as well as some of his Democrats. And there was a real bond, I must say, even when I was there as the attorney general.

I remember one night going to a dinner—it was a Greek dinner honoring [Nicholas C.] Nick Petris, who was a state senator and who was known for his oratory. And after giving a very graceful, moving speech after dinner, full of rhetorical flourishes with quotations from Cicero and others, I happened to see George Deukmejian the next day.

1. Proposition 13 (June 1978), tax limitation.

George had been there. He'd been in the senate with Nick. Now, politically they're quite a distant apart, a big distance apart. But George said, "Wasn't that a terrific dinner? Isn't he a great guy? Wasn't that a great speech he gave last night?" And at one period of time, there was that kind of atmosphere up there.

And I think a guy like. . . . Just looking at it today, my guess is that [James L.] Jim Brulte and John [L.] Burton understand that. But with the Prop 13 and the term-limit babies in there who do not develop the relationships, do not understand how things get done, there's less of that. And it's too bad.

YATES: Yes, you hear people describe it exactly the way you're describing it, from [those] who've served in the legislature in the sixties and seventies, that there's much more partisan . . .

VAN DE KAMP: It may have been too loose in that period of time. You know, you had the influence going way back with [Arthur H.] Artie Samish and the lobbyists, and things were a little bit more casual in terms of political contributions, but there was a better melding, and I saw it when I was up there, especially with the old-timers.

YATES: I know we're jumping around a little bit, but on that same vein, the impact of Prop[osition] 9¹ on lobbyists and campaign contributions and all that, what impact that had, also, on the atmosphere?

1. Proposition 9 (June 1974), financial disclosures and limitations affecting political campaigns, public officials and lobbyists.

VAN DE KAMP: Well, Prop. 9 being the most recent one?

YATES: No, the one from 1974, [Edmund G.] “Jerry” Brown [Jr.]’s big push for the. . . . My mind is just blanking.

VAN DE KAMP: Was it reporting?

YATES: Yes. It’s reporting.

VAN DE KAMP: Well. . . .

YATES: Mid-seventies.

VAN DE KAMP: Yes. I think reporting always helps. I don’t think it transformed Sacramento. What really has been needed is a—and I put it into the measure that we introduced in 1990—campaign expenditure limits. Well, campaign fund-raising limitations, and then some expenditure limitations. And what we have today is weaker than what we proposed then. I think those things tend to help even the playing field. It takes away the influence of big contributors to the extent that they may have been so powerful in the past.

I know when I was attorney general I tried to be careful when I . . . You always would know in advance, when you go out and raise money, that one out of a hundred, or maybe one out of five hundred, was going to come back and bite you by being in trouble, and somebody could make something out of that. I mean, it’s just inevitable. You can never predict the future, and sometimes the people that you’re raising money from are looking, hopefully, for an

edge down the line, or what they perceive to be an edge—people who may know that they’re going to be in trouble, and you don’t know that.

And so what I used to do is—and it’s not a total protection, but it helps—is to put a . . . I didn’t want to have anyone giving money to my campaign that’s more than 1 or 2 percent of the total raised. I forget what the exact figure was. So it could always be said that no one was dominating our campaign. So ARCO [Atlantic Richfield Company] came in with a \$50,000 contribution, and we’d say, “No, thank you,” or give back \$30,000 or whatever, so that that could be said. And, frankly, if ARCO then got in trouble, we’d try to give the money back.

YATES: All of it?

VAN DE KAMP: Yes, if you could. If it were a contribution five, six years ago, that’s one thing, but if it were done in the last year, somebody could try to make something out of it, fine.

YATES: You were mentioning, just to tie back to the Unruh campaign, I think you said that he, of course, compared to Reagan, he wasn’t able to raise the same kind of money. Is that right?

VAN DE KAMP: Absolutely. I mean, in the two campaigns, I don’t think that Jesse raised a million dollars.

YATES: And why do you think that is?

VAN DE KAMP: Corporations who could give money were not tilting his way. Labor did not have that kind of money. They’d have foot power, but they

didn't have that kind of money. Now, today might be different because if you could turn to the correctional officers and some of the special interest groups that have emerged, I mean the consumer lawyers, the correctional officers, the teachers, those are three groups that conceivably. . . . Well, you'd expect a couple of them to be on the Democratic side, as long as you had a program and positions that met some of their interests. In those years the correctional officers were not strong, I don't think the teachers were as well organized as they are now, and the consumer lawyers were not as well organized along political lines. So you end up seeing the doctors, tobacco companies, insurance companies. Who else? You know, major industry groups tending to support Republicans.

YATES: Yes, that's what I would have guessed, but I wasn't sure about that. So you worked on your friend Ed Miller's campaign, or helped him with that campaign in San Diego, so that gets you up until the election of that year. Is that correct, in terms of what you were doing?

VAN DE KAMP: Yes.

YATES: So then after that ended, what did you do next, or what were you planning to do next?

VAN DE KAMP: Well, at that point I had been working a little bit with the family company, mind you, the family company being Lawry's. . . . Well, it was then the Lawry's Food Company, and my father was connected with Lawry's Restaurants Company. I went to work as an independent

consultant to try to put together a little real estate company for them, and a couple of real estate purchases for the other companies. The partnership for the real estate were for a couple of family investment companies. There was some purchase of real estate for the main companies themselves, and I remember getting involved in the purchase of some property back at the Five Crowns. We purchased some property across the Pasadena Freeway for the Lawry's Products Company, and then we put together an apartment house project out in the Valley, and one out in West Covina that the family got involved in.

YATES: So you were doing this simultaneously while you were doing other things?

VAN DE KAMP: I did of it when I was working for Miller, and started to do some of it in the spring of 1971. It was around that time that I was approached to become the first Federal Public Defender. I forget exactly when that occurred, but it was sometime in the late spring. That brought me back into public life on a full-time basis.

YATES: From what I've read, then, the federal government was establishing federal public defenders. Is that correct?

VAN DE KAMP: Yes.

YATES: And hence the title first federal public defender?

VAN DE KAMP: In the L.A. area. What had happened was this. There had been a couple of pilot programs, one in San Diego that my friend John [J.] Cleary organized, and one in San Francisco under Jim Hewitt. The

Criminal Justice Act [if 1976] had been passed in Congress that authorized the establishment of these offices elsewhere.

The reason for that was that in too many places—Los Angeles being a good example—the defense of indigent defendants—and there are a lot of them in federal court, believe it or not—fell to appointed lawyers who oftentimes came from the big downtown law firms who were designated by their law firms to go to federal court on Monday morning and pick up these people. Some of them did a very good job, but almost inevitably they didn't have the training or the day-to-day experience to be in the federal criminal courts. So it was believed, quite correctly, I think, that to have a professional, regular, full-time office there made a lot of sense.

So the act was passed, providing for the establishment of these offices. Each had to be blessed by the local district court. In Los Angeles candidates were interviewed for the job. I knew many of the judges because of my work in the U.S. Attorney's Office there in prior years, and so I got the appointment.

As it was set up here, I was given the authority to set up an office. I had a budget, and our office worked side by side with a panel of lawyers that would handle conflict cases. More and more of those lawyers that got appointed were really federal criminal practitioners. They were not just designated by their downtown law firms as a pro bono contribution; these were guys who would get appointed and get

compensated. The hourly rate was very small, but at least it was a major change to professionalize that whole defense mechanism.

YATES: How much of that position, for you, was administrative versus practicing law, if that's the right way to put it?

VAN DE KAMP: Yes. It was a combination, probably about fifty-fifty, something like that. I would handle a caseload that was probably 50 percent of that of the regular lawyers in the office. I did all the hiring and the firing, such as it was, and put together the secretarial staff to handle all the outside work that had to be done to keep the office going. But I'd also take my shift down in the magistrate's office. When cases would come in we would assign staff federal defenders down there to pick up cases as they came into the system. A defendant would be arrested, taken to the [U.S.] Marshal's lockup, then brought in before the commissioner for arraignment and bail hearing and we were usually appointed if someone did not have and could not afford a lawyer. So we'd have a schedule where the lawyers in the office would pick people up during certain time periods. I would assign myself into those slots. It's a little bit of a grab bag, you got what came in, and then you'd follow those cases through to their end. It could be a quick end or a long one.

[End Tape 2, Side B]

[Begin Tape 3, Side A]

YATES: So you were saying how you would end up getting cases.

VAN DE KAMP: Right. I mean, they could be a small minor case or a big case. It was potluck.

The staff I put together was quite extraordinary, and to this day the people who joined me in that office get together, stay in contact with one another. And I tried to match diversity with experience. Howard [M.] Van Elgort came up from the Long Beach Legal Aid program; [Michael J.] Mike Lightfoot, who had been an assistant U.S. attorney, came in to help me. Mike Balaban was my chief deputy. He'd been a former assistant U.S. attorney and a very well-known criminal defense lawyer. John Hornbeck, a wonderful federal prosecutor, now practicing in Oregon to join us. And then some younger people. So I tried to have diversity in terms of race, ethnicity, sex, in the office to make it look like the face of the area.

I'll never forget Lupe Martinez, who joined me early on. I'm not even sure Lupe had passed the bar at that time. It was before we were officially organized, but we got a call one day saying that the LAPD was after some kid who supposedly was involved in a police shooting. A sheriff or policeman had been killed out in East Los Angeles, and this kid was a fugitive and they were after him. We got word that he was holed up in the Mercado in East L.A., so Lupe and I got in my car, and he showed me how to get to the Mercado. And we took a circuitous route, thinking that we might be followed. We got in there and found him in a back room and were able to get him surrendered

avoiding a potential blood bath. The concern was that police or sheriffs might be coming in there with guns blazing. And it turned out that he was an innocent bystander in this whole thing—his car had been used—and he was released twenty-four hours later. But that was a dramatic beginning for the office.

The office represented [Anthony] Tony Russo, who was Daniel Ellsberg's co-defendant in the Ellsberg-Russo [case]. And again, the FBI was poised to make an arrest. We figured the hats were all pulled out so they could get a lot of national press with a perp walk, I guess that's what we call it today, a "perp walk," on national television. We found out where Russo and Ellsberg were and were able to arrange for their surrender, avoiding the perp walk. And we represented Russo for a while; finally he got his own lawyer.

YATES: It sounds like some of the individuals you hired for the staff you would have known or had some connection with in your previous experience. But what about other individuals you ended up hiring? How did you end up identifying them to come in?

VAN DE KAMP: Gail [M.] Title. I'd never known Gail, but she had been a clerk for Judge David [W.] Williams, and, by the way, is a very successful lawyer in town today. Barry [J.] Portman was a friend of Mike Lightfoot's. Barry had been, at one time, training for the Jesuit priesthood down in Louisiana. Mike knew him from way back and so

Barry came out and interviewed, and he joined the office. He, today, is the federal public defender in San Francisco.

So it was a combination of things—people who were referred for interviews or heard about us, who came in. I interviewed lots of people who came into the office. And we built the office up, by the time I left, to about fifteen lawyers. I started out with a pencil and a yellow pad.

YATES: Out of those individuals, what kind of qualities were you looking for, or that you thought were important?

VAN DE KAMP: Well, we were looking for. . . .

YATES: You mentioned the diversity and everything that. . . .

VAN DE KAMP: Yes—ultimately looking for people who could provide strong representation, who really cared about working with their clients, and could do an effective job in the district court. And we had a differentiation in terms of experience and tried to use the older lawyers as mentors. I brought in Professor Martin [L.] Levine from USC [University of Southern California], who was on something of a sabbatical. He was there from the beginning and was full of ideas, and was very helpful at the start of our operation, before he had to return to USC.

After about six months or a year, I made the decision that we needed to have a social worker on the staff. I came to the conclusion that some of the best work that we could do for the people that we

were representing was to try to get them going with a fresh start in life, and to get them programmed; it could be a drug rehab program, an alcohol abuse program, a job. So many of the people that we represented, many of whom were not involved in the most serious or heinous, crimes, were people who really had a shot to get probation, which you could at that time. You didn't have the federal sentencing guidelines.

And so I brought in a woman by the name of Lori Nelson, who had been with DPSS, the Department of Public Social Services, a woman that I knew through my sister. Lori became our social worker, and so I would send her cases, "I think this person might be helped," and so she would then work with them and try to get them placed. Speaking of placement, Lori later became director of admissions at USC Law School and at Boalt. And she came to work with me in the DA [District Attorney]'s Office, helping us establish the first Victim-Witness Assistance Program when I went over there.

At that time, that was an unusual idea in a public defender office, to have somebody who worked in that milieu. But it really made a difference, because it meant that if you went in, ultimately, for the time of reckoning, the time of sentencing, that you could say, "Judge, Ms. Yates is now working at x, earning a couple of hundred bucks a week, she's going religiously to her AA [Alcoholics Anonymous] program, and we have a letter here from the person who's running that

program that she's clean and been very dutiful." I mean, all those kinds of things. If you're a judge who had a defendant on the cusp, particularly a low-level offender, it could be somebody who forged a check, a small check, or something like that, that's not the biggest offense in the world. And as long as he didn't have a long prior record . . .

YATES: That could make the difference in terms of their sentencing.

VAN DE KAMP: Yes.

YATES: At what point when you were there did you bring her in, then?

VAN DE KAMP: I think it's probably within a year of our. . . .

YATES: Of setting up the office?

VAN DE KAMP: Yes. I also brought in some investigators, one of whom had been a private investigator. His name was John Bond, a very remarkable sort of a fellow, very inventive, but a good investigator. And then a couple of guys who came in from LAPD who'd retired over there. We'd turn them loose checking out cases and working on cases for us. So we had some internal investigative support for what we were doing. We just didn't have to rely on the FBI reports.

YATES: You wanted to finish up at four, is that right?

VAN DE KAMP: Yes.

YATES: So let me ask you one last question, then we can wrap up for today. Of course, before you'd been in the position of being a prosecutor, and now this is a different viewpoint, perhaps is the best way to put it. So

how did that compare with your previous experience, serving in this capacity as a defender?

VAN DE KAMP: Well, some people, will ask. . . . This is a common question. How could you do that sort of thing when you know that they're guilty? Well, it turned out to be, for me, a lot easier than I had expected. You look at people as individuals, you try to be nonjudgmental, you know you have a job to do your very best for them in terms of advocacy and representation, and also knowing that you perhaps can improve their life by helping them get on a different kind of a track.

So you find that from a personality level that some of these people are pretty easy to get along with. No one's black or white in the sense that you just wouldn't touch them or deal with them. Even people who've been charged with fairly serious offenses could be personable and likeable in some ways. And each person deserves to be treated on their own merits, and that's the way we tried to deal with them. At least that's what I tried to do. Some people are more difficult than others.

I'd find that. . . . We started with a handicap. Defendants would come in off the street and we'd go down and say, "We're here to represent you, and we're here from the Federal Public Defender's Office."

And they'd say, "Well, I don't want you; I want a lawyer." It could be me or anybody else. I don't know how many times I heard

that, because they thought that some of us were not lawyers or didn't have the kind of background to represent them. And you had to beat that down.

One of the cases that I remember very well, where I picked up a bank robber—I can say that now—at the lockup one day. His name was Levi Ford. He was charged with robbing a couple of banks here in Los Angeles, and he was over at the [Los Angeles] County Jail. He must have been twenty-one, and had gone in, I think, with a gun. He was before one of the toughest judges in the district court [Charles] Charlie Carr, and I thought, “Oh my.”

And when I began to go down and see him, he was not very cooperative, not unpleasant, but he said, “Oh, no, it wasn't me. It wasn't me.”

Well, one day I finally got discovery from the U.S. Attorney's Office—I had the pictures of the bank robber. And so I said, “Give me copies or dupes of those pictures. I'd just like to show my client what you have.”

So when I took those pictures down, before I showed it to him, I said, “You know, Levi, I'd like to have your best friend come out with you tonight so we can talk together.” And so he did that, he brought down his friend, about the same age and a friendly guy, as I remember. We talked for a little bit.

Then I said, “Now, I have some pictures here, Levi. I want to show them to your friend and I want him to tell me who this is in these pictures. Here’s the bank robber robbing the bank.” And the guy looked at the picture and he started to laugh, and then Levi started to laugh. That broke the dam and finally he was able to cooperate with me.

I think we were able to cut his sentence in half from what the judge might have done. The judge would oftentimes bend over backwards to show that he was not a racist, and in this case I gave him the opportunity to do that. And from then on, I’d get a letter from Levi every Christmastime from McNeil Island [Corrections Center] saying, “I’m learning to become a baker. Do you think you’ll have a job for me when I get out?” [Laughter]

YATES: At Van de Kamp’s?

VAN DE KAMP: Well, I haven’t heard from him for a number of years, but he should be out by now, and I hope that he’s done well.

YATES: I think it’d be really tough to be a defender, but. . . .

VAN DE KAMP: Not as tough as you think. I mean, it depends on the way you approach it.

YATES: But it also sounds like it’s really a wonderful experience to be on both sides, too, that it gives you a whole different perspective, perhaps.

VAN DE KAMP: I think it does. I mean, the one thing I learned as a prosecutor—and I use this to this day—is that I never accept the first story that I hear. I

want to get both sides, and there are often more than two sides to a story. Because you end up sometimes with the damnedest. . . . You may have what looks like an open and shut case in front of you as a prosecutor, and then all of a sudden when you get the other side of the story, it's as clear as mud. Or, it's responded, it's answered.

And you also learn that as defense counsel. You learn some of the damnedest stories about people. The strangest kinds of lives, and sometimes they'll lie to you. I've certainly had that happen to me. Again, you have to build up trust. That's why one of the things I would do when I got a client like Levi, who's just not sold that he was being represented properly, is I would go down there every night to the County Jail, and sit there in the attorneys room and call four or five of my clients out, just to let them know that somebody cared. And after four or five visits down there, even day after day—this is after work, in the evening—they'd come to the conclusion "Maybe he's not so bad after all."

YATES: Did you expect this from the other lawyers in your office also, to do that?

VAN DE KAMP: They had, yes, oftentimes much the same experience. Some of them were better at relating to defendants than others. There were some lawyers in the office who really got burned out and left after eighteen months. They just couldn't sort of take it anymore. Others, you know, it rolled off their backs.

YATES: OK. Well, it's just about four, so we'll wrap up for today and pick up where we left off. Great.

[End Tape 3, Side A]

[Session 3, August 25, 2003]

[Begin Tape 4, Side A]

YATES: I thought we could get started with the District Attorney's Office, unless you can think of anything you'd like to add about what we were covering when you served as the first federal public defender..

VAN DE KAMP: No.

YATES: You think we covered everything pretty well?

VAN DE KAMP: Yes, pretty much, although just before I became DA, almost I think within days, I was in the Ninth [U.S.] Circuit Court of Appeals arguing on behalf of a client who was involved in the most serious case that I'd ever handled, the so-called Pheaster case, a name that came up later in my first attorney general campaign.

Pheaster was charged with kidnapping a young man whose body had not been found. It was a circumstantial case, with some pretty strong circumstantial evidence. Without getting into attorney-client details, the case was won by the prosecution at the trial after a three-week trial before Judge Irving Hill. And about a year or two later, I'm up in the Ninth Circuit Court of Appeals to argue error, but I'd just been appointed to become the DA, I'm just about ready to assume that

position. Arguing his case in the Court of Appeals was the last case I argued there as the federal public defender.

And it presented an interesting issue. It was a Miranda issue, primarily, that led to a very thoughtful decision by the Ninth Circuit Court of Appeals. At least one of the judges, Charlie Renfrew, later remembered that case very well and thanked me for the argument in the case. But here I was, within days ready to come in as the DA, just having argued this very prominent case on appeal dealing with a serious criminal.

The bottom line ultimately with that case is that sometime after that, the defendant took the U.S. Attorney's Office or the FBI—I forget who it was exactly, because I was not there or involved—but took them to the body of the young man that he had kidnapped, apparently anaesthetized, and buried someplace in the desert.

YATES: And you said that came up later in [the attorney general] campaign?

VAN DE KAMP: It did, because, again, I don't want to get into client confidences, but the client. . . . When I was running against Senator Omer [L.] Rains later on, [he] made the argument that I had not disclosed the whereabouts of this body. You know, I'm not going to indicate whether I knew it or not. I think it's fair to say that I operated within the standards of the profession and the ethical requirements.

And the good news, I mean for me, in that situation was that I had both prosecutors and defense counsel who jumped in on my side

in that campaign. The prosecutor in that particular case, [Robert] Rob Bonner, who is now head of what is the successor to the [U.S.] Immigration and Naturalization Service, I believe, he was previously in Washington with [U.S. Department of Homeland Security] Customs [and Border Protection] and had been a former federal judge, but in that case was actually the prosecutor in the case and spoke up for me in the course of the campaign.

YATES: And that was for the attorney general, so it came up at that point.

VAN DE KAMP: It came up when I was running for attorney general in the primary against Senator Omer Rain[s].

YATES: Well, you mentioned that this was the last case, or prominent case, that you worked on before becoming. . . . Being appointed, I should say. So talk about how the appointment came about.

VAN DE KAMP: Well, the history of this whole situation is strange. I don't know exactly when [Joseph P.] Joe Busch died, but it was, I believe, the late spring.

YATES: I think I read it was late June. Does that sound about right?

VAN DE KAMP: That sounds about right.

YATES: That's from a newspaper article I read.

VAN DE KAMP: Anyway, Joe died of a heart attack—very suddenly. In fact, it was before a wedding of someone in his family. Joe was a very well-known, well-liked trial lawyer, very decent fellow in a lot of ways,

who grew up in the DA's Office, became a fine prosecutor, and took over as the DA when Evelle [J.] Younger became attorney general.

Unfortunately, the one thing he didn't cotton to was the political side of it. You can get spoiled. You're out every night, or can be out every night. There's a lot of drinking going on, and I think it can really get to you. You can be very habituated to the kind of life that you are immersed in. And I don't think Joe ever quite felt very comfortable in that.

In any event, he passed away suddenly, and the [Los Angeles County] Board of Supervisors was left with the responsibility of appointing a successor. I didn't think much about it at first, frankly. I was happily ensconced in the Federal Public Defender's Office. But when I saw some of the candidates whose names were emerging, I thought, well, having been a federal prosecutor and a defense lawyer I might be able to make an impact on that office, particularly having run the Executive Office for U.S. Attorneys and knowing a little bit about office administration.

So I talked to my father about it, I remember, and I just decided, what the hell, I'll put my name in. And I talked to a few people that I thought might be able to give me support in that situation, but it was not. . . . I didn't play it along political lines. I didn't go out and get labor unions to support me, or do a lot of the kind of campaigning that some of the others were doing.

YATES: How did that work, exactly? Because it didn't even occur to me that it would be the Board of Supervisors who made the appointment. Is there a cutoff date of how they gather names, or do you submit your name?

VAN DE KAMP: Yes, if I remember what happened is that there was a period of time in which names could be submitted, and mine was submitted with a curriculum vitae. This is from a fairly vague memory right now.

YATES: Yes. I think I read somewhere they had something like a hundred names. I don't know how accurate that is.

VAN DE KAMP: I'm sure they had a lot of names that just came in over the transom and so forth. They cut it down to six or eight, most of whom were fairly well known. The names that I remember, I know Richard [M.] Mosk, particularly, was in there, who was the son of the former justice of the [State] Supreme Court [Stanley Mosk], who passed away just this last year. He had worked for me as a federal public defender for a while, so I knew Dick.

Richard [P.] Crane [Jr.], who had been a federal prosecutor—working in organized crime—and working with the Bureau of Narcotic and Drug Enforcement, doing some of their work for them. He was one of them.

YATES: Here's an article I have that lists some of the people in that second paragraph, just to jog your memory. You probably already remember them. [Walter] Karabian.

VAN DE KAMP: So Mosk, Brian [J.] O'Neill, who is a friend of mine who used to be in the U.S. Attorneys Office. Frankly, I don't remember that [Samuel L.] Sam Williams really was a strong candidate. Well, he would have been a strong candidate because he was such a wonderful, outstanding person, but I don't remember him being in there, really. So he may have taken himself out of consideration.

Wally Karabian, who had been a legislator, I don't remember him as being a strong candidate. So I don't know how aggressive he was in pursuing it.

But I do remember Crane and O'Neill and Mosk as being the primary opponents.

YATES: And Manny Real, too, was he a candidate, I thought?

VAN DE KAMP: Pardon me?

YATES: Real?

VAN DE KAMP: Manny Real came in later. And this is a curious part of this whole process. And by the way, I don't remember this editorial, but it's a nice one that's dated September 22nd. It's an endorsement of my candidacy before the board.

YATES: It looks like this is from the L.A. *Times*.

VAN DE KAMP: It was from the L.A. *Times*. I knew some of the people on the editorial page over there, but that was about as nice an editorial as you could expect under those kinds of circumstances.

However, what happened—and I don't remember the exact timing—after all these names were cast about and talked about for a while, very quietly, Manny Real, who was a U.S. District Court judge, apparently went over there to talk to the board, and I heard about it. He's an old friend of mine; I worked for him. I was quite surprised when I heard about it, because he never said anything to me about it. I'd been a visible candidate; at least I was known as a candidate.

And apparently he went over there one afternoon. When I heard about it, I called my father. I said, "Well, it looks as if this is finished," that he would get the appointment because he was a district court judge and had good political connections and had been the U.S. attorney.

Apparently what happened was, he went over there, talked to the board, and a couple of the board members did not like his decision in the Pasadena busing case. And I know [Kenneth] Kenny Hahn was his big proponent, but apparently Baxter Ward, maybe [James A.] Jim Hayes, and [Peter F.] Pete Schabarum, were concerned about his decision to force busing in Pasadena, where I lived, by the way. And it was a controversial decision at the time. Anyway, for some reason, the three of them objected.

YATES: And [Edmund D.] Edelman was the other board member?

VAN DE KAMP: Edelman was on the board. I don't know what position Ed took on that. And I don't know exactly what happened, never have. I think it was all kept fairly quiet.

But Manny came back to the courthouse, and it was clear that he had not gotten the appointment, that apparently he slid in the back door as a possible candidate, and got rejected. He's never spoken to me about it, but it was a very strange part of this whole process. Someday, you know, somebody. . . . Maybe he'll do an oral history and we'll find out really more about what happened.

YATES: Is this, do you think, around late September, then?

VAN DE KAMP: Yes, I think it may have been earlier than this. It should have been six weeks or so before the appointment.

YATES: Yes. Because for the record, this article's September 22, 1975.¹

VAN DE KAMP: Yes. So it could have been just before or afterwards in that business.

Anyway, in terms of the process, I remember I went over and interviewed—talked to the board. It was something of a pro forma interview, all done behind closed doors.

YATES: What was that like?

VAN DE KAMP: I don't remember too much about it, because it was a fairly routine kind of interview. I think they wanted to see what I looked like, wanted to see how I'd respond. I don't remember any great hardballs

1. "For District Attorney," *Los Angeles Times*, September 22, 1975: Part II, 6.

that anybody threw. I remember much more about my interview for the FBI directorship several years later than I do that one.

Anyway, what then happens is that sometime in October—you probably have the date there. It's about the thirtieth of October, I believe—the word came out that I had been summoned over to the Board of Supervisors where it was announced that I've been named the DA. That was done on a three-to-two vote, with Ward, Edelman, and Hayes being my supporters, and Hahn and Pete Schabarum going elsewhere.

YATES: Actually, according to these articles, it happened in early to mid-October. Does that sound about right? So maybe end of September.

VAN DE KAMP: No, it happened. . . . This is October 10,¹ so that's about it.

YATES: OK. That the final decision was made.

VAN DE KAMP: Yes.

YATES: Now, did you meet with the board again? You said at one point you went in and met with . . .

VAN DE KAMP: We had one interview that I remember. In this article dated October 10, which means essentially that I think this came. . . . This article was the morning after. This was, even though. . . . What page is this on? I sort of remember this as being page-one news, at least in one of the editions.

1. "DA's Post Goes to Van de Kamp" *Los Angeles Times*, October 10, 1975.

YATES: I know some of those articles . . .

VAN DE KAMP: It was big news at the time.

YATES: Yes, it didn't indicate, unfortunately, what part of the paper they were from, but just the paper itself. So you remember that as being front page.

VAN DE KAMP: Yes, at some point. It says just before the vote that won the appointment, the five members of the board reportedly were split with two for me, two for Real, and one for state Senator George Deukmejian. Now, I don't know that George was ever a formal candidate. And then Jim Hayes, I think, was the third vote, as they said here.

Anyways, they say here I was summoned to the office, and I was asked to say a few things, which I did. I was immediately picked up—I will never forget this—by [Anthony] Tony Patchett in the . . . He had a big gigantic limousine that had been assigned to Joe Busch. And that night I remember I went out to a couple of events that night, and there was some excitement.

YATES: Now, did you have any further interaction with the board before their vote, between the time you went in for that initial interview?

VAN DE KAMP: No, I had no idea what they were going to do. And I think this article, I imagine, probably knows more than I did about what the board did. Ed Edelman would probably be able to tell you today exactly how this all occurred and what Real did.

I thought. . . . Frankly my recollection was. . . . Real was called up there a day or so earlier. But I thought that he was in and out of the race a couple of days before this happened, but it may well be that a couple of the board members signaled their opposition to him. And Schabarum, who is a fairly strong Republican, obviously would like to have voted for George Deukmejian.

YATES: So when did you find out about the vote, do you remember?

VAN DE KAMP: Yes, they called me sometime after three, three-thirty in the afternoon. I was summoned to go over there, and I don't recall whether I was picked up or whether I walked up the hill, and was told that I was appointed. And then I had to meet the press for a few minutes and say something intelligent, which was hard to do because there was so much to learn about that job.

But anyway, that was. . . . The day of that was a Tuesday, since this came out. . . . This is Friday, so that must have been Thursday, and if I'm not mistaken, I was sworn in the coming Monday or Tuesday.

YATES: So it all happens really fast, then.

VAN DE KAMP: Yes, because what I had to do over the. . . . As I remember, this is Thursday, and so I had Friday, Saturday, Sunday to get organized personally and at least get the inaugural ceremonies in place and talk to some people about who would be working with me directly in the office.

YATES: How much had you been thinking about all this prior to actually finding out that you were the person they were going to appoint?

VAN DE KAMP: Well, I studied the office as best I could, and I also knew that I had a lot to learn, because state practice, of course, differs from federal practice, so there are issues of state practice that I'd have to master. In terms of the people inside the office, the strengths and weakness were something that I had to fathom on my own.

I came to the conclusion very early when I came in, that it was very important that there would be a new broom sweeping clean as much as possible. The office had—in a sense, it was an older office in terms of its management—gotten a little sloppy. There were some fine prosecutors in leadership positions, but some of them just, frankly, had been there a little bit too long.

YATES: When you say sloppy, what were you thinking of in particular?

VAN DE KAMP: Well, we had some guys who'd go over to Nicola's every day for lunch, over on Sunset Boulevard. It's a restaurant and bar where people go for lunch and occasionally drink too much. We had some of the leaders in the DA's Office that got picked up coming out of there for drunk driving. You know, too many liquid lunches, people going over there at 11:45 and not coming back till 2:00 to 2:30 in the afternoon.

YATES: Was this something you were aware of generally?

VAN DE KAMP: Yes, it's something I had picked up from people who'd been near and around the office. At that point John [E.] Howard, who had had a distinguished career in the office, was the acting DA. When Busch died, they had an interim person from within the office. And John had been around for a long time, and he's not. . . . I never looked upon John as one of the—quote—“the sloppy ones.” He made it clear from the very beginning that he was just finishing that job and then taking his retirement, which he did. And he was helpful in the transition.

But in looking and searching around the office quickly, the one person I heard about, heard a lot about, was [Stephen S.] Steve Trott. Steve was a younger lawyer who had been in the office for some ten years, something like that, if that, maybe not even quite that long, but had been a real star, had tried some big cases, was aggressive, but smart and balanced. So I met Steve to get acquainted, see if I liked him or not, to get a sense of him. I thought about it for a couple of days and soon came to the conclusion that he should serve as my chief deputy. I thought—I took the gamble—that he would be loyal and aggressive and smart, and basically send a message to the rest of the office that there was to be a real turnover in the office, not for bad, but for good in the sense that we were trying to reinvigorate the office.

When I was sworn in, I remember my mother and father were there, and I had prepared a speech, which I have someplace in my. . . . It's not here, unfortunately; I have it at home. I have a lot of stuff I've

collected over the years. But essentially in that speech I called for an end of plea bargaining as we knew it. Plea bargaining has a very nasty sort of a connotation to it, and I called for the establishment of a new expression called case settlement that was based on strong principles, basically taking the worth of the case, making the valuation of the case, as to what the case was worth in terms of the evidence, and what the punishment range should be, and then to charge only what you could win.

One of the first things that we did in the office was to seek out the rest of the office in establishing a written case settlement policy, which we then put into effect a couple of months down the line after hearing from everybody as we tweaked that policy. I think it's still there today. Unfortunately, we never got rid of the term plea bargaining, but we did at least, rather than shooting from the hip and settling cases, establish a principled way in which cases get settled now. So that was one of the first things that we did.

YATES: What else do you remember about what you said in your inaugural speech?

VAN DE KAMP: Well, I talked about reinvigorating the office. I talked about the case settlement program. I said that we'd have a strong prosecutorial office, and that we were looking for the cooperation of everyone in it. You know, it was one of the things we demanded.

But—and I didn't say this directly—it had been implied that I was going to be defense oriented. They had to know that that was not my primary background originally and that we're going to make this the best office in the United States. It was a short speech, done under tight circumstances, and did not get into a broad range of policy.

But what happened then was that I had to develop a new executive staff. And it was soon after this that Steve became the chief deputy. I forget exactly when that took place.

YATES: I think it appeared to happen pretty quickly from looking at the newspaper articles, like within maybe a couple of weeks, or a week or two.

VAN DE KAMP: Yes. It occurred before my next big appointment. I wanted to send a strong message that women had a place in the office at the highest levels. I had known Andrea [Sheridan] Ordin well over the years. She'd been in the Attorney General's Office, she was the executive director of the L.A. County Bar [Association] at this point, and she'd had some experience doing juvenile work and consumer work.

I was able to persuade Andrea to join me in the office as the number three person, the assistant DA, and so she came in. She'd only been head of the bar for a year or so, and I know others, [John J.] "Jack" Quinn, particularly, was a little put off that I had taken her away. For her it was a great opportunity, because as a result of this job, she became the U.S. Attorney, appointed by Jimmy Carter, and

served there for three or four years. [Johnnie Cochran took her place in the DA's Office when she became U.S. Attorney.]¹ And then when I became attorney general, I brought her back to work with me as the head of the Public Rights Division of that office.

But her areas of activity as the assistant DA were in juvenile justice work. She had some oversight over child support, but most important of all, she really had what we call the [Bureau of] Special Operations sections. These are the special units, the Juvenile Division, the Consumer and Environmental Protection [Division], Planning and Training [Division], Special Investigation[s] Division. I said child support; actually I think her involvement with child support was minimal.

YATES: Now, these two appointments you made, when I was reading up on this a little bit, how much control did you have over changing staff? What could you make in terms of appointments?

VAN DE KAMP: Yes, you didn't have very much. You had a limited number of— quote—"exempt" positions. I think both these positions fell into that category.

But I had a special assistant that I could bring in. I brought in Barbara [Y.] Johnson. Barbara came in a little bit later, I forget exactly when.

1. Mr. Van de Kamp added the preceding bracketed material during his review of the draft transcript.

I brought in a press secretary, Carol Welch, who I'd known from Washington, who had at one time worked in the White House. That was really about it in terms of bringing people from the outside.

So Andrea was a strong message on a number of scores. I mean, she certainly. . . . What I wanted to emphasize in the office, along with line prosecution and doing a better job there, was the work of the special units. I mean, I already ticked off the units themselves, but Gil Garcetti, for example, at that time, was working over in the Consumer and Environmental Protection [Division]. It was really more consumer work at that time than anything else.

Curt Livesay, who is back right now as the chief deputy DA, was a young lawyer at that time and was in Juvenile [Division]. And together with Andrea and with me, we put together legislation in 1976 that was extraordinarily important, A.B. 3121,¹ that was carried by Assemblyman Julian [C.] Dixon, which transformed juvenile court.

It put the DA in the role of filing cases with the traditional standards, essentially taking that power away from the [Los Angeles County] Probation [department], so that we had a much tighter filing standard in the juvenile court. It provided that certain offenders, I think it was seventeen- and eighteen-year-olds at that time, who are almost career criminals, could be tried upon a finding in the adult

1. A.B. 3121, 1975-1976 Reg Sess., Cal. Stat., ch. 1071 (1976).

court, and it got rid of what they called the status offenders—truants who could be locked up without any finding of real wrongdoing.

YATES: And why, at that point, was that important to do?

VAN DE KAMP: Well, it was one of those things whose time had come. Juvenile court was not doing a very good job. It was overloaded with status offenders who were being placed in custody, even though they committed no crime. So basically we said, “You can’t do that.” Unless you can get them for committing a crime, they cannot be placed in Juvenile Hall. If they’re a truant or something like that, you, you know, you shouldn’t put them in Juvenile Hall; you deal with them in other ways. You go to their parents, you try to get them back into school, other things. But you don’t clog up Juvenile Hall, where there are some pretty serious offenders, with kids who may have been straying, but are not anywhere in as deep as the kinds of hard-core people that you often find in Juvenile Hall.

Anyway, that bill passed, and it basically transformed Juvenile Court. That was one of the first things that we did.

YATES: So your office initiated that legislation.

VAN DE KAMP: We did. I had a lobbyist for the office who had been up there before. [Douglas] Doug McKee was his name. Doug passed away a couple of years ago. Sort of a young sort of. . . . How can I put it? Very friendly sort of. . . . A pretty good representative for us up there because he knew legislators and he was a likable kind of a fellow, and he worked

up there for us year after year as the eyes and ears for the office in Sacramento.

YATES: And had there traditionally been that kind of person in that role?

VAN DE KAMP: Yes, he'd been there before. I don't know how many years L.A. had a spokesperson up there.

But it's fair to say that we were much more active in Sacramento than any previous DA had been, at least from Los Angeles. Alameda [County] had always, I think, to the best of my knowledge, had had some strong representation in Sacramento.

But Doug would be up there during most of the entire legislative season. Since that time the DAs have continued to have. . . . L.A. County DAs have had representation in Sacramento.

YATES: To back up for a second, you mentioned some thoughts you had about the DA's Office when you came in, in terms of what it needed. What was the public view of the office?

VAN DE KAMP: I don't know what it was. It's hard to say. I saw it from a distance getting pretty sloppy because I saw what some of the guys were doing. For example, I didn't see it moving very aggressively in the area of juvenile justice reform.

I thought they had been very good on big cases. Take the Sirhan [Sirhan] case. They've had some great prosecutors in the office then, and certainly into my term, people you could turn to in the big cases and would win. I mean, the one good thing I can say about the years

that I was there is that we won big case after big case. The major murder cases were won. I would simply. . . . I'd know that x was going to try a case, make sure it was an experienced prosecutor, usually chosen by the division head that had responsibility for the case, and I would stay out of their business. I would not tell them how to try the case. I'd see them periodically, but these were people with long experience who knew what they were doing.

I think the only case—and it led to my political downfall years later—that's the exception to that, was the so-called Hillside Strangler case, where the two deputies assigned to the case, [James] Jim Heins and Roger Kelly, who were two of the finest prosecutors in the office, came to me and said that their major witness had fallen apart, could not be trusted, and advocated dismissal of the homicide accounts against the other defendant, Mr. [Angelo] Buono [Jr.].

I looked at the case and went through the file, and I finally decided to take that course and to maintain the other charges against Mr. Buono, which could have put him in custody for a substantial period of time. And this is jumping ahead, because this happened towards the end of my term there. The judge declined to accept our motion to dismiss those charges, Justice [Ronald M.] George. After the judge's action we asked ourselves what do we do now? We sent the case over to the attorney general and they took a fresh look at the case, took a different tack, and they won the case.

YATES: I know I saw that that did come up, of course, later.

VAN DE KAMP: Yes, it came up in the political campaigns. On the other hand, what they don't write about is the Skid Row Slasher, the Sunset Murders, or, you know, Bill and Emily Harris, and the [Muharem] Kurbegovic case down in Long Beach, and all the other big cases at the time.

On the other hand, today with television being what it is those cases while they were followed fairly carefully, you know, never got the kind of press attention that an O.J. [Simpson] case would.

I mean, there were other cases. The Freeway Killers, the [William George] Bonin case, where I believe Bonin was executed as a result of that prosecution. It was a terrible case that Steve Kaye handled down in Torrance that was one of the worst cases I've ever heard of, where the killers taped the torture that they administered to the young women who they killed. The jury heard those tapes.

YATES: Now, you just mentioned the press. Maybe for a minute we could talk about that, and the role they play in terms of the attention given to big cases. How did that change, or what was it like when you were there in the mid- to late seventies?

VAN DE KAMP: Well, two or three examples of how we dealt with some of those things. David Begelman. . . . I don't know if you remember David Begelman, a man who had floated around Hollywood as an agent and then as a studio head and so forth, and you had him embezzling money, basically doing, as I remember. . . . I forget all the details now.

Cliff Robertson found that Begelman was engaged in financial manipulation where he was the beneficiary and Robertson was out. And Cliff blew the whistle.

Anyway, of course, the press likes nothing like a Hollywood story, and so that got pumped up pretty big. And what I did at that time, my response was not only to prosecute the case—it ended up with a plea of guilty over in Burbank. I remember Begelman got probation and a fine from Judge Murphy, and probably should have gotten a lot more, but somehow the case got sidled off to a judge who was regarded as relatively softhearted.

But it led to. . . . What I did was to develop a small unit named the Entertainment Task Force, which was set up. . . . What we found out that within the business there was very little reporting of wrongdoing, theft, fraud, or whatever, to the police or the authorities. What I did was set up the unit, staff it with some experienced prosecutors, who contacted security people as well as studio heads to let them know, “We’re here, and we’re ready to prosecute.”

And that led to a number of prosecutions that were fairly substantial cases. One was over at Twentieth Century Fox. I know that Dennis [C.] Stanfill had come in to see me about that—he was then the studio head.

Another one came out of Universal [Studios]. Audrey Listner was the name of the defendant who apparently was stealing cash, as I

remember. At least that was the accusation. What happens is when a film goes into production, there's a tremendous amount of money that moves around day after day after day, paying people, and it's done onsite, and apparently there's a lot that can go haywire.

Well, she disappeared with several hundred thousand dollars, and to this day, to my knowledge, has never been found. That had to be twenty, almost twenty-five years ago.

[Interruption]

YATES: Hold on. I need to turn the tape over, anyway.

[End Tape 4, Side A]

[Begin Tape 4, Side B]

YATES: So I was asking you about the media.

VAN DE KAMP: And so what happened was that once we became visible, indicated we were interested in the malfeasances that might occur within the industry, all of a sudden, we started getting word of some fairly substantial kinds of thefts and wrongdoing. That was a response to the Begelman story.

YATES: So you found the press was helpful in that sense, you mean, in terms of . . .

VAN DE KAMP: Yes. Well, in a way, what happens is when something like that gets to be visible, it opens some windows. It also opens your eyes to something that they didn't feel comfortable in reporting; they didn't feel that anybody would pay attention. So we did that.

Another example of an institutional response was the famous Eulia Love case that got tremendous press play. Eulia Love was a black woman who lived in South Central Los Angeles. The gas company came over to turn off her gas. She apparently came out and threatened the gas people, and they called the police. The police apparently approached her, she threw a knife, didn't hit anybody, but in the process, the police killed her.

And, as you'd expect, there was outrage. Why would the police do anything like that? They turned to our office to investigate the police involved, to see whether or not criminal charges should lie.

We investigated the case as thoroughly as we could, issued a report on the case, everything we could find, and conclude that given the standards of prosecution, that you don't charge someone unless you have admissible evidence in hand, that can prove a defendant guilty beyond a reasonable doubt, with a fair and objective jury making that decision, that you don't file. And given the self-defense argument in this case, which was clear because she did throw the knife, we declined to file the case. Of course, there was outrage at that, because many people wanted action against the police.

But what I did was to establish the so-called Roll-out Unit, which came about really from. . . . That case triggered it in a way, but we had been suffering for some time in receiving timely reports of police investigations of their own people, let's say shootings of private

individuals. We'd get their investigative reports long after the event, oftentimes when they were stale.

There are two things wrong with that. First, from a perspective standpoint, no one's going to believe that a police department is going to do a fair, objective job at investigating itself. Now, that's the perception. The reality is, in some cases Internal Affairs can be very tough on looking at their own. On the other hand, the public is going to believe that they're going to try to protect their own.

So our goal was to go out and make our DAs and investigators available anytime a private citizen got shot or injured by the police, to be there on the scene, to investigate objectively, and independently, to talk to the witnesses as soon as we could, get our own report together, and then make a decision as to whether or not the matter could be prosecuted. And in any event, to issue a public report on what we found, even when we declined prosecution, as we did in 99 percent of the cases.

And then in appropriate cases, send over to the [Los Angeles] Police Commission our findings, because just as in the Eulia Love case, which I believe Daryl [F.] Gates once described as "a bad shooting," there are other strategic ways that police approach situations like that without putting themselves in danger and where you basically quiet the situation down when a person like that gets angry, avoid what happened in that particular case. So we would send

over reports hoping the commission and the police would use them to better develop tactical responses and training.

YATES: Well, establishing that roll-out effort, how did. . . . You just mentioned Daryl Gates, chief of police. How did he respond to that coming from the DA's Office?

VAN DE KAMP: Daryl himself, who I'd gotten to know pretty well, I'd go to monthly meetings at his office and I'd see Daryl periodically—we always had a relatively friendly relationship—Daryl did not object to it, but certainly the people in his [Los Angeles Police Department] Internal Affairs Units, particularly Lieutenant Higby, gave us as hard a time as he could.

We'd send deputy DAs and investigators out in the middle of the night, and he would keep our people across the street. It could be a cold winter night, he'd keep us as far away from the witnesses as possible, try to get the witnesses out the back door. He tried to be as uncooperative as he could be. He was an old-line kind of a policeman.

At the same time, he had another fellow who operated in his absence, his name was Knuckles, who proved to be much more open, conciliatory, and permitted us, to a much greater extent, do our job.

At the outset. . . . Well, the [Los Angeles County] Sheriff's Department. . . . We tried to do this in a countywide basis. Mind you, there are more departments in the county than just the LAPD.

YATES: So this was with any law agency?

VAN DE KAMP: Yes, any police or law enforcement shooting, whether by the sheriff's office or a local police department. Some departments understood that it really made sense, because it took them off the hook. It was the DA's Office which would be on the hook if we found that the shooting was a "good one," in the sense that it was within the bounds and did not raise any questions of criminality. In those cases we would say so—and say it in writing.

And they could say, "Look. The DA did it. We didn't do it. You can't accuse us this time of making a mistake. Blame the DA." Over a period of time, more and more departments understood that this might make some sense and take some of the pressure off of them.

There are a few departments that always resisted this, Culver City was one. It had something of an unusual chief in Ted Cooke, and Monterey Park, which also had a chief for many years who didn't like what we were doing and felt that we were encroaching in his own bailiwick. That was Chief Elder.

YATES: Why was Culver City different?

VAN DE KAMP: It was the chief.

YATES: Just the personality?

VAN DE KAMP: Yes. He wanted to. . . . His position was suspicious in itself, it seems to me. What was he hiding?

Now, around the same time as the Eulia Love case, there was a whole rash of police shootings of private individuals.

YATES: And that particular case, as I remember, was '79, the Love case, I think.

VAN DE KAMP: I think it was earlier. I think it was '77 or '78.

YATES: Okay, so around that time you're talking about.

VAN DE KAMP: Yes. I'm just trying to think. I lost track of what I was going to say.

YATES: You were talking about there had been other shootings.

VAN DE KAMP: Yes, there was a whole rash of shootings, police shootings, around the time of Eulia Love. And Wayne Satz, who was an ABC television reporter, took this up as his prime cause—police shootings. And night after night, the police would get excoriated on television for misuse of force. They hated Wayne Satz, felt that he was overly aggressive and unfair. But it forced much greater public attention to this whole area, as did our roll-out program. It really made it much more transparent about what was going on. It made it news.

You had some terrible situations, tragic situations sometimes. Not that they all rose to criminality, but raised other social sins. You had patients from places like Norwalk who were released on medication, who'd go off their medication, and run around the streets without their clothes on, or do bizarre things. The police would try to subdue them, and it sometimes led to disastrous results.

And so the public attention in this whole area brought about a better investigation. And there's no question in my mind, and

certainly the police union has said so, that it brought about much greater care by police in the way they would deal with arrestees.

The other issue, and it's still an issue to this day, is the carotid chokehold, which also led to the death of some people. So elevation of the issues of police tactics really shone a spotlight on police practices.

In a sense, we were part of the institutionalization, if you will, responding to the public reaction to these events. Setting up the unit made good sense, and I believe it's now back in business, although I don't know they do quite as much as we did back then.

YATES: The roll-out?

VAN DE KAMP: Yes, the roll-out got cut back, I think [Robert H.] Philibosian pretty much eliminated it. And I think Garcetti did not bring it back for a while. I'm sure there were budget ramifications involved in that.

The Police Foundation out of Washington, D.C., was asked by me to come in and take a look at the effectiveness, or lack of it, of roll-out. They gave us something like a B-minus/B report on what they found in terms of its effectiveness. It was a mixed report, but the roll-out effort was the right thing to do conceptually. And the number of incidents, serious incidents leading to injury or death, decreased thereafter.

It led the police, for example, to improve their training. Daryl Gates, for example, helped develop at the [Los Angeles] Police

Academy a shoot/no-shoot program. They'd put an officer in a room with a film playing. They'd give him a gun, and the film would, let's say, show a robbery taking place in a crowded street area. And the question for the officer was when do you shoot or not shoot?

Obviously, if private citizens are placed in danger by firing, you don't do that. And it was a method to dramatize the kind of training they were going through, to teach officers to fire only when absolutely necessary.

YATES: And I take it this hadn't happened before. This was a new thing?

VAN DE KAMP: That was a new thing. I went through it one time. I was over there one night just to see it, and all of a sudden somebody says, "Here, here's a gun. You do it."

I thought, "Oh, god, I'm being set up." So I went through the exercise. I don't know how many people I killed by accident.

[Laughter] But I was told that for some time they put up my score in the hallway to have some fun with me.

YATES: Well, let me ask you, because I want to come back to—I know we're jumping around a little bit—back to what I call the initial period when you become the DA.

A couple of thoughts occurred to me. One is, in that really early, maybe, I don't know, month, or whatever makes sense in terms of thinking of a time frame, what's your relationship with the Board of Supervisors in terms of anything having to do with the DA's Office?

VAN DE KAMP: Well, it was a honeymoon period, because they really stayed off my back. They were friendly. I think the only thing that cropped up was, Baxter Ward, who had been a supporter of mine, had his own phobias, one of which was the [Robert F.] Kennedy assassination. Baxter believed that there had been a conspiracy to kill Bobby Kennedy. Our office, the DA's Office, had prosecuted Sirhan years before, successfully. Baxter believed that Sirhan was either set up by somebody to do it, or there were other people that were involved.

I'm trying to remember the timing in all this, but it was sometime in the first seven months I was in office. [Vincent T.] Bugliosi, who was running against me, was making a lot of noise arguing the conspiracy theory, and got Baxter's interest in that. So we decided, fine, there had been allegations that there were doors over there at the Ambassador Hotel that might have bullet holes in them, or shots from another gun that might have missed. So we got a search warrant. We went over there and took out door panels and in the kitchen area that they were going through to see if we could find anything. And we didn't find anything.

You can never close off an argument like that, but we did it—the search warrant—to see if one of the arguments might be dealt with. We got the search warrant. The press, of course, was quite interested in what we were doing.

But at the same time, even though Baxter was quite interested, he never was negative, just a little standoffish, as he was with just about everybody. Edelman was always a very consistent supporter on the board. Jim Hayes was proud that he had been involved in my appointment. He, as I think it said in the article you showed me, was the swing vote on it. He was a Republican, a moderate Republican from down in the Palos Verdes area.

So the relationship with the Board of Supervisors was generally pretty good. Although with Kenny Hahn, Kenny who had had always been upset that Manny Real, his candidate, didn't win, Kenny never did us any favors. I don't think he hurt us too much.

I would always go over there at budget time and argue for my budget, but most of the work that I did over there that ever amounted to very much was with the CAO. Essentially you would cut your budget deal with the CAO at the last minute.

YATES: I'm sorry, what does that stand for?

VAN DE KAMP: The [county] administrative officer. And at the time, it was Harry Hufford, who has been a friend of mine now for about, almost twenty-eight years.

YATES: So that's who you worked with in terms of your budget?

VAN DE KAMP: Yes. He'd have staff people doing the budget, and I'd go over there and make my argument. Usually Harry would have pockets of money that he had saved. We came out relatively well budget-wise, year after

year. I never had any tremendous complaint with the Board of Supervisors on that score.

YATES: Also in that early period you mentioned making it sounds like critical appointments in terms of the message you were trying to send throughout the office. What else in that really early period did you do that you think made a difference in terms of your ability to function effectively?

VAN DE KAMP: Well, it was at a time when sexual assault was coming to the fore publicly. I established a Sexual Assault Program that was based on a vertical prosecution model.

YATES: Explain to me what that means.

VAN DE KAMP: I guess the thrust of this, and it goes beyond sexual assault, was to deal with witnesses in an appropriate way. If you're going to be an effective prosecutor, you've got to have witnesses who are comfortable and supportive and cooperative.

And so the Sexual Assault Program—Jean Matusinka I believe was one of the first leaders in that—she was appointed from within the office. The idea was that one prosecutor would handle, let's say a rape case, from beginning to end. That is, as prosecutor get to know the witness, develop a personal relationship, be able to walk them in to court, prevent undue exposure in the case, and do some real hand-holding, in the best sense of the word, so that people felt that they were being treated properly, rather than being passed from person to person.

YATES: So you brought this. . . . You formalized this more. . . .

VAN DE KAMP: We formalized that in the office. I think that was done in early 1976.

YATES: Yes, I have '76 down, but I don't know what time of year.

VAN DE KAMP: Yes, I think that's about right. We also developed a Victim-Witness Assistance Program. A state program was developed around this time with funding for victim-witness programs and provided for recompense for some victims of violent crime.

We set up a unit under the direction of Lori Nelson, who had worked with me in the Federal Public Defender's Office, to try to help victims not just in the sexual assault area but in other cases—people who had been seriously victimized—to give them an advocate, a helper, in making their life easier in court and letting them know that there was someplace they could go where they would be treated properly within the office.

YATES: Now, I saw also it looks like you also established the Bureau of Child Support [Operations]. I think you touched on that when you were talking about Andrea Ordin. What was the concept behind that?

VAN DE KAMP: Well, at the outset, the Bureau of Child Support had been a poor stepchild in the office, and yet they do very important work. L.A. has never done very well in that area, primarily because of its demographics. You do well in child support if you have. . . . Oh, let's say you were in New Rochelle, New York, or a bedroom community,

you know, in an affluent community. In big urban cities with so much poverty, it's very hard to be effective on a percentage basis.

And so what we did was try to make it a standalone bureau. I brought in [Herbert M.] Herb Jacobowitz and Warren Bennett to run it. I'm not sure when Bennett came in.

[Interruption]

YATES: OK. Bureau of Child Support. You were talking about the problem of the demographics and large urban areas, in terms of, I guess, being effective in terms of. . .

VAN DE KAMP: It's a difficult area for a DA. Under law, the DAs in California were designated to run child support operations, which is quite unlike the usual things you do in the DA's Office. It's more of a collection agency than a criminal prosecutor.

But we had the responsibility, and we had hundreds of people who worked in the bureau. We had Herb Jacobowitz, who had been a criminal prosecutor, running it. Warren Bennett came in to assist him. Essentially what we tried to do was to elevate it in the office as a standalone operation, although it was part of the office. And in '77, Jacobowitz was appointed the director of this part of the office.

Later, though, because I was not happy with things that were going on there we had an audit done and decided that we needed to do some things that other counties were doing. So I brought in a couple of folks that I thought would help, [Daniel M.] Dan Luevano, who had

been I think secretary of the army, and Winnie Peters, who had been head of child support in San Bernardino County, a real child support expert, to try to gas it up even further. And we did; we got reorganized, but it never worked to my satisfaction.

YATES: I remember, too, in that early period, in reading about it, that it looked like you had called for two audits of the office. I take it that's an administrative focus. What were your reasons for calling those? And what were they, specifically?

VAN DE KAMP: The first one that springs to mind is that early on I wanted to have an audit done by some outsiders of the Bureau of Investigation. I asked [Thomas] Tom Reddin, who had been the former chief of police, to head a group of outsiders who would look at it, and make recommendations to me about how things should change.

I brought in a man by the name of Don Bowler to run the Bureau of Investigation. I'd known Don from the federal side when he had been with the Internal Revenue Service in their Intelligence Division. He had been a very fine investigator, and I had great confidence and trust in Don. And so I brought him in because I found once again that the bureau was too much of an old-boy network. People had been around too long. We had a number of people who were totally incompetent as investigators; they were political appointees.

I mean, just to give you an idea of what I was faced with, a man who was designated as one of my first drivers reportedly was reporting

back to the bureau every day on my activities. Once I found out I made sure that he got transferred back to doing something else in the bureau.

George [R.] Stoner, who had been the head of the bureau, retired, and I brought Don Bowler in. We had some thirty appointed positions in the bureau—pseudo investigators—I forget what they called them, but they were brought in at a time of need years before to help the bureau. Many of them were political appointments.

YATES: So you said you had about thirty appointments in that specifically?

VAN DE KAMP: Well, yes. There had been some thirty people who got their jobs by virtue of political appointments, many of whom were not regular peace officers themselves, some had been field reps for members of the Boards of Supervisors.

When I came in, I made a decision, after listening to Tom Reddin's group, that we needed to make this as professional an operation as possible. So I trusted Don and Clayton Anderson, who was a very able younger man, a Steve Trott kind of guy from within the office, to reorganize it. And that's what they did.

Out of the thirty, thirty-two, whatever the number was, political appointees, over a period of a year or two, just about all but three or four left, and the three or four who were left had very substantial peace officer background and were absolutely terrific. But it was a way of professionalizing the Bureau of Investigation.

YATES: And what other areas were targeted or came up as part of recommendations in these audits, or the one audit at least, that you're remembering?

VAN DE KAMP: This is the one right now that I'm thinking about. We had several audits, but at different times. At the beginning this was the principal one that I remember.

At the outset I asked everyone in the office to write me their suggestions and thoughts about how the office could be improved. That's something I did in every office that I ran—when I came on board. And I got very interesting responses.

We expanded the little Hearing Officer Program. A lot of minor cases they require no more than a mediation session where a complainant has a chance to confront, let's say, the potential defendant. Like barking-dog-like cases. Tony Patchett, my driver, actually sat as a hearing officer in his off time, handling a lot of these kinds of cases, and we had others who did some of that work over a period of time.

YATES: So those are all things that sort of occurred at that early stage.

VAN DE KAMP: Very early in the game. A little later, we tried to centralize or verticalize prosecution in Central Operations. Central is the downtown trials operation where complaints are filed, cases move to preliminary hearings and then into Superior Court. And just as we found in sexual assault cases, we found that if a prosecutor had the case from the

beginning, he's going to do a lot better. He's invested with the case and there's much less that's lost than in the hand-off situation known as a horizontal method of handling cases—where cases are passed from the deputy handling prelims to the deputy assigned to the trial court.

When Curt Livesay moved over to run Central he organized a complex vertical prosecution program there which worked relatively effectively.

We also developed a Career Criminal Program, again aimed at vertical prosecution. It's a program in which we identified serious repetitive offenders who deserved a serious outcome. Those cases would be identified early on and be transferred into that unit for filing as well as for handling all the way through.

I mentioned the roll-out program that came up in '78. There was a counterpart that we developed, the Crimes Against Police [Unit]. If police were attacked in some kind of an egregious way, police would know that they had an advocate on their side. The unit would handle their case from beginning to end. There was something of a balancing act that we did there. That unit was established a little bit after the Eulia Love case, a little bit after we set up the Roll-out Unit.

So let's see. Going through what we left behind—most of those things are there to this day—you've got Victim-Witness, you've got Sexual Assault, you've got verticalization in Central, Roll-out, Crimes

Against Police Unit. The child support unit has now gone out of the office.

YATES: Where is that now?

VAN DE KAMP: It's now run as a separate management entity within the county structure. If I were the DA, I'd breathe a sigh of relief, because it was always such a difficult thing to administer and somewhat removed from the usual purview of the DA's Office.

YATES: So it makes more sense to have it outside the DA's Office.

VAN DE KAMP: I think so. I think it's more accountable that way. Occasionally we'd bring a criminal action arising out of failure to pay child support, but very rarely. You can still do that today in certain cases.

YATES: I'm a little bit confused about the difference between special units and programs and bureaus as I've gone through and read things that were established while you were DA. But I noticed, for example, there was one, the Victims of Rape. Is that different from the Sexual Assault Program?

VAN DE KAMP: It's the same thing.

YATES: It's the same thing. And then Gang Violence, was that another unit, [Youth and] Adult Gang Violence [Unit]?

VAN DE KAMP: Yes, I'm glad you mentioned that, because that was another unit that we set up. Operation Hardcore [Crime Evaluation], was set up to go after hardcore gang criminals, not necessarily every gang member, but those who were involved in the most serious kinds of crime.

Lance Ito, for example, worked in that particular unit—the judge who tried the O.J. Simpson case. He was a young lawyer in the office. At that time, Jim Bascue, who’s now a Superior Court judge, ran that unit. That unit was something that we established, too, so I’d add that to the list of special units.

Now, some of the deputies in other parts of the office didn’t special unites much. They thought that these units were getting favorable attention as opposed to the line deputies. I think once they got into those units, as some of them did, they realized they were working just as hard there as they worked anywhere else.

YATES: I also noticed that there were programs mentioned, Child Abuse and Domestic Violence. Are those two separate programs, did I read that correctly?

VAN DE KAMP: Yes, I’m trying to remember exactly how we structured the Child Abuse Unit. It was fairly similar to the Sexual Assault Unit.

YATES: The goal of . . .

VAN DE KAMP: Yes, again. . . . And I think Jean Matusinka may have worked in both those programs at one time. I can see some of the people now, in my mind. Jacqueline Connors, I know, worked. . . . She later worked in Sexual Assault. And Jean Matusinka was in the Child Abuse Unit.

YATES: So it’s this idea, again, that you follow through completely, vertical[ly]?

VAN DE KAMP: Right. The idea there being that you'd have somebody communicate well with the victim, and for children it's a particularly difficult kind of thing. The only good news for me was I didn't have the McMartin case in my watch.

YATES: Oh, yes. That came in the eighties, didn't it?

VAN DE KAMP: That came in close to the end of my term. It may have been investigated when I was still there.

YATES: But in terms of it coming to trial, that was. . . . I'd have to check the date on that. I want to say mid-eighties.

VAN DE KAMP: Yes, I'd say probably early eighties, because it's one of the cases that Bob Philibosian may have inherited.

YATES: You're looking there for. . .

VAN DE KAMP: I was looking because on the Sexual Assault Program, Jean Matusinka was the director at the outset, but I do think she later went to Child Abuse. She is now a judge.

YATES: So it sounds like in terms of a time frame reference, because I know we've been jumping around a bit, but a lot of these things you established sort of in that early, not while you were an appointee, but in the first two or three years, would you say, that you were in office as DA? Does that sound about right?

VAN DE KAMP: Yes, certainly the first four years that I was there. A lot was changed, of course, in the first year. And then, of course, it's organize and fine-tune thereafter. As I said, the Sexual Assault Program is in there early,

Juvenile Justice Program is there early, but then it's a couple of years later until Roll-out, Crimes Against the Police. I think the child advocacy work was done a little later. Victim-Witness grew from I would guess, '76 on.

YATES: Now, something I've seen mentioned, and I'm sure you've talked about this before, but the whole concept of coming into the office and being an outsider versus an insider. And I can guess the plusses and minuses of that, but maybe you could talk for a minute about what were the advantages and disadvantages of coming from outside the office.

VAN DE KAMP: Well, the major advantage is that you come with a fresh slate. You're not burdened by relationships with people that you worked side-by-side with for a long time. And so you're able to work with a clean blackboard and make your own assessment of things and then try to find the right people to do the work.

The negative part of it, of course, is that there's so much institutional history in an office like that, that you don't know when you come in. And I was very fortunate because, especially with Steve Trott and some of the people in the office like Steve and Mike Carroll, and Curt Livesay, they were very supportive and taught me a lot as I went along.

I've always believed, and I try to practice this, that you're better off to have smarter people around you than yourself. I never worried

much about someone who might be stronger than I was in certain areas. I'm a fairly decent listener, and I got lucky with the people that I had around me.

I'm sure the people inside the office were extraordinarily nervous when I came in, because they didn't know what they had. They didn't know if I was crazy, or a defense lawyer at heart, or would subvert their passionate interests. The only way you beat that down is by what you do and who you surround yourself with and by meeting staff on a regular basis.

One of the policies that I followed from the beginning till the end of my work there was to get around to every office about twice a year, which meant—you're dealing with, what, thirty-five, forty offices around the county—which meant trips, you'd hit maybe two or three offices in a day, sitting down for coffee, maybe seeing the judges, talking to the deputies and the clerical staff as much as possible there so they knew who you were. I would listen and find out what was going on there.

I mean, when you're out in the county, it's quite different from being downtown. There are different issues, different judges, the cast of characters is different. It also gave me the chance to evaluate the people in the office.

Along that line, I would also meet with the DAs Association about once a month. The board of directors would come into the

office and we'd sit there. They were not very happy with me sometimes, but we'd have an open discussion session about their complaints and problems.

One of the things I took some pride in is when I ran for attorney general, even though some deputies had run against me in 1980— [Sidney] Sid Trapp had run against me—that I got something like 70 to 80 percent of the vote of the deputies in the office in their own internal poll.

And when I go back today many of the old-timers remember my time in the office as one of the best times that the office had. I have to remind them periodically it wasn't quite as easy as they may remember. They may have rose-colored glasses. I remember that it was the hardest job I've ever had. It was a job where it seems like you're always trying to dig out of a problem that somebody else caused—the police foul up, or a deputy fouls up. It just seems to be constant problems, solving a problem here, trying to address a new problem there.

Another thing that I did administratively—and I don't know what DAs do today—is that I would review every personnel evaluation. When people came up for going from, let's say, grade two to three, or three to four, there would be appraisals of promotability given by their superiors in the offices in which the deputies worked. I was the final review authority. I would go through every file and oftentimes make

changes in the ratings if I felt they seemed to be justified based on the record or what I knew of them.

YATES: That sounds like an enormous job.

VAN DE KAMP: Well, it was, and I'd be there till eleven, twelve o'clock at night during the time of the year that this happened, to try to get through everything.

As a result, I became very familiar, ultimately, with the people in the office. It was a great way to get to know about people that might be in Long Beach or Torrance—in the outlying areas—that I did not know very well.

YATES: And you started doing this right from the beginning, as soon as you came into the office?

VAN DE KAMP: Pretty much. I'm not sure when the first round came. It may have been a year later because there had been a blockage of promotion. It usually comes up once a year.

YATES: We have a little bit of time left.

[End Tape 4, Side B]

[Begin Tape 5, Side A]

YATES: What I wanted to do to wrap up today was talk about the elections. The first thought I had, of course, was you come in, you're appointed, it's October of 1975; you're up for election in June. So how quickly do you start thinking about the whole process of running for office, which I assume you wanted to do?

VAN DE KAMP: Yes. You know, I didn't come in to run the office for just . . .

YATES: Eight months.

VAN DE KAMP: About a year, because I would have filled out the term which would end in 1976. So, yes, it's one of the first things I had to consider once I started to get reorganized. Almost immediately I had to look for some campaign assistance.

I ran across Barbara Johnson, who had been involved in the [Alan] Cranston campaign. I remember meeting Barbara down at Philippe's [Restaurant] one morning for breakfast and asked her if she would come in and help organize and run my campaign, which she did. Barbara was associated with me thereafter until I left office in 1991. She later came into the DA's Office as a special assistant. She is a lawyer herself and I actually tried some cases in the office while she was there. But she did organize the campaign.

I had a major advantage. I was a fresh face, made the news when I would do something new, lots of things changing inside the office. That helped.

At the same time I was running against a very familiar name in Vincent Bugliosi, who had run before. He lost to Evelle Younger for attorney general. But, of course, the book made him a well-known public figure, as well as the trial.

YATES: The *Helter Skelter*[: *The True Story of the Manson Murders*].

VAN DE KAMP: The trial itself was one of the most heavily covered trials of its time, very much like the O.J. [Simpson] case in terms of the day-to-day coverage.

But he was an outsider, and he did not have any kind of a campaign organization. So we started out by setting up a fund-raising apparatus. We had some dinners. We were adequately funded. I found a media guy by the name of Mike Kaye, who I had discovered in 1970 when I ran the [Jesse] Unruh campaign for governor. I had been looking around for people to do media for Jesse, and found Mike. Jesse liked him. We brought Mike into that campaign, and he did some very nice things for me in my campaign. One was a puzzle. It went like this, "if you want an ideal DA, you want someone who has this, this, and this." And all of a sudden in the screen you see a puzzle being put together, and there I am in all my glory. You know, "Ideal candidate is John Van de Kamp." And it was quite well done. They did about three or four spots that we ultimately ran that were all positive. We were able to run those in the last two or three weeks of the campaign.

During the campaign, I worked full days in the office. But I went the community forums for all the candidates. I think there were, what, five or six of us who would show up. . . .

YATES: Six altogether.

VAN DE KAMP: Yes. And it was fairly clear that none of the other candidates liked Mr. Bugliosi very much—to my benefit. I remember, George [V.] Denny and a couple of the other people, especially George, took off on Vince. About a week or two before the election day, I forget what happened to Vince, but he just disappeared and his campaign came to a virtual end.

YATES: Bugliosi's? You mean he sort of faded from . . .

VAN DE KAMP: Yes, he faded at least from public sight. There wasn't much there at the end. He had good support, he had some money, but had not been able to raise as much as we did.

YATES: Now, were any of the other candidates, you know, as much of a . . . I don't know if *threat*'s the right word, but does it seem. . . . Here, go ahead and look at the list [of candidates]. Obviously when you look at the final numbers, he's your main opponent. But did you have any sense from any of the other candidates that there was going to be a challenge?

VAN DE KAMP: No, I thought he was the only substantial candidate. No one got over 5 percent among the other candidates. [Joseph A.] Joe Howard had been a deputy DA. Joe was a big hulking guy who was a right-wing kind—"hang them at the airport" kind of fellow. [Christopher W.] Chris Smith had been a public defender, a probation officer, a very decent fellow. [Mildred M.] "Tony" Friedenber, a deputy DA, very nice lady. And George Denny, who did worse than everybody here, had

been a deputy DA and then a private defense lawyer. George was a lot of fun, and he caused a lot of trouble for Vince.

I don't think anybody had a very good idea going into election night how things were going to break. Some of us thought that we'd have a runoff in the fall between Vince and myself. In the early evening it was nip and tuck. It was one o'clock in the morning, I was ahead with just over 50 percent, but not by much. And as the evening wore on, that ratio increased a little bit so that I got just under, what, 52 percent, 51.79 percent, to be exact, according to the cheat sheet here.

YATES: According to the [Los Angeles] County Registrar's Office. Now, how did campaigning for DA differ from your previous experiences running for Congress, and also Jesse Unruh's campaign?

VAN DE KAMP: Well, the difference is, you do a lot of these forums with all the candidates. We didn't have much of that when I ran for Congress. It was much better organized. When I ran for Congress, I was really doing almost everything by myself.

YATES: Yes, and you had such a . . . Well, you didn't have a lot of time here .

..

VAN DE KAMP: Had no money, and it was a full-time thing. Here I had a job, I was doing my job, and, frankly, doing your job as the DA is the best way to campaign because you're in the public eye to start off with, and the

campaign is almost secondary. Doing a good job is the best politics of all. And, of course, if people know you're doing a good job, it helps.

So a lot of the innovative things that we did, that people saw we were doing, helped. I think my previous name identification helped a bit. Again, the Van de Kamp windmill business is one of those things it's hard to equate in terms of its value. I never used it, because I shunned using that; I didn't think it was right. Later on I had some fun with it in another campaign.

YATES: It probably helped—it didn't hurt you.

VAN DE KAMP: Oh, I think so. I think so. I mean, it's a wholesome kind of a association. It's not as if you were associated with a garbage company or something like that. [laughs]

YATES: Yes, baked goods are more popular. [laughs]

Just really briefly, I know you only had one opponent in the 1980 election, which as you mentioned was Sid Trapp. Going into that, was it pretty clear that things were. . . . You know, in terms of running for re-election, how things were going to go, or not?

VAN DE KAMP: Yes, well, things were going pretty well in the office. There was still some unhappiness. We'd had Proposition 13 that was passed in the interim. That gave us a big scare, because at one time it looked like we might have to cut staffing way back. I had to prepare a 30 percent budget cutback at one time. Thank God that never happened.

I, by the way, opposed Prop. 13 because I thought it would have disastrous consequences. It did not, at least to the extent that I thought at that point. So I was wrong about that.

YATES: Was that just, though, because the impact of Prop. 13 sort of built up gradually over time?

VAN DE KAMP: No. At that point it looked as if almost immediately the county budget would be shredded, and that was the concern at that time. I think Prop. 13 today needs to be looked at again, particularly with respect to commercial properties. It is such a popular measure with respect to residential owners I don't see any likelihood that voters or elected officials will touch it with respect to residential properties. Ultimately, as people die off, the present inequities that are there will be removed. There will be fewer and fewer owners of property purchased before Prop. 13.

YATES: So the 1980 election, that had been, of course . . .

VAN DE KAMP: It had been passed. That did not have any particular impact on the election then.

When I ran that year, Sid Trapp, who had been sort of an outspoken deputy, was able to draw on some of the unhappiness among police with the Roll-out Program, some of the natural unhappiness inside the office that is always there. Fortunately for me, he did not run much of a campaign. Did a lot of negative stuff on me, as I remember. I remember seeing some clippings down in the

Metropolitan News [Company] about a year ago. I was surprised to see as much negative stuff in the clipping files that came from him that year.

That year we pretty much ignored him. We had no debates. Strangely, he never sought one. And I just ran on my job, and I think the numbers were sixty-two to something.

YATES: It's 63.75 percent you won with, and he had 36.24 percent.

VAN DE KAMP: And, of course, that was, again, that was all in the June primary of that year.

YATES: So you didn't have to go on to another stage.

VAN DE KAMP: No, so we didn't have runoff. There were only the two of us on the ballot that year.

YATES: That must be nice, not having to do that.

VAN DE KAMP: Yes, well, it's always difficult in a DA's Office when you're running, especially if you have somebody running against you from inside the office. I was very careful not to take money from people inside the office. I didn't want to have anybody think that they were going to get hurt or benefited by whatever stand they took in the election.

But people were wondering, "What's going to happen next?" It's a very unsettling thing for civil servants, not knowing who's going to run the office next, who might be taking punitive measures. And I've seen it happen in other DA's Offices. It just is unpleasant. Everyone tends to breathe a sigh of relief when an election is over.

[Interruption]

YATES: Actually, I was just thinking we should wrap up, because it's almost four. So, great, we'll finish with that, and then pick up with some maybe general questions and then move on to the AG's Office.

[End Tape 5, Side A]

[Session 4, September 8, 2003]

[Begin Tape 6, Side A]

YATES: Good afternoon. I thought today we could finish up the District Attorney's Office, or the period when you served as DA. Just really quickly, since I got a chance to look at your swearing in, the transcript¹ for it that you let me have, you mention inviting the other candidates to meet and discuss insights and recommendations about the DA's Office. Did that ever happen?

VAN DE KAMP: No, none of them ever took me up on it that I can remember. We're talking now about 1976?

YATES: Right.

VAN DE KAMP: Because I was sworn in in October, and it was not known then who the candidates were going to be.

YATES: Yes. So this is the actual. . . . October 14, 1975, excuse me. This is when you first . . .

VAN DE KAMP: Yes, '75. And then the election was in '76.

1. Los Angeles County Board of Supervisors, RE: The Swearing in of John Van de Kamp, October 14, 1975.

Joe Howard was in the office. In fact, Joe was a really big strapping bellowing guy, a very decent person at heart. He was a deputy DA and felt very strongly about the death penalty. I'll never forget, Joe had a heart attack right outside my office in my waiting room a couple of years later, and came back after some recuperation, and later died.

Tony Friedenberg stayed in the office, as I remember, for a number of years thereafter. She was also a deputy DA.

Bugliosi I've seen once or twice over the years in relatively friendly circumstances but I've never had much contact with him. So they didn't avail themselves of that opportunity.

YATES: But this sounded like this was the swearing in for when you were first appointed.

VAN DE KAMP: OK, you're talking about the candidates who were there for the job at the time.

YATES: Yes, and you mentioned inviting them.

VAN DE KAMP: Got it. I was thinking about later on.

YATES: Yes, sorry. I was wondering if anything came of that.

VAN DE KAMP: I saw a number of them. I saw Dick Mosk, yes, Dick Crane once in a while. I don't know that we had any formal sit-downs inside the office, but I did see them around, and they were friends.

YATES: One other thing I noticed in looking at your speech—I guess that's the best way to put it—it's amazing all the things that you touched upon

last time we met, that it seemed like you were really able to follow through on.

But one thing that I noticed that you mention in the speech was focusing on organized crime, and then particularly in connection to public officials and corruption. And I thought maybe you could just take a minute and talk about what the situation was when you came into that office.

VAN DE KAMP: Well, the concern at that time. . . . I had come out of. . . . Done some organized crime work when I was in the U.S. Attorney's Office, and knew a little bit about the situation in Los Angeles as it pertained to organized crime—and who the characters were. And by the time I came into the office, organized crime was changing. The old Costra Nostra group was slowly dying out, so you ended up with different groups of organized crime groups, but not the traditional Costra Nostra types. Whether it was welfare fraud schemes, whether it was insurance fraud schemes, you had groups organized in those particular areas. So it took on a new flavor.

In terms of public responsibility, or going after corruption in government, I've taken the view always that I was not going to run sting operations unless there was hard evidence to believe there was wrongdoing. In other words, I was not going to engage in a fishing expedition because there might have been a rumor or maybe a brief smell of something going wrong.

And as a result, the kinds of matters that we dealt with involving public officials—such things as drunk-driving cases—came in by way of the police department. We were not always successful.

We had an unsuccessful corruption prosecution dealing with public officials in the City of Commerce. I've always chided myself for not having been more involved in that case. I trusted the deputies who pushed that case.

But overall, I look upon Los Angeles, then and now, as being essentially pretty clean. Now, there have always been some rumors about a couple of city councilmen; I will not name them now. One of them, in particular, is dead, long may he rest in peace. For years I kept hearing rumors that he was on the take. He lived pretty well, but not terribly extravagantly. But never, never did we get a person who walked in or who called us or gave us sufficient pretext to go out and run an investigation of that particular councilman.

The same thing happened in the state legislature. You take the federal government. They came in when I was attorney general. I'm sure they were looking for Willie [L.] Brown [Jr.], trying to get the goods on Willie. Well, at the end of the day, they didn't come up with very much.

YATES: Is this the sting operation you're talking about in the late eighties?

VAN DE KAMP: Yes. They had a couple of successful prosecutions of Alan Robbins, and Clay Jackson, a couple of others. But again, it was not for lack of

willingness that we were not in there. It was a lack of sufficient pretext to get in there and do what the federal government did. And by and large, they struck out. Because I'm sure their main candidate in those investigations was Willie Brown. He's never been prosecuted.

YATES: Another thing I wanted to touch upon during the period you were DA, you also were candidate for the FBI director. And maybe you could talk about that a little bit, what that was like, or how it happened, I should say.

VAN DE KAMP: You know, it's funny. I remember the situation very well because the Justice Department at that point. . . . I'm sorry, the FBI was being run by the former chief of Kansas City [Clarence M. Kelley], who was retiring, and they were looking for a new FBI director. And so, I think maybe stupidly, they decided to have some kind of public search. A lot of names went in, and somebody suggested I might want to send my name in. I thought, "Well, this is an unlikely possibility, given my age," because that was 1977 or thereabouts.

YATES: Meaning you were too young?

VAN DE KAMP: Yes. So what was I?

YATES: Forty-one?

VAN DE KAMP: Forty, forty-one at that point.

YATES: That's young.

VAN DE KAMP: Usually that's a job where you look for gray hairs. Now, I'd worked with the FBI. I knew a good deal about the FBI. I certainly studied a

lot about the FBI. And lo and behold, I was placed on a list of about twenty, invited to Washington to interview the panel that was being chaired, as I remember by. . . . I think it was the president of DuPont.

I remember I flew back there, took the red-eye, and stayed at the local Howard Johnson's for a few hours. Did the interview, which gave me forty-five, fifty minutes, and the next thing I know, I'm on a list of five. They announced the list publicly, which included the sheriff of Wayne County in Detroit, and some others from around the country.

I was then asked to go back to meet the attorney general, Griffin [B.] Bell, and then meet with the president, who wanted to look at the candidates. And again I flew to Washington and went in to see Griffin Bell, who wanted to talk more about himself than about me. But it's fine, he's an interesting old guy. Not so old, because he's still practicing law; he does very well. And he was a pretty good attorney general.

Nonetheless, I was taken over to the White House. Somehow [Charles B.] Charlie Renfrew comes to mind. Charlie had been the deputy attorney general around that time. I went over to the White House, sat in the outer office, watching people like Jack [H.] Watson [Jr.] and [Thomas B.] Bert Lance traipsing in and out of the Oval Office. And finally, Walter Mondale, who I knew slightly through the political wars, took me in and introduced me to the president. Pictures

were taken, and, in fact, there should be a picture right up there on the wall of me—third one from the left on the top—talking to Jimmy Carter alone in the Oval Office.

YATES: Amazing.

VAN DE KAMP: It was a memorable conversation because I didn't have too much opportunity to talk; I was given around fifteen minutes. And at one time, the president said to me, he said, "You know, I think the FBI is doing better now than any time in its history," some statement along those lines, a grandiose, or pat-yourself-on-the-back statement.

I looked him in the eye and said, "Mr. President, I think you're dead wrong. I think the FBI, in terms of public confidence in it, is at a low ebb. It's going to need some significant revitalization." At that point, I thought, "I'm talking to the president of the United States, telling him he's wrong."

YATES: How did he respond?

VAN DE KAMP: He gave me one of his Jimmy Carter-like smiles, which, you know, he often did in what normally would be considered an inappropriate response. It's a funny tick that he has, like a boxer who gets slugged and smiles. And we finished the conversation and off I went.

I was told later, third-hand—I don't know whether this is true or not—that he actually liked it that somebody would talk back to him, and so apparently it made an impression.

However, he decided, probably because of Griffin Bell, who was looking for an older more familiar person, to go to Judge [Frank M.] Johnson [Jr.] in Mississippi. He was not on the original list. He was a wonderful federal judge with a civil rights background that was very notable, a major personage on the American scene, and he was appointed.

Several months went by and he did not take office. Either a family member had a heart attack or he had a heart attack. The long and short of it was that he withdrew.

Then Griffin Bell, I'm sure, had a lot to do with this, they turned to [William H.] Bill Webster, who was a justice on the Court of Appeals in the St. Louis area. He turned out to be a good FBI director, by and large, a good public servant.

My sense on the FBI was that a new director needed to reestablish alliance with the troops in the field, needed to spend a lot of time out there. What Webster did was just the opposite, and I think it worked out very well. He went into the Bureau in Washington, learned it from there, and ran it from there. Overall he was well regarded in his years in the Bureau.

YATES: After you had some of these meetings, how interested were you in the position?

VAN DE KAMP: Well, it's like a lot of things. When I ran for Congress, I thought, "This is really a job for the ages," that it's a job I could stick with for a

long time. The Bureau, I really got into it. And in terms of studying about the Bureau, the problems and the organization, the people, what needed to be done, and. . . . I mean, as I came into Washington from the airport, on the bus, I mean, I'd even start to look around, "Where would I live if I ever came back here?" Having been there before, I knew what a miserable place Washington is to live in. But I figured that if I got it, I would be there for the long term. Well, it was a long shot to begin with.

I did get a call, and I have to say this, because it was done very gracefully. The morning they announced the appointment of Justice Johnson—or Judge Johnson, because he was a district court judge—Griffin Bell called me, thanked me for putting myself in play. I'm sure he did the same thing for all the candidates, before they announced the Johnson nomination. That showed some class, and is a good lesson of what you should do in those circumstances. So I believe I got a fair shake.

YATES: I was just noticing there's a picture of you shaking hands with J. Edgar Hoover.

VAN DE KAMP: That's a picture that was taken in 1966. I went to Washington and I. . . . This is a story here that's going to take a minute or two, but it's one that I remember very well. Because here I was, the acting U.S. attorney in Los Angeles, and I talked to a local FBI agent, I said, "Well, I'm going back there, I'd like to at least meet him, see what he

looks like and shake his hand.” And they said, “Well, we’ll see if we can arrange it.” And I got a call when I arrived in Washington, like eleven or twelve o’clock at night, saying, “He’ll see you tomorrow morning.” Fine. So I was supposed to meet him at eight o’clock in the morning.

I walked into his outer office where he had this black guy in livery—I mean, it could have been an antebellum southern mansion—who greeted me and made sure I sat down in the right place, and said, “Mr. Hoover will be right with you.”

I was escorted in to see the great man a few minutes later. It was a curious situation, because I walked into his inner office and he said, “Sit down.” There was a couch; I sat down. The desk was actually elevated, so Hoover looked down at me as I sat in the couch. OK.

So we started to talk. And he had a wonderful facility for remembering names. He remembered my uncle because he had been to our restaurant in the forties out in Los Angeles, and spoke about him. I don’t know whether he had checked the files in advance. And then I started to drop leading questions, conversational questions. Well, the long and short of it is that he spent forty-five minutes with me, and I couldn’t shut him up. He just wanted to talk. I was getting snippets of old speeches, he told me old war stories about when he was in the organization that preceded the present Bureau.

And he told me about his investigation of Gaston [B.] Means. Gaston Means was a notorious crook during the [Warren G.] Harding administration, and somehow had hung on for a long time. He was believed to have stolen some gold and buried it in the Potomac River someplace. Hoover was sent to the federal prison where Means was ensconced at that time, and said, you know, "We're looking for this. Can you tell me where it is?"

He said Means sent him to a particular site and they sent out dredging units, and trying to locate the case or whatever it was that was supposedly there. Of course, they found nothing.

And Hoover said a number of years later he was in a North or South Carolina small town and he went into the post office, and there was a little plaque saying, "Xville, Home of Gaston Means." Hoover said he turned to the postmaster and he said, "Gaston Means, from here? Tell me about Gaston Means."

And the postmaster said, "Well, Gaston Means was just. . . . He grew up here and I knew him, and he was just an absolute liar."

So Hoover turned to me and said, "Well, it just proves the old adage, once a liar, always a liar."

YATES: I'm sorry, did you say why he wanted he meet with you in the first place?

VAN DE KAMP: Only that I was the U.S. attorney, and periodically you would go in and say hello, get your picture taken.

Finally, I got up and I said, "Mr. Hoover, you've been very gracious to see me. Thank you very much. It's been a real pleasure." And he said, "Let's get our picture taken." So that picture on the wall is one that was taken in his outer office. And in his outer outer office, which I went to a couple of minutes after that picture was taken, were forty FBI agents who have been cooling their heels for thirty to forty minutes, waiting to shake his hand as part of the graduation ceremony. So Hoover apparently was oblivious to that and kept them all waiting while he gave me old speech fragments.

That lunch, I went over to talk to Nicholas Kastenbach, who was then Deputy Secretary of State. There was some thought that after I finished my role as acting U.S. Attorney that I might seek a job in Washington, so that's why I went to see Kastenbach. And I told him of my experience with Hoover, and he said, "Well, one of the problems I had when I was attorney general was that Hoover would come over in the afternoon and start reminiscing. I couldn't get rid of him." So apparently he'd reached this point in his age where he just spent a lot of his time reminiscing.

YATES: Amazing.

Well, now I'm going to shift again here. You talked a little bit about Prop. 13 and how you did not support Prop. 13. I noticed in a couple of newspaper articles that you talked about the potential impact of it, and then you said, when we met this last time, that your fears

didn't come true in terms of the cuts. Maybe you could explain a little bit more to me about why it didn't come true, at least initially—or did it ever, I should say.

VAN DE KAMP: The best information I had at the time was that the imposition of Prop. 13 would devastate local government. The figures that we had at that time were extraordinary. I spent a good amount of time in the office of my executive staff planning for its passage, and having to lay off as much as 30 percent of my staff.

YATES: Yes, I saw [it was something] like losing over a hundred prosecutors and support staff.

VAN DE KAMP: Yes. And we went through various scenarios early on. The good news, ultimately, was that our worst fears were not borne out. It didn't happen that way. Now, local government did get hurt, and Prop. 13 was never done in an artful way. There were inequities built into it. I've been a beneficiary of the inequities. I owned a pre-Prop. 13 house for eight plus years after its passing. Those who owned pre-Prop. 13 houses and still do are still paying taxes based on the rate at that time with modest adjustments.

YATES: But you didn't actually see the loss in revenue that you thought was going to happen.

VAN DE KAMP: No, no, that did not happen. In fact, we didn't have to lay off people. We may have had a hiring freeze for a period of time, but it was nowhere. . . . It did not hit in a devastating manner, and I was wrong.

And the fact is we needed reform of property taxes, particularly with reference to residences.

YATES: Explain to me, too, is this in part because of the fact that the state was able to help local governments in those first few years because of the surplus?

VAN DE KAMP: I think that's probably what happened. I haven't gone back and double-checked on it, but somehow there was some balance that brought into the system that sort of kept things on a relatively even keel. Those were pretty good times, as I remember. When was it, '78, or was it '80?

YATES: Well, it passed June of '78.

VAN DE KAMP: Yes, so, I mean, economically we, I think, had some problems in the early seventies, but statewide. . . . Well, yes, what happened, of course, I'm now starting to remember. Jerry Brown, of course, built up this enormous surplus, several billion dollars, that we had. So the state had a lot more money that it could use to address this problem. Now, I think that may have . . .

YATES: Sort of soften the blow.

VAN DE KAMP: Yes.

YATES: Now, just to kind of wrap up this period. I mean, there are many more things, of course, we could talk about. But you were there for nine years altogether, because you had the appointment.

VAN DE KAMP: Seven.

YATES: Seven for DA.

VAN DE KAMP: 'Seventy-five to '83. So it was October of '75 to January of '83, so it was about seven-plus.

YATES: And by the end of your tenure with the DA's Office, how had your view of the office changed, if it did? Or what perspective did you have on it?

VAN DE KAMP: Over the period of time I was there we developed a more efficient, more professional office. We had some wonderful lawyers. We lost a few of our older really terrific lawyers who went onto the bench. Sam Mayerson was a good example. He was an old-time trial lawyer who had been involved in the Bill and Emily Harris case. He was not what I call an ostentatious, or even a brilliant trial lawyer, but more of a plodding, very safe, respectable kind of a lawyer—became a good judge. We had some people like that who went on, but we had people of Steve Trott's generation who moved up. I felt very good about the office when I left it. Another thing I'm proud of is the arrival of women deputy DAs. During my stint in the office 50 percent of the attorneys hired were women.

I was disappointed Steve Trott didn't get my job.

YATES: When you left the office?

VAN DE KAMP: Yes. But I think George Deukmejian weighed in on behalf of Bob Philibosian, who did not get elected when he ran for election. He lost the race to Ira Reiner. Bob had worked for me in the DA's Office, was

not a bad person, but I thought that Trott was so extraordinary that I thought that he would fit in extraordinarily well. It's too bad he didn't stay. He ultimately went to the Justice Department in Washington, became an associate attorney general, and then was appointed to the Ninth Circuit Court of Appeals.

He was one of the finest public lawyers I've ever worked with, a heart of gold, lots of outside interests, good perspective, good values, good judgment. Even though he was a Republican, I don't think we ever had a harsh word in the years that I was there.

YATES: That ties into another thought I had. Even though it's supposed to be a non-partisan office, right, the DA's, but I know that your predecessor, at least immediate predecessors, had been Republicans. Do you think that had any impact or influence in any way what your political party affiliation is?

VAN DE KAMP: No, I don't think so. In terms of the votes that I received on the board: [Edmund D.] Edelman was a Democrat; Baxter Ward, gosh knows how he was registered; and Jim Hayes was probably a Republican. I think Pete Schabarum was more politically inclined, and Kenny Hahn, who voted against me, was a clear-cut Democrat.

I was appointed to fill a nonpartisan job, and I behaved in the office pretty much in that way. That was the idea. On my steering committee I had Republicans as well as Democrats, and sought support from both sides of the aisle because I thought that was the

most effective way to run for and run the office. So partisan politics did not play a role in it.

There's always the temptation in the office to try to align yourself with your party's legislators in Sacramento. That doesn't play very well, though, because you really need. . . . I think it's a tremendous advantage to be nonpartisan.

YATES: But you said you do get pressure in some ways?

VAN DE KAMP: Yes, well, it's just easy to hang out with the guys in your own party. You just have to watch that. Some do it better than others.

YATES: One other thing I just wanted to touch on briefly was that you got married towards the end, and I remember you mentioning, when we first met, that you'd met your wife via going to a function related to Dartmouth [College]. Was that right?

VAN DE KAMP: My wife was the assistant dean of admissions at Dartmouth, and I must have met her around 1974 when she was hustling students. We never really formally met. I was in the back of the room and I watched her at a Pasadena recruiting meeting. She was very professional.

And then an alum, a Dartmouth alum, [Robert] Bob Morris, who was a lawyer, tried to get us together. For various reasons it never had quite worked. Finally he got us over to dinner one night at his house on Arroyo Terrace in Pasadena. That was the beginning of a long courtship that ended in 1978 when we got married.

YATES: Now, had she moved out here, or was she still connected to Dartmouth?

VAN DE KAMP: She was at Dartmouth when I first met her. She came out a year or two later to go to work at Occidental [College] where she worked in the admissions department, and then went to the Coro Foundation. She became executive director of the Coro Foundation, and then went to run the support group for the independent colleges, and then went to Carter Hawley Hale.

YATES: So a varied background.

VAN DE KAMP: Yes. And then to Sotheby's [Auction House].

[Interruption]

YATES: Anyway, so you met, you got married in '78, and then your daughter was born the year after that.

VAN DE KAMP: In '79.

YATES: So all that happened in your second term, just to put it into a time frame.

VAN DE KAMP: Well, really, my first real term, because I was elected in '76.

YATES: Right. Right. I keep jumping ahead. Well, you know, in that same time period, I noticed in several articles, mostly in the *California Journal*, that as early as, it looked like '77, your name was bandied about as a possible candidate for the Attorney General's Office. But why don't you tell me when you started thinking about running for the office.

VAN DE KAMP: Well, I had been approached to run. It's natural. Nearly every person who's been DA of Los Angeles is solicited at some point to try to get them interested, because of the political clout that somebody has from L.A. County. You're in the biggest county in the state, you have 20, 25 percent of the state's population here within your range, and you're in this tremendous media market. So . . .

YATES: It's a natural.

VAN DE KAMP: It's a natural thing for people to ask. And I said, "No, I think this is the best job of its sort in the country, and I'm staying." And so I did not run in 1978. That year, who was it, Burt Pines and Yvonne [Brathwaite] Burke ran against one another, both friends, and I stayed out of that race. I don't think Burt has ever forgiven me.

YATES: This is '78?

VAN DE KAMP: Yes. And that's the race that Deukmejian won.

Anyway, a couple of years later, it may have been 1980, I was having dinner one night with Mickey Kantor, who later went to Little Rock to be with President [William J.] Clinton when he was running for the presidency the first time, and later became our trade representative and Secretary of Commerce. I had known Mickey. Mickey was on my steering committee, had always been extraordinarily supportive and helpful, and he asked me a question. He said, "This attorney generalship thing, would you take that job if you were appointed?"

And I thought about that a few minutes, and I said, "I probably would." And after that question I crossed the Rubicon, I thought, well, if you're willing to accept the job, maybe you should really seriously think about running.

YATES: Why did he even suggest an appointment?

VAN DE KAMP: Oh, it was a little test. It was a very interesting test, because it got me over the threshold about running. And I think, in a way, the timing was right in a number of ways. One, I'd been in the DA's Office for seven years. There are only so many things you can do there and be effective. You know, you don't want to stay too long. I've seen people who've stayed too long, and all of a sudden your effectiveness begins to diminish, or you get sloppy and a little tired in the job. So it was at that point we started to prepare for the attorney generalship.

YATES: And give me the time frame on that, then.

VAN DE KAMP: I can't tell you exactly when that occurred, but it probably occurred after the '80 election when I ran against Sid Trapp. It probably was several months after. That election was won in the primary of 1980.

YATES: I'm also curious about. . . . I was thinking about the timing of when a candidate, and you specifically, decides to formally announce. Because I notice there were articles, as early as May of '81, stating you were thinking about running, [and that you] would formally announce perhaps at the end of the fall or early the following year. So how do you decide on the timing? How critical is that?

VAN DE KAMP: Well, what you have to do, of course, for a job like that, you have to raise the necessary money to run a campaign. The demands today are much worse than they were even then; that's twenty years ago. But you still have to start early.

Now, in that year, as I remember, we did not have campaign contribution limitations, but the problem for me, at that juncture, was to get organized and get around. And I think we started in earnest in the summer of '81. This is a vague recollection of the timing of that. I don't think I have my calendar books anymore. But the problem was, for me, to get around the state to help. . . . To get a political organization built up in northern California so I could go to Fresno and Sacramento and further north where people would get to know me.

YATES: So there's this sense of getting the word out informally.

VAN DE KAMP: Yes. So we started probably in the late summer of 1981 to get that moving. And Barbara Johnson moved off of the payroll at some point to run that campaign. We brought in Patsy Ishyame up in northern California to work with Maggie Shandera. They basically started to run me around northern California so I could visit Democratic clubs, visit the lawyers, and get people signed on.

I mean, that's a long, hard road if you've come from one particular area. Running a statewide campaign for any office is hard. For the governorship or [U.S.] Senate, that's one thing. But running for attorney general or for the other constitutional offices, there's just a

lot of grunt work that goes into it. So I would take a couple of days off a week and make the trek north and schedule myself around, and stay in touch with the office. Come back, work the weekends, so I never lost track of the office and . . .

YATES: I was going to say, that would be difficult.

VAN DE KAMP: . . . my major responsibilities in Los Angeles.

YATES: You mentioned that there's more grunt work with running for that kind of office. Is it because it's not as much in the public eye?

VAN DE KAMP: It's not a high-visibility race. I mean, you get placed towards the bottom of the newspaper. You've got the gubernatorial candidates, the Senate candidates. And that year, who was running? [Peter B.] Pete Wilson was running against Jerry Brown for the Senate. You had George Deukmejian running against Tom Bradley for the governorship, and lots of focus on them.

The attorney general's seat was an open seat. The first candidate I had to run against was Omer Rains, a state senator from the Santa Barbara area, who was an aggressive office seeker and used his office to get out there pretty well.

YATES: How quickly did you get a sense of what kind of support you were going to be able to get to run for the office?

VAN DE KAMP: The base in Los Angeles early on was strong. As I remember, we did some polling that showed that I was in good standing with the voters there. And then it was a question of enlisting the leading lawyers of

San Francisco. That's where I went initially, to go to the lawyers in the state, many of whom are politically active anyway, to try to get their support. So, you know, do a lot of meet-and-greet events, and minor fund-raisers, and then we'd build up to an event. We had a couple of events over the years at the Stanford Court [Renaissance Hotel] up in San Francisco, and you'd get 150 to 200 people that would come to these dinners. Not staggering events—but a start.

YATES: And this was before you formally announced? This was the lead-up period?

VAN DE KAMP: I'm trying to remember the time frame. I had an exploratory committee and started to take out my papers, but made no early grand announcement. And I'm trying to remember when we did that. Probably after the first of the year.

YATES: One indication I saw, it looked like it was sometime in February, maybe, of '82.

VAN DE KAMP: Yes, and I did a fly around. We started, if I'm not mistaken, in Burbank, and went north and tried to get two or three media stops in the course of the day to get out a story announcing my candidacy, and hope that it gets picked up in the newspapers. We looked for as much free media as we could get.

YATES: You mentioned Omer Rains, and I was noticing, in looking through some of the clippings, that he really seemed like he went on the attack

pretty early on; it looked like as early as the summer of '81. How did you take that?

VAN DE KAMP: Well, yes, he ran, as I remember, an aggressive campaign.

YATES: This was before you both had formally announced.

VAN DE KAMP: I don't remember too much of that. We would go, however, to CDC conventions, trying to organize groups of people, to win the endorsements of various groups, and that's a lot of the grunt work. You spend long weekends, and you have all of three or four minutes on the stage to give your speech before the next candidate goes on. So a lot of it is done in a meet-and-greet situation. In this situation, organized labor, as I remember, was very supportive and helpful.

But Omer had friends from Sacramento. He'd been a powerful state senator, and used those friends to raise money. And as I remember, and I haven't checked the clips before I came in here today, so you may have more on it than I do right now, but he tried to present himself as a more liberal, traditional party person than I was, which actually was fine, ultimately.

YATES: The main thing I noticed—obviously I didn't read everything—in that early stage, he was already bringing up the Hillside Strangler case, which I know kind of dogged you along the way. But it just seemed like he was out there, verbally going for it early on.

VAN DE KAMP: Well, yes. And the thing that really I remember very well is in the spring of that year he brought up this old case where I'd been the

federal public defender, representing this fellow in the kidnapping charge. Pheaster had apparently written a letter with some complaint—Pheaster at this point was in federal prison. Now, Mr. Pheaster never had taken the stand, he never perjured himself in the case, and he was alleging that I had committed some misconduct—I was naturally bound by the attorney-client privilege so I couldn't say much.

YATES: I remember you touching on that briefly last time.

VAN DE KAMP: That was pretty rough, but fortunately defense counsel and prosecutors both came to my assistance arguing that I had behaved with propriety. The issue went away, but that was the hardest blow that I remember because it struck home personally.

YATES: I didn't notice that with him, it may have, but I did notice with George Nicholson, your Republican opponent, that that did come up.

VAN DE KAMP: I don't remember that George used it very much.

YATES: OK, you remember Omer Rains using it.

VAN DE KAMP: It was more Omer Rains, yes. No, that, to my knowledge, was not used by George. George's campaign was essentially run going to the faithful, to the DAs from the smaller counties. He'd taken a very sort of strong prosecutorial position about running the Attorney General's Office, a little bit along the lines of Deukmejian, and it didn't catch fire, really. I think we only had one or two joint appearances—this is Nicholson, now—in the course of the campaign.

YATES: So it would be after the primary.

VAN DE KAMP: Omer Rains—he passed away, if I’m not mistaken, a couple of years ago—we had dinner one night, I remember, in Sacramento years later. He was extraordinarily gracious at that point.

One of the curious things about that campaign and the primary was that the Republican, then Republican, DA of Ventura County, from whence Omer came, [Michael] Mike Bradbury, supported me. Mike had worked with me in the DA world, we have been friends over the years, and he supported my candidacy, actually flew around with me when I announced. I thought that took a great amount of courage on Mike’s part, because for years later he was dogged by the fact that he had supported a Democrat. Mike was up for a judgeship, then the U.S. attorney position in Los Angeles, and his support of me in that situation hurt him a lot with the Republican faithful.

YATES: In terms of the Democratic candidates, Omer Rains, I take it, was the main person that you were focused on.

VAN DE KAMP: He was the main candidate.

YATES: Were you concerned about any of the other. . . . Here’s the list [of candidates] again.

VAN DE KAMP: No, I don’t think any of the other candidates had anything really going.

YATES: He was the strongest.

VAN DE KAMP: Yes. Dan Siegel was Peace and Freedom, but there are no other Democrats, you see, that were running.

[End Tape 6, Side A]

[Begin Tape 6, Side B]

YATES: In terms of that period leading up to the primary, you were talking some about the fund-raising aspects of it. But maybe if you could add any more detail about how you went about doing your fund-raising, and your strategies.

VAN DE KAMP: Well, the strategy that I followed then, I've always followed, is to try to get broad-based support, where you're not reliant on any particular candidate. As I said, in those years there were no campaign finance limitations, but I don't think we had anyone who came in—I may be wrong—with more than, let's say, a \$25,000 contribution in that campaign.

I forget how much we raised, but we probably raised a million-plus, to run the campaign and get us on television in the course of that race. And it's one of those things you just have to grind out. You have the big dinners. I had a large dinner in Los Angeles, you get seven or eight hundred people, and then it's just one-on-ones, you meet people one-on-one for lunch or dinner, which is actually sort of fun. You get to meet a lot of new people that way. And you build a cadre of support.

Fortunately, in my case, because I'd been DA, I had a base of support to approach. We'd have, you know, a lot of the wine and cheesers, where people would open their homes. And I still run across

lawyers. . . . At the [California] State Bar Convention this last week I ran across a guy who said, “Do you remember? You came to my house for a wine and cheeser.” And I didn’t remember him, so I thought, “Oh-oh, I’m in trouble.”

Larry Liebenbaum, who was given the Spirit Award by our L.A. County delegation, I remember Larry because we’ve been friends for a long time. I was given the Spirit Award several years ago by the delegation. Anyway, he and his wife put on an event at their house for me. At events like that you raise \$2,500 to \$10,000, you try to do as many of those as you can, get around, build up your base of support, then have your big dinners.

YATES: How about the whole. . . . It’s not just fund-raising, but getting your name known, getting out there in the rest of the state? How did you do that?

VAN DE KAMP: Well, part of that is through your press secretary. If you get to certain places, you try to get on talk radio, you meet with the editorial boards of the newspapers, that’s really it. In a campaign like that, there isn’t a lot of breaking news unless you make a terribly scurrilous allegation about your opponent and I didn’t do much of that. And so you’re then reliant on television to make your significant media point.

We used one negative ad that I recall. It’s the ad I remember best from the Nicholson campaign. George had been the head of the California DAs Association and had just about run it into bankruptcy.

There were all kinds of reasons for it, but we had a little ad saying something to the effect that if you're going to be the attorney general of the State of California, you have to be prudent and wise and keep things going and keep people employed and keep doing your job. And all the while you see a painter scratching Nicholson's name off the front door of the office, California DA's Association. And then all of a sudden at the end of the commercial, the lights go off.

I thought it was a very effective commercial, because this is, in a sense, what happened to that association. It had been high-flying, and then had been run into the ground. That was one of the few negative ads we ever ran.

I don't remember much of what he ran on television. In the last two weeks of the campaign he was virtually silent. There were no debates. [Edwin] Ed Meese [III] later told me—he was a friend of George's—that he thought he just sort of bombed out and lost it the last couple of weeks of the election.

YATES: How did you personally feel about using negative ads, because, of course, you equate that. . . . Or maybe what you did wasn't in the same category as you think of later, or in the nineties, of the use of negative ads.

VAN DE KAMP: Well, I don't like it very much. On the other hand, you have to. . . . I've always believed you should make some distinctions between yourself and your other candidate. There are differences of opinion

and differences in experience, and there's nothing wrong with running comparative kinds of advertising.

But you can overdo that. You can underplay your opponent's achievements to such an extent that it's not very persuasive. On the other hand, if you do a relatively fair job and your experience far outweighs your opponent, and if you've done more and have much more progressive policy positions, I think those kinds of ads are very useful. And you don't have to be negative. You don't have to use adjectives to call your opponent bad names.

In this case, we were very careful about it to make sure that we were absolutely accurate in what we implied through this ad. Now, it may have been a little too abstract for a watcher, saying, "What's that all about?"

I think delineation of candidates is part of the political process, and that's a good part of it.

YATES: On the reverse side. . . . It's not exactly the reverse, but back to Omer Rains and bringing up the Hillside Strangler case. I also noticed that George Nicholson talked about grandstanding on some celebrated parole cases, he was referring to [Jimmy] Smith and [Gregory] Powell from the Onion Field killers, and the Pheaster case—although you said that you don't remember him [doing that], [that] it was Rains who brought that up. How do you decide what you're going to do to respond, or do you respond to those types of things?

VAN DE KAMP: No, I think they make a mistake even by raising that kind of stuff.

Forget the. . . . Oh, they're negative situations, certainly the Hillside Strangler. At that point, by the way, back in '82, '83, it was unclear where the case was going to end up. So that was raised, and what they were raising at that point was the fact that we had dismissed, or tried to dismiss, the case, and we had sent it to the Attorney General's Office. Nicholson had been working over at the Attorney General's Office, so he was. . . . In fact, I don't know how much George had to do with that case when it was there, but he was trying to jump on it. But it was not particularly effective as a campaign negative.

YATES: I'm not even sure if he brought that up specifically, or if it was just Rains, but...

VAN DE KAMP: It probably was brought up. The problem was the context, the way it was brought up. I mean, am I weak on crime because of that? That's the implication.

The other implication, which you could certainly argue, was that we made a bad judgment. And, you know, you can hold that against me, given what happened later. Hindsight is always the best test. And in that case, if I had to do that all over, I would have commenced a fresh review of the case by experienced uninvolved deputies in the office. But I believed my deputies, and probably put too much credence in them at the time. All right. But it was not a bad-faith decision.

But we're getting into the question of sort of negative advertising.

YATES: And do you respond to . . .

VAN DE KAMP: I was going to say, when you're the DA or the attorney general, people expect you to have connection with the major cases your office handles, and, certainly when they touch on policy issues. Now, I did fight the release of the Onion Field killers, and I did fight against Sirhan's release, and I was there at one of the hearings and held a press conference. People expect you to talk to things like that.

And I have to say, from a political standpoint, when you're successful, and your office is successful, it's good politics. When somebody tries to raise that in a negative way, they're reinforcing your successes. So I don't think that works very well as a negative kind of advertising.

YATES: Yes, it seemed like his main approach was talking about the timing, which isn't necessarily. . . . I mean, he's sort of grabbing at something.

VAN DE KAMP: Yes. I don't think that gets you very far. That's just not very effective.

YATES: In terms of having a platform of what you stood for, what you felt was important to get out as a message, what did you focus on?

VAN DE KAMP: The best of my recollection now is that I focused on were broadening out the work of the Attorney General's Office, to go beyond crime fighting, into environmental protection and antitrust enforcement and

improving the delivery of the Division of Law Enforcement inside the Justice Department.

What I was interested in when I ran for the office, and what I did within the office, was not just to put blinkers on and say I'm only going to be worried about death penalty cases and crime fighting, but to say I'm interested in every aspect of this office. And one of the great things about the office is that can be involved in so very much.

And if you have a garbage mind, as maybe I do, I got very involved in the study of criminal statistics, how those could be used to help prosecutors. So I put together teams of experts who would come in, write papers, tracts, on what they were finding based on our statistics, so law enforcement could make some use of them from a policy perspective.

We took leadership roles with other states on narcotic enforcement. The so-called Western States Information Network is one where our people took a big role, and that is tying together the leading narcotics officers in the western states. I went to a couple of their meetings with [Gerald W.] Jerry Clemons, as I remember, who later became the head of DLE [Division of Law Enforcement].

YATES: So in terms of what you were emphasizing in the campaign, it was those . . .

VAN DE KAMP: A broader view of what the office can do.

YATES: Just to finish up the campaign, you were mentioning that George Nicholson was less noticeable, or didn't seem to be pushing as hard those last two weeks. Had you had any debates?

VAN DE KAMP: The only time that sticks in my memory, there may be one other one, was not so much the face-to-face debate. I think we both went to the [University of California] Hastings law school and both gave speeches about what we wanted to do in the office. That was about it, which surprised me, because if I had been George, I would have regarded myself as an underdog, and I would have pressed for lots of debates.

I had that experience a couple of times. In '80, when. . . . Maybe people thought I was a great debater; I've never thought I was a great debater. Sid Trapp ran against me for the DA's job. The debates. Now, it's fine, because if you're way ahead, you don't want to give your opponent the opportunity to make you look bad. On the other hand, you also know implicitly that that's what elections are all about. And, frankly, if challenged, you'd always go into a debate of some kind. You might not schedule a couple of dozen, but you'd have a couple, two or three, so it could be said you did them. I don't think there was a single situation in that race in '80, where Trapp wanted to be on the same platform.

In '82, Omer and I attended the same conventions and where we gave speeches, not so much in a head-to-head debate, but at least we were there and available for questions. Nicholson, virtually nothing.

YATES: Were there any other issues that were really in peoples' minds at that juncture? I saw reference to Proposition 8,¹ for example, which was referred to as the Gann Initiative. I didn't look it up, I'm afraid, specifically what that was, but that or anything else that was really something that you were forced to address in terms of communicating?

VAN DE KAMP: I'm trying to think back to '82. There may have been. . . . The [Rose E.] Bird court may have come up. That's one issue I essentially stayed away from, but there was a lot of Bird-bashing even then in the general electorate. I know that . . .

YATES: It becomes really an issue in the mid-eighties.

VAN DE KAMP: Yes, well, with the '86 election it became big stuff.

When I was elected. . . . I was looking at an old clip that I pulled out the other day. This is the [Los Angeles] *Herald-Examiner*:
 "pledged an activist administration that will fight [Department of] Interior Secretary James [G.] Watt's environmental policies, and attacks against the courts, and strengthen consumer protection." I think those are three of the things that I did talk about at that point. In Sacramento. . . .

YATES: This is actually while you're campaigning?

VAN DE KAMP: No, this was when I was sworn in as attorney general. I did say. . . .
 The one thing I remember is that I used the word *comity*, a word that means civility, that I thought needed to be reintroduced back into

1. Proposition 8 (June 1982), criminal justice.

government. And I also indicated I'd become a political defender of the courts to guard their independence. I think that came up in the course of the campaign.

YATES: What was your feeling, as you got closer to the general election, in terms of how things were going to go?

VAN DE KAMP: Well, up until the last two weeks I thought it might be pretty close. I thought George could have been a dangerous opponent had he been properly funded. In retrospect, I think he did not have the funding, or was not able to raise the support. He did not have very strong support in southern California.

You know, just looking at the general election results, in Los Angeles I beat him 1.337 million to 756,000. In San Francisco, I beat him 135 to 54, so it was almost two and a half to one in San Francisco. And the ultimate result was about 54 to 42 [percent], which is not what I call a walkover.

I think there's still. . . . I think Deukmejian's name helped him. And remember who won the governorship. It was not Tom Bradley that year. And Deukmejian had been a popular attorney general; people liked his law-and-order approach. He was a very good, effective politician when it got to that issue.

I'm looking for Sacramento County, see how I did there. I beat him 169 to 133; that was his own county. But some of the smaller counties, just take one at random—take Shasta. Well, I beat him

23,000 to 21,000. Usually in those kinds of counties he would do pretty well. He beat me in Sutter, for example. I beat him in Tehama. Beat him in Trinity. Tulare was about dead even.

YATES: So he could have. . . . You think part of the problem was financial support?

VAN DE KAMP: I think financial support. He never had a clear-cut campaign. It never had gone. . . . Never been able to enrapture the south. For example, I'm looking to see how he did in San Diego right now, and he won San Diego. That was at a time when San Diego was more conservative than it is [now]. He won Orange County, a close vote for those days. In Orange, it was 340 to 302, which he won. But in those years, Orange was a hotbed of Republicanism, and San Diego was, too.

YATES: What actually happens on a practical level, in terms of making that transition from leaving the DA's Office and going into the Attorney General's Office?

VAN DE KAMP: I'm trying to remember exactly what happened in the aftermath. But first you have to organize. I remember I went in to meet George Deukmejian in his office in Los Angeles after the election, and had a cordial meeting with him. He was still attorney general, and was about to become governor. I remember he said, "You know, John," and we'd been friends, by the way, of sorts, over the years. He said, "You know, I was attorney general for Jerry Brown. You're going to be the attorney general for me. We're of opposite parties, and I had to bite

my tongue periodically, representing Jerry, and you're probably going to have to do the same thing once in a while, representing me."

Fortunately, I didn't have to do it very often.

And we had a very good relationship between our two offices while I was AG. [Steven A.] Steve Merksamer was his chief deputy, Steve was in close contact with Nelson Kempsky and [Richard D.] Dick Martland on my staff. We gave them sound legal advice. They appreciated that. That's what an attorney general is supposed to do.

But getting back to what did I do in those two months. And I'm still sort of dredging around. Part of it was organizational, who could I bring in, what was I going to reorganize, how quickly could I take over the office. At that point. . . . I'm just trying to remember the exact time frame. One of the first decisions I made was to maintain my headquarters, in Los Angeles. As attorney general, you can make a decision as to where your principal office will be, and since I lived in Pasadena, that was a no-brainer. And since we had a considerably large office there, we did that.

In Sacramento, I'm trying to remember the exact details of this, when we first came in, if I'm not mistaken, we were located someplace on the [K Street] Mall. They had an office at that point on the Mall, and we had not moved into our new building yet.

But I had to put together a new staff. Andrea Ordin had agreed to come in as the head of the Division of Public Rights, which was a new

division that really highlighted the work. . . . What we were doing in the area of civil rights, environmental enforcement and antitrust law. I asked Dick Martland to run the Civil [Law] Division. Dick had been in the department for many years, and was one of the best public lawyers I've ever met. Nelson Kempsey, who I had met in the course of the campaign, who had been there for a long time, knew the office inside and out, was selected to be my chief deputy.

YATES: So these are the things you're doing almost immediately?

VAN DE KAMP: Yes. I remember from a point on in November, when I was elected, you start thinking about the people and the changes. I mean, I hadn't made my mind up, certainly, at that point, about who I would bring or who I could bring in.

I remember one. . . . This was maybe early December, I was down at Steven's Steakhouse for a law enforcement lunch—I was still the DA—and I ran across Glen Craig, who was at that point head of the [California] Highway Patrol who was the speaker that day. And suddenly a light bulb went off in my mind, and I thought, "Boy, this guy would be perfect to run the Division of Law Enforcement."

Now, Glen was a Republican, and he was not going to be reappointed, even with Deukmejian as the governor, to head the Highway Patrol. So that started a series of conversations with Glen about coming on in. I remember listening to him speak that day in December, and I thought, "Well, this guy is a good bureaucrat and a

good technocrat. He understands technology, understands administration, and he'd be a good guy to work with.”

Well, I persuaded Glen to come in, and that was a ten-strike, because it looked nonpartisan, which it was. He was a very good man for that job, had stature, and did a wonderful job in that office. Later [he] became the sheriff of the county of Sacramento.

I'm trying to think of the other appointments that were then to be made. In the Criminal [Law] Division, we went through a couple of people early on in the Criminal Division, people from within the office that would run the Criminal Division. I'm trying to remember the exact. . . . Who was there first? Bill Stein who's on the Court of Appeals from San Francisco ran that division for a while. Later Dan Kramer who just retired as the chief justice in San Diego, Steve White who left to become DA of Sacramento, and last and not least [Richard B.] Dick Iglehart, who recently died while serving on the Alameda County Superior Court.

YATES: So the people who you end up naming, or bringing in to head up divisions, for example, those you can appoint. Is that correct?

VAN DE KAMP: Yes.

YATES: Versus having. . . . It's sort of a similar question I had about the DA's Office. What can you actively do in terms of bringing in people?

VAN DE KAMP: I forget the exact limits that there were. I think there were some limits about the numbers of people you could bring in.

YATES: Yes, but the heads of the division . . .

VAN DE KAMP: Yes, so I was able to bring in, as I say, Ordin from the outside, Craig from the outside. They're in exempt kinds of positions. And I was able to bring Barbara Johnson in. I brought in Sigrid Bathen as my press secretary. Sigrid had been a reporter for the *Sacramento Bee*. [Lucian] Lu Haas, an old political veteran helped with speech writing from L.A.

YATES: I was going to say, Sigrid Bathen sounds very familiar, but I don't know why. It's an unusual name.

VAN DE KAMP: Sigrid just got a big award recently. She left after four years to become. . . . Well, eventually she became the press secretary for the Fair Political Practices Commission, and was a very good reporter. And so she handled the day-to-day stuff there in Sacramento for my first four years, Duane [L.] Peterson took over in my second term.

We put together a lobbyist unit. Brian [F.] Taugher became sort of the chief of that at the outset, and Allen [H.] Sumner became sort of the number two guy, and later took over that responsibility, towards the end of my administration.

Duane Petersen, who had helped me in the course of the campaign doing advance work, came in and helped. Later he became the press secretary, and was a wonderful press secretary in my second term.

YATES: It sounds like you had a pretty clear vision of where you wanted to go in terms of the organization of the Attorney General's Office and where the emphasis should be. Maybe you could just expand a little bit about what you saw the weaknesses of the Attorney General's Office had been, in whatever time frame you want to put that in.

VAN DE KAMP: It had some wonderful career lawyers then. It has some wonderful lawyers there now. What, in my view, appeared to be missing was a sort of broad interest from the top into all the activities of the office. And I saw that, strangely enough, with Deukmejian, who clearly was interested in criminal law, in death penalty cases. "Use a gun, go to jail," was one of his big rallying points. He was successful in that. That's where his attention was focused. But he did not appear to be very interested in the Division of Law Enforcement.

Dan Lungren did the same thing, as best I could make out. And yet there's so many other things that you can do. You can influence criminal justice legislation, and we tried to do that where we could. But most of the criminal work that you do is handling appeals for DAs. You're basically given a case, and we're there to try to uphold the conviction in a criminal case coming from a local DA's Office, which does not leave you with a tremendous amount of discretion.

One of the things I did at the outset was to try to set a tone in the office, and I'm sure I wasn't entirely successful in it, letting deputies

know that regardless of what they thought about the judges that they were appearing in front of, they deserved to be treated with civility.

I had Rose Bird swear me in. I have pictures of being sworn in by Rose Bird, who some people just hated then, as they did a few years later. And it wasn't because I had any close, personal relationship to Justice Bird. It was because I wanted the lawyers in the office to know that we were supplicants in the Supreme Court, and we were going to do a lot better with the cases that we handled if we treated them with the respect and dignity that they deserve on the basis of their position.

One of the difficulties I faced in the office was with some of the deputies in the Criminal Division, who had cases in the Supreme Court, wrote angry briefs which involved in name-calling of the justices, and snide references to their previous opinions. Not to say that those opinions shouldn't be criticized, but it's the way in which you do it. I sent the message out very loudly that we're going to treat the court, regardless of who was there with respect. That's one of the reasons I had Rose Bird swear me in. I thought it was just a measure of the respect that we needed to give to that court as an institution.

Anyway, where were we? I've lost . . .

YATES: I was asking about weaknesses of the AG's Office at that juncture, what you viewed as weaknesses.

VAN DE KAMP: Well, the weaknesses were the lack of focus on . . . Or the single focus on the criminal side, without much interest in what was going on

elsewhere. And strangely enough, here you have this Division of Law Enforcement, with so many people working within it, with all kinds of technical advances under way that were available through computerization, an office that could do so much for county and city law enforcement and prosecutor, and, frankly, very little attention given to it, as far as I could see.

That was one of the reasons I brought Glen Craig in, and some strong people behind him from within the office, to give some focus back to what they were doing in the law enforcement area, to make us leaders again, but also to help DAs. We did a lot there. The Cal-ID [California Identification] system is one that I am very proud of, where we had to fight legislators, [Daniel] Dan Boatwright, particularly, who tried to block our contracting with NEC to put in this system.

YATES: Why was he fighting it?

VAN DE KAMP: Oh, I think he had another contractor who felt that they were getting the short end of the stick.

YATES: So he wasn't against the idea in principle, necessarily?

VAN DE KAMP: Not that I know of. I think he was fighting for a—quote—
“constituent,” probably someone who contributed a fair amount to his campaign, to try to get them favored, or certainly better treatment than they were given. I had that looked at very carefully to make sure that we had followed the contract process correctly.

But once Cal-ID went into place, it was a grand success. I don't know that I mentioned this previously, but we had to fight in the legislature to get it funded, because of the Boatwright opposition. The system went up. . . . Well, we had made a decision to load the system at first with the fingerprints of people that had been arrested on felony cases that were twenty-six or under, or maybe it's under twenty-six, on the basis that those are the persons most apt to commit criminal offenses, which is a fact of life.

Anyway, flash forward, the fingerprints are being loaded, we're up to about what we could put in at the outset, and we have the Night Stalker in Los Angeles running around killing elderly women. And it was a terrible situation, hitting the newspapers day after day after day.

And down in Mission Viejo, as I remember the story, some sheriff's officers had a possible suspect, not an individual, but they found a car, and they found some prints on the visor. They thought there might be some connection with the Night Stalker. So they called us, and said, "Could we run up these fingerprints to run it through your system?" And so we literally broke into the system with these prints, and the prints pointed to Richard Ramirez.

We put the word out to law enforcement that here was some evidence that would establish that he was connected. Put the word out here in Los Angeles County, and so Ramirez's picture went up on television. The next thing you know, a bunch of private citizens out in

East L.A., who had seen some identification of Ramirez, cornered him and captured him and turned him over to the police. Ramirez was convicted sometime later. That was the end of his criminal career.

But it all came about through the Cal-ID system. It was its first case, mind you. Could you imagine getting off to a stronger way than getting somebody like that.

And what we then did was to get the fingerprints from a lot of older unsolved homicide cases—I think we did this a little bit later—to see if we could find matches. And we did solve some older cases.

Another thing that we did later on was to start a DNA program, where state prisoners would have to provide blood for DNA identification purposes. I think that program is going on to this day. The difficulty at that time was we had a lot of blood samples, but we did not have all the funding that was required to create the kind of bar code that would then be computerized. Eventually, with DNA you end up with the same kind of a computerized system that you have with the Cal-ID system.

YATES: Well, the Cal-ID system actually becomes a reality in the later eighties, is that correct?

VAN DE KAMP: Yes.

YATES: So at what juncture did you really start pushing that concept, or how did you come up with the idea that this needed to be pushed?

VAN DE KAMP: Well, let me see here if I can find the years. It took a while to get it going. It was established in '85, so I'm right. So it was in the first term.

We also developed a system called the Cal-PHOTO system, where you could transmit photos of suspects instead of fingerprints, like a central photo bank that could be accessed over telephone lines.

Anyway, then the DNA stuff, the pumping-up of regional labs. Although we didn't get as much money as we'd like, I was able to open a central lab in Berkeley, where crime scene samples like hair, semen, blood, and other evidence could be coded and stored. On the other hand, we were always. . . . We never had the funding that would do as much as we wanted in terms of the typing.

YATES: So these were all. . . . Would you describe them as cutting-edge technologies?

VAN DE KAMP: Yes, they certainly were at the time. I remember one thing I did in the DNA area. I was worried that prosecutors would jump too early to use DNA. The advantage of DNA really cuts in two different directions. It can convict the guilty, or help convict the guilty, but also free the innocent, which has tremendous advantage. And overall, the evidence of a DNA match being probative is much better than fingerprinting, because you get ten million, thirty million to one that it's the same person.

But all those things were in the early stages. I went to the DAs and spoke to them on DNA, and I said, "Look, we're in the early stages. When we go to court, just remember the court case that you take where you're using DNA, if it turns out sour, if you don't present it properly, it might hamper its use for years to come. Be careful."

So a number of deputy DAs from around the state got to be very familiar with DNA. Rocky Harmon, I remember, was one of them. So by the time they went in, they were ready. And so we've never had a blockage of the use of DNA, as long as proper threshold measures were met. And so it was not only developing the technology, but also using it carefully.

Other programs that we got into, there are the technological kinds of programs, the DNA, the Cal-ID, the Cal-PHOTO. Cal-PHOTO's probably the least important of all those. We also got concerned about the marijuana growing in northern California, which, in the rank of important things, was not, in my view, the highest. However . . .

YATES: I noted some articles in the early eighties where there was a concentration on that.

VAN DE KAMP: However, what was going on up there were marijuana wars. You found people getting killed, people protecting their patches of marijuana growth. The homicide rate up there, connected with the marijuana growth, was way out of proportion to what it should have been, number one. Number two, at a time we were trying to persuade

the South American governments to take aggressive action against poppy-growing, cocoa-growing, and that kind of thing, here we were, wide open in California, with a lot of land in northern California being used, apparently without any kind of interference from local law enforcement, for marijuana growth.

So I decided we'd better do something about it, and so we developed the infamously named CAMP [Campaign Against Marijuana Planting] program, C-A-M-P, not Van de Kamp, where we brought in local law enforcement, mostly from southern California, who'd go up there in the summer. We'd usually have 100 to 150 guys who worked in teams, running down marijuana plantings and taking them out.

The result was positive. We took out a lot of marijuana that was being grown there. We put a law enforcement presence in that area. And the death rate, the homicide rate, went down dramatically, too.

YATES: And had the homicide rate been going up that dramatically?

VAN DE KAMP: It had been. Now, when you talk about dramatically, it's not like South Central Los Angeles, but if you have a rural county with sixteen homicides that are marijuana-connected, rather than two . . .

YATES: And the population isn't that great.

VAN DE KAMP: Yes. So that's what I'm talking about. So it did have that public impact.

I saw this year that they were back there again. So this is a program that we started in '83 that . . .

YATES: Of targeting.

VAN DE KAMP: I went up there once or twice, helicoptered in with them for some of the raids to see what they were doing. I got some gas from the people who wanted to legalize marijuana, but I still think it was the right thing to do.

YATES: It's a quarter to four. Do you want to go a few more minutes?

VAN DE KAMP: Sure.

YATES: OK. Hold on a second.

[End Tape 6, Side B]

[Begin Tape 7, Side A]

YATES: You were just commenting off tape about wandering a little bit in the subject areas. One thing I had thought originally was sort of focusing more on that early period, which it sounds like what you're doing, but maybe it makes more sense to focus topically.

VAN DE KAMP: Well, the point that we were making is, what we were doing which was different from what went on before. The gist of all this is that we were putting real focus on the Division of Law Enforcement, the programs they were into, I'm very proud of what we were able to do there, through technology, as well as through using the department as a catalyst for other departments, the CAMP program being a good example.

YATES: And you were saying, I believe—I'm reiterating this—is that with previous attorney generals, even though there was a focus on the criminal aspect or the responsibilities of the Attorney General's Office, you felt it needed to be expanded a lot more beyond what it had been. Is that correct?

VAN DE KAMP: Yes. Their attention was placed primarily on the legislature, on the law side, and I don't fault them at all for what they did on the criminal side and handling appeals, but . . .

YATES: That was their emphasis.

VAN DE KAMP: As for the Division of Law Enforcement, I did not see much enthusiasm or interest for it.

YATES: We may not have enough time for this, but one other thing I saw that appeared to have not been emphasized as much during Deukmejian's time as attorney general was the environmental and consumer fraud aspect. I know that you created a unit—is that correct?—to handle environmental and consumer fraud litigation. Maybe you can take a minute to talk about what your thought was behind that.

VAN DE KAMP: We put this all in under Andrea Ordin, who had worked with me before, had been U.S. attorney, and was willing to come back. She did a wonderful job running the Division of Public Rights.

In the consumer protection area, Herschel [T.] Elkins and his unit that had been there a long time. Herschel is there to this day as one of the great leaders in consumer protection in California. I cannot say

that what we did there differed too much from what had gone on before. I tried to expand his operation but Governor Deukmejian kept blue-penciling budget increases.

What we did do, though, was to play an active role in insurance reform. [Michael J.] Mike Strumwasser and [Frederic] Fred Woocher both had been active in preparing new insurance regulations from the Commissioner. I also argued Prop. 103¹ in the California Supreme Court—*Calfarm Insurance [Co.] v. Deukmejian*.² Prop. 103 was on the ballot in what year? Was it 1988?

YATES: That sounds about right. I can verify that.

VAN DE KAMP: In any event, I remember that well, because I was in Israel when the decision came down upholding our position in it. That was a dramatic case. It's basically a consumer protection case. In the Consumer section we also filed lawsuits against vocational schools to take on fraudulent business practices.

We first got into the antitrust world—we'll talk about that later—to try to prevent some very large mega mergers, particularly with respect to supermarkets. We lost a big case with respect to Texaco.

We worked at the national attorney general level, with other AGs, filing deceptive advertising suits against airlines, and a couple of big cases, ITT Financial Services being one of them.

1. Proposition 103 (November 1988), insurance rates regulation, commissioner.

2. *Calfarm Insurance [Co.] v. Deukmejian*, 48 Cal. 3d. 805.

So I think the most unusual thing we did on the consumer side is really in the antitrust field. In environmental protection—we'll talk about antitrust in a minute—in environmental protection. As I said in my inaugural, I said, "We're going to prevent Secretary [James] Watt from putting oil wells on our coastline." And I think it's fair to say we were successful in doing that.

I will never forget. . . . It must have been 1984, because [Ronald W.] Reagan was running for the presidency. There had been some effort to open up the coastline for drilling again, and we threatened a lawsuit. I was home in Pasadena on a Saturday, I think it must have been Columbus Day, in early October. I got a call from the White House saying that "Secretary Clark," [William P.] Bill Clark, who was then head of [the U.S. Department of the] Interior, "would like to talk to you." And they finally tracked him down, and we made contact, and he said, "Well, John, can't we somehow work this out?"

YATES: So you mean so that you wouldn't bring a suit?

VAN DE KAMP: "So you don't bring a lawsuit, and so we can have some kind of agreement about what the administration will do or not do."

And I said, "Of course. Send your guy out, let's have him out by the end of the week, and we can hopefully take this off the calendar." And he sent a lawyer out, an agreement was reached, at least for a significant time, that they would not be permitting drilling off our coast. Mind you, what they did was to take it off of the political

agenda for the presidential race was in its final month. Not that Reagan was in any particular trouble, but I guess they were concerned that somehow the issue might interfere with the presidential race. And that worked out quite nicely.

Later on, I remember, there was another effort that was being made later on in the 1980s, maybe four or five years later, where the federal government had to hold hearings on offshore drilling. They chose a site not too far from Fort Bragg in northern California, which is on the northern coast, just near Mendocino.

So I remember going up there and leading off as one of the witnesses. We all had two minutes apiece, and they had like two days of witnesses. I think 99 and three-quarters percent of those appearing were opposed to drilling. So I was able to lead that off.

YATES: What can you say in two minutes?

VAN DE KAMP: Enough. It made the evening news as a sound bite on NBC that night.

YATES: I'd think you'd have to think very carefully about what you're going to say in two minutes.

VAN DE KAMP: That worked, and as a result, the new offshore drilling off the California coast, which has been opposed pretty strenuously by the people, has been prevented. I mean, we've not had any increases in drilling.

YATES: In that kind of scenario, I'm thinking, you know, the federal government and everything, and your push to do the environmental

protection and that kind of thing, how does the governor fit into this discussion? What if his philosophical approach is different, or he supports offshore drilling?

VAN DE KAMP: Well, as the attorney general of the state, you have the right to enforce California law. You're an independently elected officer and have the right to take positions on behalf of the people of California.

Now, if you had the governor issuing a particular order. . . . Now, in this case, you're dealing with—quote—“federal lands,” or lands that are off the coast. A more difficult problem is if the governor, using his own power, decides to do a do certain things, and then you have to come in and represent the governor.

Another issue where we were successful was up in Lake Tahoe. What happened there is that we had filed a lawsuit to impose a moratorium on new construction of homes around Lake Tahoe, because it of its violation of the federal act that. . . . I'm trying to remember the name of it.

YATES: Is this NEPA [National Environmental Policy Act]?

VAN DE KAMP: No, it wasn't NEPA. It was a special act that related to Lake Tahoe.

But in any event, we brought this lawsuit, were able to get an injunction in terms of the building there. In the meantime, federal and state funding was found for the [California] Tahoe Conservancy, and the Conservancy started to buy up sensitive lands around the lake, the

goal being to stop the overdevelopment, which was interfering with the lake.

This is an issue to this day. The visibility in the lake, which at one time would be a couple hundred feet, every year they'd be losing visibility because of the junk that was being poured into the lake, whether it was from the roads, whether it was from the sediment coming off the hillsides because of building, fertilizers from the golf courses, and the lack of natural filters, marshes and so forth that often times filter out some of that junk. Many of those marshes had fallen to development.

Anyway, we've been upheld over all the years in what we did there. A more systematic approach is being taken towards the development and zoning in Lake Tahoe as a result of what we did.

YATES: As I remember, that happened really early on, in '83 or so, that that came up?

VAN DE KAMP: That sounds about right, '83. I remember just before I left office I went up to Tahoe and they had a little event to thank me for all I'd done, and they had given me a picture—there it is—of Lake Tahoe, that's on my wall.

YATES: That's beautiful. It's black and white.

VAN DE KAMP: Unfortunately, I had to say, "I'm sorry, I cannot accept a picture like this while I'm in office." So they sent it to me after I left office.

YATES: It's beautiful.

VAN DE KAMP: But I know that successive governors, attorneys general, and even presidents have been to Lake Tahoe. There's still continued interest in trying to save that lake.

Taking on Lake Tahoe was one of the other things that we did that was quite different from the previous administration. Now, mind you, at Lake Tahoe there were very strong opponents, with people who claimed that we were interfering with their property rights. So, you know, what has been done up there, especially with the moratorium, was oftentimes in contest, and numerous court suits were filed that we had to defend against. Ultimately I think it's fair to say we won them.

The other thing that we did that was new was that we often intervened in local matters to enforce Environmental Quality Act requirements, to make sure that when, let's say, a new plant was going up, that there was sufficient mitigation involved to what they might be doing that might be environmentally damaging.

We were not there to stop the development of plants or facilities so much as to make sure that CEQA [California Environmental Quality Act] was being followed and that the proper thing was being done. Several cases involved co-generation plants, for example, which were needed. Nonetheless, there are things that needed to be done as those were being built so that CEQA was being followed, and environmental protections were provided. So we filed, gosh, I don't know how many of those.

YATES: So you stepped that up, then?

VAN DE KAMP: Yes, and I got some flak for that, too.

YATES: Where did the flak come from? The owners?

VAN DE KAMP: Well, local governmental authorities or the owners of these facilities, “What are you doing in here? You’re trying to stop us, trying to put us out of business.”

And the answer was, “No.” And I regarded it as a success if the mitigation could be obtained and the plant could go forward, assuming it was economically valuable to the community, co-generation plants being a good example.

We had to enforce, after ’86, Prop. 65,¹ which was something new.

YATES: Remind me what Prop. 65 is.

VAN DE KAMP: Prop. 65 was the measure that. . . . Well, you see it today, where you have to give notice of carcinogens in bars and restaurants and things like that. It gave private parties the right to file actions, but they had to come to us first. Mostly warning requirements. We filed a number of enforcement actions.

YATES: Well, it’s almost four, so is it OK if we stop?

1. Proposition 65 (November 1986), restrictions on toxic discharge into drinking water; requirement of notice of persons’ exposure to toxics.

VAN DE KAMP: Sure.

YATES: Great.

[End Tape 7, Side A]

[Session 5, September 15, 2003]

[Begin Tape 8, Side A]

YATES: Good afternoon.

VAN DE KAMP: Good afternoon.

YATES: We were just talking a minute about today's session. Last time when we met, we started to talk about the activities of the Attorney General's Office in the context of what had not happened previously—perhaps that is the best way to put it. I asked you about new things that were being done in the Attorney General's Office during your tenure. You mentioned some technological advancements such as the Cal-ID system, the use of DNA, and highlighted some different areas, as well as environmental protection, and you mentioned the CAMP program, also.

What I thought we could do today—we'll see how it goes—is expand on the activities of the AG's Office by looking at it in terms of how it was structurally set up. For example, you have the Division of Civil Law, the Division of Criminal Law, etc. So I thought first we could discuss the area of civil law. I noticed in the early period, I would say '83, '84, that one of the first things your office became

involved in was the proposed Sebastiani initiative. I was wondering if you could tell me a little bit about that. That's connected to reapportionment, correct?

VAN DE KAMP: It was. And as I remember the case, the matter was really all about going out to the voters and trying to, in a sense, turn over the role that the legislature had played in reapportionment to the courts. And, if I remember this correctly, the purpose of the measure was to try to put it in the hands of the Supreme Court or some body that was reporting to the Supreme Court.

The challenge was taken on by the Governmental Law section representing the secretary of state, and we asked the Supreme Court to issue a decision before the election. One of their problems was that the Sebastiani people rather than making it a constitutional measure, made it just a straight statutory measure. Big mistake. To do what they wanted to do you'd have to change the [California] Constitution. And so they had not done so. The California Supreme Court agreed and they so declared and stopped the special election.

YATES: Now, did I read. . . . I thought I read that Governor Deukmejian supported that initiative. Does that sound right to you?

VAN DE KAMP: He did, and if I remember this correctly, I called him one day and said, "This is not going to be upheld by the court because of this issue, the constitutional versus the statutory nature of the initiative."

The governor and I got along pretty well, and he said, “Well, John, you may be right, but I need to have a Republican Caucus behind me”—which was in the minority—“that will sustain my vetoes,” so the Democrats couldn’t get the two-thirds vote to override his vetoes. So he signed what was necessary so the matter would go on the ballot, the action was filed on behalf of the secretary of the state, and we argued that the court issue a prompt decision before the election, and they did so.

YATES: So it sounds like, if I’ve got this right, this was a Republican strategy for bypassing the majority in the legislature?

VAN DE KAMP: Sure. Well, what happens. . . . This happens every ten years. The majority party in power will try to draw the lines in such a way that they benefit. I mean, we see it today in Texas, where there’s a major, bold effort by the Republicans—who are in the majority there—to do that.

What’s happened, by the way, with reapportionment is curious because it’s one of the causes of structural problems we have in government. There’s bargaining that goes on on both sides, and sitting Republican legislators are drawn into it, given safe districts in return for which Democrats get safe districts. Eventually there’s a real play to get the other side to go along on the basis that individuals get helped.

And the result is today that we don't have many contested elections. You have persons who have been there for a number of years and who are embedded in their seats. It's very hard to dislocate them because as they get along, their districts improve in terms of the voter registration for their particular party. And the result is we tend to get a bifurcated legislature; we have very few swing seats.

And that's true not only in California, but it's true across the country. Someone gave me a number the other day about the number of congressional seats that are really in play. Now, mind you, those seats are voted on every two years, and you'd think that, you know, gosh, there may be 100, 150 that might come into play. It's someplace around thirty to forty. So if you're going to have a change in Congress, you're really looking. . . . Everyone's concentrating on those thirty to forty seats.

YATES: So this particular instance, with this Sebastiani initiative, how different was that. . . . I shouldn't say *different*. Is this a pretty typical kind of activity every time there is reapportionment, or was there something different about that one in particular, do you think?

VAN DE KAMP: No, I think it was a reaction, probably, to the Democrat's—how can I put it—reapportionment plan. So this was the Republican effort to try to turn it around, and to have the court or someone else do it. Since that time, I think there may have been an effort or two, but it's always failed.

It's not a perfect system that we have, but then you have to look at the alternative. There's always politics involved in this. If the Supreme Court were to engage in reapportionment or to be the approving party for it, I'm sure politics would be involved there; they were appointed by partisan governors. Now most of the members of the Supreme Court tend to be, or are, Republicans, appointed by a Republican governor. Legislators and justices come out of the political milieu. The court's probably a little further removed than the legislature, but it still can be partisan, nonetheless.

YATES: So in the case of when this occurred, of course, the court was more liberal. Is that how you would characterize it?

VAN DE KAMP: It was. It was. Rose Bird was the chief justice at that time.

YATES: Another item I saw in that early period was working with the governor to stave off the fiscal crisis from the '82-'83 budget year, and I was wondering if you could use that as an example of what does it mean in terms of the AG's Office working with the Governor's Office in that situation?

VAN DE KAMP: Well, what happened there was that Dick Martland, who was the head of my Civil Division, by the way a Republican, but I don't think Dick has ever been a partisan—but was a fine government lawyer. His office, in the Government Law section, gave the legal advice to the Governor's Office on how to keep the state government operating in '83-'84. And in a sense, what you end up doing, trying to find legal

ways of carrying over a budget deficit and borrowing funds to meet the budget deficit. I mean, this is what's going on this past year.

And so what you do, representing your client, in this case the Governor's Office, the State Controller's Office, is to try to tell them in a straightforward way what they can or cannot do. And that's one of the major roles of the Civil Division, whether it's on tax rules, whether it's on a budget crisis, to lay out the boundaries in which they can operate.

YATES: I can guess during the eighties what it was like fiscally, but how did you see that working through the eighties? How would you characterize the eighties in terms of the support of the Division of Civil Law working with the Governor's Office?

VAN DE KAMP: I think the Civil Division probably was altered less than any part of the department in the sense that we were carrying out a traditional role, representing our client agencies to the best of our ability, and supporting the governor and the constitutional officers as best we could. The Government Law section does that. There's very little direct controversy in our work there. We didn't make policy decisions. Rather we were defending existing law or a state agency in the things that they were doing. They were exercising their discretion.

YATES: So you said that that division, in particular, didn't change too much from previous attorney generals?

VAN DE KAMP: I don't think so. Obviously the leadership did. Dick Martland came in as a chief deputy, and again, he's one of the finest lawyers I've ever had the opportunity to work with. And his section chiefs changed.

YATES: Did they stay basically the same? I'm looking at something that would have come out in the late eighties, where you have State Government; Health, Education, and Welfare; Licensing; Business and Tax; Tort and Condemnation. Does that basically sound like the structure?

VAN DE KAMP: That's what we had when we came in, and that's pretty much what we had when we left.

YATES: That's from the history.¹

VAN DE KAMP: Yes, that's right. The people that were heading those units were there during much of that time. [N. Eugene] Gene Hill worked with Dick very closely in Government Law. Charlton [G.] Holland, Pete Holland, out of San Francisco, Health, Education, and Welfare. John [M.] Huntington, an old-timer, did Licensing. [Charles C.] Chuck Kobayashi, Business and Tax, and Marvin Goldsmith, who seemed to be there forever, running through administrations, ran Tort and Condemnation.

So there was a real continuity, and one of the good things about it, I think, is that. . . . Part of the job of the office is to represent the state and its agencies, and not to run off, except in areas where we

1. *A History of the California Attorney General's Office*, 1984. Published by the Attorney General's Office.

really had the authority to do so. Our job here was by and large purely representative.

YATES: Anything you want to add about the Civil Law Division? Those were the two main things I thought of.

VAN DE KAMP: No, you tapped my brain over the Sebastiani thing, and fortunately that came back. I forgot that it was '83. I somehow remembered that it was a little bit later.

YATES: So that was pretty much right when you came into office, then.

VAN DE KAMP: Yes. Now, some of these sections, by the way, when you say there wasn't change, I believe that prior to that time we did carve out some of the sections that may have been elsewhere in the department, but the sections we talked about were there, and had been there for years and years, and fit very nicely into that role, which is very much client oriented.

YATES: So you didn't see much reason to change any of that, that particular area.

VAN DE KAMP: No.

YATES: I forgot, there was one other item that I saw when I was looking through the materials—and this is again early '83, '84—there was a mention of defending the unitary tax law.

VAN DE KAMP: Yes, it's one of the roles that we played, I think, in the Tax or Government Law section. Let's see if I can sort of pin that down.

There had been a challenge by corporations who did a lot of business out of the country, about what we call a unitary tax law. And in our state, we compared what revenues businesses had within the state to what they had out of the country, and we basically then charged them on that basis.

The challenge to it could have been really troublesome, because we could have lost three to four billion dollars had we lost that litigation. There are a number of cases that we took all the way up, all individual cases, but most of them upheld the unitary tax law. And so, in a sense, we saved the governor three to four billion dollars a year in those cases. I mean, you have such litigators as Container Corporation, Firestone, Anaconda, Communications Satellite, Alcon Aluminum, which all challenged the unitary tax law, and they lost. So that really came out of. . . . I think it was handled by the Tax or Government Law, but I may be wrong about that.

YATES: In terms of the office that would handle it?

VAN DE KAMP: The section that handled those cases. More probably would have come out of . . .

YATES: So it's not Business and Tax?

VAN DE KAMP: Probably Business and Tax, yes, I think that's where it was. The Business and Tax section represents the [California State] Board of Equalization in various counties and so forth.

YATES: So they work closely with any state and local entity, too, or is it primarily state?

VAN DE KAMP: Primarily the state agencies, and county, I guess. We advise county legal reps on property taxes.

YATES: And did you see any changes there due to the aftermath of Prop. 13 that you can think of, and, of course, other initiatives that followed that, that were part of the tax reform effort?

VAN DE KAMP: No. By that time, Prop. 13 was very much in place. I don't think there was significant litigation over Prop. 13 at that time. The one case that I'm looking at right now. . . . Here in *ITT World Com v. City and County of San Francisco* and the State Board [of Equalization], the Supreme Court held that Prop. 13 did not require the State Board of Equalization to assess real and personal property as a public utility on the basis of 1975 property values. They said that Prop. 13 is preempted, in this case, by the unitary tax value concept. According to that concept, tangible assets functioning as a part of an operating unit are not appraised separately; instead, the operating unit is appraised as a whole.

So you get into technical issues on Prop. 13, but I don't remember anything that was dramatic in terms of changing Prop. 13. Obviously, our job was to uphold Prop. 13, whether we liked it or not.

YATES: So in terms of expanding the role of, for example, the Business and Tax section, you didn't see great changes there as a result of the tax reform efforts?

VAN DE KAMP: No.

YATES: Because there was other, of course, initiatives that passed after that; the Gann Initiative,¹ and some others that would have impacted that also.

The next area I thought we could look at is criminal law. There is a Division of Criminal Law, and I saw that early on it looked like you focused on reorganizing that division somewhat to help support the effort to keep up with a rapidly growing appellate and prison litigation workload. I thought maybe you could take a minute to talk about what was going on, to give some context as to why that needed more support.

VAN DE KAMP: Well, what was going on is that there was very extensive prisoner litigation, prisoners who were challenging their confinement. It became increasingly important that we had an operation in place to accurately, or adequately, defend the prisons, advise the prisons, and that's exactly what we did.

So we established the Correctional Law Section, which is part of the Criminal Division in '85, as a response to the sharp increase and

1. Proposition 4 (November 1979), limitation of government appropriations.

complexity in the numbers of cases filed by inmates as well as those in the [California Department of the] Youth Authority, challenging their conditions of confinement. And I mean, we went from no funding in 1984-85, to, in '86-'87 about a \$2.8 million budget and thirty-seven people in that unit.

During this period of time in California we had tremendous growth in prisons. I don't remember the exact numbers, but we may have had eighty to ninety thousand inmates in our state prisons in '82-'83, and it would grow year after year. The legislature would pass bills that would send more and more inmates away. And so . . .

YATES: I was going to ask you what some of the reasons were for that dramatic increase. That's one.

VAN DE KAMP: We built more prisons and we got tougher. You have bills such as the governor's bill when he was the attorney general, "use a gun, go to jail." My bill, which I was able to get passed when I was still the DA, was, "rob a home, go to prison," which was built a little bit on different lines.

Under the governor's measure, which is aimed at armed robbery, there was mandatory time. Under my bill, there was a presumption that a residential burglar would go to state prison. So what would happen would be a residential burglar would get caught. . . . Professional burglars are rarely caught, and so when you catch one,

you want to belt him if you have any idea that they are professionals doing this for a living.

On the other hand, there are all kinds of burglaries. You may have a former husband going back and breaking into what had been his house to get something. You may get kids messing around. They are not professionals and they deserve to be treated differently. So my measure was basically to provide a presumption of state prison subject to mitigation.

So the result was that we were sending more to state prison with that bill, and, for over close to ten years, residential burglary went down year after year after year. It was extraordinarily successful. Now, it's hard to know what the cause and effect of this was. It could have been something else. But it appears that we did get a lot of professional burglars off the street.

But at the same time, you had the governor's bill, and other measures that would increase sentences, and prisons being built. It got to be a big-scale industry under the Deukmejian administration.

YATES: Now, the prisons being built, that just happens to coincide with these types of laws going into effect? I mean, why were more prisons being built?

VAN DE KAMP: I think primarily because the need. Crime rates had gone up over a period of time. I had a conference in my early AG years. The subject was "why is crime down," because crime rates had started to go down.

YATES: I saw that.

VAN DE KAMP: I'm trying to remember the exact year that that took place.

YATES: Hold on, I've got it. This is just the summary, the executive summary. That's the CrimeConference[85], I think.

VAN DE KAMP: Well, this is 1985, and in that year we reported a shift in statistics. The annual rate at which serious crimes were reported drop significantly in California as well as across the country, and the questions we asked at this CrimeConference that I organized, was it population, was it demographic, did it have to do with how tough we were being on crime?

Nonetheless, prisons were getting filled up. That's just more mandatory sentencing.

YATES: I see in my notes that—I think you already mentioned this—that the Correctional Law Section was formed in '85-'86. I got that from the report.

VAN DE KAMP: Yes.

YATES: You were just mentioning about the budget for creating a unit like that. Maybe you could use that as an example of how you go about getting funding for a new section.

VAN DE KAMP: Well, what you end up doing is robbing Peter to pay Paul. You have lawyers that get transferred out of Criminal who are targeted at this new kind of an effort, as well as seeking some new money. I forget exactly what happened there. I think there's probably a combination

of both things. The Criminal Division was expanding to meet the needs of the time, part of that was through the development of this particular section.

Certainly the governor knew it, because the correction agencies were under his control. He knew that not only were the prisons being filled up, which was one of his priorities, but that the litigation about conditions was increasing. So they were supportive.

The process that you follow is a budgetary one, where you put together your annual budget, you thrash that around, you then present that to the Department of Finance, they make recommendations. You then go before the legislature, and if the Department of Finance is trying to block you unfairly, you have an appellate right over there. The legislature can stick it into your budget if you're persuasive.

YATES: Do you have any interactions with the legislative analyst? They basically serve the legislature, right, in terms of reviewing the budget?

VAN DE KAMP: Right. The Department of Finance looks at it first. They're really the governor's budget agency, and so when he presents his budget, it's based on that. Then we can go to the legislative analyst, and I would go to all the hearings and make my pitch. On the other hand, you could get something put into the budget and then have the governor blue-pencil it.

YATES: I saw also that the Major Fraud Unit was created, and I don't know what year that was. I think it might have been that early period, also.

Why was that created? I can guess, but what was the reasoning behind that?

VAN DE KAMP: The Major Fraud Unit was carved out of Criminal simply because we were getting more and more major white-collar cases where local agencies needed help. And so it gave us the wherewithal to take cases that came from small jurisdictions and help put those together and then send out our deputies to try some of those cases.

We tried, overall, to be much more supportive of local DAs. We said this in our annual report—this was created in 1984—“To coordinate the investigation and prosecution of fraud-related activities, the breadth and scale and complexity of which exceed the resources of local law enforcement and other agencies.”

And again, we expanded our budget from '84-'85. When we got started we had about twelve people, we got up to thirteen. We were able to expand what we were doing a little bit while we were there.

But the individual cases. . . . The Golden Plan case was one that I remember, where we worked with postal inspectors and the U.S. Attorney's Office, a case where they had defrauded investors of some \$88 million. The prosecution ultimately resulted in long prison terms for the people that were involved.

My goal there, and running throughout both the Criminal Division and the Division of Law Enforcement, was to help the DAs where they wanted help. In other words, we tried to be a real big

brother, in the best sense of the term. A lot of small DAs, with maybe four or five, maybe up to ten to fifteen, lawyers just had no capacity to handle these kinds of cases. I know that from my years in the U.S. Attorney's Office. You get large cases that sit there, and you've got the day-to-day stuff that you have to process—people in jail, people that had to be processed, murder, robbery, rape, which are extraordinarily important in small counties. A fraud case is very hard to work up. So that's one of the reasons we did that.

YATES: This is just an example, and perhaps this is where you made more changes in the area of criminal law, although obviously you made a lot of inroads into other areas, some of which we talked about last time, but I'm just thinking in terms of when you come into office, it's '83, '84, and you're already creating some new units, you're expanding some units. How did you decide what you were going to create or expand, or how did you identify the need that quickly?

VAN DE KAMP: Well, when I ran for office, I wanted to place emphasis on certain things that the office did, and I did not want to shortchange any part of the office. My experience in the DA's Office in Los Angeles was that special units with focus were better able to meet particular needs and their visibility gave credence to the fact that we were responsive. And so in the Criminal Division we did that. Most important of all is what we did in the Division of Public Rights, where we really needed to

better emphasize consumer protection, environmental, and civil rights protection.

And so we basically moved sections that had been operating elsewhere into the Division of Public Rights. We put Charitable Trusts [and Civil Rights Enforcement] into the division. For years it had been the California a watchdog on philanthropy, to make sure that those who were entrusted with philanthropic organizations were operating within the law and not abusing their trust. Environmental law, where the office had not played a very aggressive role in watching over air and water quality and lands issues. We placed in the division the Natural Resources Law section, the Land Law section, Consumer Law section, which had been run for years by Herschel Elkins, who has always done a terrific job, and so he came within this division headed by Andrea Ordin.

And then the Antitrust section, under [Sanford N.] Sandy Gruskin. Our office played a significant role in antitrust enforcement over the years that I was there. You'll see Elliott Spitzer these days doing a fair amount of antitrust work in New York and getting notoriety for it one way or the other, however you feel about it. But we tried to pick our cases and make an impact, because when you go after price fixing, or monopolization, or other anti-competitive activities, you're really able to do a world of good for people at the consumer level. You're trying to support competition and take away

some of the means that companies utilize to take over the marketplace and put their competitors out to lunch.

YATES: All the sections that you mentioned, I think you covered all of them, were these. . . . You would call it a section or a unit? Either?

VAN DE KAMP: Pardon me?

YATES: Would you call it a section or a unit under division?

VAN DE KAMP: Well, it's a division, and there are sections within it.

YATES: Did all of these sections that you just named exist before, or are any of them new?

VAN DE KAMP: Some of them. . . . The environmental section, I know, was almost moribund.

YATES: You mentioned the Charitable Trusts. That existed?

VAN DE KAMP: Charitable Trusts had existed for some time, and Consumer certainly had existed for some time. The Environment section was created by me. I think it pretty well had been eliminated by Governor Deukmejian when he was AG, and it permitted us to use our constitutional, independent powers to represent people of the state in protecting and preserving the environment. And, you know, it's that. . . . We'd bring actions, or join in actions against James Watt, who was trying to remove thousands of acres of California lands.

YATES: And you mentioned last time the offshore drilling.

VAN DE KAMP: Yes, the offshore drilling.

YATES: Now, would that be part of Natural Resources, or environmental law?

VAN DE KAMP: I think that probably was handled in the environmental section.

YATES: I was just trying to get an idea of the differences.

VAN DE KAMP: Yes, let me double-check on that, because I'm pretty sure that's where it was dealt with. Pause for station identification here.

YATES: We can always add that, too.

VAN DE KAMP: I don't see it here in the first two publications.¹ Much of what they did there was to essentially go in and challenge EIRs [environmental impact reports], trying to get the requisite mitigation that's involved.

We got involved in toxic waste and hazardous materials litigation, the Stringfellow toxic waste site being one of those. Cadillac Fairview case. It's funny, I was over at Catalina this weekend, and I believe, if I'm not mistaken, that in one of my last years there we had initiated the Montrose litigation. Montrose had dumped DDT off of the coast, right off of the Palos Verdes Peninsula, and litigation that was initiated, I believe, in connection with the City of Los Angeles. That went on for a long, long time, maybe as long as ten years. It was finally resolved, and they're still trying to clean it up as of this day.

I noticed there's a case we filed in 34, *People v. Big Bear Municipal Water District*, involving protection of habitat for bald eagles. I don't see mention made here to the Montrose case, and I may

1. Biennial Report, Major Activities: 1983-1984 and Biennial Report, Major Activities: 1985-1986.

be mistaken as to who brought that case, but it's the kind of case that our environmental section would bring, to try to clean up areas that are affected by toxic waste.

YATES: Now, in the area of being much more involved, or emphasizing environmental protection. . . . Of course, I read some newspaper articles criticizing the AG's Office's efforts in that area from the agricultural interests. How do you balance being environmentally conscious and protecting areas with business? In this one example it's agricultural business. I'm sure there are other businesses you could think of.

VAN DE KAMP: Well, our first priority was people. And when you have toxic activities, and a lot of toxics that were used affecting the lives of people, and there are cancer clusters—and that's always been tough to pin down in terms of cause and effect. But your first priority is protecting people under existing law, and then if the law needs to be changed, to advocate the change in the law to protect people in the long run.

We've used a lot of toxics over the years that should never have been used, that endangered people that were working in the fields. And while they may have had some economic advantage to the farmers, that doesn't mean that it's necessarily right. I don't think you should balance human life versus the economic realities. And the fact of the matter is that as we learned with organic farming, that toxics are

not necessarily the answer, that there are other ways of dealing with pests and so forth, other than some of the most extreme pesticides.

YATES: Since we're talking about the Division of Public Rights, I know that your office was very successful in the area of antitrust enforcement, and I was wondering if you could talk about that. Of course, there are a couple of antitrust decisions that your office won. One was the merger of the Lucky and Alpha Beta chains. Maybe you could give the background on that.

VAN DE KAMP: It was at a time where. . . . This is about 1987 or '88, and we got involved in two supermarket situations. One dealt with Safeway, and I'm trying to think who the other was. Was it Vons in the south? This is strange, maybe a senior moment. But we had these two cases that were going on simultaneously in the office, where we were concerned with excessive market concentration in what had been a relatively competitive marketplace. We faced the specter two or three major market chains—and again, we were trying to promote competition.

The first case settled. That was the Safeway case, and it settled because there was an agreement to divest a certain number of stores. We thought that was appropriate under those conditions.

YATES: Hold on a second.

[End Tape 8, Side A]

[Begin Tape 8, Side B]

YATES: OK. So it was in '88, '89, roughly, about the Lucky and Alpha Beta case.

VAN DE KAMP: Yes. The Safeway case settled with some divestitures. In the other case, the American Stores [Company], which owned Alpha Beta, purchased Lucky stores, and they were trying to form the biggest supermarket chain in the country. We protested, saying this would substantially increase food prices.

The FTC [Federal Trade Commission] gave approval to the merger. We then filed a suit to block the merger, and eventually ended up before the United States Supreme Court, which upheld our antitrust challenge in a landmark decision, sent it back for trial. Then, however, there was a settlement. American agreed to sell its Alpha Beta stores in southern California, thus avoiding the need for trial. And so American would continue to operate its Lucky supermarkets, but would spin off all but 14 of the 175 Alpha Beta stores. And now, Alpha Beta, in later years, has been subsumed in what?

YATES: It's Ralph's.

VAN DE KAMP: Ralph's, today, the Burkle [Company] operation.

YATES: So why was a case like that so important?

VAN DE KAMP: Well, it's important because it affects everybody who shops, at least in the major cities where these markets are in operation. So the whole point is to maintain a competitive marketplace and to use traditional

antitrust principles to be able to establish over concentration. You turn to that, and that was the basis for this lawsuit.

YATES: And that's also the theory, I would assume, to oppose the merger between Southern California Edison and San Diego Gas and Electric?

VAN DE KAMP: That's correct. What was going on there was that San Diego Gas and Electric, which was a utility that the San Diego locals hated for a long time, but it turned out to be a utility you hate but love. Edison made a play to try to take it over. So we joined with the mayor of San Diego, Maureen O'Connor, to intervene to try to protect against what we believed were the anticompetitive effects of the merger. And there were other issues, like air quality and environmental concerns that we didn't think were addressed.

Anyway, I'm happy to report that we didn't lose a vote in that case, whether it was before the Federal Energy Regulatory Commission that took it up in the first instance, or before the Public Utilities Commission in the State of California. It's not reported in our annual report, but the merger was stopped.

What we were doing in that period of time was something that had not been done very aggressively before. We, along with some of the other major states, I think of New York in particular, joined together to file actions against for example insurance companies, and working together to establish antitrust guidelines. And why was that? It's because the federal government, which at that time was in

Republican control, was not going after this kind of activity. So it was left to state attorneys general to go after these anti-competitive mergers and monopolistic conduct.

One of the good things that happened out of this, because you want to have a relationship between the federal and state prosecutors, was that we developed a working group with the Federal Trade Commission. Later, either late in Reagan, or early Bush, Bush I [George Herbert Walker Bush], the FTC became more consumer oriented. So we had a working group between the national AGs, which I was one, and the Federal Trade Commission, so we were able to bring some actions together, rather than standing separated.

YATES: So you mentioned this working group—is that what you called it?—of state attorney generals. So all attorney generals would be a part of that?

VAN DE KAMP: Yes. All of the attorney generals would meet with the FTC. Joint actions usually involved a lesser number of state AG.

YATES: I guess what I'm trying to get at is, who did you find, or was in the same mindframe, or mindset, as California, for example? What other states that you would join with?

VAN DE KAMP: In one case that's reported here, we had eighteen states asking a Federal Appeals Court to reinstate their 1988 lawsuit against insurance companies who were trying to manipulate the liability insurance market. That case ultimately got settled, not as successfully as we had

hoped for. We believed we had a stronger case when we went in than ultimately proved to be the case.

Nonetheless, who were the states that would be involved? Most of the states that would get involved in these cases were the larger states, Illinois, New York, Michigan, maybe Florida, who had aggressive antitrust enforcers. We would meet under the aegis of the National Association of Attorneys General, and, again, we often would join in actions. We might have a lead state taking principal role, and then others would join in behind. We often filed amicus briefs together, where we would join in together, figuring it added clout.

Massachusetts was one of the principal participants in these kinds of lawsuits. Pennsylvania, even though it had a Republican attorney general during much of this time, often joined us in these kinds of cases.

YATES: Of course, we talked about the merger of Lucky and Alpha Beta, and then Southern California Edison and San Diego Gas and Electric. You mentioned insurance. That was another big area, I take it, because I saw a number of references to problems with the insurance market. Is that how you would characterize it?

VAN DE KAMP: Well, in this period of time, we were going through a very rough ride with the insurance industry.

YATES: When we say insurance industry, that means any kind of insurance, or is there a particular area?

VAN DE KAMP: Well, it's mostly commercial and general liability, as I remember, during this particular time. And certainly in California, auto insurance.

At the national level, we found that the insurance industry had gathered together to exempt pollution coverage from their policies. And they did it together, working through their national organization, and we had some pretty good evidence about how they did this.

So that was one of the precipitating factors bringing our lawsuit against their National Trade Association and some of the major insurers, including Hartford [Insurance Company].

I mean, it's curious, a number of years ago I was called to jury duty. It was Hartford versus a private individual. The private individual was suing Hartford because they hadn't covered a claim. It was not a very big case. But I was called for jury duty and called up to be selected, put in the box. I asked the judge for a sidebar conference, and all the lawyers gathered up front, and I said, "I just want everybody to know that when I was attorney general, I sued the Hartford Insurance Company for umpteen hundred millions of dollars, because of collusion. And I just thought that the lawyers for Hartford should know this."

Well, they kept me on the jury. We eventually reached a verdict against the company, but it wasn't a big one. Neither side was happy with our verdict.

Then in California you had skyrocketing rates, and that led to Proposition to 103 that was on the ballot in, I want to say . . .

YATES: I had it passed in November 1988.

VAN DE KAMP: That sounds right. It was curious, because Michael Strumwasser and Fred Woocher of my office had been working on insurance trying to help the insurance commissioner with regulations. They helped devise a measure that I believe was also on the ballot that year . . .

YATES: Oh, I'm sorry. Here.

VAN DE KAMP: Now, let's look here for. . . .

YATES: It's November of '88.

VAN DE KAMP: Let's go back to November of '88, because I think there were two. . . .

YATES: You said there were two measures?

VAN DE KAMP: I think there was a measure that we put on, as well as the Prop. 103.
Let's see.

YATES: So when you say *we*, that this is one that the Attorney General's Office pushed?

VAN DE KAMP: Yes, it was one I supported. I may be wrong about this, but we may have supported Prop. 100.¹ Prop. 103 passed.

YATES: That also had to do with the commissioner?

VAN DE KAMP: Yes, it established. . . . It won by a couple hundred thousand votes. Ours, if it was 100, lost by a big margin. We helped in drafting it—it

1. Proposition 100 (November 1988), insurance rates, regulation.

called for prior approval of insurance rates. But it did not provide for independently elected insurance commissioner.

YATES: That didn't work out.

VAN DE KAMP: An activist, Harvey Rosenfeld, from the Santa Monica area, put on Prop. 103. It was very much like ours, a little bit more rough-edged, but it said that said if an insurer wished to go up or down by any significant percentage in terms of the rates, the insurer had to get prior approval of the commissioner. It would not be automatic. It established the role of an independently elected, nonpartisan commissioner. I'm not sure if it is partisan or not. But anyway, the important thing was that he or she would become a newly elected statewide officer, rather than being appointed by the governor.

Another provision that I recollect that was involved in that was a rebating provision, where insurance companies would have to kick back to their insured amounts of money resulting from the overcharging from prior years.

YATES: Now, this went to the courts, right, almost immediately?

VAN DE KAMP: It did. It went to the California Supreme Court, in, what, nineteen. . . . It had to go there in early '89, because I argued the case. It was one of the two cases I argued in the Supreme Court. I argued *Berg versus California* case in my first term, which resulted in a unanimous vote approving the .10 drunk driving law. The law created a mandatory presumption that if you had .10 blood alcohol content that you were

intoxicated; you were considered drunk for the purposes of the law, no ifs, ands, or buts.

YATES: And then you argued this one?

VAN DE KAMP: I argued this case *Calfarm Insurance v. Deukmejian*, I think in early '89, or thereabouts. It was a fascinating argument. First of all, it was a facial attack on the initiative and it was difficult for me because I was very busy with a lot of other things, but fortunately I had Mike Strumwasser and Fred Woocher. They prepared me for this.

The court gave us. . . . Gosh, how long was the argument? It was almost an hour and a half, forty-five minutes apiece. Frank Rothman, who represented the insurance industry, opened the argument. And then I opened it for the defense of the initiative, to be followed by a law school professor from Loyola [Marymount University], and then by Joe Cotchett, who was and is a leading trial lawyer in California. The Supreme Court was in session in Sacramento that day. Because of the limited seating in that courtroom they uplinked the argument across the street. Insurance company representatives came in from all over to hear the argument, because a lot rode on it.

My part went tolerably well, they didn't give me too hard a time. Fortunately I was prepared adequately. I was prepared by the others well.

They gave a couple of the other attorneys on our side a very hard time. I'll never forget the whole idea of this was to split the argument

up, and at the end of our side of the argument, that Joe Cotchett, who was, again, a very famous personal injury lawyer, was to try to put the insurance representative on the defensive by asking a whole series of questions, which we did not believe Rothman could answer, to leave him sort of hanging, “Do I answer the questions or not?”

Instead, Cotchett exceeded his time by anywhere from five to ten minutes. The court looked on in amazement as Cotchett talked to the audience in the courtroom, as opposed to the court, and forgot to answer these questions.

YATES: To ask the questions, or to answer the questions?

VAN DE KAMP: To ask the questions that he was supposed to ask. Anyway . . .

YATES: So what happened?

VAN DE KAMP: The defense, or the insurance companies, finished their argument. As I remember, it was a wet, rainy Sacramento day. Our side was relieved because we hadn’t fouled up too badly.

I was in Israel about three months later, and got word that the decision had come down unanimously supporting the constitutionality of the initiative. We went to a television station there to uplink our pleasure with the decision, which was important then, and is important to this day. That initiative has changed insurance regulation in that particular area. Workers’ comp[ensation] was not covered by the initiative. Since then insurance rates have been much more stable.

That was the whole idea of the measure, so that you wouldn't have these great peaks and valleys in rates.

YATES: I think you stated before, they'd have to actually go through the commissioner for approval before they could increase rates?

VAN DE KAMP: Up to a point. If I remember, there was a band that you were safe in, but once you got beyond, let's say, 15 percent one way or the other, you had to get authority for the change.

And then the commissioner came in. The first commissioner that was elected was John Garamendi, and Michael Strumwasser and Fred Woocher, who were then in private practice, were able to help him, and particularly in this rebate issue. Some of the rebates were made as recently as a year or two ago. It took about ten, twelve years to get the rebates back to some consumers, but it happened.

YATES: Why did you decide to argue that case?

VAN DE KAMP: It was an important case. It's the kind of case an attorney general should handle. And, indeed, the other case . . .

YATES: The one earlier, *Berg versus Calfarm*?

VAN DE KAMP: Yes. In terms of law enforcement, drunk driving legislation was important in its own way. What we established with the .10 standard became the rule not only here, but the rest of the country. Later on, the level was actually reduced to .08.

Let me take a break here.

[Interruption]

YATES: OK, so just a quick break. We were talking about what was going on in antitrust enforcement, and the areas that you saw, it sounds like, that were really coming to the fore, which was the mergers issue and insurance rates. I saw, also, price fixing appeared to be something that was a problem during that period, during the eighties.

VAN DE KAMP: Yes, but no more than usual.

YATES: When we turned off the tape, we'd been talking in connection to the insurance issue about Prop. 103, which falls into the consumer protection area, right? Is that how you would describe that?

VAN DE KAMP: Well, basically it has consumer impact.

YATES: I saw a couple of other things in the area of consumer protection. One mention was the Medigap abuse, and I take it that has to do with Medi-Cal, Medicare concerns? I don't know if that's of significance to talk about.

VAN DE KAMP: Well, what was going on, if my memory is correct, there were a lot of firms offering Medigap insurance, which is still being sold today, but providing very little of substance. Consumers were getting fleeced. So our role in that particular area was to come in and try to stop that, so that there was adequate knowledge by consumers that what they were getting, and to make sure that these products were being sold with full disclosure—that it was not sold in a fraudulent way.

YATES: One thing I wanted to come back to, I think it falls under the area of criminal law, is the subject of the death penalty. I saw that you created

a Capital Cases Task Force, it looked like it was about 1984, and I was wondering if you could talk about how that came about.

VAN DE KAMP: Let me pause here. I'm still trying to catch up with the Medigap business to try to find out, refresh me a little bit on that. But what I said was accurate. I just wanted to see if there's any more that needed to be said. No, I don't see much there.

So we get into the criminal side here, with the Capital Crimes Task Force. This is at a time when we had a tremendous increase, in death penalty cases, with prisoners getting stacked up on death row. The effort that was being made here was to make sure that we did the best possible job in these cases we could. And, frankly, I'm not remembering a lot about that particular unit.

YATES: I saw one article, well, it was an editorial by Dan Walters, actually, in the *Sacramento Bee*, commenting that some members of the unit actually resigned because of some disagreement about. . . . Or, not disagreement, but that their suggestions were being short circuited, it said, by you. And I don't know what the. . . . Well, the issue, obviously, is over, I guess, the death penalty in terms of whether you're enforcing. . . . Or, not enforcing. Let me backtrack. How you're helping to speed up the process, is that how you would describe it?

VAN DE KAMP: I don't remember that very well, but the issue that I do remember that came up is how we dealt with the Supreme Court in death penalty

cases. I made it very clear that we were not to engage in ad hominem attacks on the court, that that just didn't make a heck of a lot of sense. Some of the deputies didn't like that.

YATES: I misspoke. It said changing the application of capital punishment, so that has to do with what would be a capital punishment case, is that how you. . . . These are my notes from an article¹, that last one right there.

VAN DE KAMP: I really don't remember this too well. I do remember there had been complaints. I think they didn't like the fact that we were trying to curtail the ad hominem attacks on the court. And I remember the State Bar Conference of Delegates had voted, as they have over the years, to oppose the death penalty, I was quoted as saying the vote showed that attorneys who are close to the issue are opposed to capital punishment. Well, I was really talking about defense lawyers, my remarks were not intended as a personal view. I stayed out of that vote at the State Bar Convention, where I had been a delegate.

If I read this correctly, what was going on was there were proposals to expand the death penalty to crimes that were uncovered. I did not support that at that point. I never have personally supported the death penalty, but I vowed to carry it out, and did so when I was the DA and did so when I was attorney general.

1. Dan Walters, "Van de Kamp faces a revolt," *Sacramento Bee*, October 10, 1984.

The proposals that I supported, were actions that would try to speed up the process. In fact, I had a long debate with one of our liberal appellate justices, Justice Stephen Reinhardt, later because we were trying to cut down on habeas corpus actions by providing for what they call an exhaustion of remedies in the state court system, before you could really file for habeas in the federal court system. And that got into a technical argument.

However, this article you referred to was in 1984. It certainly was not a cutting-edge problem inside the office over the years that I was there. Deputies in the office knew that I personally was opposed to the death penalty, but I never put the brakes on our seeking the death penalty either in the DA's Office or later in the Attorney General's Office, where our job was to prepare the cases on appeal to support death penalty sentences that DAs had obtained.

So it may well have been that I did not support expanding the death penalty to new cases, because I thought that we had gone far enough.

YATES: Now, your office did, I think you just mentioned, pursue trying to speed up the process, however, right?

VAN DE KAMP: Yes, we supported having the courts reach decisions in a certain period of time so that they would not linger, and to try to speed up the processes, part of which was. . . . There were two or three systemic problems, as I remember. One was getting defense counsel appointed,

and then getting transcripts in the hands of those defense counsels so that they could prepare their briefs in a timely way. There were weaknesses all along the way, slowness in getting defense counsel appointed, slowness in getting transcripts to them.

I was always a great supporter, then and now, of the State Public Defender's Office and their capital project, which provided experienced and able counsel in death penalty cases. I knew that once these cases were sent to them, that they'd do a decent job on behalf of their clients and that they'd move these cases along in a professional way.

YATES: Now, if I remember correctly, there was also criticism, of course, of the Supreme Court, right, in terms of how they were dealing with capital punishment cases?

VAN DE KAMP: The major objection was the chief justice. The court was relatively liberal. I don't think Chief Justice Rose Bird ever voted to affirm a death penalty case. She would never state that she was philosophically opposed to the death penalty, but in every case found reasons to reverse. And obviously for those who were death penalty supporters, and certainly prosecutors who spent their life on criminal matters, this became very important.

YATES: I wanted to return to the Division of Law Enforcement. You talked about, as I mentioned at the beginning of today's session, about some of the technological advances, the Cal-ID, use of DNA. You also

mentioned Cal-PHOTO, although you said that didn't play as prominent a role as the Cal-ID. But I saw when you came into the office, one of the things that you said you wanted to do was strengthen and support local law enforcement. What had been the problem in terms of their getting the kind of support that they needed from the state?

VAN DE KAMP: I just don't think that there was much interest in the division from my predecessors. This is what we tried to do. We tried to use the assets we had to step in where counties and others were not able to go. And certainly, with respect to . . .

[Interruption]

YATES: We were talking about the lack of support for local law enforcement.

VAN DE KAMP: Yes. It was a matter of priorities. What we were trying to do was to work more closely with them to do the things in areas where they needed help. So our goal was not to supervene or take over, but to assist. And we made it very clear, that we were a service agency. And we did that. The Cal-ID program, which we developed, was part of that. What we did with respect to DNA and getting that started, also helped local DAs and law enforcement.

In our narcotics enforcement, we organized an effort to tackle clandestine drug labs. We used one-quarter of our Bureau of Narcotics personnel to find, locate, and take out illegal labs, most of which were amphetamine labs, usually in outlying areas, where the locals were not

able to go. We put together teams with local, state, and federal agencies to work together in that particular area. I think it was quite helpful. And similarly we organized a program to monitor the sales of precursor chemicals, which would often end up in the illegal drug labs.

YATES: I was reading about the. . . . It was listed as the Coordination of Investigations/Western States Information Network, and I believe you did mention the network, but how does that tie in, if it does, into assisting local law enforcement?

VAN DE KAMP: What that was a regional operation that. . . . We had our headquarters for the network in Sacramento, and it covered California, Oregon, Washington, Hawaii, and Alaska. It was established by Congress in 1980. We had a policy board and we were the host in Sacramento. We supplied a database of suspected drug traffickers, some intelligence analysis, and would furnish some money to law enforcement for the investigation and prosecution of major offenders.

YATES: So you said this was a federal mandate originally, that California was the host of it?

VAN DE KAMP: Yes, we were the host, that's right. I forget exactly how the funding worked, but again, it bound together these different states. We'd have conferences talking about such things as air smuggling and black tar heroin, which started to come back in the '88-'89. And you bring in law enforcement entities from all over the West for this. It proved to

be successful because you found narcotics offenders who were operating interstate.

YATES: In the area of the law enforcement, I saw that the Bureau of Justice Information Services was created in '85, well, it's listed in the '85-'86 [biennial] report. How does that tie in with the activities of that division?

VAN DE KAMP: This is the Bureau of . . .

YATES: Justice Information Services.

VAN DE KAMP: Yes, OK. Hold on a second. Well, I think this was a carve-out kind of a program that operated the Automated Systems Program, which managed a variety of data files on stolen vehicles, boats, firearms, that kind of thing. Property/Firearms, and Reporting Program, and the Field Operations Program.

The Property/Firearms and Reporting system was important because as we expanded the law about the eligibility of prospective handgun purchasers, we were prepared. So they'd send in reports, someone tries to buy a weapon, they have to file a statement, they check in with us, we then have to pass clearance back. So this was a way to carve out this little unit.

YATES: So it was to manage that kind of information that you were getting?

VAN DE KAMP: Yes. But, again, as I remember, I think we moved this section from another part of the operation, and expanded it because of the workload expansion.

YATES: I remember when we met to talk about setting up the interview sessions you had commented that no one was doing analytical work with statistics.

VAN DE KAMP: Right.

YATES: Why was that, and how did you end up using statistics?

VAN DE KAMP: Well, we would collect enormous amounts of information about how cases were being processed throughout the state.

YATES: That was a normal part of the office?

VAN DE KAMP: That was part of the office's responsibility.

YATES: There is a Bureau of Statistics, Bureau of Criminal Statistics. Are you thinking of something different?

VAN DE KAMP: No, I think we're on the same. . . . I'm just trying to find the data.

The Bureau of Criminal Statistics. OK. It operated on a over-six-million-dollar-a-year budget, and publishes annual statistics about case processing. Every county in the state must report on arrests, processing, and disposition of all cases, so you have an idea of who's being arrested, for what, when, where, and how they're being dealt with. You'll see that there are major differentiations in the way that a county handles a particular matter. For example, we found that Contra Costa and Los Angeles, Ventura, maybe San Diego, had pretty tough filing policies. The L.A. County DA for example would not charge unless the evidence was in hand, as a result their filing rate would be lower than another county would that would just slop anything in. So

some counties would dispose of cases at the misdemeanor level on a regular basis, but file them originally as felonies, where others would have a tighter filing policy and would follow through to Superior Court.

What we tried to do with all of this—it goes back to the CrimeConference we had in '85—was to find out what was really going on. What does it mean? And this led to the conferences. In '85, “Why is crime down?” In '90, we co-sponsored a conference on growth and its influence on correctional policies, which involved issues on jail and prison overcrowding. We published commentaries in '89 and '90 that involved everything from crime and delinquency to homicide, to try to give some policy meat to the statistics.

Some of the leading criminologists in the state, people like Peter [W.] Greenwood from RAND, would come in on a regular basis, three or four times a year, to spend a day with us on what we should be writing about, who we should bring in to do additional research, to try to make sense out of these statistics. Unless there was some meaning for them, the statistics didn't serve much purpose.

YATES: So the statistics had been gathered for quite some time, I take it.

VAN DE KAMP: Oh, it's part of our mandate.

YATES: As you said, yes. But nobody had done anything with the information, per se?

VAN DE KAMP: Each DA, of course, can look through it and say, “Here’s what I’m, doing. Here’s what they’re doing.” But in terms of trying to make sense out of them we needed to explore their policy ramifications, so we’d bring the researchers together and try to publish their findings. I always felt that there needed to be some strategizing within the criminal justice system to better establish where should we put our money, what should we go after. The statistics provided some kind of base for some rationalization.

YATES: It’s almost four. Do you want to stop at this point?

VAN DE KAMP: We can go a little further.

YATES: OK. Hold on. Let me switch tapes.

[End Tape 8, Side B]

[Begin Tape 9, Side A]

YATES: OK. I just switched tapes. The next area I was going to ask you about was your efforts in the area of preventing child abuse, because it seemed like you had a number of programs that you put into place. Do you want to start talking about that? Would that work?

VAN DE KAMP: Sure.

YATES: The first I saw was the Crime Prevention Center. I don’t know if that had existed before, but I saw it mentioned in the ’83-’84 biennial report—that there was a Child Abuse Prevention Program established. I know that was something that you were actively pursuing when you were DA. Maybe you could give some context as to what, if anything,

was going on at the Attorney General's Office level when you came in.

VAN DE KAMP: Well, there had been a Crime Prevention Center. It had been run, I thought, essentially as something as a political arm of the attorney general. That may not be kind, but I never thought it had been particularly effective.

YATES: What do you mean by political arm?

VAN DE KAMP: Well, it was used to get the attorney general some visibility and helped him in terms of public relations. At least that was my view when I came into the office.

YATES: Rather than actually doing a lot about the problem.

VAN DE KAMP: Yes. So what we tried to do with the center, I brought in Jack Dugan—who had been one of the founders, along with BT Collins, of the [California] state Conservation Corps—to take over this unit. And, by the way, the fellow who'd been there before, Jack Beecham, was a very respectable guy, went over to work in the Division of Law Enforcement. I like Jack personally, and he did a good job over there.

Out of the Crime Prevention Center we ran a series of commissions, one of which was on the enforcement of child abuse laws. And mind you, this is around the time of the McMartin case. I asked Dick Iglehart, who was the number two guy in the Alameda County DA's Office, to be the chair of that commission [Commission on the Enforcement of Child Abuse Laws]. They worked for a couple

of years. The commission made recommendations addressing what could be done to ease the trauma of child witnesses in court, worked on sentencing provisions, how to deal with child abuse in daycare centers and settings, and to better provide local law enforcement with information and assistance on missing and abused children.

YATES: You mentioned the McMartin case. What's the timing, if you remember, in terms of that and the commission being established?

VAN DE KAMP: I think the case was being tried around the same time.

YATES: So it was sort of a simultaneous awareness.

VAN DE KAMP: Yes, and one of the things we did, by the way, was we had a proposal to speed the automation of the Child Abuse Central Registry, indexing the names of victims and suspects to be better able to respond to accusations and locating suspects.

We learned a fair amount out of the McMartin case, and I'll get to what we did in Bakersfield in a minute. We produced a public service announcement with Ricky Schroeder and then John Houseman, and Schroeder did a twenty-five minute videotape that we distributed—again, to try to promote awareness of this issue and what could be done about it.

We had a school-law enforcement partnership that we established, doing some film, and issuing a publication directed at educators to offer them ways of stopping truancy. And a film that Tom Bosley helped us do, which was aimed at creating safer schools.

But getting back to this. I mean, what we learned in McMartin was the interview process had been fouled up by very well-intentioned people.

YATES: Meaning in terms of leading witnesses?

VAN DE KAMP: Leading children on, you know, in a way that was suggestive, and would not hold up in court. That was one of the problems with the McMartin case.

In Bakersfield, around the time of the McMartin case, we had very serious allegations about child and some prosecutions undertaken. We were called in, after the fact, to take a look to see what had gone wrong with those cases. And we sent members of our Bureau of Investigation down there to talk to everybody involved. The result was an extensive report that we issued. I went down to Bakersfield, personally, to take about an hour to present the guts of that report, which hopefully would be used by law enforcement around the state to better deal with child abuse allegations. So again, learning on what we learned from McMartin, and we put that in writing.

Now, we were not asked to come into Bakersfield to prosecute anyone. We were asked to do an evaluation of what happened, what went wrong, what should be done in the future. And it really touched everybody from the sheriff's department to the probation department to the court system, and, to a certain extent, to the DA's Office.

YATES: In the case. . . . And I realize that you can't remember every single thing that was recommended, for example, by the Commission on the Enforcement of Child Abuse Laws, because, as I remember, there is quite a long list, covering everything from daycare center licensing, etc. But in a case like that, how successful are you in implementing, for example, the recommendations of the commission?

VAN DE KAMP: It depends on how it gets picked up. Part of it is to educate local law enforcement on what can be done better. Part of it finds its way into state law.

YATES: So that's proposing legislation?

VAN DE KAMP: Not always. Sometimes it's recommendations for systemic changes that have to be made. Perhaps the greatest thing we did was to create greater awareness of what works and what doesn't. For example, DNA, going. . . . Basically, using the bully pulpit and talking to DAs about going slow and working things through so their evidence would ultimately be admitted, those are the kinds of things that make a difference in the long run.

YATES: You mentioned the public service announcements, and I'd seen a reference to educating the public on child abuse. Is that part of the same type of activity, or is that a different. . . . I mean, that, I would assume, would cover more ways of getting knowledge out to people about child abuse.

VAN DE KAMP: What we were trying to do was to make the general public aware of the fact that there was a lot of child abuse, and to be on the lookout for it, because reporting it. . . . You know, teachers, and those in positions of trust who see this kind of thing going on, have an obligation under law today to make sure that this gets reported so that adequate help can be given to the children who may be suffering.

YATES: Now, were you at that time also getting information about cases with the reverse problem, where people were being accused, without having the proper knowledge, or misuse of [information]? I'm not phrasing that very well, but you understand what I'm saying. The reverse problem.

VAN DE KAMP: Yes, we had allegations like that, that there was some witch hunting going on, and certainly we'll never really know how much of that was involved with McMartin. The allegations by the defense, of course, were that this was witch hunting, some of the same allegations we made in Bakersfield. Again, because of lack of understanding of the power of suggestion. It was hard to know how much of this was being made up by children under the powers of suggestion. So the answer is, yes, we would get allegations of that, and that's one of the things we had to try to look at and prevent in the future—through protocols for interviewing child victims avoiding overly suggestive questions.

YATES: So by having more information in investigating these things, the idea is to truly pursue cases of actual child abuse versus other types of cases.

VAN DE KAMP: Right. Well, you want to be careful. You want to make sure that you have a case that is well developed, that it's going to stick, that you don't embarrass people.

Coming out of the child abuse commission we sponsored a number of bills which were passed. Senate Bill 2530,¹ the Child Victim Witness Protection Act, established a Child Victim Witness Judicial Advisory Committee to look at procedures pertaining to witnesses. The Children's Bill of Rights. There were four bills incorporating eight of the commission's recommendations on prosecution, investigation, prevention, daycare licensing, and reporting. Reporting is probably the most important thing; requiring reporting of child abuse. And then a federal Children's Justice Act, introduced by Senator [Alan] Cranston, which incorporated fourteen of the commission's recommendations, requiring information on child sexual abuse and other child abuse instance to be included in the FBI Uniform Crime Reports.

I might just add here a word about these commissions. There were several that I designated in the years that I was attorney general.

1. S.B. 2530, 1985-1986 Reg. Sess., Cal. Stat., ch. 1282 (1986).

I found that commissions involving private citizens, and others using other law enforcement folks as well as private citizens, were effective in a couple of ways. It would help expand public knowledge about pertinent issues, but above all, politically, you could go to the legislature with a commission report, with a broader appeal for the issue, than you would if you went in directly. In other words, you built in a constituency of support for measures that made passage easier. In other words, you really built up a political constituency behind the recommendations.

My own role in these commissions was fairly limited. I did not tell these commissions what I hoped they would come up with. I would usually attend an opening session of the commissions, tell them what I hoped they'd be looking at, leaving it to them to come to conclusions and recommendations. And then I might stop in once or twice during their deliberations and listen, and then when they had their final report, stand there with them as they issued their report. And then we'd try to take it from there to make the recommendations a reality, whether it was through legislation or getting the report to the right people.

YATES: Did you ever had a problem with any kind of recommendations from a commission, in terms of whether you were going to implement, or try to implement, the recommendations?

VAN DE KAMP: I don't remember any right off the bat. There may have been a couple that for practical reasons we could not move with. One commission that dealt with controversial issues was the Gambling [Control] Commission. I'm trying to remember exactly when that was.

The law in that area was very old. How do you define legal gambling? Should the rules be changed there, and I have a vague recollection that that got very tough. But that's about the closest thing I can remember, and I can't pin my finger on it.

YATES: Yes, well, I would think that that's an area that's got a lot of gray to it.

VAN DE KAMP: It has a lot of history to it, especially on so-called banked games, which have been barred by law over all the years, and I remember we had some debate in that commission about whether or not we should change the rules there or not.

YATES: What are banked games?

VAN DE KAMP: It's where the house acts as the bank. Under gambling rules today, the house can provide the seats, for, let's say, poker games, but cannot serve as the banker as they do in Las Vegas. Here you play against one another. That has a long history to it. I'm trying to remember how that played out.

YATES: We should probably wrap up. It's about ten after four. So why don't we wrap up, and then if we want to come back to that, we can next time.

[End Tape 9, Side A]

[Session 6, September 30, 2003]

[Begin Tape 10, Side A]

YATES: Good morning.

VAN DE KAMP: Good morning.

YATES: Today I thought what we could do is begin by talking about the area of the civil rights enforcement activities of the Attorney General's Office. I realize that was one area that we had not really gotten into. You touched on Charitable Trust, but first maybe you could just talk about the structure. I saw that it's Charitable Trust and Civil Rights Enforcement, which was under the Division of Public Rights. Is that correct?

VAN DE KAMP: It was. They're two separate sections, however.

YATES: OK. And were they always two different sections?

VAN DE KAMP: Yes. We reestablished the Civil Rights section and certainly highlighted it, because it was important to us.

The registrar of Charitable Trusts had been there for a number of years to keep the records of charities in California, registered charities, running audits. Much of their work, that is prosecutions or actions taken against charity board members, was handled by Consumer,

Herschel Elkins's operation, which was in the Division of Public Rights.

YATES: OK. So, talk about, then, what you saw happening, at least early in your tenure, in the area of civil rights, or I should say, I guess, civil rights enforcement.

VAN DE KAMP: We had new issues that arrived in the eighties that we tried to address. The issues of education, black and white, and so forth, had been addressed in the fifties and the sixties. What we saw in the eighties were the emergence of hate crimes; we saw the emergence of new populations; we saw the emergence of AIDS; and we saw the emergence of, the expansion, if you will, of women's rights.

And that played out in a number of ways within our office. I established a Commission on Racial, Ethnic, Religious, and Minority Violence, which took a look at hate crimes. In that era there were people that were being attacked because of their race or ethnicity, a famous case in Michigan, where a Chinese man, Vincent Chin, had been killed. Chin, who worked in the auto industry, was killed by white males, who were angered that they were being disenfranchised by foreign born or foreign looking within the industry. That occurred there, and that became rather symbolic.

In California, in the late eighties, we had the terrible killing up in Stockton by a man of the name Patrick Purdy. Purdy was something of a drifter, an out-of-work guy, who developed a hatred, perhaps

irrational, about minorities, especially Asians, taking jobs away. He went on a rampage in Stockton and with an assault weapon killed, I think, ten to fifteen young kids at a school ground.

I remember going to the funeral, one of the more moving experiences of my life. And I was asked to speak. It was a large church filled with mostly Vietnamese people of Southeast Asian origin, all dressed in white. Governor Deukmejian and I both came. The governor gave a moving speech; obviously he was as touched as I was. And I was asked to say something, and I got up and said that this will not have been a killing that will be forgotten, and that we had to do something about it. That led me to go back to Sacramento where I sponsored the assault weapons legislation,¹ which put a ban on assault weapons. If I remember the timing of that it was passed, it was either '89 or '90, because they were working on the regulations about the time I left office.

YATES: I had it passed in May of '89.

VAN DE KAMP: Yes.

YATES: And then it went to the courts, of course.

VAN DE KAMP: Well, it went to the courts, and it was ultimately upheld. You had the traditional NRA [National Rifle Association] argument about the Second Amendment right to possess firearms. That has been rejected

1. S.B. 292, 1989-1990 Reg. Sess., Cal. Stat., ch. 18 (1989).

over time in the courts. And that was the first measure of that sort in the country, and led, ultimately, years later, to the federal ban on assault weapons. And here we are in 2003, and Congress is trying to decide whether to repeal that.

The story of that legislation is interesting, since we're on the subject right now.

YATES: Yes, I wanted to ask about it, and maybe you could go into more detail.

VAN DE KAMP: Well, attempts to "gun control," if you will, in quotes, had been less than totally successful in the prior years. Part of it was because the way these measures had been presented in Sacramento. The lines were usually drawn liberals versus conservatives, the conservatives supporting Second Amendment arguments—don't interfere with people who have a right to possess guns, that's their argument—and the liberals taking the other view, that handguns and assault weapons, particularly, were dangerous and were killing innocent people.

In this case, after the Purdy incident. . . . And by the way, after the Purdy crime—he killed himself, by the way—I had a psychological autopsy done, using, as I remember, people that would understand psychology as well as past history, to try to get an idea who Purdy was and why he did what he did.

YATES: I was wondering what a psychological autopsy consists of.

VAN DE KAMP: Well, we tried to look back over his life to figure out what motivated him. We issued a public report along those lines that went into his background. I wish I had a copy of that today, but it's certainly in the archives.

When I decided to go forward with assault weapons restrictive legislation, I decided that we needed to take a new political tack, and that was to make it a law enforcement issue. And so I met with Sheriff [Sherman] Block down here in Los Angeles, I met with Sheriff [Charles] Plummer, who I believe was in either Alameda [County] or Contra Costa [County], and we put together a law enforcement coalition of chiefs and sheriffs throughout the state who were seeing these kinds of weapons in confrontations between their police and sheriffs and gang members and private citizens. The police were often outgunned. They were losing lives. Again, these assault weapons had very strong velocity, were oftentimes able to pierce vests, could be fired very quickly, and were dangerous not only to the private citizenry, but also to law enforcement.

YATES: You mentioned that you took the tack of going to law enforcement. Was that to get support for this kind of legislation? Was that different than how it had been in the past? I think that's what you were just saying.

VAN DE KAMP: Yes, it was a new tack—to make this a law enforcement measure rather than the usual gun control, liberal-versus-conservative measure.

YATES: Yes, you did just say that. I just wanted to clarify.

VAN DE KAMP: It was a controversial measure, no question about it, but, ultimately, with the strong support of Assemblyman Mike Roos in the assembly and the president pro tem of the senate David [A.] Roberti, we were able to get the bill passed. Much to the surprise of many it was signed by Governor Deukmejian, who, of course, had been with me that day down in Stockton at that funeral. The governor did have a heart and an understanding of what these kinds of weapons could do.

In the midst of all this, Speaker Willie Brown held a hearing of the joint assembly and the senate in Sacramento. He asked a number of us to speak briefly in that hearing, and in my brief session, I led off the testimony by walking to the front of the chambers with an AK-47 at port arms. In my short speech, in which I held the weapon, I said, "It's lucky that I'm the attorney general and not a nut, because I could shoot every member of this assembly in the time that it takes to finish this sentence. This sentence took about eighteen to twenty seconds." And that's true because of the firepower of that particular weapon. That made national news helped elevate the debate about assault weapons that led to the passage of the bill.

YATES: Would you say that your effort to push this kind of legislation came directly out of the Purdy shooting, or had you been thinking about this, or had the AG's Office been thinking about this, prior to the shooting?

VAN DE KAMP: We had been looking at various measures that would better protect the public in terms of gun control, we'll call it that—a waiting period for handgun purchases was another effort that we pushed. And as I remember, Lloyd [G.] Connelly, who was an assemblyman, carried the bill for us along those lines, and which also passed, which provided that if you were going to buy a handgun, you had to get a criminal record check before the sale of that gun could take effect.

YATES: So those were the types of things that were being worked on.

VAN DE KAMP: Yes. But again, I regard the Purdy issue as one that crossed over. It dealt with racial and ethnic religious violence, and also with gun control. The commission that I put together on racial, ethnic, religious, and minority violence looked at that. Among the recommendations they made was the approval of bills that would provide for stronger penalties for those who committed such crimes, to send a strong message out about hate violence.

YATES: So that commission was an ongoing commission, pretty much, during the time you were in office?

VAN DE KAMP: It reported out in 1986, and if I am not mistaken, it was established in about a year or so before. A good friend of mine, then and today, Monsignor William Barry, was the chair of that commission, and it included really some wonderful people, Joaquin Avila from MALDEF [Mexican American Legal Defense and Educational Fund], Reverend Will Hertzfeldt from Oakland, and Judge Alice [A.] Lytle from

Sacramento, John [W.] Mack of the Urban League here, Leticia Quezada, who used to be on our [Los Angeles] Board of Education, Judge Armando Rodriguez of Fresno, Diane Yu, an old friend of mine who had been a commissioner in Oakland and later became the general counsel for the [California] State Bar. We had a member of the gay community on the commission, David Kasso, the American Jewish Committee, Janet Levy, from the California state Department of Aging.

It was a wonderful group of people and issued a long report that dealt with the amount of such crimes and what was needed to respond to this in a more effective way. They proposed a Hate Violence Prevention and Protection Act.

YATES: Now, this report that you're referring to right now, specifically, came out before the Purdy incident, right?

VAN DE KAMP: It did.

YATES: So the commission stayed in existence, basically, or . . .

VAN DE KAMP: Not really. The commission issued its final report and their work was ended. They did not come back; it was not a monitoring commission. I established a number of commissions that worked on public policy issues, the Commission on the Enforcement of Child Abuse [Laws], the Commission on Disability, the Commission on the Prevention of Drug and Alcohol Abuse, all of them getting started in the mid-eighties.

YATES: Right. And then working for a year or two, and then issuing a report. Well, you did have. . . . I saw a special investigation into the Purdy shooting, I saw in one of the biennial reports. So did you form a specific group to focus on that and would look at this incident as both a hate crime and an area of the assault weapons?

VAN DE KAMP: We didn't establish an outside group on that.

YATES: That's internal?

VAN DE KAMP: The Purdy matter was handled internally. Nelson Kempsey handled it. Nelson was my chief deputy, who did a wonderful job while I was in office, and was there for all eight years, he had to suffer. . . . I kept assigning new things for him to do, and Nelson just kept at it and had very good judgment and was wonderful at follow-through. In any event, he was the person that was primarily responsible for getting the psychological autopsy conducted, so that was within the office.

The work that was done in putting together the bill was done from within the office. Dick Iglehart, who just passed away, was then head of the Criminal Division. He helped draft the bill along with other members of the office who were knowledgeable about firearms, Allen Sumner, who was our legislative counsel, and Brian Taugher also helped, as did [Stephen C.] Steve Helsley from the Division of Law Enforcement. So the bill worked from within the office, but in concert with law enforcement.

YATES: I think you said just a little while ago that you met with, for example, Sheriff Block, looking to go through this, as you said, through a law enforcement effort. Now, were you doing that personally, plus other people in your office, trying to work with them in terms of talking about having an assault weapon ban?

VAN DE KAMP: Well, yes. We had some large meetings where we'd bring in a number of law enforcement people to talk through what we could do and how we'd go about it. I would be personally involved in that aspect of it, of course, in some of the public advocacy such as the appearance in the state legislature. But I have to say, once the bill got introduced, it was primarily the legislators on the bill. It was really in their bailiwick at that point. That's where both Mike Roos and Dave Roberti were extraordinarily helpful and deserve a tremendous amount of credit. I know Mike, who is a friend of mine, has often felt that the bill was one of the best things that he ever did in state government.

YATES: How much resistance or how difficult was it to convince law enforcement that this was the thing to do?

VAN DE KAMP: Not very hard at all, because their ox was being gored. And they're interested in protecting their own. They saw this as. . . . Especially in the big cities, where these kinds of guns were showing up all the time and being used; they were being stolen, they were being used, people were getting killed. They saw it all too often. So that was not a big issue for them.

[Interruption]

YATES: You just mentioned David Roberti and Mike Roos. Tell me how this works, for example, in this case. Did you approach—and when I say *you*, I mean you or your office—approach them, or how do you make that link with a member of the senate and the assembly to carry the legislation?

VAN DE KAMP: Usually the way it happens. . . . Now, I had relationships with all the people I've just mentioned, and knew many assemblymen and state senators on a personal basis. That's one of the things you have to do as attorney general, because you're going back and forth to the state legislature all the time. We rely upon them for budget approval, and we go to them with individual bills.

And so in this situation we developed the legislation in draft form and took it over to Roberti and to Mike Roos. They made the decision about who was to carry it over there, and had control over that side of the process. We were there as cheerleaders and supporters, helping on drafting and issues. Allen Sumner at that point was in charge of our legislative operation, working with Brian Taugher and Dick Iglehart, and, in this case, I think Steve Helsley, from the Division of Law Enforcement.

Steve was an expert on guns, and a wonderful public servant who had been in the Division of Law Enforcement for many years. Interestingly enough, after I left office, Steve left not too long

thereafter and became the Sacramento representative of the National Rifle Association. A little irony there. But a very decent man. He was a real professional in the way he handled his side of this, giving technical advice as we went through the legislature.

YATES: So it sounds like you approached David Roberti in part because he was president pro tem, and he could have decided that somebody else in the senate might have carried it, but he decided to carry it. Am I hearing you right?

VAN DE KAMP: I think Mike Roos. . . . The bill might have started in the assembly, but it was supported by David and others in the senate, and David was right there in the initial meetings when we met with law enforcement and was supportive throughout.

YATES: And what do you think in terms of the effects the law has had? How do you think it's turned out in terms of the legislation that you pushed?

VAN DE KAMP: Well, I don't have the empirical evidence as to the amount of shootings and deaths at the hands of assault weapons before and after the legislation, but if I'm not mistaken, the number of homicides in the state decreased fairly substantially in the 1990s. We had an upswing in Los Angeles last year or the year before, but if you look at the eighties compared to the nineties, I think it's down. Now, how much this has had to do with it, I don't know. There are fewer assault weapons in circulation. It just had to have some impact down the line.

And then, of course, later, you had the federal ban on assault weapons, too.

YATES: Right. So it sounds like you felt fairly satisfied with the way that the legislation turned out, because there's always give and take, compromise along the way.

VAN DE KAMP: Yes. It wasn't perfect. There were some issues about whether copycat weapons were covered.

YATES: And whether they fit the categories.

VAN DE KAMP: That's right. They fit the criteria. If you were to do it over again, I'm sure there were some things that might have been changed, but I think it's had a positive impact. The California legislature has not decided to rescind it. That says something.

YATES: In the area of the impact that this incident had in the area of dealing with hate crimes, what came out of. . . . I know you said it was an internal investigation, but I don't know if you can identify anything specific that you felt came out of the Purdy incident relating to hate crimes.

VAN DE KAMP: Well, the assault weapons bill was an enormous success. Earlier, legislation was passed that increased criminal penalties for hate violence.

YATES: Is this the Bane Civil Rights Act, or is it a different. . . .

VAN DE KAMP: I forget who carried the bill, honestly, after all these years.

YATES: I don't actually have the bill number. It says it "increased criminal penalties for hate violence and empowered the attorney general, DA, and city attorneys to request a temporary restraining order when violence motivated by hate is threatened, similar to the procedure used to prevent domestic violence." Does that sound . . .

VAN DE KAMP: That sounds right.

YATES: This is '87, '88.

VAN DE KAMP: It also gave us power to recover attorneys fees and damages in certain cases. Tom Bane, I believe, is the person who carried the bill. My memory on that one, however, is dim.

YATES: I think I got that from the summary from the AG biennial report, calling it the Bane Civil Rights Act. So do you remember, was your office directly involved in that legislation?

VAN DE KAMP: Yes. That again came right out of our report, as I remember.

YATES: So is there a connection between that and the Purdy incident or does it have. . . . That you remember. . . .

VAN DE KAMP: I'm not sure. I don't think the Purdy incident necessarily impacted that. I'm not sure about the timing.

YATES: Yes. I didn't look up the date of when the shooting happened.¹

You mentioned the Commission on Racial, Ethnic, Religious, and Minority Violence, and I know, as you mentioned before, you

1. The shooting occurred on January 17, 1989.

basically request a commission, it's appointed, they do their thing, report, and then the Attorney General's Office looks at the recommendations, etc., and tries to either introduce legislation or do other efforts in order to put forth what the recommendations are. What else do you think the Civil Rights Unit was doing in the area of dealing with, well, it's not just hate crimes, but other areas in civil rights?

VAN DE KAMP: I mentioned a number of areas that we were interested in at the time. Clearly, in the area of housing, we represented the Department of Fair Employment and Housing. So we would aggressively take on cases for that department. That was part of our responsibility to our client.

We had some power to get involved in cases that had an impact nationally. Some of the best work that we did was in filing amicus briefs, particularly the cases that come to mind with respect to women. We had a case out of Minnesota where we filed an amicus brief that went to the Supreme Court.

And then there was an historic case, *Board of Directors of Rotary International v. Rotary Club [of] Duarte*, where the high court upheld California law prohibiting discrimination by business establishments and applied it to Rotary Clubs insofar as they had barred women. The Duarte Rotary Club prevented women from joining in accordance with national Rotary rules. I think there were some in that local club who disagreed with that. But in 1987 we were able to get a Supreme Court ruling removing that bar.

The JC case out of Minnesota where we filed an amicus brief was a similar type of case. And so what you saw in the late eighties was the opening of private clubs to women and minorities. The Jonathan Club, the California Club, other private clubs, that had been lily white for years and years, started to move with the times, but those legal decisions had a major impact in opening those clubs.

I saw it in my personal life, and I'll give you two examples. In 1987 I was buying a house. I'll not mention the name of the seller, but he had been a member of the California Club, and when he found out that I was trying to break down the barriers that kept women out, he decided that he was going to try to undo the escrow and undo the transaction. Fortunately, we closed the transaction and we're still living in that house, but it was clear that he was very unhappy about my role in that and was trying to put the screws to us.

YATES: Did he communicate that to you specifically?

VAN DE KAMP: I heard it from third parties. He had talked to people down at the California Club who reported back to me.

Later, in 1992, or thereabouts, my wife was approached to join the California Club. Why? I think it's really wonderful. A lot of the old-time members had been assessed. They had to make some repairs to the California Club and we were going through an economic downturn in the country, so all of a sudden the California Club turned to women. And today they have thirty to forty women who are

members of the California Club. My wife was one of the first who was asked to join. It's a wonderful facility. And the new women members helped bail them out. It's a much better club today as a result of the more open policy. And then the Jonathan Club and other clubs followed suit.

So we were active in the office in filing lawsuits on that.

YATES: It is surprising to hear that up until so recently, that's not that long ago, that that was still an issue, the late eighties and early nineties.

VAN DE KAMP: In '87, we won a Supreme Court decision which upheld our California statutes guaranteeing workers unpaid pregnancy leaves of up to four months.

Another case, in the AIDS area, which was simply decimating the state at that point, a case that originated in Florida, a case called [*School*] *Board of Nassau v. Arline*, where the Supreme Court, relying heavily on our amicus brief, held that you could not discriminate against people with communicable diseases unless they posed an immediate threat to health. It did not deal with AIDS per se, but it was applicable in reality, which meant, essentially, that if you were in the early stages of AIDS and it was not communicable, not a potential health problem, that you could not fire teachers.

And then—we can talk about this later—in the AIDS area, I went to the governor and to the legislature with a bill, I guess it was '86, '87.

YATES: I have '87. Is this A.B. 1952¹?

VAN DE KAMP: Yes, which basically put California in the drug-testing business to serve as competition to the FDA [Food and Drug Administration] in trying to find antidotes or cures to AIDS. I don't know if you want to talk about that now or later.

YATES: Yes, why don't you go ahead and talk about how that came about.

VAN DE KAMP: I regard this, in a sense, as part of our civil rights record. The story has been recounted publicly in David Mixner's book,² I was out visiting. . . . I meet with groups of people periodically, and I was invited one night to sit with the leaders of the gay and lesbian community here in Los Angeles. It was in West Hollywood. We went to someone's apartment, and there were about twenty to twenty-five people who showed up that night who wanted to talk to me about their plight.

Many of them had AIDS and were in fairly advanced stages of the disease. These are desperate people, who knew that they did not have long to live, and wanted to contribute something during the remainder of their lifetime towards others. Many of them were political activists. Today probably 90 percent of the people in that room are dead. But at the meeting that night, I sat there and listened to

1. A.B. 1952, 1987-1988 Reg. Sess., Cal. Stat., ch. 1316 (1987).

2. David Mixner, *Stranger Among Friends*, Bantam Books, New York, 1996.

them, and got a clear message that they wanted to participate somehow in helping others save their lives.

I went back the next morning and talked to [Richard] Rich Jacobs, who was my special assistant in San Francisco and who helped put together the Trial Court Delay Reduction Act, which is something else we'll talk about, and I said, "I think we should try to develop a bill that we can introduce that would put California in the drug-testing business, a bill which would permit for clinical trials of experimental drugs, much like the FDA does, and to move it on a fast track with the same kinds of high medical testing standards that the FDA uses."

And Rich helped prepare that legislation. We took it to [William J.] Bill Filante, who was a Republican legislator from Marin County. He also had a medical background. I took it to him because I felt if we got to the governor's desk with this, I wanted to have it come from a friendly source rather than a Democrat, that the governor might react negatively to.

YATES: And why was he willing to carry the bill? He was a Republican. You would think. . . .

VAN DE KAMP: Bill had been a doctor. I'm trying to remember whether he had been a dentist, but he had a medical background. He was from Marin County, which was close to San Francisco, so he understood the AIDS problem. He was regarded as a somewhat moderate Republican.

YATES: Did it take much convincing to get . . .

VAN DE KAMP: I don't think so. And so he carried the bill, and as you know, it takes time to get a bill through the legislature.

YATES: Do you remember when you first approached him about the legislation?

VAN DE KAMP: Well, this must have been about. . . . The bill was passed in what year, '87?

YATES: Yes.

VAN DE KAMP: I'm not sure whether I talked to him directly or whether our legislative staff approached him earlier in the year. The bill got introduced and wended its way through the legislature, through the various committees, and then to the floor.

In the course of that year, I was invited over to have lunch with the governor for our annual meeting. The governor and I would sometimes meet over at the Firehouse [Restaurant] in the Old Town [in Sacramento] and have lunch but in this instance he had invited me to have lunch in his office. We sat there and had a salad, just the two of us were there, and we talked about the usual political issues, the things that people who have similar backgrounds and interests have. We may have had different political backgrounds, but, you know, we could talk on a human level.

At the end of the lunch, I said, "Governor, I want you to know that I have a bill that's going through the legislature that will bring California into the drug-testing business. The idea here is to try to get

the FDA to move more aggressively. To do so we set up a competitor who will operate on somewhat parallel tracks, and set up a fairly modest exploratory program here in California to try to see if we have an answer to AIDS.”

And he looked at me, and was very noncommittal, and I said, “I don’t know how the Republicans are going to respond to this bill.” There are some who feel—I don’t think the governor felt this way—that AIDS was something that God visited upon people who misbehaved. I was not sure what kind of reaction we were going to get from some conservatives in the legislature.

And at the end of my pitch to him, I said, “What you should know is that Jonas Salk has developed a drug that he thinks might be the answer to AIDS. He’s tested it upon gorillas, with good results. He hates the FDA. He would like to be the first person inside our door if California gets into the drug-testing business. And wouldn’t it be great to be the governor of this state, with a program like this that you were responsible for, that produced a medical breakthrough for AIDS.”

Anyway, I thought that the use of the name Jonas Salk would help implant the notion that this was something that might appeal to the governor’s sense of having a positive place in the history books. It would be to me. It would be to anyone, I think.

YATES: And that you had a credible person who was interested, involved.

VAN DE KAMP: Yes. Anyway, he said, “Well, thank you, John. I’ll think about it.”

Eventually, the bill went to the assembly. There apparently was a very moving debate on the assembly floor on the bill. An assemblyman from the Salinas area got up—he was dying of cancer and everybody knew this. He was a Republican, and he said that he only wished that California could do the same sort of thing for cancer patients, but he thought this was absolutely the right thing to do at this particular time in our history. His support helped us carry the day. I believe the bill passed seventy-six to nothing. It then went to the governor’s desk, after a strong vote in the senate. The governor signed the bill, and California got into the approval of drug testing to tackle AIDS.

And while the Jonas Salk drug never panned out. . . . David Baltimore, who is president of Caltech [California Institute of Technology], once told me that he thought Salk’s science was all wrong with his particular drug. Nonetheless, it went out to clinical testing, as did a number of other drugs. And as that happened, all of a sudden the FDA started to release drugs for use for drug patients. Today you’ll see prolonged lives of many who are HIV-positive because of the medication that is now available, because the FDA started to move more aggressively. A lot of that came about because there was competition and there was pressure from California to do this.

For these people sitting in that room that night, although many of them are now gone, they deserve a tremendous amount of credit for sensitizing me and getting this going. They did make a difference.

YATES: Hold on. Let me turn this over.

[End Tape 10, Side A]

[Begin Tape 10, Side B]

YATES: When you had that initial meeting, were you the only guest there, or were there other politicians or any other types of individuals who could help them at that meeting? Do you happen to remember?

VAN DE KAMP: No, the meeting I had with the governor was one-on-one.

YATES: No, I meant with the group.

VAN DE KAMP: No, at that meeting, there were people like David Mixner and Peter Scott; I think Peter was there. These were mostly people who were actively involved in gay and lesbian political affairs in L.A.

YATES: And they asked you, specifically, to come to this meeting.

VAN DE KAMP: Yes. They wanted to talk with me. They wanted to find out who I was. And when I ran for governor in 1990, they were extremely supportive. Sheila Kuehl, who is now a leader in the state senate, was one of the persons who helped put a backyard fundraiser together. Somebody stood on the roof of the house and took a picture of the hundred or so people who'd attended the event that day and were supportive in the campaign. They were very supportive and helpful as I ran for office.

YATES: It would appear, from what little I know about this that this legislation went through really quickly. It went through in one session, it sounds like. You mentioned talking to the governor personally about it. Who else did you or anybody in your office talk to in order to convince or persuade that this was a good thing to do?

VAN DE KAMP: I don't really remember, you know, exactly how we did that. I'm sure it got shopped around to the big-city Democrats, and again, we had no problem. They understood what we were trying to do and were very supportive. We kept Ken Kizer, the head of the Department of Health Services in the loop.

YATES: So there weren't any major roadblocks, as far as you can remember?

VAN DE KAMP: No, surprisingly. Because when I saw the governor, I was not sure what kind of reaction he was going to get from the Republicans. I was confident that we would be able to get it out with a Democratic vote, but I wasn't sure whether a religious right group or some faction might emerge who regarded those with AIDS as being pariahs or people that were getting their just desserts. Fortunately, that did not happen.

YATES: And in terms of, you know. . . . You mentioned that Governor Deukmejian signed the legislation. There wasn't any problem in terms of once it went out, whether he was going to sign it or not?

VAN DE KAMP: I didn't know. I mean, you never know what a governor will do. Our present governor, for example, will oftentimes. . . . This is Gray Davis, as we're talking. We're now talking on September 30, 2003.

YATES: And whether he'll still be governor next week . . .

VAN DE KAMP: Don't know whether the recall will affect him. However, in his tenure, which will be four-plus years, he oftentimes has vetoed bills with overwhelming votes in both houses. So you just never know what a governor's going to do or how he's going to take it. The governor . . .

YATES: You must have had some sense of whether—I say *you*, I mean people in general—whether he's going to be favoring it or not, I would assume.

VAN DE KAMP: Well, Governor Deukmejian was something of an enigma. He was very careful about revealing himself. He really kept things under the lid. I mean, you always knew how he stood on capital punishment, and, let's say, major crime issues. But on other issues, you weren't quite sure.

I do think he is a person with a real heart. I will never forget sitting there one year, during his State of the State message—it had to be sometime in the mid- to late eighties—and all of a sudden he came to a part of his speech and he mentioned civil rights, what he was going to do in the area of civil rights, and he started to choke up. It was rather surprising. He didn't speak for a couple of seconds. You could just tell that something had hit him mentally.

I later figured out—at least this is my own thought—that he was relating to the Armenian genocide. When he thinks of civil rights he remembers his own people and what they went through after the turn

of the century. So he had, in his own way, some connection with civil rights issues and the oppressed, coming out of his own history, but he never revealed that to a great extent.

But here, a couple of these bills, this one, the AK-47 bill, you never quite knew where he was going to come out on these things. And he wouldn't tell you in advance, either. I mean, he was a good poker player in that sense.

Usually a governor is very smart to keep some decisions like this in reserve, because you never know how a bill is going to come out. The bill might come out fouled up by amendments in the legislature. If you got in there early and are very supportive, you look silly if you then announce you're going to veto the bill. But he was unduly cautious, in my view. That was his style.

YATES: And obviously his staff represented that style, too, I take it.

VAN DE KAMP: Yes. I think if you look at the people that were around him, Steve Merksamer, who was his chief of staff, had a very good relationship with our office. Marvin [R.] Baxter, who was his appointment secretary, did most of the judicial appointments. We had become very friendly over the years, but getting anything out of Marvin has always been a little hard. He's not exactly one to share confidences with you. I think the governor was well served by many of these people, but their tight lipped caution made them somewhat difficult to deal with.

YATES: Let me shift here just slightly. I still want to keep the link with the legislation and the Attorney General's Office working with the legislature. I noticed in looking at [A] *History of the [California] Attorney General's Office*, what I would call the administration or organization of the office, there's this Division of Executive Programs, which in the *History* said became operational in 1987. But obviously you must have had. . . . Those units existed before, I take it. Is that a shift? Is that a new organizational setup?

VAN DE KAMP: Yes, it was more of an administrative shift rather than a major policy shift. Executive Programs, which consisted of. . . . Let's go through the different units that were placed there.

YATES: Here's the chart, if that helps you. That's from the *History*. You did touch on Sigrid Bathen and the media, or the press.

VAN DE KAMP: Executive Programs relates to programs that are directly reportive to me. In other words, the units that we put here are ones where I see the people on a regular, ongoing basis, much of it deals with outreach. For example, Press, Communications and Media, that included my speechwriters, Fred Register, and my then-press secretary, Duane Peterson, who replaced Sigrid Bathen after my first term. Anyway, those are people you see every day. Your press policy gets coordinated—I have to respond to press inquiries myself—and they're usually within the ambit of the executive office—they're just down the hallway.

The special assistants that I had, Mike Strumwasser, Rich Jacobs, particularly, and then Fred Woocher in later years, worked on special projects. For example, the Diablo Canyon Nuclear Power case is one that we played a major role in. The issue was what PG & E [Pacific Gas and Electric Company] should be charged with as a result of their construction mistakes leading to cost overruns. In that case we helped broker a settlement before the Public Utilities Commission. Michael worked on that. Then he and Fred worked on the Southern California Edison–San Diego Gas and Electric merger, where we joined forces with the city of San Diego to stop what we thought was a monopolistic merger. In some of the merger cases they would work in conjunction with other people in the office. These were high-visibility kinds of cases.

The Crime Prevention Center was responsible for the organization of most of the commissions. If you look at the commission reports, you will find that the staff of these commissions came out of the Crime Prevention Center. And, again, these are very public kinds of commissions, where I would ask people to serve without compensation, except for expenses. And so the Crime Prevention Center was very close to the attorney general.

The Leg Unit, which Brian Taugher and later Allen Sumner ran, carried bills back and forth to the legislature on behalf of the attorney general. These are bills that we had cleared, and where I would go

through the legislative program with them as well as bills others had introduced where we took a position.

YATES: So they'd be the link with the legislature?

VAN DE KAMP: They would be our link with the legislature, and would come to me with a program dealing not only bills that we might be carrying, but also bills that we might be watching, where we might have to oppose or speak to certain bills.

The Office of Community and Consumer Affairs, which Marty Mercado ran, was more of an outreach office. Included here also was our protective service folks who provided my personal security. Izzy Flores and Windal Smith were my principal security providers. Then we had law enforcement liaison folks; [Raymond] Ray McLean, who came out of Ventura, had that job for a while. Later on. . . . Hold on a sec.

YATES: Sure.

VAN DE KAMP: Where's my latest . . .

YATES: The latest report?

VAN DE KAMP: Maybe it's in here. Matt Mathews who worked with me in the L.A. DA's Office also provided outreach to local law enforcement as did Bud Hawkins, an old-timer in Sacramento. Then Ruth Rushen, the former head of the Department of Corrections, also did some outreach work for us as did Rudy DeLeon, a former LAPD captain who stayed

in touch with the law enforcement and Latino community in southern California.

Among other things, they would help me set up zone meetings. Zone meetings are meetings that I would have in various areas of the state, usually once or twice a year, where the police chiefs and the sheriffs would join us, usually for a morning meeting. At the Attorney General's Zone meeting, I would come in, open it up, we'd have some presentations made, and then ultimately end up with a lunch where we'd honor local citizenry. It was an effective way for me to stay in touch with the local police and sheriffs around the state.

I'd also go to the state sheriffs' organizational meetings as well as the chiefs of police meetings, where I'd speak. I'd occasionally go to the County Counsel's meetings with Dick Martland and speak to them. I thought it was very important to stay in personal contact with chiefs and sheriffs, because I regarded much of what we do in the department, at least in the law enforcement side, as providing service, again, with the crime labs, and with sending in deputy attorneys general and/or investigators to help with local cases. If you had a zone meeting, the local DA also might come in along with local police chiefs and the sheriffs as well.

YATES: You're saying zone as in Z-O-N-E?

VAN DE KAMP: Z-O-N-E. I'm only mentioning this in conjunction with what some of these people did who were in the Executive Programs. All of them

had close relationships with me, and helped service the Office of the Attorney General and the various programs that I was most directly connected with.

YATES: The example you just gave of staying in touch, having these zone meetings, etc., had that been a tradition in the Attorney General's Office? Was this something that you expanded?

VAN DE KAMP: It had been done before, but I believe I placed more emphasis on scheduling these meetings on a regular basis than my predecessors. It was one or two meetings a year in every zone. So people would come out. . . . I didn't want to overdo it, because police and sheriffs have an awful lot of meetings they have to go to, but I wanted to make sure that we paid attention to them, and they knew what we were trying to do, and I could hear from them.

And usually what would happen is that I would go into, oh, it could be, let's say, northern California, let's say, Red Bluff, Redding, and we'd have a zone meeting. So you'd have all the local guys come in, and the night before, you'd have a cocktail party and dinner with those who came in, so everybody would have a chance to relax. The next morning I'd have the meeting, presentations were made, I would speak, and take questions and answers. Then at lunch I'd recognize local citizens who had performed valorous acts, and make awards. Invite the press in, so the press would know that I was there; raise the

visibility of the office, but also help recognize the local citizens who were getting these awards.

YATES: You just mentioned the press, and I was thinking that that's one thing I wanted to ask you a little bit more about. You had this unit, the Press, Communications and Media unit, and how did you see. . . . I don't know how to word it exactly. How did that unit change or deal with the communications effort, the outreach effort, of the Attorney General's Office?

VAN DE KAMP: Well, the Press Office is the principal spokesperson for the Attorney General's Office, and nearly everything would go through there. We had a press person over in the Division of Law Enforcement, Kati Corsaut, who'd worked very closely with our press secretary. The idea was to be able to respond to press calls and be aggressive in getting the message of the particular moment of what we were doing, what we were trying to do. That's part and parcel of what a public office needs to do.

We got more sophisticated with that over time. We'd have a press conference, let's say, in the press room in the state capitol; the local press would come out for that. We eventually were able to do more than that because we were able to use a feed operation, so that you'd have your press conference, and you'd be able to take pertinent parts of that press conference and send it out by uplink from Sacramento to various television stations in the outlying areas of the

state, many of whom were hungry to put little clips in their news program, as long as it met their news standards.

Early on, we sought more attention from the press representing print media. But with the development of uplinking for television and radio, where you could provide clips and so forth, you get broadly expanded coverage.

YATES: Well, you read and hear from other people how the media and press coverage changed in the eighties and nineties, particularly when covering, for example, what is going on in Sacramento. That the press isn't there any longer in terms of having. . . . I'm at a loss for the correct word, but, you know, having. . . . Like the L.A. *Times* having someone up there to cover the legislature. I was wondering what your observation was of that in relation to the Attorney General's Office—if you saw changes.

VAN DE KAMP: Well, we saw that begin to happen. The number of people that would be assigned up there was reduced. However, what we also saw was this increase in television coverage, the ability to uplink, the ability to get things on radio, the ability to go on talk radio stations around the state. And then as attorney general, I could go to San Francisco, Los Angeles, San Diego, and get coverage from there. You could not rely, and should not rely, strictly on Sacramento coverage. I mean, you had to go beyond it today by uplinking, and traveling around the state to get your message out.

My schedule while I was attorney general was something like this. I would usually. . . . L.A. was my principal office. We had one of our largest Attorneys General Offices in Los Angeles at 3580 Wilshire Boulevard. They're now down at the Ronald Reagan [Office] Building on Spring Street. They moved, fortunately, just after I left office. But I kept my main office there, that was the principal office, and I'd usually go in there on Monday mornings, unless I had legislative business I had to attend to.

During the first eight months of the year, I'd usually fly to Sacramento, sometimes Monday, sometimes Tuesday, spend two or three days there. I'd try to get over to San Francisco at least one or two days during the month. I'd usually drive down there from Sacramento. I even occasionally took the bus.

I'd be in L.A. a good part of the year. When the legislature was not in session I'd spend the majority of my time in L.A. But then I'd also go to San Diego. I'd try to be in San Diego at least once a month to visit with the staff.

And then in between all of this, as you plot out your schedule, there were invitations to various parts of the state. It might be for the zone meetings that we'd be setting up throughout the state, particularly in outlying areas, and then special conferences that you have to attend periodically; it could be the sheriffs or the chiefs meeting, it could be NAAG [National Association of Attorneys General], which would

meet most times in Washington, or at their annual meetings elsewhere in the summer. So it's a job that kept you on the road a great deal.

YATES: Yes, I was going to say, it sounds like it would be difficult to be keeping track of everything if you're moving around that frequently.

VAN DE KAMP: Yes. Of course, today—now, this is thirteen years later—with cell phones, faxes, and e-mails, which we didn't really have then, it's a lot easier to move around and stay in communication.

YATES: Back just for a minute to the Executive Programs, which it sounds like, as you said, those people are working very closely with you. And what I read about it—quote—“becoming operational” in 1987, what did that mean? Did it exist in a different form prior to 1987?

VAN DE KAMP: These units were scattered throughout the department. This new organizational structure put them under Barbara Johnson's aegis. If you look at a chart, it makes a lot of sense to have these programs all in one particular place. I don't know where they're placed today. They could well be . . .

YATES: Scattered again.

VAN DE KAMP: Scattered again.

YATES: Coming back to the legislative component or activities of the AG's Office, you had also mentioned to me that we should talk about the Trial Court Delay Reduction Act, and I wanted to make sure that we

talked about that, which is. . . . That's A.B. 3300,¹ 1986. And maybe you could give me the context of that.

VAN DE KAMP: At that time—this is the eighties now—the court systems in various large cities were affected by long delays from the time of filing—we're talking about civil cases now—between the times of filing and the times of trial or closure. In Los Angeles it took almost five years to get to trial, which is just outrageous. I mean, justice delayed is justice denied, is the old adage. When you have that kind of a situation, continuance after continuance, clogged calendars, you get tremendous redundancies; that is you have a tremendous number of appearances just to get continuances. Every time a lawyer has to go into court, it's an hour, hour and a half. Somebody gets billed for it. It's a waste of clients' money and it is a waste of time for the courts.

I went back to the Midwest, to Chicago, in either early '86 or late '85, and went to a meeting for the National Center [for] State Courts, which had been dealing with the issues of trial court delay around the country. And it was an all-day session; I sat there and listened.

I came back and convened a staff meeting in my San Francisco office on a Saturday, and talked about the meeting and said, "I think that here in California we need to pick up on some of the lessons that I picked up on in Chicago. First, the courts have to have better control of their calendars; there has to be accountability of judges, the way

1. A.B. 3300, Reg. Sess., Cal. Stat., ch. 1335 (1986).

that they handle their calendars; there need to be timetables set for the filing and the closure of most cases, and those standards need to be observed and watched. Above all, it's a question of giving power back to judges who have let counsel on both sides run over them in essence, running their courtrooms and their calendars, and there has to be accountability that goes with it, so the judges are prodded to move things along." And my staff said, "Why would you ever get involved in that?" And I said, "Well, you know, I'm the attorney general. We're one of the biggest litigants in the state, and I think we have some interest in doing something here. The courts clearly haven't done anything about it."

So I asked Rich Jacobs, who was my special assistant in San Francisco, to draft some legislation that would put together a pilot program in a number of counties to address this issue. And we took the measure to Willie Brown, who was then the speaker, figuring as a lawyer he would understand the issue and would have the clout to get the measure through.

The bill did get through, the governor signed it. That was the beginning of "fast track," which is in every courthouse in the state today. It's the law of the state. The pilot programs were successful, so it became the practice in the state, that is, today most cases that are filed will get resolved within a specific time period. And there's pressure on lawyers to be ready to proceed quickly when they file,

there's pressure on the courts to move cases along, not just to lollygag them along into oblivion.

I think it's been a very salutary thing. It is tough on judges, occasionally it's tough on counsel, particularly small-firm members who may have a number of cases running at the same time, where they have a problem about being in two courtrooms at the same time. There's been an effort this year to provide some wiggle room in the system, which I wouldn't mind, as long as the underlying purposes of the bill are maintained.

But today in Los Angeles it's fair to say that 98 percent of the cases are resolved within two years, something like that. Basically the bubble was pierced, and this has happened over, well, how many years now?

YATES: That was '86.

VAN DE KAMP: That was '86, '87, and the bill, you know, took a while to really become effective, but it's well regarded. When Chief Justice [Malcolm M.] Lucas became the chief, I called him to tell him about this program, and I said, "You know, this is something I hope you'll embrace, because it's great for the court system." And he did, and he spoke about it regularly in his State of the Court message and was very supportive of it. I think Justice George has been supportive of the program as well.

Anyway, when I tell people that I am the father of “fast track,” sometimes lawyers frown at me—lawyers who suffered through its time pressures—but I think it’s one of the best things that we’ve done in the court system, administratively, in a long, long time. I’ve always been sort of proud of that, because, again, my own staff said, “Why are you doing that? It’s just nuts.” But, I mean, it just proves that a couple of good ideas can be turned into something positive.

The surprising thing was that the courts themselves had never tackled this. It took this kind of outside pressure from me, the attorney general. It wasn’t so much pressure; it was good sense. And most of them came into it without reluctance, although I remember the judge from San Francisco did not like it because it impinged on their old-boy way of dealing with things. I’d get calls from lawyers in San Francisco, “Gee, couldn’t you make an exception for us down here?” Their judges supposedly didn’t like it; at least the presiding judge at that time. I said, “No, I don’t think so. There’s no reason for the exception. This thing will work its way out. It’s good for you. It’s going to be good for the courts ultimately.” And it was.

There’s been no effort to kill it. There is some effort made, I think, to, well, permit a little bit more discretion on some continuances, and that may be justified.

YATES: When you mention the old-boy network in San Francisco, so you're talking about where the cases would go, or having more control of where the cases would go?

VAN DE KAMP: No, I think the trial lawyers and the judges were relatively close. It has always been a little different political environment up there between the lawyers and the judges. And it's a smaller town, where everybody knows everybody. You don't think of San Francisco as a town, but in some ways it is, and they were used to doing it their way.

YATES: You mentioned Rich Jacobs working on this piece of legislation, is that correct?

VAN DE KAMP: Yes.

YATES: Maybe you could just use this as an example of how this works. Because you have the Legislative Unit, which I believe you said keeps track of legislation, but also would initiate legislation, is that correct?

VAN DE KAMP: Yes.

YATES: But Rich Jacobs was a special assistant attorney general. So explain how he would work with the Legislative Unit, or would he?

VAN DE KAMP: The two legislative matters he worked on were the Filante AIDS bill and the Trial Court Delay Reduction bill. He would draft legislation, which we would then give to our legislative unit, to Sumner or Brian Taugher, as the case may have been, and they would then work it through the legislature. Rich would be there to provide technical support for the drafting parts of the bill.

Now, when you introduce a bill, you take a draft in to an author and say, "Here's what we have." They then send it to the legislative counsel, who then puts the bill in final form. But, nonetheless, Rich was doing the basic drafting of these two important bills.

YATES: So both he and the Legislative Unit, in this case Allen Sumner's listed but that person, would they be working together, or would one basically be the one responsible for sort of getting it through, or following it, I should say?

VAN DE KAMP: In this case, Allen, because he was there on a day-to-day basis. Rich worked out of the San Francisco office, so he was not over there to go to every legislative hearing. He was intimately involved, but I think once the bill was drafted and in the hands of a legislator, it became more Allen's responsibility. He would keep Rich in the loop so that if something unusual happened, or the bill got redrafted or something happened, that might do violence to the bill, he would be notified.

YATES: Yes, because obviously, as we know, things can change as it goes through the legislature, so I would think you would be keeping close tabs on it.

Are you OK to keep going a little longer?

VAN DE KAMP: Yes.

YATES: I know there's so many different pieces of legislation we should touch on, and the three that we've mentioned, the Assault Weapons bill, the Trial Court Delay Reduction Act, and then A.B. 1952 were three that

you particularly wanted to talk about. I didn't know if there was any other pieces of legislation that you could think of now, or we could talk about next time, that you think it's important to highlight.

VAN DE KAMP: Well, those are the three that I took particular pride in because from their inception I was personally involved with them. When that happens, you tend to remember those best of all.

We were involved in some initiative efforts, for example, what you'd call quasi-legislation. We defended Proposition 65, which was the toxics initiative in 1986. Members of our office may have had a hand in drafting that. I argued Prop. 103 in the Supreme Court in 1989. That had passed the prior year, in '88. Our people had actually drafted another initiative, an insurance reform initiative that year that was better drafted than 103. It went along the same lines, but, unfortunately, 103 passed. I shouldn't say *unfortunately*, because I think 103 has done a good amount of good.

YATES: That was one area I did want to talk to you about, and we could get started today, which is about the initiative and the role of the Attorney General's Office in this area. Of course, I know one of the definitions of the office is that you "prepare the titles for state initiative and referendum petitions and also titles and digests"—which I assume means summaries—"for all state ballot measures." And maybe in a general way you could just talk about that, and then we could also talk about some specific initiatives.

VAN DE KAMP: OK. Where do you want to start?

YATES: Why don't you just talk a little bit about how the process works, in terms of the role of the Attorney General's Office.

VAN DE KAMP: On initiatives?

YATES: Yes, maybe on a practical level.

VAN DE KAMP: Well, someone comes in with a draft of an initiative. It goes to the Government Law section, if I'm not mistaken, where somebody prepares a title. We have a certain period of time, I forget the exact time, whether it was thirty days or sixty days, in which we have to turn it around and get the title out back to the secretary of state who will then permit circulation to move forward.

Our role was to try to provide a neutral statement of the initiative itself—to give the voter a flavor of what it was supposed to do. And you're limited to a very small number of words. There are two statements; one that's twenty words long, something like that, is on the ballot itself which is supposed to give a short description of what can be a very complex initiative, and then a longer statement with the legislative analyst's estimate of governmental costs associated with the measure.

What would happen procedurally is that someone would draft the AG segment of this and then send it up, probably through the chief deputy and then up to me for approval. So I would see these things before they'd go out. If I thought that action words in the draft were

inappropriate—for example, politically charged words—I would take those out and make sure that the statement was as balanced and objective as possible.

YATES: Did you see changes in how many you were receiving during the time you were there?

VAN DE KAMP: No, I don't think so.

YATES: It was fairly consistent?

VAN DE KAMP: Yes, I think the initiative process. . . . I'd have to go back and check its utilization over the years. I used it, of course, in 1990 when I ran for office.

YATES: You always hear of the post-Jarvis, or post-Prop. 13 . . .

VAN DE KAMP: Well, you had Prop. 65. You had Prop. 13, of course, that preceded my term in office as AG. You had Prop. 65, Prop. 103, and a lot of initiatives in the interim. Well, you also had some very important measures that have impacted state government. For example, initiatives that require the legislature gives x amount to education, and basically control legislative discretion.

You have, of course, bond issues that come up fairly frequently. There have been a number of conservation measures, basically bond issues to buy and put into parkland certain pieces of property. You had water-quality bonds that would get passed. Those would not necessarily come to us for titling unless it was an initiative that was going out for circulation. If the legislature was putting something on

the ballot, as I recollect, they would title it themselves. We did not have any role in that. So you have two types of measures, the referendum on constitutional measures that the legislature would create, and then those that came from the private sources where qualification was dependent on the number of signatures obtained.

I'd have to go back to see the ups and downs of initiatives in that period of time, but over this period of time initiatives became fairly popular and had a big impact on state government.

YATES: The one reason I ask is because you always hear that Prop. 13 becomes a critical juncture in terms of there being an increase in the use of the initiative. So that's why I was curious if you, personally, noticed any kind of dramatic fluctuation, or if it just sort of was holding relatively steady in terms of the [initiatives] proposed.

VAN DE KAMP: I don't remember one way or the other on that. The one thing, though, that needs to be said is that a lot of initiatives fail. Sometimes they're filed and given to circulators, they don't get enough signatures or they're simply dropped, A. B, you get a lot of measures that people just don't like.

And you go through times where the public is just "no" on initiatives. When in doubt, vote no. I think that voters have gotten satiated with initiatives. I know when you look at the 1990 ballot, we had three measures on; all three got defeated by substantial votes. The

Big Green initiative,¹ for example, was one that was very heavily contested. And the “when in doubt” people will vote no. The success of initiatives is probably somewhere under 25 percent.

YATES: Hold on. We’re right at the end of the tape.

[End Tape 10, Side B]

[Begin Tape 11, Side A]

YATES: Maybe we could wrap up with talking some more about the initiative process, and, of course, there’s referendum petitions also. But how would you, as attorney general, or the Attorney General’s Office, decide about initiating your own initiatives? You just mentioned Prop. 103 versus, and I can’t remember, you talked about this last time, it’s Prop. 100—the one relating to insurance. How would you decide when you wanted to initiate your own initiative?

VAN DE KAMP: Initiating your own initiatives has to come from outside the office. In other words, you may have worked up some legislative program which for various reasons does not get off the ground, and decide that you want to pursue it through the initiative process. But you have to establish your own organization to do that. So when I ran for governor, for example, we had three measures that we helped develop that were handled outside the office in conjunction with my campaign.

YATES: So I guess I used the wrong word, really, then. You’re not initiating; it becomes part of other activities that are going on.

1. Proposition 128 (November 1990), environment, public health, bonds.

VAN DE KAMP: Yes. In those cases you have to go outside the office. Now, oftentimes initiatives are spawned out of failed legislation, or legislation that you can't get the state legislature to look at for various reasons. This has happened so many times. Prop. 13, for example, came about because the legislature would not address the issue of property tax relief. And it was after Prop. 13 qualified that the legislature tried to put a measure on the ballot that they hoped would beat Prop. 13. It did not, because it was weaker and it was perceived to be weak legislative reaction to it.

So a lot of initiatives begin as legislative measures that fail for one reason or another or were not introduced, and then get into the hands of political operatives.

YATES: In looking through the news clippings I noticed certain initiatives you would come out and take a stance on. For example, one I noticed was Prop. 37,¹ the state lottery initiative. Maybe you could talk a minute about that, and making the decision when you're going to come out and give an opinion one way or another about an initiative.

VAN DE KAMP: Well, if you're elected attorney general, you are a political figure. You are a part of the state political life and have a right to speak on issues that may not have tremendous amount to do with the office. And so from time to time I would do that, as others have done before

1. Proposition 37 (November 1984), state lottery.

me. I've spoken out, for example, on efforts to stigmatize gay people, and so have many other politicians.

The lottery initiative was one that I got involved in. Years before, when I was the DA, there was an effort made to open up the state to dog racing. It was championed by a man named George Hardy and in conjunction with a strange group of people. The attorney general and the DAs and a number of people opposed it as bad business, and we killed it. It was like three to one.

When the lottery initiative, which was much more serious, came up in the early eighties, I decided that it should be opposed. Frankly, it's a bad bet from the standpoint of the bettor. I feared it appealed to people of an economic class that could not afford to put a lot of money into the lottery. It also had some potential for corruption. And so for a number of public policy reasons, I opposed it, the governor opposed it. And it won decisively. The voting public decided—and I think, in a way, they may have been right, in retrospect—that it wasn't that big a deal. It could be well run. And the public was sold at the time that it was really going to help schools. It was drafted in such a way that a certain amount of the take from the lottery was going to go to the public school system, which was in need of funding at that time.

What they didn't realize at the time is that this money would come in, and then public support for schools would be dropped

someplace else. So it, unfortunately, did not prove to be a major benefit to schools, as I think a lot of people figured.

So we opposed it, and it won. Then the governor and I had the responsibility to put it into place. The governor had to appoint a lottery commission. I forget what our exact role was with it at that point.

YATES: I saw one mention that you were planning to go to state lawmakers for cleanup legislation. Does that sound familiar?

VAN DE KAMP: I don't remember that. I don't remember what might have been done about that.

YATES: I didn't get you a copy, but I saw one article you wrote,¹ I think it's around '86, supporting why the initiative process helps and works, but that there could be some changes in the process to improve it. I was wondering, from your perspective now, how you feel about the initiative process and how it works.

VAN DE KAMP: Well, I think you have to separate the process from some of the weird things that have been presented. The initiative process is really an escape valve that should be utilized when the legislature and/or the governor have failed to do their duty. Prop. 13's a very good example. Property tax relief was needed, there were major disparities at the

1. John Van de Kamp, "Despite Faults Initiative Process Well Worth Saving," *San Bernardino Sun*, January 6, 1985.

time, people were hurting, and so it left an opportunity for the people to go out and do something about it.

A lot of us have pondered how to improve the process over the years. When you think of the recall¹ that we're going through, you think, well, it's a small number of signatures that put the recall on the ballot, a very important step that's really overpowering the governance of the state right now. This is without taking a position on whether or not the recall should pass. The number of signatures required should be very, very substantial in that kind of a situation. It's a very serious kind of a proposition because you throw the state government into gridlock when you have a recall election like this. Now, the recall process is one format, empowering the people to force this type of choice.

Most of the initiatives are for constitutional or statutory changes. And the thing that I spoke about back then—I think it's still a good idea—is that before you go through the process to the voters, before it goes on the ballot, that the legislature should have a shot at the measure—an opportunity to address it before, let's say, a campaign commences. So assuming the legislature sees something worthwhile, they see a likelihood it's going to pass, they might pass a similar bill, correcting errors or mistakes that often are found in initiatives. If they

1. The 2003 recall of Governor Gray Davis.

do so, they might be able to stop the initiative from going through a full campaign with all the money that gets used in the course of the campaign, and give the sponsor of the initiative the chance to withdraw it.

However, I do think that the first thing you have to do to get the legislature's attention is to qualify it for the ballot. There should be a substantial amount of signatures that are required, to prove it's a serious proposition. And then I would require then a 120-day, or some decent period in which the legislature has to review and make a decision as to whether they want to address the issue or not, and then give the sponsor the opportunity to continue on or not.

YATES: What do you think about the criticism that the initiative process, or the ability of getting an initiative on the ballot, is now another arm of big business, or lobbying efforts, or whatever, which has been the criticism since Prop. 13, basically, where it was considered the people's voice versus . . .

VAN DE KAMP: Well, I think, generally speaking. . . . Well, let's take the Indian initiative.

YATES: The casino?

VAN DE KAMP: Yes, the casino initiative.¹ I mean, they put it on the ballot. OK.

People understood. There was full reporting as to who is responsible for that. It takes a lot of money, yes, to get it on the ballot. The fact that they put it on the ballot, they shouldn't be prevented from doing that, because it will come out in the wash who was behind it. And if the general public doesn't like it, they can vote against it. So I'm not troubled so much that way.

It shouldn't be a cheap proposition, however. It shouldn't be easy to get on the ballot and there should be some avenues where the legislature or the governor might be able to address it before it finally goes on the ballot.

But, again, most ballot initiatives do not succeed. And most people are pretty smart about these things. Sometimes they're really trying to send a message. They did in Prop. 13. There's no question about that. On the lottery business, they sent a pretty strong message that "We don't think this is that bad." And, by the way, I don't think it's worked out all that terribly. It's not been very successful for education, but it's not been the end of the world. I even buy a lottery ticket once in a while when the Super Lotto is in the stratosphere.

YATES: So you don't see an increase in this being a moneymaking, or big-business-type effort to even get an initiative. . . . You know, to get the support? That's one of the arguments, I think, that by it becoming a

1. Proposition 5 (November 1998), tribal-state gaming compacts, tribal casinos.

business, people paying to get something, to get the signatures, to get attention for the initiative itself, cancels out any kind of grassroots efforts?

VAN DE KAMP: I don't think it does. Again, you look at the history of the passage of initiatives, and I mean, if you look at blatant business benefit initiatives, name a couple. Maybe there are a couple that I'm not thinking about right now, but I don't know that business has been enormously effective. The Indian casino thing is one, one which I can point to where they were successful. But, you know, the oil business. Have they put anything on the ballot? Have the other major enterprises in California that have lots of money put things on the ballot? I don't see a lot. They'll certainly act defensively as they did on Big Green.

YATES: Anything you want to add about that at this point? We can wrap up for today.

VAN DE KAMP: No, I think that's about it.

YATES: Great. Thanks.

[End Tape 11, Side A]

[Session 7, October 14, 2003]

[Begin Tape 12, Side A]

YATES: So good afternoon, again.

VAN DE KAMP: Good afternoon.

YATES: To get started, I was just mentioning [off tape] that I'd sent you an e-mail about what I was planning on covering with you today. But first, just to start, since we just had the election a week ago today, Tuesday, October 7, the recall election, I wanted to take a few minutes to ask you about that, in terms of your observations of the recall. Maybe in light of the results, which is that Arnold Schwarzenegger. . . . Well, first that Governor [Gray] Davis was recalled, and that then Arnold Schwarzenegger was elected governor.

VAN DE KAMP: What is my reaction to it?

YATES: Yes.

VAN DE KAMP: First, I think that the use of the recall under these circumstances is very bad precedent, because it'll tend to spawn other attempts like this, where there is no justification to speak of, for using it. It's a tremendous interruption of the ongoing processes of government and is very diverting.

Now, on the other hand, the voters are very fed up right now with what is going on in Sacramento, and they wanted to send out a very clear message that they didn't like it, and the governor was the target of the day. I think the voters, in large measure, are going to be shown to be pretty naïve, as I think that Governor Schwarzenegger will be shown. I would not be surprised if within a year that the strength that he showed at the polls, and the popularity that he now has, will be dimmed.

Right now there's a tremendous enthusiasm for him and the opportunity that it presents to get rid of some real troubling problems in California, perhaps even to engage in structural reform. I believe it is an opportunity that a political genius might be able to seize upon. I don't think that Schwarzenegger himself is a political genius; he's brand new to this. But he may have some people working with him that can capitalize on the mood of the moment, and either get some agreement from the legislature on some very difficult issues, or go to the people in March to try to get structural reforms.

And those would include, in my view, a change in the requirement to approve budgets, probably going down to 55 percent. Now, that's what the Democrats have wanted to do. But I think that what Schwarzenegger will find is that it's probably in his best interest, too, because it's going to make it a lot easier for him to get his policies and programs through if he doesn't have to get a 66 percent vote in the

legislature, particularly when it's dominated, as it is today, by Democrats.

Number two, I think it's time to reform term limits, in fact, to go back towards the proposal that I had in 1990, where we were the first out of the box with a term limits proposal¹ that would have provided for a twelve-year term as a max before one were termed out, and then the possibility of coming back. You weren't banned for life. In short, it provided for some turnover, but didn't throw out the baby with the bathwater, like the Schabarum measure that passed² did, the one we're operating under today.

And there may be some other things that might be done. I mean, clearly, workers' comp reform has only been begun. They're going to have to move in that area. The car tax, sure, it's too high, but they're going to have to find some way of making up the three to four billion dollars that will be lost if they cut car taxes back to where they were several years ago. They're very daunting things and, you know, someone's going to show some real initiative fast.

If he's to be successful, he's going to have to work with the Democratic leadership. The good news is that superficially, his transition team, which has some, what, sixty-eight members to it, has

1. Proposition 131(November 1990), limits on terms of office, ethics, campaign financing.

2. Proposition 140 (November 1990), limits on terms of office, legislators' retirement, legislative operating costs.

some bipartisanship in there. But is that window dressing or eye wash or is it serious? How often will they be considered?

I was rather surprised that Warren [E.] Buffett, who was attacked for suggesting that Prop. 13 be revised, is no longer on his advisory group. He certainly is an able person, whether you always agree with him or not. Certainly some Prop. 13 reform is in order—at least with respect to commercial properties, not residential properties.

YATES: That transition team, the one I saw was [mentioned] in the newspaper. Is that the one you're referring to?

VAN DE KAMP: Yes.

YATES: And I think everybody on there was from California, right, as I remember?

VAN DE KAMP: I think so. Well, Buffett does business here.

YATES: Yes, not that. . . . I was just commenting that I noticed. I looked at that list and it appears to be, as you say, bipartisan.

VAN DE KAMP: Well, not necessarily. The woman he's brought in to study the finance situation is from Florida [Donna Arduin].

YATES: Right.

VAN DE KAMP: So it may well be that they made a distinction there.

YATES: But, yes, he sort of disappeared from the scene once he made those comments about Prop. 13. Well, just for a moment, you were mentioning about the ability to recall, or, I should say, the recall requirements. And I did read one article commenting about how. . . . I

don't know what the right word is, but that California's requirements are probably the least restrictive in terms of, for example, number of signatures needed to get it on the ballot. Is that an area you also see that needs to be targeted, in terms of trying to change it?

VAN DE KAMP: Well, I think ultimately it should. I think that as someone has said, "Well, maybe now the Republicans will try to change the recall provisions to tighten it up, so they don't go after Arnold." I sincerely doubt that anybody's going to do much of that for a while, but after things settle down, somebody should take a look at the recall provision and better define the basis for a recall.

Certainly conviction of crimes of moral turpitude should be among the basis for a recall; certainly incapacitation, things of that sort, but not unpopularity. I think the voters shall know if they elect somebody, they've got to give them a chance, and the fact that they go up and down in popularity is a norm. Look at the president of the United States right now. He was riding high a few months ago. Now he's down. Do you recall him? No. No, he serves out his term. We have an election next year, and the orderly processes should take their place. And, who knows? By that time his numbers may be up once again.

But Governor Davis is clearly not popular and people are concerned. However, there's a lot of naiveté that people think they

can get something for nothing, that you can just reduce taxes and continue spending.

I listened to an economist last week by the name of Paul Krugman—in fact, it was on election night—who was talking about what the [George W.] Bush administration has done in Washington, and, you know, he analogizes it to what they've done in South America, where there's such an imbalance between spending, which is high, and taxation, which is low, and deficits, which are getting to be enormous, which have led Argentina and some other countries into bankruptcy. That should not happen in this country.

There seems to be the continuing belief by many people in this country that you can get lots of service and lower taxes. Somehow people have to realize they can't get something for nothing. Krugman talked about how they're intentionally starving both Medicare and Social Security. Well, people like those programs. They still want those programs, and if we're going to continue with them beyond the twenty or thirty years, when the present funding runs out, we're going to have to make sure that we fund them properly for the future.

YATES: In terms of Governor Davis and his situation. The petitions were approved and everything was a go in early August. What do you think he could have done, if anything, to survive the recall effort?

VAN DE KAMP: I don't think he could have done very much. He tried to do his job, which is certainly the best thing he could have done, but by then,

basically, the water was out of the dam, and I don't think there was too much that he could have done.

One of the things, in retrospect, that might have helped him, was to have kept [Cruz] Bustamante out of the race, over which Davis had no control, because Bustamante could do whatever he wanted. I'm not sure how much of the Bustamante vote actually hurt Davis, but his presence on the ballot gave Democrats another place to go. So that's about the only thing that is open to any question at all. I doubt that he could have. . . . Clearly, some appearances could have been handled better, and Davis sounded very bellicose at times, which is probably normal under the circumstances, when you're under threat and siege like that. But I'm not sure he could have done much of anything.

YATES: In terms of. . . I'm not sure how to phrase this. I'm just thinking about the momentum that picked up in terms of the individuals who wanted the recall. I know there is one individual—I believe his name is [Ted] Costa—who was sort of the driving force. But then, of course, there was Darrell Issa. Why do you think they were able to succeed in getting the recall on the ballot?

VAN DE KAMP: Oh, I think there were a lot of unhappy people out there.

YATES: Enough, obviously.

VAN DE KAMP: Yes, yes. And certainly they were going to the Republican base to get their signatures at the outset, but there were a lot of other people who were unhappy, too. I think they had a fair number of Democrats who

signed those petitions. I mean, it's a little bit like the Prop. 13 revolution back in the late seventies. People were fed up and wanted to send a message, and they've done that. Now Arnold has to find a way to answer everyone's prayers.

And it's interesting, sort of the euphoria that has now taken over in all quarters, that somehow Arnold possesses magical qualities. He's not even in office yet. He hasn't been tested. We don't know who his advisers are really going to be, and who is going to be with him day by day, or what kind of political gurus are going to be working with him.

I am told that the [Pete] Wilson contingent that was very active in his candidacy, is not quite so active as it once was. Bob White, who was Wilson's right-hand man when he was governor, and did a very good job in helping to manage Arnold's campaign. A lot of the decisions they made, even though everyone criticized them at the time, were very smart, particularly in limiting his appearances, keeping him out of debates, and letting him appear on his own, at his own speed. In probably, in retrospect, that was a very smart thing to do.

I'm told that Maria Shriver brought in some people from the East, who perhaps have more Democratic connections. The whole inner circle seems a bit broader than during the campaign. But, you know, I don't know that for sure. I've just picked up some information on the side about that, and how that plays out . . .

YATES: I've read in the paper a lot about former governor Wilson and various people involved in his administration or from earlier were involved in the campaign. But I notice as the campaign proceeded, he was as noticeable in the press, or in the media, although it sounded like his people who had been involved with him were involved.

VAN DE KAMP: I think he intentionally stayed out of it for fear that he might alienate some people that Arnold might be able to appeal to.

YATES: In terms of Schwarzenegger's going into the race, how surprised were you by that, once it shook out and the people who wanted to run, filed, all hundred and umpteen of them?

VAN DE KAMP: Well, what I'm telling you is not new. Everyone believed that he was not going to run. In fact, George Gorton, his campaign manager, had a statement that he was not going to run ready to go the night he went on the television. And I'm told that even his wife did not know, when he announced.

I was with Mayor [Richard] Riordan and his wife [Nancy Daly] over at the Music Center [of Los Angeles County] that night, and Dick looked in a state of shock.

YATES: Because he was a potential candidate. Is that right?

VAN DE KAMP: Well, they'd been talking back and forth, and they were talking about moving the campaign staff that Schwarzenegger had begun to put together, over to Riordan, and they were working in tandem. They both agreed that if one ran, the other wouldn't. I think Dick Riordan

thought that up until the time Arnold went on the Jay Leno show, that he was going to be the candidate. In fact, they even had, I'm told, the petitions all ready to go for signature. It's unclear why and what precipitated Arnold's change of mind. Someday he'll tell us. Probably when he does his oral history with UCLA.

YATES: Yes. Well, maybe someday. We'll see. Well, anything else you can think to add about your thoughts on the recall?

VAN DE KAMP: No.

YATES: I know time will tell.

VAN DE KAMP: He's going through a honeymoon period right now. He has no authority, no power. He's sitting there waiting to get certified. He has a little time before the legislature comes back into session.

YATES: And now Davis can do quite a few things before he actually has to leave office, right? Make appointments and . . .

VAN DE KAMP: Well, Davis had bills that he had to sign. I believe October 12th was the last day, so he's done with all the bills that he's either signing or vetoing. And there were some one hundred appointments that were his to make, if he wanted to, which he can make in the next month. Those include some judicial appointments. And, you know, when he does that, he's following the tradition set by most outgoing governors. Governor Wilson did it right up to the last minute.

Of course, under normal circumstances you have a gap of close to two months between the November election and the time the governor

is sworn in in January. In this case, it's going to be three weeks, four weeks at the most.

YATES: Because it's the official tallying, right, of the votes, that determines the date he leaves?

VAN DE KAMP: Yes. There has to be a certification of the vote by the secretary of state. He has up to thirty-nine days, and my early prediction was. . . . I was off by, I guess, a percent or two. I had Arnold winning 53-47. I was wrong by a point or two. And I figure it'll be the 29th of October or thereabouts when the certification takes place. I'm sure that right now the governor will probably know the timing in advance. The secretary of state will probably tell him that he expects to make the certification by such-and-such a date, so the governor knows how much time he has to act.

YATES: OK. Well, great. It's been quite an interesting—well, I guess that's the way you could put it—couple of months leading up to the election.

I had mentioned to you, just to transition here again, about touching on the initiative process. We talked about it a fair amount last time, and it seems probably that the most appropriate thing is to come back to that when we get to your run for governor, and talk about those three specific initiatives that you were involved in.

So I thought the focus of today was to wrap up, basically, your tenure as attorney general. There were a few kinds of odds and ends I wanted to get to. One is commissions that you served on. And just

from my reading, the two I noticed were the Commission on Judicial Appointments and the Governor's Commission on Toxics. Are there other commissions that the attorney general typically sits on?

VAN DE KAMP: Well, the Commission on Judicial Appointments is one where, by law, the attorney general sits with the chief justice and the head of the appellate district out of which an appellate judge is being appointed, or the, I think it's the senior justice, in the case of a Supreme Court nominee. And so we sit on that as a matter of law, and I sat through many confirmations.

I found that most of Deukmejian's appointments were pretty good. I had a standard question I asked all of them when they came in—they knew this in advance—and that was whether or not the nominee had made any commitment to the governor, his staff, or his agents, as to how he or she stood on a particular issue of the day, whether it be abortion, capital punishment, or whatever. The standard answer, of course, was no, although I have to believe that the governor and his staff had a pretty good idea of the nominees philosophy and what positions they were apt to take.

The point of that is that no judge should come on the bench who is pre-committed to a particular position. The answer was consistently no. One of the interesting things is that Governor Davis apparently has been very bold in asking nominees, through his people, how they stand on the death penalty, whether they'll vote to uphold death

sentences, what their personal position is on that and on choice. I find that intolerable.

YATES: When you say bold, do you mean it's . . .

VAN DE KAMP: It's right out there. There's no question he asked. I don't think that the present attorney general asked the question that I did. We also did something that nobody had ever done before, which surprised me, and that was, every time a nominee came in from their hearing, I had Rich Jacobs of my staff do a workup on the particular candidates, do a background check, which we then made available to all the other members of the panel.

YATES: That had not been the standard practice?

VAN DE KAMP: It'd never been done before. It's just incredible. So you know, everybody had a pretty good idea of the pluses and minuses. There were only two nominees that I ever had any trouble with. One was a judge in Fresno who, it turned out, had been filing some—let me just be careful about what I say—inaccurate affidavits as to whether or not he had filed his opinions within the time limits set by law. And apparently he hadn't, and I made an issue of this.

I know the chief justice, Rose Bird, was really angry at me because I had made an issue of this, but it just seemed to me that if you're going to go from the Superior Court to the Appellate Court, if you're going to go upstairs, you need to be clean as the driven snow. And that's one of the things that you might look at. As a result of that,

his name was withdrawn. We put it over. I believe he withdrew his name for elevation and that was the end of it.

The other one came right towards the end of my term. George Nicholson, who had been my opponent in 1982 for attorney general, and a man who I had known for a number of years when he was head of the DAs Association, was up for an appellate judgeship in Sacramento. We had the usual background check on how George had done on the Superior Court.

It was the worst report that I received of all the background checks that we did. I made it available, by the way, to George, as well as to the members of the court. I, frankly, with great reluctance, had to vote no on his nomination, and I explained why at the hearing. It was the last thing I wanted to do. I knew how it would look. It would look like revenge against an opponent. But the report had been so bad and so negative, with reports from both public defenders and DAs and lawyers who'd been before him. The negative reports came from both sides. I concluded that he would not make an appropriate appellate judge.

I'd known him for a long time. I've never disliked George personally. We had some differences on criminal justice policies. But I'd find him to have very wide mood swings. It was painful. He has a nice family. It was a hard thing to do.

But he's been on the Appellate Court now for close to thirteen years, and apparently has done just fine, thank God. The other two members of the court voted for him. I remember as we walked out that day, Justice [Robert K.] Puglia said to me, "John, I hope you're wrong." I read that to mean that he had a doubt or two, but he had known George. I don't think he wanted to vote against him.

So that's that commission, which is interesting work, because you saw the quality of the people that the governor put on the court. In one case, there's one other case that I think bears mention, the case of Armand Arabian. In fact, we were looking today at some voting results when he was up for election to the Supreme Court in . . .

YATES: Nineteen ninety.

VAN DE KAMP: Nineteen ninety, and I was looking today at the . . . I hadn't seen this for a long time. He only got 56 percent of the vote, compared to . . . The next lowest vote was about 66 percent. But Armand had had an interesting history. He'd been appointed to Superior Court by a Republican governor. And when Jerry Brown left the state, sometime before the end of his term, Mike Curb serving as lieutenant governor acted as governor, and appointed Armand to the Appellate Court. And the matter went over to the "Jennie" Commission for a review. Usually it's done ahead of the appointment.

YATES: What does that stand for again?

VAN DE KAMP: Judicial Nominations Evaluation [Commission].

YATES: OK. I think I read about this.

VAN DE KAMP: The Jennie Commission found him unqualified. The result was that finally his nomination was withdrawn. In fact, not only was it withdrawn, but Governor Brown and Mike Curb set up sort of a committee to look to see how these things might be handled in the future while the governor was out of state, so that if there were nominations to be made, they would be cleared in advance. I was one of the people that was asked to serve on that little committee. This was back, probably, about 1981 or [198]2, before I became attorney general.

In any event, flash forward into the eighties, and Governor Deukmejian appointed Armand to go on the Appellate Court. This time he's gone through the Jennie Commission—I forget what they found this time around—but I tried to discover why he had been found unqualified the first time. I found a transcript of a hearing that apparently was the basis for this disqualification.

Arabian, while he was a Superior Court judge, was sitting in criminal court with a Hispanic defendant. It may have been a serious felony case—don't know whether it was murder, robbery, or rape, but it was pretty serious. Anyway, in the middle of the hearing, the defendant cold-cocked his public defender, knocked him to the ground, and they, of course, called in security to establish order, and Armand said something to the defendant in anger, which I believe was

understandable under those circumstances. And somehow the statement that he made in that situation, coming out of an emotionally laden situation, was used against Armand to show ethnic prejudice when he was first before the Jennie Commission.

Well, I read that transcript into the record, exactly what happened in court when all this occurred, and voted for Armand the second time around. I felt we had cleared his name. In that first instance it appeared that the Jennie Commission was acting as a surrogate for Governor Brown, trying to find him unqualified so that his nomination could be withdrawn. And that's a terrible use of the Jennie Commission.

YATES: Well, and I think the article¹ I'm thinking of was about that commission specifically, and criticisms of how they handled the evaluation process. Is that how you would describe it?

VAN DE KAMP: Yes. Well, since that time they've smoothed it out considerably. In fact, I talked to Burt Pines, the governor's appointment secretary, recently, to ask him about the quality of work from the commission. He just couldn't say enough about how good it was and how helpful they had been, and how fair he thought they had been. Today they will share with the nominee questions raised during the process. They'll

1. "Tainted by leaks, charges of bias, secretive panel investigated by Bar," *California Journal*, March 1984, 95-97.

bring him in and say, “What about this? What about that?” So he has a chance to respond. It’s not a Star Chamber kind of a proposition.

So earlier the Jennie Commission was felt to be very political in its orientation, and I think . . .

YATES: That’s changed.

VAN DE KAMP: That’s changed.

YATES: You mentioned . . .

VAN DE KAMP: Oh, we were talking about commissions. You asked about the other commissions. I’m giving you the longest answer.

YATES: Oh, no, no. Well, we wanted to talk about that commission specifically.

VAN DE KAMP: Well, that was interesting work, and those are three things that sort of stand out in my memory, you know, the various hearings. Most hearings are celebratory.

Well, there’s another one that comes to mind. Steven Yagman, a Los Angeles lawyer, had made some last-minute accusations of misconduct about Justice Lucas, who was up for the Supreme Court. And whether it was for the chief justiceship or as associate justice, I don’t remember—probably the chief’s position. Yagman’s allegation came in just a couple of days before the hearing, and so I put Rich Jacobs to work to try to ferret out what this was all about, and we were able to pretty much debunk the allegation.

When the hearing opened Chief Justice Lucas was sitting there. He hadn't slept all night; he was so worried and concerned. He's a man who hadn't had his integrity challenged very often in his life. And fortunately, I think we were able to disprove the allegations that had been made. It related, I think, to his private practice in Long Beach, where he had been in practice with Governor Deukmejian.

YATES: You mentioned the one thing that had not been happening, which is the process of gathering information about the appointees. Is that the right way to . . .

VAN DE KAMP: Yes.

YATES: What else, if there was anything else, would you say needed improvement at that point, when you went on the commission? Was that the primary thing?

VAN DE KAMP: Well, yes, so you basically knew what you were getting into with a nominee, so if you had questions to ask, they could be asked. We had some bizarre things that happened.

There's another one that comes to mind. We had Miriam Vogel up for an appellate appointment. She had been a very fine Superior Court judge, happily married to a man who had been president of the State Bar, and also an appellate justice, Charles Vogel. She came in the day for a hearing—and we had received good reports on her. Some of my deputies had appeared before her. They hadn't always

had things go their way, but they said she was an able, competent judge. And that was what showed up in our report.

For some reason, the other judge on the panel, Justice Lester [W.] Roth. . . . There's the chief, and in Los Angeles Justice Roth, an elderly judge who may have been in his late eighties, apparently had developed some kind of dislike for Ms. Vogel. When I walked into chambers that day, the chief, Chief Justice Lucas, said, "Well, John, Lester has said he can't vote for her." I said, "Is there a reason?" And we couldn't get any reason. And so we went out to the hearing and there was nothing negative said. We took a vote and Justice Roth voted against her. And I went out of my way during the hearing to bring out the good things about her—because I had a feeling that he was going to vote against her.

To this day I do not know for sure what it was. It may have had something to do with Hillcrest [Country Club]. Justice Roth reportedly went to Hillcrest every day after work, and I think Miriam had been a member over there at one time. And just. . . . It was the strangest business. I mean there was no reason given as to why he felt her unqualified. Anyway, every time I see Miriam I . . .

YATES: You think of that.

VAN DE KAMP: No. She comes to me as if I'm her champion. I voted for her because she deserved to be voted for. She's always been very nice to me, and I just wish I had some cases in front of her to . . .

YATES: Well, I guess what I didn't phrase very well is, how well do you think the process worked in terms of the appointment process?

VAN DE KAMP: I think the total process is working pretty well. It has been for a number of years. I'm talking about the whole judicial appointment process. I think there have been some failures at the Jennie Commission level certain times, but that's been cleared up. The commission is the last . . .

YATES: The Commission on Judicial Appointments?

VAN DE KAMP: Yes.

YATES: Is that the last stop?

VAN DE KAMP: It's the last validation point. And I don't know what happened before, but it looked to me as if it had been a rubber stamp. I was just trying to make sure that we at least had background information and a hearing where questions could be asked. And I would ask a few questions of most of the nominees. They were pretty standard, not exactly cross-examination questions.

YATES: But ones that you felt needed to be addressed at this point.

VAN DE KAMP: Well, at least for the record. At least what you're doing is you're talking beyond them to the appointing authority, to a certain extent. So, I mean, I guess the proof is in the pudding. Do we have an appellate bench in California today that looks terrible? No, I don't think so. By and large, it's pretty sound.

In fact, I think that after the Rose Bird debacle, when she was removed from office, along with Cruz Reynoso and [Joseph R.] Joe Grodin, the remaining members of the court and the new members took it upon themselves to make sure that they stayed out of the political limelight, and were very careful in the decisions they reached. In the big cases, they tried to vote seven to nothing whenever they could, to make sure the court was unified on the big issues, because they were trying to bring the court back into good repute.

YATES: I'm just looking at a list again of who was on the court at that point. So if I understand the process, if the election happens, they're not confirmed, which is what happened in 1986. Then those individuals [who] were not confirmed, those seats are up for appointment by the governor.

VAN DE KAMP: Right. And I think. . . . I may be wrong about this, but I think the governor filled their positions quickly. They would have to come up for confirmation at the next election.

YATES: This is a listing of the court. That's from '85, when they were . . . Preceding '86 . . .

VAN DE KAMP: Yes, well, '85 you had Otto Kaus, who later resigned from the bench; [Allen E.] Broussard, who was not recalled, stayed on the bench for some time. So you had Kaus, Reynoso, Grodin, and Bird, four . . .

YATES: Leaving.

VAN DE KAMP: You had Lucas, who became the chief justice, and let's see. Lucas, well, because I guess he's the chief, he was up in. . . . Supposed to be. . . He was confirmed in eighty. . . . This is '90, right?

YATES: Yes, I'm sorry. This is '90; this is '85.

VAN DE KAMP: Yes, I understand. I understand.

YATES: I don't have the . . .

VAN DE KAMP: It says here "Confirmation November '86 for an eight-year term," so he had to come up for confirmation. However, what happened here was that Lucas takes the place of Bird; Arabian, let's say, takes the place of Kaus; Baxter takes the place of Reynoso; [Joyce L.] Kennard and [Edward A.] Panelli fill in the two other seats. One, two, three, four, five. So [Stanley] Mosk and Broussard were the only holdovers. And David [N.] Eagleson was appointed in '86.

YATES: So that really gave Deukmejian a chance to put, potentially, more conservative judicial appointees . . .

VAN DE KAMP: Well, to his credit, the people that he put on were, clearly, moderate. There were no political ideologues or crazies. I knew Malcolm Lucas when he was a District Court judge, and he was generally a conservative sort, a very likeable man. I remember as a federal public defender, I'd go into his courtroom with a defendant and I'd almost get on my hands and knees and make an impassioned plea to try to save my client from some prison time. When I'd be finished he'd say, "Mr. Van de Kamp, is there anything more that you want to say?" I'd say,

“No.” And then he’d give a pretty long sentence; nothing I said seemed to sway him very much. But he wasn’t as bad as, I think, some. . . . He was called Maximum Malcolm by some. But he had great respect for the court, and he wanted to keep it out of the political limelight. I think he succeeded in doing that.

The others that the governor appointed, Justice Baxter is a moderate conservative, who had been the governor’s appointments secretary—that is, Deukmejian’s. Joyce Kennard, who had been a clerk in the appellate side in Los Angeles, became an associate justice. She has turned out to be as liberal a person as you have on the Supreme Court. She was not particularly predictable.

And Ed Panelli, who had come out of Santa Clara, was a very pragmatic judge. Today he is an arbitrator—one of the most successful arbitrators in California, a wonderful man. I had the opportunity of confirming him to three different positions; to the Court of Appeals as the presiding justice in the Court of Appeals, and then as associate justice. We got to know each other pretty well.

YATES: Well, since we’re talking about the Bird court, kind of incidentally to the Commission on Judicial Appointments, maybe just for a few minutes we could talk about that in terms of what was going on in ’84, ’85. I know you were asked several times—well, at least it comes out in newspaper articles, etc.—about what was going on in the dislike of the Bird court. What are your thoughts about what was going on in the

mid- to late, or I should say '83, '84, '85, that was the background to why there was so much unhappiness with the court?

VAN DE KAMP: Well, the major concern was that the court had taken a liberal turn. I don't believe Chief Justice Bird ever upheld a death sentence. She would never say that she was conscientiously opposed to the death penalty, could not bring herself to do that. But she became a lightning rod for the court, and the result was that you had a lot of victims' rights groups who campaigned against all three of them. It was a public perception issue. I think that the court just became a lightning rod, and unfortunately Reynoso and Grodin became relatively innocent victims of this whole business.

YATES: So, basically, there was a gap, you're saying, between public perception and the reality of how the court was handling cases?

VAN DE KAMP: Yes. There are individual cases, the so-called Caudillo case¹ of 1978, which figured in the '78 campaign against Bird's initial confirmation. And, you know, there were individual decisions that were pointed to. Chief Justice Bird had no judicial experience before she was appointed and became a divisive figure.

YATES: I'm sorry. Hold on one second.

[End Tape 12, Side A]

1. *People v. Caudillo*, 21 Cal. 3d 562, 580 P. 2d 274, 146 Cal. Rptr. 859 (1978).

[Begin Tape 12, Side B]

YATES: You were mentioning cases, specific cases.

VAN DE KAMP: Yes, I'm trying to remember the individual cases. I'm having a hard time putting myself back into that period. But, again, I think the court put itself in a position where it was believed to be soft on crime. And the chief, as I say, became a lightning rod.

She was a somewhat difficult kind of a person. She was enormously attractive in some ways, could be extremely warm and gracious. In fact, when I went to Sacramento the first time to be sworn in—I made sure that she swore me in because I wanted to pay my respect to the court and let them know that as attorney general I was going to give them the respect that they deserved—but she was extremely warm to my family and my mother, and she was terrific. I think I may have mentioned to you that around the time of the confirmation election in '86, I'd had lunch in Sacramento with a San Francisco lawyer named [Jerome] Jerry Falk who was close to her. We talked the election, and he talked about the possibility of having an independent committee set up to support her. Well, I told him I would not be involved with that.

YATES: What do you mean an independent committee?

VAN DE KAMP: Well, an independent committee outside her control, to support her for the court.

YATES: OK.

VAN DE KAMP: I tried to stay as neutral in that whole race as I possibly could. I was running for re-election myself.

About a week later, I got a call from Chief Justice Bird, who said, "I cannot believe what you're doing, running or organizing an independent committee to support me. I just want you to know I'll have none of that." I mean, it was very rude, commanding kind of a conversation, when I'd steered clear of it myself, for my own particular reasons. And I don't believe she ever talked to me again. It was very strange. I mean, she . . .

YATES: When she passed away, I guess it's been two years ago now, I was reminded that that fits what you hear about her personality, that she was a very private individual, and that perhaps some of those attributes didn't help her in the long run. It had nothing to do with her abilities, but . . .

VAN DE KAMP: I think it's fair to say that from what I'm told, she did not get along well with other members of the court. She acted in a very queenly kind of manner. Apparently, when she went up there she changed all the locks and did some strange things. She was very much her own person.

I must say that she'd come down to the State Bar Conference of Delegates to talk to the conference. There would be standing room only to listen to her. She'd recite her poetry, talk about the court, and do it in a very interesting way. She had personal dynamism.

What happened to her after she left the court was sad. I'm told she went to live with her mother down in Santa Clara County and taught a little bit, did some talk shows—nothing seemed to work out very well—and occasionally got into sort of public debates with either Timothy Leary or maybe it was G. Gordon Liddy. It's an interesting combination, Rose Bird with Timothy Leary or G. Gordon Liddy.

YATES: Yes.

VAN DE KAMP: And then passed away, you know, a fairly young woman.

YATES: Right.

VAN DE KAMP: So, you know, it's a . . . I'm not sure anybody really knew her very well.

YATES: Is it OK if we take a short break?

VAN DE KAMP: Yes.

[Interruption]

YATES: So that's OK on the Commission on Judicial Appointments. Yes? did you have something to add about that?

VAN DE KAMP: Well, no. You mentioned the two other commissions.

YATES: Yes. Well, the other one I know of is the Commission on Toxics. Those are the two, the [Commission on] Judicial Appointments and the Commission on Toxics.

VAN DE KAMP: And I was appointed to that by the governor. He was trying to get a diverse commission together to look at toxics policy. I do not have much of a recollection of that, except to say that we had a fairly

disparate group. The report that we issued was a consensus report at the time, intended to improve the enforcement policy. I'm not sure ever the governor paid any attention to it.

The one thing I do remember, and it's one of the things that rankles, is that Art Torres, who was then a leading Democratic senator, went to the first meeting that we had, our orientation meeting. The rest of us slogged along for a couple of months, going to two-, three-hour meetings. Art never showed up, but came out to attack the report after it was issued, the sort of behavior that I always find very offensive. In Art's eyes, that's the way you play politics. But here we were trying to improve the quality of enforcement, get a good report out, with a lot of give and take when you do that.

YATES: Sure.

VAN DE KAMP: Some people operate under different standards. I was a little disappointed with Art.

YATES: Now, did you serve on other commissions that I'm not aware of?

VAN DE KAMP: Well, there's one that I remembered today, an ABA [American Bar Association] study called the Special Committee on Criminal Justice in a Free Society, which reported out in 1988, a report called *Criminal Justice in Crisis*. We started in '86. Sam Dash, who was professor of law at Georgetown [University], was the chairperson, and our reporter. Among the other people on the committee was Janet Reno, who at that time was a Dade County state's attorney.

YATES: So it was a mixture of individuals, I take it, from across the United States?

VAN DE KAMP: They had an Appellate Court justice, professors, public defender Jim Neuhard from Michigan, some private lawyer, too, a chief of police of the District of Columbia, and some help from the ABA. We started out with a study. There were some questionnaires that were sent around to police chiefs and public safety officials, including prosecutors, to get an idea of what they regarded as one most serious problem facing them.

For a long time there had been a public debate about the Miranda Rule and the Exclusionary Rule—the charge being made that they killed crime control. Our conclusion was—I’m reading now from the report—“that constitutional restrictions such as the Exclusionary Rule and Miranda, do not significantly handicap police and prosecution.” I’m cutting forward here. “Rather, the major problem identified by all the criminal justice respondents is lack of sufficient resources. The entire system is starved, police, prosecution, defense, courts, and corrections. As currently funded, the criminal justice system cannot provide the quality of justice the public legitimately expects, and the people working within the system wish to deliver.”

YATES: So it’s back again to financial support at the local level?

VAN DE KAMP: Local and state levels, yes. We did report that everyone reported of the inability of the system to control the drug problem, even though

significant resources had been thrust against it. That was 1988. And there were a few other recommendations that were made. It was a report that was well publicized at the time, and pretty well received.

It took some of the politics out of the Exclusionary Rule debate and the Miranda Rule debate. These were people who would know. Police and prosecutors are saying, “No, that’s not our principal problem, not that we always like it. There are other things that are much more significant in our day-to-day business.” So there was that report.

Years later—this is after I left public office—I was asked to serve on another ABA commission. Ed Meese was the chair of that commission, on the federalization of criminal law. This report was issued in 1998. It found that there had been too much of an effort to federalize crime to make what had been state crimes federal crimes, and that there needed to be a turnaround of that kind of policy. We asked Congress to lay off its attempts to try to bring everything under the federal ambit, because they really couldn’t deliver.

YATES: And what’s happened since then?

VAN DE KAMP: Again, this report was pretty well publicized at the time. Whether this has had any impact or not, I don’t know. I don’t think that they have created a new body of criminal law recently; maybe they’d just done about as much as they could. But the report is a warning to congressmen and senators who are serious about this, that there really

is a danger. It's counterproductive to try to take too much within the federal ambit.

Public figures, politicians, particularly legislators, tend to always think that the answer to criminal law problems is to criminalize in the federal system or to increase penalties and that somehow the word will spread that we're getting tough and that this action will serve as a deterrent. Well, what acts as a deterrent is catching people on a regular basis, improving your apprehension rates, and then bringing people to justice. When you do that, people start thinking twice.

YATES: Anything else, in terms of the commissions, that cover . . .

VAN DE KAMP: No. We had the commissions we've talked about that I set up within my office. I was not a member of those. In terms of external commissions, nothing else comes to mind right now. Tonight I may think of something.

YATES: Yes, we can add that. But those. . . . The Judicial Appointments one, of course, sounds key.

VAN DE KAMP: Well, yes. That's just a matter of law that you serve on that one. Unlike the controller, particularly, in the State of California, or the lieutenant governor, who sit on commission after commission ex officio. The attorney general, fortunately, has but one official commission he serves on. There are plenty of other things to do. A large part of the job of lieutenant governor, outside of waiting for the governor to die, is to serve on . . .

YATES: Or go out of state? [Laughter]

VAN DE KAMP: Or waiting for the governor to go out of state, that's right.

YATES: Well, let me shift here for a moment to your re-election in 1986, which was, by all appearances, pretty straightforward. I don't know if. . . . Here's the primary and general [information]. You didn't have any Democratic opponents. Maybe you could talk for a minute about the lead-up to that election.

VAN DE KAMP: There's not too much I can say. I had had in retrospect, a fairly successful four years as attorney general. I'd been visible. I had certainly worked the party apparatus, tried to help other candidates, and was visible enough so I didn't have anybody from within my own party that challenged me. So the result was I got 100 percent of the Democratic vote, 2,007,000 votes in the primary.

I thought the Republican primary was fascinating. I'm trying to think of the. . . . Well, Duncan [M.] James was regarded by most as a possible nominee, and all of a sudden out of the San Fernando Valley came Bruce Gleason, a political unknown, who won 41.9 percent of the vote, and was their nominee. It's only fair to say that the candidates were pretty weak.

And then in the November election—I don't think I ever got more votes in my life—I got almost 4.7 million, roughly 66 percent of the vote, and Gleason got all of 29.8. He basically didn't have a campaign.

We didn't do much. I remember we did not feel we had to do anything. He didn't challenge me to any debates. There was nothing really going on from his side, so I just continued to do my job and to get around and try to remain visible.

YATES: It appears, for whatever reason, then, the Republican Party didn't throw their weight behind a candidate.

VAN DE KAMP: No, and Gleason did not have any money behind him. I'm looking down the list here to see if I lost any counties in this race, and it looks to me as if I didn't, which may be the only time.

YATES: That it went that well?

VAN DE KAMP: Yes. I mean, even in Modoc County, I beat him three to two; generally conservative counties were just fine. I'm way down now at the bottom of the list. I've not even seen him close. Orange County, 335,[829] to 255,[588]; I won that county. Usually, the little counties up in the far reaches of the state are a problem for Democrats, but I think I won every county, looking at this. So it's wonderful to see this.
[Laughter]

YATES: It makes you feel good.

VAN DE KAMP: I should take this home when I'm feeling down and out.

YATES: Remember, I gave you a copy, in that folder. Yes, so you should have one. But if you're missing it, I'll get you another copy.

VAN DE KAMP: Well, he didn't have any money. I don't think he tried to raise any money. He didn't ask for any debates. He did go around on the so-

called Victory Train with Governor Deukmejian, who once laughingly told me—I may have mentioned this before—that one day they were all asked to give little speeches, and Gleason got up and said, “I’m the only candidate running for attorney general who is opposed to the death penalty.” Of course, Deukmejian, who’s a strong proponent of the death penalty, started to laugh. Gleason had obviously misspoken.

YATES: You mentioned giving support to other candidates during that race. And, of course, Tom Bradley ran again for governor. I guess one [question] is what was your take on Bradley’s ability to really win that race? I mean, you know, hindsight is always wonderful, but maybe you can talk a little bit about what your perspective was at the time that the race was going on.

VAN DE KAMP: This was the second time for Bradley, wasn’t it?

YATES: Yes.

VAN DE KAMP: The first time was something of a shocker. I think we all thought Tom had a chance. The second time around, less so, because the bloom was off the rose. George had been a fairly safe governor. I forget the exact returns, but Tom’s campaign just did not strike fire that year. I think his best shot was in 1982.

YATES: Yes. Actually, here’s the . . . Looks like that’s the final . . .

VAN DE KAMP: Let’s see how wrong I am. Yes, Deukmejian just killed him in ’86, 60 percent to 37 percent.

YATES: And those were the other races.

VAN DE KAMP: Yes. And Gray Davis was elected controller that year, 51 to 44.

YATES: When you're running for your own race, granted in this particular case it looked like things were pretty clear that you wouldn't have any major problems, but how do you decide how much you're going to support another candidate, especially if you think they're struggling in terms of how it's going to impact you in your own race?

VAN DE KAMP: Well, it depends on a number of things. It depends on where you are, what your personal relationship is with that candidate. There's always the pragmatic consideration that if you help them, that they may be there to help you. So there are all those things that work together.

I think it was around that time that I went to Santa Barbara to help a struggling young candidate, Jack O'Connell, who's now the superintendent of public instruction. Jack was a wonderful candidate, wore out I don't know how many pairs of shoes walking precincts. We've been friends throughout the years, because I was there to help him a couple of times. We like each other; at least I like Jack. I'm not sure how he likes me. But, you know. . . . And so there are those kinds of relationships that develop in politics, and there are some people you like better than others.

In those years I tried to work with the speaker and with president pro tem, with Willie Brown and Dave Roberti. And occasionally we would make contributions to them, or ask their advice as to how we could help the campaigns of other Democrats that they thought were in

trouble. I was trying to curry a little favor and be a team player, hoping that that might rebound someday when I needed it. And I think we made a number of contributions that year and in '88.

You could do that in those years, because the campaign finance laws were such that you could make those kinds of contributions. Today the laws have changed, and you're pretty much prevented from making contributions from your campaign fund to another's campaign.

YATES: So it's highly, as I would expect, highly individual. It's the individual plus the circumstances of that particular election or race that year.

VAN DE KAMP: Yes.

YATES: Anything else about. . . . I didn't really have much else about that re-election campaign, because it seemed fairly . . .

VAN DE KAMP: It was pretty quiet. Oh, the one thing that we did do, we filmed some spots; we were not sure whether to use them or not. But since no one was paying attention to the race—it was assumed that I would win hands down—we decided to run some of those spots. They were humorous, lighthearted spots, to play against my serious image.

One of them had me in front of a Van de Kamp's Bakery façade. I was standing there with a rugby shirt on, and said, you know, some people have said that I really traded on my family's name, and I like to think that in my many years in office I'd done this and that, and that and this, and carried on and talked about the wonderful things I had done. And then all of a sudden a woman walks behind me and I turn

around and tap her on the shoulder and say, “Try the chocolate chip cookies. They’re terrific.” Yes, not exactly a howler, but it was pleasant and left a nice flavor.

Another one along the same lines, this was a little controversial. I’m sitting at my desk and there’s a dark background. I look right at the camera and say, “Some people say I’m too serious, that I work too hard,” or, “My staff says I’m too serious, I work too hard.” You know, I’ve done this, that, and the other thing, and I work twelve-hour days, seven days a week, or alitany of this kind of stuff.

Then at the end of that, I look down and there’s a thing on my desk and I open it. It’s one of these Chinese blowers, which you blow out at the camera. I took my time and blew it at the camera. I put it down and said, “Now I can go back to work.” The idea, this is my idea of fun and break, and now I can go back to work. Well, the little debate it caused within the campaign was that it was denigrating the office. I thought it was humorous.

YATES: Who within the campaign thought it was . . .

VAN DE KAMP: Oh, I forget who it was, whether it was Barbara Johnson or others who thought that, gosh . . .

YATES: It wasn’t the best thing.

VAN DE KAMP: They felt it would be construed as denigrating the Office of Attorney General. Anyway, they decided not to run it, but it did run one night, by accident, during the World Series. So it got tremendous

viewership, at least in the San Francisco area. And the next day there was a box delivered to me in the office. I opened it up and there was a little note in it. Inside the box there was this blower, sort of like the thing I'd had on television, and there was a note saying, "Thought you'd want to have this," signed, Rose Bird. [Laughter]

YATES: So she had a sense of humor.

VAN DE KAMP: Yes. I thought that was really. . . . Well, that was the good part of Rose.

So we ran. We raised about a million dollars, and we may have spent four or five hundred thousand dollars on these spots. It was not going to move a lot of voters, but at least it was a calling card or reminder that I was running that year.

YATES: A couple of things I want to touch on, to kind of wrap up with your time as attorney general, that I was struck by, just looking at the events through the 1980s. One was when Jesse Unruh passed away. He was treasurer, of course, and Governor Deukmejian wanted to appoint Representative Dan Lungren. I was wondering if maybe you could talk a little bit about that, because that sounded like it went back and forth a few times in terms of what was considered the official or appropriate appointment process.

VAN DE KAMP: I'm trying to remember all that went into that right now.

YATES: I believe the main problem was that he wanted to keep his position, or stay in Congress, as I remember, while it went through the appointment process. If it's not that important, that's fine. I just . . .

VAN DE KAMP: I do not remember the details of that. And I think that's correct.

YATES: So it wasn't that big a deal then, even though . . .

VAN DE KAMP: No, and it was nothing personal to Lungren. I think the question was, if I . . . It's not coming back. But probably whether or not he could jump from one to the other.

YATES: So it was more procedural than anything against him as an appointee.

VAN DE KAMP: I think so. And he was not particularly popular. There was some animosity among Republicans in the state legislature, because some of them had been passed over for this job. I remember that.

YATES: As I remember, Marian Bergeson's name came up, maybe briefly, and I can't remember who else.

VAN DE KAMP: Well, let's see. Who was appointed? Was Lungren appointed¹?

YATES: I thought he was, but I'm embarrassed to say I didn't double check. He did become attorney general.

VAN DE KAMP: Right. He was elected in 1990 as attorney general. I, frankly . . .

YATES: I'll have to check. I'm sorry. That was one thing I didn't check before I asked you the question.

VAN DE KAMP: Yes. No, I haven't either. No, I'm just sort of blank about that.

1. Thomas W. Hayes was appointed as treasurer.

YATES: Well, another event, and, again, I don't know how important you consider this—this is always interesting thing, because you see these things in the headlines, but the reality is what they mean in terms of your day-to-day functions could be completely different. That was also the Lincoln Savings and Loan issue. *Issue* is probably not the right word. I know Dianne Feinstein later brought that up in her campaign, but I guess I wanted to get your perspective on what, if anything, the Attorney General's Office could have done.

VAN DE KAMP: Well, there were a couple of cases around that time, Executive Life and the savings and loan business. There were long, drawn-out investigations, and before you do anything, you've got to make sure you have everything in hand. Eventually, [Charles] Keating was tried down in L.A. County by the DA's Office.

The Executive Life thing, still to this day has repercussions.

YATES: Now, what is that?

VAN DE KAMP: Executive Life was a major insurance company that I think essentially went bankrupt, and a lot of people made a lot of money out of it, and a number of people were defrauded as a result of it. And, you know, bringing the right people to justice was a very complicated, messy situation. Crédit Lyonnais tried to take it over and they ran into trouble. And, again, I'd have to brush up on all the details, but those are two cases which, on their face, looked like they should have been the subject of prosecutorial action of some kind. It looked like there

was some bad stuff going on. People were losing a lot of money, and the investigations took a long, long time.

YATES: So it's not quite as clear cut as it might . . .

VAN DE KAMP: Well, it's not like you have a dead body and a person standing over a dead body. You have to be able to show connection and fault and responsibility and violations of the law. Eventually Keating was convicted, but the Appellate Court reversed his conviction in the L.A. County case. The company still went under, and was part of the great savings and loan debacle from the late eighties and early nineties, that led to the bailout of a lot of savings and loans. Billions of dollars got lost as a result of that.

YATES: Let me ask you about your ongoing or, I should say, working relationship with Governor Deukmejian. You talked about when you first were elected attorney general, and he was outgoing attorney general going into the governorship. And, of course, throughout the interview, at times you've talked about various things in connection with him. But at the point when you're getting towards 1989, 1990, how would you assess your working relationship with him during the time you were attorney general?

VAN DE KAMP: Well, I think, by and large, it was appropriate. I did not see much of him, sometimes on official occasions, or possibly at dinner, but not very often. If I went over there twice a year, at the most, to see him, that was probably the max. He was not the kind of person you could

sit down and chat with or pass the time of day. And if you went in trying to get a feel for how he might come out on something, he would be very poker-faced and kept his cards pretty well hidden. You never quite knew how he reacted. He wouldn't ask a lot of questions. He wouldn't say, "I don't think that's right," or, "I disagree with you," or give you a chance to fill in where he thought you might be deficient. He'd just basically listen to you and say, "Thanks," and you'd walk out of the room.

So we had an appropriate relationship, I think—not an unfriendly one at all. In fact, he's a likeable person. And our staffs got along well. Steve Merksamer, when he was the chief deputy over there for Governor Deukmejian, his chief of staff, and our civil division and Dick Martland talked frequently on governmental law issues as they came up. Nelson Kempsey the same thing. They all knew each other from before, so that helped.

YATES: So no major problems?

VAN DE KAMP: No. In the last year, there were a couple of things that rankled them. We had the annual abortion issue, where the legislature had put in a rider—I don't know whether it was in the budget bill or what—that would say that we're not going to fund abortions for poor women. They did that every year, year after year. We would go up and try to defend those against attacks of unconstitutionality, and we'd lose year after year.

And usually I was able to say, "Well, they changed a word," or they did something a little differently, "so we can make a little different legal argument," and made the best argument we could, knowing we'd probably lose. In the last year the legislature repeated what they had done the prior year, where we had lost once again, and I had to just send a letter over saying, "I cannot in good conscience represent you on this. The court has voted upon this very same issue in the same language before, so you'd better get new counsel." They did and they lost again. They were concerned that we didn't just slavishly go in again.

YATES: They, you mean the legislature or the Governor's Office?

VAN DE KAMP: No, the governor.

And there was another issue that came up midway in the year. No, it was before the primary. It was a forestry issue, where I had said some things publicly about some actions that the forestry department had taken. And we were called upon to defend them in a lawsuit. I concluded that they would be better off at this point, given what I had been articulating in public, with another lawyer.

That decision was probably more arguable than the first one was. Should we have declared a conflict? I could argue both sides of that. I didn't think we did them any harm. They had a lawyer.

YATES: What were the specifics, do you remember? You mentioned forestry.

VAN DE KAMP: I forget the exact nature of the case. It had to do with the Department of Forestry and some logging practices that were regarded as anti-environmental, which they probably were, and which were totally inconsistent with some of the things I was advocating on the campaign trail. I figured I didn't want to have my advocacy to be construed as interfering with our ability to help them in their litigation, so they would be better off, in this particular instance, getting their own counsel. The Governor's Office didn't like that.

YATES: Those were the two main disagreements, would you say, over the entire time you were in the office?

VAN DE KAMP: Yes. I remember there was another issue, the question of reapportionment, where there was an effort to put a reapportionment measure on the ballot. I told the governor that I believed the court would strike it down.

YATES: I think the Sebastiani initiative. Is that . . .

VAN DE KAMP: Yes.

YATES: We did talk about that.

VAN DE KAMP: We did talk about that. That was a friendly discussion with the governor. He said, "I've got to protect my minority that can help me avoid overrides of my vetoes." And as I said, the Supreme Court did what I told him they would do in that instance. They threw it off the ballot.

YATES: Right.

VAN DE KAMP: No, I think the relationship, overall, was pretty good. And to this day I still see Marvin Baxter, who's on the Supreme Court, of course, who was the legal affairs secretary: we're very friendly to this day. And people that we worked with over there remained friendly.

YATES: Let me ask you the same question with regard to the legislature. How would you assess the relationship of your office with the legislature through that time?

VAN DE KAMP: I thought it was pretty good. I appeared over there quite regularly on my budget and on bills. [I] tried to be relatively nonpartisan in my approach, giving bills to Republicans like [Robert G.] Bob Beverly or Bill Filante, as well as to Democrats like Bob Presley. And we tried to scatter our bills around, so that we were not regarded as partisan.

I can't really compare it to how other AGs have made out. I think our interests were broader than Lungren and George Deukmejian, as attorney general. Years later, when I took over this job of running this trade association for thoroughbred horse owners in '96, I was concerned that somehow I would be regarded as too partisan, because we needed to get votes from both parties for our horseracing stuff.

I was pleasantly surprised when I went back, that there didn't seem to be any animosity. I was not regarded as a particularly partisan figure. So I tried to keep it relatively nonpartisan, but still remaining a loyal consistent Democrat when it came election time. It worked

pretty well. I mean, others can speak to it better than I, but I believe that we were relatively effective.

YATES: One other question I had, kind of an overall question, which is, how would you compare your first term with your second term in office, in terms of. . . . I mean, you could take that a lot of different ways, and I'm just thinking either in implementing what you wanted to implement, getting things started, versus them actually going into effect—any way you want to look at it.

VAN DE KAMP: Well, I think when I was DA, I was able to do a lot more in the first few years, because we really transformed the office. And as I look back at the history of the office, we integrated a lot of those reforms in the later years. In the AG's Office, there seemed to be new issues popping up all the time, and so I really couldn't tell you whether the first or second term was more valuable.

The second term, we got into this antitrust work, particularly with San Diego Gas and Electric and Southern California Edison, and into insurance reform in a big way. We did the Supreme Court work with Alpha Beta, or American Stores, and those came up the last few years that I was there. So we had lots of things to keep us hopping. I mean, if you look back, the Assault Weapons Bill was passed then. The Trial Court Delay Reduction Act was passed in the second term.

It was, to generalize—and I hadn't thought about this—the first couple of years probably dealt more with the reorganization of the

office and bringing people in and filling jobs and so forth, and getting things moving. Then it picked up steam in terms of the policy issues that we had to confront.

YATES: We've got about fifteen more minutes. Let's get into the governor's campaign. Let me switch tapes here.

[End Tape 12, Side B]

[Begin Tape 13, Side A]

YATES: OK. Let's get into the campaign for governor, the 1990 campaign. Your name came up as early as 1983, speculating that you might run for governor. Tell me when you decided that you really wanted to run for governor.

VAN DE KAMP: I'm not sure I could pinpoint it. Clearly, it was not in the first term. I wasn't even thinking about it. In the second term, after 1986, I realized that Governor Deukmejian was going to leave, because of the two-term limitation on the governorship. I saw a state that was in some trouble economically, and having had a Republican governor for eight years, it probably was time to make a shift, and the public might be willing to go there.

So I certainly thought about it, and started about '88, to try to raise some money. I didn't have much money left over from the '86 campaign. We hadn't had to raise much, and so I remember we started to put together little committees and fund-raising efforts to try to develop a body of support. In the early years, we didn't have any

fund-raising limits. Those only came in about a year or two before '90. I forget the exact date, but fortunately we were able to carry over the amount of money that we had saved.

YATES: From the '86 election, or campaign?

VAN DE KAMP: Well, from the '86 election, and the money that we started to accumulate afterwards. And at that point it was unclear who was going to run and who was going to be powerful. We did some polling, and the polling was generally favorable, as it tends to be for attorneys general. The negatives seemed to be low. The positives were high. The [Mervin] Field polls always had me running at 65, 75 percent positive, and maybe, you know, 20, 30 percent negative—pretty good ratios.

What you couldn't tell is the depth of that, that is what people really thought about me or how much they knew about me. The '86 election was encouraging—that I'd done as well as I did. Usually when you're the DA or in a job like that there's almost an ingrown one-third of the population that doesn't like you, for various reasons.

It's very tough to get 80 percent or a very high percentage vote, and as the old saying goes, the longer you're in office, the more enemies accrete, which is true. Because you have to make a bunch of decisions that are close calls and you get people that are unhappy, and they build up over a period of time.

In any event, we were looking, at that point . . .

YATES: This is '88, you're saying.

VAN DE KAMP: Yes, about '88, '89, to a number of potential opponents. Gray Davis got very interested. He was the controller, and he got out there and started to raise money. Gray is a legendary fund-raiser. And, frankly, he stimulated us. We kept up with him, raising money. And to make a long story short he was quite aggressive for a period of time. And then, I would say it must have been 1989, he did his polling and found out that he would not be able to beat me, and that we'd at least be able to match him financially, and that it was not in the cards that year. And so he dropped out.

And that pretty much left Dianne Feinstein as the potential opponent. She was out of office, had talked a bit about running, but seemed to be going no place.

YATES: How do you mean?

VAN DE KAMP: Well, going no place in terms of her organization and her candidacy. You know, there's a little bit of a mystery to this day as to exactly what happened. I'm just saying that she was clearly there on the horizon. The question is how serious she was, whether she was really going to run, whether her heart was going to be in it or not. At some point her—this is '89 now, probably November, December—her campaign manager, Clint Reilly, from San Francisco, a well-known campaign manager type who's been involved in some of the biggest campaigns in California—said that there was no fire in her belly, that

she really didn't have the stuff to run, and quit as her campaign manager.

And whether it was that that triggered her and her husband to sit down and decide to get moving, I'm not quite sure, but she made that decision. There may have been some other factors that entered into it, but from that point on she started to organize and campaign aggressively.

Now, mind you, at this time, this is, again, the late fall, the polling indicated that I'd beat her by about fifteen points. And again, our polls looked pretty good, and we were really thinking more about Pete Wilson, since Pete Wilson was on the horizon to be the Republican candidate. We knew he'd be a strong candidate. What could we do to isolate him?

And so it was around the fall of '89 that we started to strategize about the development of an initiative program. We had brought in Richie Ross, who we all know about right now, as he worked with Cruz Bustamante in this most recent election. Richie was well known in Sacramento, had run a lot of local campaigns, and he was chosen to be the campaign manager. Barbara Johnson would serve as executive director, and we decided to have [David] Doak and [Robert] Shrum out of Washington to do media. Those were early decisions that were made.

In the meantime, we developed this strategy of campaigning in what we called “real time” by putting on the ballot answers to serious issues that we believed that the voters would be responsive to, which would separate us from Pete Wilson. “Real time” meaning, don’t wait for me to become governor. Help pass these laws now. If they passed it would give me a running start as governor, but also provide a very clear distinction from what Wilson would be expected to do if he ran.

YATES: So the focus is more on him than on Feinstein, then, at this point.

VAN DE KAMP: Yes, certainly at the outset, because we were ahead substantially. We didn’t know that Feinstein was going to run, and we devised this campaign to try to beat Wilson, who we knew would be a formidable candidate.

And so we had the Big Green, which was the environmental initiative that we sat around and worked on. It had everything but the kitchen sink in it, ranging from measures dealing with toxics to forestry, to double-hulled tankers. It was an environmental wish list that we put into a long-form ballot measure. It was, and is, very good policy. Almost all the things that were in it are today engrained in public policy in Washington or Sacramento. Anyway, that was one issue area. We didn’t think that Wilson with his business background could support it.

The second issue was ethics in government. Our answer was campaign contribution and expenditure limits. and term limits. We

devised twelve-year term limits. Frankly, we threw that in because we thought it had political attractiveness, but we wrote it in a way that we thought should be politically acceptable. We also provided for some public funding of campaigns, to those accepted expenditure limits. We got help from people like Bob Stern, who is a well-known lawyer who was and is an expert on campaign finance reform. The Common Cause folks also worked with us on that measure.

The term limits provision was like the frosting on the cake. We thought it would be politically attractive, and would help the others along. We knew that campaign financing would be marginal, that the public had not overwhelmingly supported that in the past. But we thought that it had passed in some local jurisdictions, and had worked out fairly well. That led me to my famous or infamous “drain the swamp” speech in Sacramento in front of the Capitol. “It’s time to drain the swamp of special-interest money.” That’s what the ethics initiative was supposed to do.

The third measure was a crime measure that was intended to do two things. Wilson was already on the ballot with his crime initiative in the spring. We thought it might take away the rights of privacy under the California Constitution, that provided the basis for a woman’s right to choose.

And so we basically rewrote that measure to make sure that the right of privacy was protected, and then provided a bond issue for the

construction of prisons, especially in outlying areas, deserts and so forth, which were modeled after some successful boot camp kind of operations that had been used for young offenders. So the idea here was to get voters to vote in real time, take Wilson on, and to use this as a central part of the campaign.

YATES: Where did the idea to do this come from exactly?

VAN DE KAMP: I'm not sure where it originated. Richie Ross was very supportive of it, and I think everyone was enamored with this idea of campaigning in real time, "Elect me and we're going to get some things done right away, with your help."

YATES: So sitting down and talking, having meetings and . . .

VAN DE KAMP: Oh, we had interminable meetings in Richie's office. People like [Phillip] Phil Isenberg and others, about eight to ten of us, would sit there late into the night trying to work these things over. And we did early polling on these things to see how they would play, and all of them, early on, had very strong support.

I can go into what ultimately happened on all of these. They all lost. The only one that had a campaign behind it, ultimately, was the Big Green measure, which had a lot of environmental support, and which lost. . . . Some of your numbers here.

YATES: I think the numbers are. . . . I think it's on that,¹ almost towards the end.

VAN DE KAMP: It took a very big hit and it was very disappointing, down by 64 to 36. The mistake that was made by all of us—and I spoke to environmental groups afterwards about this—was that we just tried to do too much, and we made ourselves very vulnerable, because it raised a log of opposition from the business interests affected—a broad array of them—and it was simply too complicated.

There was another measure on the ballot that I think sort of showed what we should have done. That was Prop. 132,² which banned the use of gill nets in California's coastal waters.

YATES: That was the only one that passed.

VAN DE KAMP: It won, and it won 56 to 44, because it was simple and people could understand it. Here, our measure, I don't know how many pages you find in fine type in the sample ballot on Big Green. The ballot was overloaded that year anyway, and so at the end of the day you saw Big Green go down, pesticide regulation went down.³ When the forest harvesting went down,⁴ safe drinking water⁵ went down as well.

1. The *California Journal*, December 1990, review of propositions.

2. Proposition 132 (November 1990), marine resources.

3. Proposition 135 (November 1990), pesticide regulation.

4. Proposition 130 (November 1990), forest protection.

5. Proposition 141 (November 1990), safe drinking water.

Some of the things that would normally pass with good majorities went down. The voters. . . . We found sometime between the 1st of October and the 15th, voters decided to vote no on all the initiatives. There was just too much. There was overload. It was too complicated. And again, I was no longer in the race, because by that time Dianne had beaten me in the primary.

Let's go back to that. We were sailing along pretty well towards the first of the year, 1990, and she had picked up a couple of guys to work for her, [William] Bill Carrick particularly. Her fund-raisers had not gone very well, but apparently she had turned to her husband, [Richard C.] Dick Blum, who, I'm told, provided some \$3 million for her race.

And their utilization of that money, I think, was extraordinarily smart. Rather than waiting until April or May, when you usually run most of your television, they went on the air in middle to late January, with about a million dollars worth of air time, at a time when no candidates were on television, with an introductory spot about Dianne Feinstein, whose career was forged out of the assassination of Harvey Milk and George Moscone in San Francisco. It was a very effective introductory spot. She took one little shot at me on the death penalty in it. And all of a sudden, after this went on, women, who were hungering for strong women candidates, at least according to the polling, went towards her.

And so the numbers flipped. We had been up by fifteen points. We were now down by ten to fifteen points. And we were on the low end from there till the election. It was a problem of catch-up, to try to reduce her base, and we never quite did that. And rather than having a campaign where I was able to establish my own credentials, we had to do some comparative spots, some negative stuff; nothing that I'd call seriously negative, because I wouldn't let them do that, but by doing what we did I did not find a strong reason for my candidacy and give people a real reason to vote for me. Mind you, these initiatives would not be up for a vote until the fall, and we . . .

YATES: So the timing on that made it difficult.

VAN DE KAMP: The timing did not work, because that was aimed at Pete Wilson, and was not directed to my race versus Feinstein. So we were left to run. . . Well, we did all the forums. We had a couple of debates on television that were close. I don't believe that there were any clear winners in those debates. Dianne has always had an articulate, strong public presence.

The curious thing was that a lot of women, who were hungering for women in public positions, went to her towards the beginning. The polling at the end of the race showed that women, once they knew more about me and my record, which was better on women's issues than Dianne's, moved in my direction. I had people like Delaine Eastin and Barbara Boxer, and a lot of women who'd been active in

the state legislature, who were not enamored with Dianne's positions on feminist issues, were supporters of mine. And it appeared that there was some switch towards the end, as some of the women's votes came over to me.

YATES: But not enough.

VAN DE KAMP: Not enough. And again, she. . . . There was still. . . . This was a period of time when women were looking for breakthroughs, and Dianne had the credentials. She'd been the mayor of a big city. She was attractive. She could make a strong speech. She had the money to run a pretty strong campaign. I'm not sure that I ever saw the complete breakdown of men, women, how they voted in that race, except that a lot went to her at the beginning. We got some back at the end. She beat me pretty badly at the end of the day. I think it was eleven, twelve points, something like that.

And we made a little run at the end. Ralph Nader had done a press conference in Washington and said some unflattering things about her. We put those into a spot where he called her nothing more than a warmed-over Republican. I think she got a little frightened with that, and she ran a very negative spot against me in the last week of the campaign. In fact, it was one of the worst spots of that year, in terms of its negativity.

YATES: You had 41 percent. She had 52.26 percent in the primary.

VAN DE KAMP: Yes, yes. So she won eleven-plus points. Yes, it was one of those things where I had. . . . I was looking through some clips the other day. The State Democratic Convention was in Los Angeles that year. I had to get 60 percent to win the endorsement. We had worked the convention pretty well, and we were pretty convinced that we were going to win certainly a good majority.

I went into all the caucuses on Friday night. I had a slipped disc and could barely walk, but I thought, well, I've got to do everything possible to get to the 60 percent number. And so I went to caucus after caucus. You go to one group and you're talking to farmers. Another, you're talking to the Rainbow Coalition. And every time you've got to alter your spiel to the particular group, and try to make sense. I must have hit fifteen to twenty caucuses that night.

She went home sick early. She was not feeling well. Nor was I, but I felt we had to do it.

Well, the next day we get to the floor of the conference hall. She had her people there and I had my people there. She gave a speech which deliberately emphasized her support of the death penalty. It got boos, which she wanted, because it played very well in the statewide press.

I gave my speech, and when the vote was taken, we had about 60 plus 1 percent, something like that. And then Jerry Brown invalidated some of our votes, and at the end of the day—I think that maybe it was

on Sunday—it turned out that according to his official count, I got 59.7, which was not enough for the endorsement.

I will never forget—my back was out and I was laying flat in the back of the car going to Bakersfield for a fund-raiser—to hear on the radio that I had lost the convention. Here I'd won 59 points; she got 40 percent. And the story ran as if I'd been defeated.

Ultimately, the recount was done and the votes were given back to me with the endorsement, but that was about three weeks or a month later, so . . .

YATES: So the damage. . . . It was done.

VAN DE KAMP: The damage was done, and the fact that I did get the endorsement was never known, or didn't help me at all. I don't think that would have made that much difference. It was just one of those things. I could have strangled Jerry Brown. In fact, he's coming in to see me next week.

YATES: Oh, is he? [Are] you going to remind him about that?

VAN DE KAMP: About something else.

YATES: You know, I hate to interrupt you. It's about ten after four. We can stop and then wrap up next time, finish up the campaign. There are some more questions I want to ask, but I wanted to get your general take on things. How does that sound?

VAN DE KAMP: Fine.

[End Tape 13, Side A]

[Session 8, October 27, 2003]

[Begin Tape 14, Side A]

YATES: It seems last time we met, which was about two weeks ago, we got into the 1990 governor's race. You did spend a bit of time talking about Dianne Feinstein and what was going on in terms of how serious a candidate she was. You did talk about the initiatives, the props. 128, 129, and 130, at least generally. I'd like to come back to those.

What I'd like to do is just keep on going on the campaign, and I wanted to start with actually kind of a general question, which is, when you went into the campaign, what did you see, personally, as your strengths and weaknesses as a candidate?

VAN DE KAMP: I think my strengths were that I was a fairly well-regarded public official, based on the polling that we saw. The polling clearly indicated that, overall, people thought that. . . . Hold on a minute.

[Interruption]

YATES: Let's keep going. We're looking at the . . .

VAN DE KAMP: All right. I think my strengths going into the campaign were primarily coming out of my role as a DA of L.A. County—I'd received strong

votes there—and, I think, had done a pretty respectable job in the eyes of the public as attorney general.

My positives substantially outweighed my negatives in all the Field poll results. We thought that given that, and the fact that AGs had gone on to become governors and had statewide name identification, that we had a good shot. I was able to capitalize on the free media pretty well during the course of my term as attorney general. Overall, I was not regarded as a particularly partisan kind of a figure.

At the same time, we knew that running against Pete Wilson was going to be a difficult race, and we assumed at that time—we were going for November—that I had a good shot at winning the Democratic primary. And so in a sense, the campaign was built around November—that I would be able to get through a Democratic primary and challenge Wilson in the main, in November.

The weaknesses included the belief that I lacked charisma. You know, I was accused of being pretty boring on the stump. In retrospect, I've looked at some of the tapes, and I wasn't half bad in that sense and I got better in the course of the campaign. I got more spontaneous. I enjoyed campaigning. I wasn't a terrible campaigner, despite what people said.

What happens, of course, is you get typed early on by the press, as they did to me. I was regarded as a fairly smart, nerdy, wonkish

kind of a public figure, without the kind of dynamism, let's say, that Dianne Feinstein brought to the race, because she was a woman, wore red dresses, and also had, I think, a compelling, strong speaking style that was relatively effective.

So the weaknesses were partly perception and the fact that I had never been able to attract the, what I would call, a level of strong commitment. I had a lot of supporters who liked what I had done, but in terms of passion, I think that's one thing that we lacked. Maybe that had a lot to do with me personally, being a little on the introspective or introverted side.

Anyway, early on. . . . We've talked about the initiative measures. We plotted those out in 1989, because we wanted to put some things on the ballot that would be, in a sense, a new kind of campaigning, that is, to campaign in what we call real time. Richie Ross, who at that time was the campaign manager, believed that this could be a real breakthrough in terms of campaigning.

The idea was to put things on the ballot that were publicly very popular, get people to vote on things that could produce immediate change, rather than waiting for the legislature to do it, and at the same time to put things on the ballot that we did not think that Pete Wilson could support. Our feeling at the time was that Pete Wilson had presented himself as a good environmentalist, as a moderate, in the old California tradition, when in reality we felt that was a false perception,

and that with these initiatives we'd be able to smoke him out, because we didn't think he could support them. At the same time, we thought that they'd be eminently popular and supported by the general public.

The issues that we were covering are still good issues today, environmental issues—Big Green—crime issues, that's 129, and campaign finance reform, which even at this day, I think, has some resonance. I see Arnold Schwarzenegger talking about that today. The understanding is that lobbyists, in a sense, are running Sacramento today, and that something has to be done. We saw that mirrored in Washington not too long ago, when they passed their own finance reform measures—McCain-Feingold.¹

So we set about to draft these initiatives. We spent a number of long evenings down at Richie's office with a number of people sitting in, people like Phil Isenberg. Tom Hayden sat in some of the meetings, as did some of the people from Common Cause. Bob Stern gave us some input; he is one of the best-regarded California campaign finance reform lawyers.

YATES: When you went into developing these initiatives, in these three areas, how did you come up with those particular three? It was just those were three clear-cut areas you wanted to do something in?

1. Bipartisan Campaign Reform Act S. 25.

VAN DE KAMP: Well, I think that we looked at the public concerns of the moment, and these three fell right in the top three or four. We were trying to find ways to distinguish our race from that of Pete Wilson's, to give some reason for people to vote for us on this, so that's how this came down.

Now, I think serious mistakes were made. First, with respect to Big Green, we made it much too complicated. We should have stuck to a couple of issues, rather than as many as we did. I mean, here we had everything from bond issue for ancient redwood acquisition to water quality criteria. We tried to deal with global warming by reducing emissions, limiting gas extraction, and phasing out toxic pesticides.

YATES: I remember you saying that it turned out that that. . . . When we talked last time, that it ended up being, you think, too complicated, too much.

VAN DE KAMP: Yes, it did. The result was we build up a lot of opposition, and certainly confusion. When people don't fully understand it, they'll say no and move on to something else.

YATES: Talk about—since we're talking about the initiatives—Prop. 131, which I think we did talk about a little bit last time. I think you said that your campaign proposed that around July of '89, and then I think about a month later, Pete Schabarum came out with Prop. 140. I've read [articles] surmising that it was the public financing aspect of it, or the campaign financing aspect of it, which was its downfall. But what

was your take on why 140 was able to basically gain and then take over your proposition?

VAN DE KAMP: Well, because 140 was a term-limits measure, pure and simple. It was a simple measure that people could understand. Again, we tried to do too much. We combined term limits with campaign contribution and expenditure limits, and then public financing.

It was an overall total reform of campaign financing laws. Again, I think it was too complicated. [Proposition] 140, in its own way, was more dramatic, because the term limits were shorter than ours. It was simpler. It didn't get into public financing, which has always been a bugaboo for some people, although it seems to work pretty well in local governmental situations.

[Proposition] 140 set a two-term limit. Legislators were limited to. . . . In the case of state senators, it'd be two terms. That's eight years. And in the assembly, what, limited to three, so that would be six. And once termed out, a legislator was barred for life from returning to the same elected body.

YATES: On Prop. 131, I think they could come back.

VAN DE KAMP: Yes, well, they could come back after they were termed out.

YATES: I think it may actually say on that front page, down on the right-hand column.

VAN DE KAMP: I'm looking for it now. Under 131 we provided for three four-year terms for members of the Board of Equalization and the senate, so it's

twelve years in the senate, and six two-year terms in the assembly, so twelve-year terms for the assembly and the senate. So you had this distinction. Ours were longer; theirs were shorter. They have a lifetime ban that's tougher, and that's all they had. The public liked the idea of term limits. They liked the idea of—quote—“citizen government.” And I think they felt that 140 was the stronger measure, because it provided greater limits and it didn't have the other baggage in it. So, you know, we lost and they won.

YATES: The term-limits initiatives, of course, weren't favorites of the legislators. I know that there was some campaigning against term limits, I think both of those initiatives. What impact do you think that Prop. 131 and your support of that had in terms of any relationship with those active legislators? Or, I shouldn't say active legislators, but legislators of the Democratic Party, in terms of support for you?

VAN DE KAMP: Many of them were furious. Dave Roberti from the state senate was furious. I know Willie Brown certainly didn't like it one bit, and, I think, if I'm not mistaken, Bill Lockyer and others were violently opposed. I'm sure I lost support as a result of it. Not that their support was going to help me all that much, but it didn't. It didn't help. Willie would have gone to Feinstein anyway, because he's from San Francisco. I don't know that it caused a lot of shifting around in terms of my vote.

What they did, though, was to put on a joint campaign against both of these initiatives, that is, 140 and 131. The result, of course, was, as, you know, that they almost beat 140, and they certainly beat 131.

YATES: Yes, I guess it didn't do as well as everybody thought it might.

VAN DE KAMP: Now, let's check the numbers on that right now. Yes, 140 passed 52-48. That's the Schabarum measure. And we lost 62-38. So they came very close to defeating the Schabarum measure, and that's with a lot of money that they raised to try to defeat both measures. I always felt that if they had gone after Schabarum and had supported ours, that we would have better government in the long term. Many of them would have served much longer in Sacramento. But they figured they were going to take a double shot, and that's exactly what they did.

YATES: Yes, because it does seem like they—well, it's hindsight—misjudged that situation in a way, because what passed, of course, is a much stricter . . .

VAN DE KAMP: Well, I don't know whether they misjudged it or not. Clearly, the Schabarum measure was more popular. If they had supported my measure, I don't know what impact that would have had. It would have helped, there's no question about it. On the other hand, you'd have legislators supporting a measure that's in their interest, and the public might regard that as questionable. So, you know, it's all hindsight right now.

YATES: You can't win.

VAN DE KAMP: No. But I think it's fairly clear that the measure that did pass has not worked out very well, and that the campaign contribution limitations that were later passed haven't been very effective, particularly since they don't include expenditure limits. We may have suffered the last few years as a result of the Schabarum measure, because what was predicted was probably true, that lobbyists and staff have assumed a stronger role than they once had, because they're the only constants in Sacramento. For many legislators, it's going to take a couple of years just to find their way around, and by the time that they've done that, their time is up. Meanwhile, the staff they inherited or hired, the experienced lobbyists train them.

Tom McClintock told me one day—I may have mentioned this earlier—that he thought term limits was one of his worst mistakes. He told me he saw young legislators who'd just gotten elected looking for a new office to run for the very moment they arrived in Sacramento.

YATES: I hadn't thought of this before, too. There's the financial impact, the ripple effect as people run for other offices. A lot of times there's a ripple effect all the way down, in terms of campaigning and turnover at the local level.

VAN DE KAMP: Yes. I've always found the strength in Sacramento coming from the people who have been in city councils and boards of supervisors that had prior governmental experience. And the more of that the better.

Some of the best people that I've run across, like Phil Isenberg and Lloyd Connelly, and another—Bruce Bronzan—who'd come out of the Fresno area, all had substantial local governmental experience before they went to Sacramento.

A lot of the newcomers today have very little of that experience, or local experience that's cut short because they're running, and then they're gone. Or else they're running for another office.

YATES: And I didn't mean that the local experience wasn't good. I guess I was thinking. . . . Marian Bergeson, for example, when her term limits were up, she ran for the Board of Supervisors in Orange County, and what happened is then a lot of other people ended up running, and so then you get the same sort of shorter term effect, and money expended on campaigns, and that kind of thing.

But back to this whole idea that people aren't in office very long at the legislative level. What impact do you think that has on this whole budget process problem?

VAN DE KAMP: I don't know if I understand the question. What do I think the term limits has on the budget?

YATES: If people are in office a shorter amount of time, do you think this has a direct relationship to the difficulties we've had with getting a budget passed?

VAN DE KAMP: I think so, because you need people who've been around, who know how to get budgets done, and who have relationships that have

developed over the years with people of the other party, for example, with people who are used to working together. The “here today, gone tomorrow” syndrome is the problem with the term limits. And so it hasn’t helped, certainly.

Now, we did have, with the Prop. 13 babies who came in— following its passage—a Republican group that was very antagonistic towards the power center in Sacramento, and was for a long time. Today you have party discipline inside the Republican Party, at least this past term that I don’t remember for some time. Now, they’ve had those in the past from both parties who have crossed over and deviated from the regular party line; that’s the way things get done or have gotten done. But when you have straight partisanship all the way through, it makes it very difficult, particularly if you have a budget that needs a two-thirds majority.

YATES: Well, I did see, and you, I’m sure, saw or knew about this initiative that will probably be on the March ballot to change the two-thirds to, I think it’s 55 percent.

VAN DE KAMP: Correct.

YATES: And, of course, that means that they can pass a budget without any Republican votes. I know we touched on the problem of the two-thirds requirement. What do you think about having it reduced to 55 percent?

VAN DE KAMP: Well, what's good for the goose is good for the gander. I tend to think that Schwarzenegger may have a better chance of getting his budget through if he only needs 55 percent. So in a way it makes it more likely that business will get done up there, rather than having a small group holding up a budget.

On the other hand, you want to make sure that things are done seriously, and that the majority party just doesn't ram through something very easily. So some kind of supermajority is probably called for, but 66 percent is too high.

YATES: OK. Let me ask you, too, about the strategy of the initiatives, having these three initiatives, and the idea of real-time campaigning. How do I ask this? I'm thinking about your fund-raising and the finances that I assume have to go into something like three propositions.

VAN DE KAMP: Right. Well, this is what we ended up doing. I assigned Barbara Johnson to go out and raise money for the signature effort that was going to be needed. I mean, here you. . . . I forget the total amount that was needed, but to get the three on the ballot we needed somewhere around \$3 million. That's just something I remember. I think that's accurate.

And so we sought out contributions or loans from private individuals to get it on the ballot. We set up committees independent of my campaign. With respect to Big Green, we were able to work with other groups that were quite interested in Big Green that had a

hand in developing it, funding it, and putting it on the ballot. So we were able to get financial support for that one from other quarters. Tom Hayden, for example, had been supportive. Fund-raising concerts were held at the Hollywood Bowl. We put some money in 128, but the others were pretty much our orphans, and so we had to fund those without support from other groups.

Ultimately, there's no question about it, we siphoned some money away from our own campaign to do that. At the end of the day, when the election was over in June and I had lost, I was suddenly told that we owed a couple of hundred thousand dollars on these initiatives for the signature gathering that was required, and to pay off those who put it together.

We had two kinds of signature gatherers. One group worked within our campaign, and was intended to develop some grassroots support around the state. Mr. [Larry] Tramutola from up in the Bay Area, an organizer who had worked with the farm workers, was hired by us to develop a support group to collect signatures, and to develop grassroots support for my campaign, so it had a double value.

At the same time, we knew that we were not going to be successful in qualifying the initiatives unless we were able to hire paid circulators out there as well. Of course, when you do that you're paying, what, a dollar a signature. We went to the Kelly-Kimble organization to do that. They did an effective job, and in the late

spring were able to turn in our signatures for all the measures, and they all were able to qualify.

However, come late June, I found out there were bills to pay—something that I was not told until after that election. I had to spend the next four or five months raising the money to pay off that deficit. The deficit that we had came primarily from the bills we owed for the circulation of these initiatives. I'm happy to say that everyone was paid off a hundred cents on the dollar.

In fact, at the end of the day, a year or two later, as a result of some litigation filed against television stations for overcharging not only my campaign but a number of other candidates, we actually had a small surplus that I was able to distribute to the Democratic Party and to other good political and charitable causes. And so we paid off our debts, and actually ended up with about twenty to thirty thousand in the bank, which got distributed at the end of the day.

YATES: Had they been overcharging for a period of time?

VAN DE KAMP: They overcharged nearly everybody. This was . . .

YATES: During that campaign, or that period?

VAN DE KAMP: In that year. Yes, for the time. They're supposed to charge, as I remember—this is way in the distant past now—the lowest possible rate that they charge for the time that was available. The stations didn't do that. And it turns out that our campaign people who were placing this apparently did not pick up on it, but somebody else did.

So a number of us joined together and an Atlanta law firm brought the lawsuits on behalf of a number of campaigns. So we had settlements from a number of stations.

YATES: Let me back up a second to earlier as you've decided that you're going to run for governor. You've mentioned Richie Ross, for example. I think last time you also mentioned the media consultants, Doak—is that how you pronounce it?—and Shrum.

VAN DE KAMP: Bob Shrum and David Doak. They were a Washington [D.C.] firm that we all knew.

YATES: Yes. I was wondering how you went about assembling your team. How did you identify these people?

VAN DE KAMP: Well, Richie was well known in Sacramento for having run a lot of local campaigns around the state, and quite successfully. He's known as a hard-edged kind of a campaign manager. I want to be fair to Richie. Richie is a very well-motivated person in lots of ways. He wants to do the right thing. On the other hand, he got into a number of campaigns where he had to use pretty hard-edged tactics. He knew the state, and certainly knew Democratic assemblymen and groups around the state. This would be his first statewide campaign, and we thought that he would do well with it.

In the meantime, Barbara Johnson was here in Los Angeles, played a leading role, and a lot of people from my staff bailed out of the office, the Attorney General's Office, to work in the campaign,

people like Fred Register and Duane Petersen, who took the lead in the speechwriting and press areas.

We knew Bob Shrum from elsewhere. He'd been a speechwriter for [Edward M.] Teddy Kennedy—a real words craftsman—and had done many campaigns around the country, national campaigns. He and Doak were of a like mind in terms of their attitude about this race, and wanted to do it. So we decided to bring them in. They came in at a fee, basically a percentage of the media that's used. They were to do, in a sense, the nuts and bolts of the media, that is, to do the spots and do the placement. That was not Richie's responsibility.

The one thing I've never quite known, because I think it was hidden from me, is that there apparently was a lot of antagonism between what I call the four of them. My surmise is that Richie, particularly, resented that he didn't have control over the media, and there was some friction. With respect to what was done, of course, the history of the campaign dictated what had to be done. Dianne came out in January all of a sudden with her spots; the numbers are reversed. So we never had a chance to sort of build a traditional television campaign, to identify first who I was and what I was about.

The media people had prepared some negative spots, most of which I rejected because I didn't think that they were appropriate. Ultimately, when we got to running our spots, what, in April-May, I don't think they were particularly effective. They were a little bit too

cookie-cutterish. When I saw other spots that Shrum and Doak had done in Ohio and elsewhere around the country—they had a number of candidates that they were working for that year—somehow ours were not any better or any worse than some of the others they did. None of them were particularly striking. Certainly none of them had the impact of Dianne’s spot in January.

YATES: Tell me, typically, do candidates running for an office like governor really start doing the media push in January? I think you said with Dianne Feinstein, this was earlier than normal. Is that right?

VAN DE KAMP: Very early. Usually, you have so much money and you try to save it for the last month when people are focused on the campaign; they’re not focused in January. So it’s very rare to have that happen. And that’s why it was particularly effective, because it was unusual—people paid attention—there were no other political ads being run at the time and it helped develop something of a steamroller effect for her. It was very smart.

YATES: But it sounds like by pushing the initiatives, the three initiatives, which was different than had been done previously, if I understand you correctly, that was sort of. . . . Was the idea to get your name out that way, sort of gradually, prior to that last . . .

VAN DE KAMP: It was. We would do press conferences with environmental groups when we went out for circulation with Big Green, and then later with the others. Yes, that was an attempt to get some free media as we

went along, and to being to define the issues that we hoped to use against Wilson.

There were questions as to whether or not Feinstein could support any of the initiatives. She had a very hard time with Big Green. We were hoping that she would not support it, because it would give us an edge there. She had never been that strong on environmental issues herself, and she waffled on that for a long time, and eventually, reluctantly, quietly, in the back of a closet, announced that she was supporting it. That was smart at the time, because it left her some running room later on. I don't think that hurt her when she ran against Pete Wilson. I'm not sure whether or not she campaigned or used it when she ran against Pete Wilson.

YATES: Again in hindsight, what do you think you could have done differently, if you could have done anything, to deal with the situation of Dianne Feinstein really coming out as a strong candidate in the early part of the year in 1990?

VAN DE KAMP: Well, it's all hindsight.

YATES: Sure.

VAN DE KAMP: I'm not sure that too much more could have been done.

YATES: OK.

VAN DE KAMP: In retrospect we need to get out earlier with a positive message: we needed people to get to know me better; certainly for women to know that I had a better record on feminist issues than she did. Barbara

Boxer and others knew that at the time, but I'm not sure the general public knew that.

We waited until April-May, really late April-May, to get our television out there. And if I were to do it all over again, I'd want to run some things earlier to counter some of what she was doing, to build up my candidacy. We never effectively built up my candidacy after January. We had done so with the free media early on. We had a fairly soft positive response. Then she turned that around and we never reversed the tide.

At the end of the day, the last week of the campaign, we used a spot with Ralph Nader. Ralph had given a speech in Washington—we had somehow gotten the film of it—in which he had called Dianne a disguised Republican, or something along those lines. And so we took the clip and we used it in the last week. It was a strange spot, because at that time Ralph had a palsy condition, where part of his face was paralyzed, the poor guy.

YATES: Oh really. I didn't realize that.

VAN DE KAMP: I remember that part of his face was in the shadows when they ran this spot. This was run the last week, and we thought that it might help. Now, it was not mean. It was a characterization—an expressed opinion. But she was nervous enough at the time to run what were the worst spots of the year, in terms of negativity, showing body bags being dragged out of the bush, and accusing me of dumping the

Hillside Strangler case. So she was nervous at the end, and went very negative at the end.

At one point there was a thought that I might be within single digits of her in the last week—what was it, an eleven or twelve point differential at the very end. So those spots that she ran were fairly effective, spots I never wanted my daughter to see. I know they'd come on; I'd click off the television set when I was home. It was not one of the great moments in California campaign history.

YATES: How do you deal with that kind of negative campaigning?

VAN DE KAMP: Well, you would attack it for what it was. Now, let me tell you, though, a story on myself. It was in the last month of the campaign. I had said that Dianne was acting hysterically—I used that term—I thought the term accurately described some of the stuff that she was doing at the time. I didn't think too much of it at the time. But I have to tell you I thought a lot of it about a day later, when women's groups accused me of using a sexist term. Well I looked up the derivation of the word, and I thought, "Oh, dear. I'm in trouble." Just to show you how you have to be extraordinarily careful on the campaign trail.

Towards the end of the campaign we tried to emphasize feminist support of my campaign. Norma McCorvey, who was the Roe of *Roe versus Wade*, joined me for a press conference one day, supporting my candidacy, right down the street here in Los Angeles. That was

helpful. But it was also around this time that I'd used the word *hysterical*, unfortunately. That didn't help

Well, how do you deal with it? You know, you move on, and when you're faced with negative campaigning like that, you try to expose it for what it is, and respond to it with the facts. The Hillside Strangler case was always tough to explain, because we made, in that case, a principle decision not to go forward—it turned out to be the wrong decision, ultimately—and hindsight's always the best test. We sent the case over to the Attorney General's Office, because our people felt that in good conscience they couldn't go forward with the case, that is, the homicide case, and the Attorney General's Office took a fresh look at it, and convicted the defendant but failed to obtain the death penalty verdict. That told me the jury had a little problem with the case. If they hadn't, I think that they would have given him the death penalty.

But my problem was explaining to people that my lawyers had come to me and said, "We don't think we have enough. The major witness has gone south, and we would rather dismiss now so we can prosecute later. In the meantime, we can prosecute him again with some other offenses and convict him of those."

Well, to get the public to understand that was very difficult. So it was a . . . Look. You make decisions in public life. That one turned out, in retrospect, to be wrong, certainly by a hindsight test. That, to

me, was fair campaign criticism. It was the way she did it that went beyond the pale—to accuse me of being impervious to victims and so forth was mean and irresponsible.

YATES: And I know that the Hillside Strangler case, of course, came up in several of your campaigns, and it was amazing how, over time, it's still . . .

VAN DE KAMP: Well, the reason that it didn't get legs until '90, is that the first time around, when I ran for office in 1982, the case was not finally disposed of.

YATES: Oh, that's right. We talked about the timing.

VAN DE KAMP: Yes, I forget exactly where it was at that time, whether it was in trial or whether it was on appeal, or whatever. It still had not been finally resolved. But it certainly was by 1990, and everyone knew the result of the case.

YATES: Let me ask you, too, about the role of pollsters. I mean, I can guess what that is. But I know you had a pollster, somebody. . . . I take it that Paul Maslin . . .

VAN DE KAMP: Correct.

YATES: He was the person. And this is typical. Now I take it a campaign would have somebody who's a pollster. How do you utilize that or what role do they play exactly, throughout the campaign?

VAN DE KAMP: Well, usually you run a benchmark poll, probably, in this case, almost a year, nine months before you're to run, to find out your strengths and

weaknesses—how people perceive you—and also to see where people come out on the issues of the day, so that you are addressing the issues that concern them the most. And so you use it as a barometer.

In my first campaign, for DA, we went to a firm that later handled the Reagan White House polling—DMI—which did a very good job for us. In the gubernatorial race we used Paul Maslin. And in his polling—I don't know whether it was separate from my personal polling or not—we went into the initiatives to see whether the concepts of the initiatives had popular appeal. Almost anybody who's running an initiative these days looks at the issues and runs polling to determine the initiatives viability.

You learn that if you don't get close to 70 percent approval, you may be in bad shape. And you know that when you get into a campaign. . . . You try, by the way, when you do this polling, to try to get a sense of where people are, after running both the positive and the negative arguments. So we did quite a bit of that, and we came away convinced that all three of these measures had the potential of being passed.

Again, our problem was we loaded them up with too much, and we had too many initiatives on the ballot in November. We were confronted with the Schabarum term-limits measure that was simpler and more understandable than ours which included campaign contributions and expenditure limits—public financing. At the end,

Big Green had some financial support, so there was a real campaign for it. But the others did not. The others were orphans, in a sense, on the ballot. We had virtually no money to fund their fall campaigns.

YATES: Hold on one second.

[End Tape 14, Side A]

[Begin Tape 14, Side B]

YATES: OK. I had to turn the tape over.

So you were saying about how you came. . . . At the time the polls showed, indicated that there was support for those three measures.

VAN DE KAMP: Yes, certainly for the concepts. And, you know, we looked at that, and that's one of the reasons we decided that we could go with them. It was a gamble. No one ever had campaigned like this before. Most of the experts will say we were wrong, and we can't quarrel with them today. It was an interesting way of proceeding.

Now, Arnold Schwarzenegger is talking about—we'll call it a modification of what we tried to do. We tried to run and let people vote for things that would take effect as soon as they passed in November, assuming that I would get elected at the same time. So that's the real-time aspect of it. We were not waiting for the legislature, which had previously not addressed these issues.

In Schwarzenegger's case, I expect what he is going to do is go in there, take a running stab at the legislature in November, and then put

a whole series of measures on the first ballot that he can, to bypass the legislature. And how he'll do with that, I don't know. It depends on the amount of money that he raises, how partisan it becomes. I know the illegal immigrant driver's license measure is one that they're very hot about. He has strong feelings about that. I'm not sure the legislature's going to agree with him, although there's some talk that some of the Democrats realize that they will lose at the ballot box if it gets that far and might support him before it gets to that point. But we'll see.

YATES: Well, I'm a little bit unclear, too, about how Wilson was using the initiative at the time of the '90 campaign, because didn't he also come out with a crime initiative, and you countered with one that had a different element, the privacy issue, or rights?

VAN DE KAMP: Yes. Wilson had worked with the DAs on this measure. I forget the number of it.

YATES: Yes, I don't have the number down.

VAN DE KAMP: I may have it here. Give me one second. Turn off your thing for a minute.

[Interruption]

What happened was that the DAs—and Wilson supported this—put a measure on the June ballot that was intended to produce some real changes in the criminal justice system. We looked at that, and there were some things that we felt we could support. We knew the June

initiative was going to pass, so we copied it and made one major exception. We were concerned that the way they drafted it eliminated some privacy rights under the California Constitution, which could derogate some of the rights that women had, particularly with respect to abortion and abortion funding. So our measure protected those rights and provided for funding for drug treatment and prevention, as well as money that would go for confinement through the bond issue, primarily for some boot camp like prisons that would be built in outlying areas, primarily, for youthful offenders.

YATES: So he did use that as part of his campaign, having at least one initiative be part of his . . .

VAN DE KAMP: He supported Proposition 115.¹ Our measure provided that changes enacted by 115 regarding criminal rights shall not be construed to abridge the rights to privacy as it affects reproductive choice. Anyway, so, yes, the answer is he had been supportive of that measure, which was a popular measure, 115, and very popular with the DAs of the state.

YATES: When it came down to shortly before the primary, how did you. . . . Well, obviously, then you knew the numbers were shifting, and you just commented a little while ago that you had gotten a little bit closer

1. Proposition 115 (June 1990), criminal law.

to catching up with Feinstein. Is that how you would describe it? She was ahead and you had dropped off.

VAN DE KAMP: Yes. It's hard to know how close we were. I don't remember exactly. But we thought we might be in single-digit territory. We'd done some polling in San Diego the last week that looked promising. The Nader spot went on the air, and I think it helped a bit. I don't think that I ever felt that I was that close or ahead, or even or ahead. I went into the election night believing that I probably had lost by ten to fifteen points, and that's the way it turned out.

YATES: Yes. Well, at that juncture, once the primary happened, and as you mentioned, there was the financial aspect of the initiatives, you continued to support and campaign for the initiatives—is that right—up until November?

VAN DE KAMP: Well, insofar as we could, but we had very little money to do that. So as I say, the two measures outside of Big Green were somewhat orphaned, 129 and 131. [Proposition] 131 had the support of Common Cause and others, you know. I mean who signed the ballot measure? Ralph Nader. John Phillips, who was chair of California Common Cause. The rebuttal, signed by Bruce Lee, Wendell Phillips of COPS, and Dan Stanford, a Republican, who was the former chair of the FPPC [Fair Political Practices Commission].

We also had support from Tom McHenry, the mayor of San Jose, Joan Claybrook, and David [R.] Brower. Brower, of course, was

founder of Friends of the Earth, Claybrook, was the president of Public Citizen. But again, complexity lost to the simplicity of the term-limits measure.

YATES: What were your observations of the campaign between June and November, the race between Wilson and Feinstein?

VAN DE KAMP: Well, I thought it would be close, and it was. I mean, on election day if I remember correctly, the votes cast were almost evenly divided. Wilson won essentially on the basis of absentee ballots, where Republicans are always strong and out-organize Democrats.

So I don't have many memories, frankly, of that time. I was out busy trying to pay off my debts. By the way, on election night when I conceded, right around eleven o'clock, I said something to the effect, I said, "I feel like the mechanic who while working underneath a car broke his leg when the car came off its moorings. My leg certainly hurts, but it's certainly a beautiful car." Something along those lines. It was my political farewell speech in which I urged Democrats to support Feinstein. I then went out and tried to get the labor people that had been working closely with me to support her.

I had the support of organized labor in the course of the campaign. I had the support of the Democratic Party. I don't know if we touched on that before.

YATES: You did talk about the convention.

VAN DE KAMP: In fact, I had Jerry Brown in here the other day, who was visiting, and I twitted him a bit on the fact that he had withheld that endorsement for too long. And he didn't remember. Oh, the party was very weak then.

But anyway, at the end of the day, I thought it was important that Dianne get elected, and went out of my way to help her. And she helped me raise some money to pay off some of our debts, which I am appreciative of.

I went over and visited with her in her Century City condo that summer. We went through some of the issues that I felt were important. She'd gotten very much interested in water issues—water is a hypnotic issue in California because it's both interesting and it's very important. But it's also one of those issues that unless you have a terrible drought and don't have any water, people don't pay much attention to it.

I had learned that the hard way in the course of my campaign. I gave a big water speech at the Sutter Club, with ten points on what we should do with state water laws, to more equitably apportion and to conserve water. It was a pretty good speech. A lot of time went into it. Many of its points were picked up by Pete Wilson and others in subsequent years. But that speech and the Van de Kamp water policy got about one inch in the *Sacramento Bee*. The press just wasn't very interested in the issue. We were not in the face of a drought.

Anyway, I explained this to her. She had been studying water and gotten very much involved in it. I said, you know, "I think there may be some other things that are going to be more important to you, so you'd better bone up on those."

YATES: I was wondering why that was something she had gotten interested in.

VAN DE KAMP: I think intellectual curiosity. She may have talked to Pat Brown. I remember Pat Brown and I talked one time about what he had done before he ran for governor. He told me he had, as attorney general, got steeped in water law.

YATES: Right. Yes.

VAN DE KAMP: And, of course, when he became governor, that helped him, because he developed the State Water Project, for which he deserves a lot of credit. So perhaps he had talked to Dianne about it, too. But in any event, I tried to help her as best I could. We did not leave on negative terms.

YATES: Were you able to persuade her to focus on other things besides water?

VAN DE KAMP: I don't know. I didn't hear too much about water in the campaign, so she did get involved with other issues. I was able to deal with her directly. My wife has always had a problem with Dianne. She's never forgiven her. You know, those who are close to you, they. . . . In politics I learned to avoid getting too personally involved disliking the other candidate. I watched myself in that regard and tried to prevent

that from happening. But it's very hard for others who are close to you, who think that you're being tubed or jobbed.

We'd have a fund-raiser and Dianne might be there. My wife would stay as far away from her as possible. Across the swimming pool in one instance I remember. [Laughter]

YATES: I can see why that might happen. It must be hard when you're the spouse.

VAN DE KAMP: Oh, I think it's very hard. And my wife, by the way, was a terrific campaigner. She is much more ebullient than I am.

YATES: Tell me a little bit about what activities she was involved in.

VAN DE KAMP: Well, the last couple of weeks of the campaign, she went out and appearances independent of me. One instance I'll never forget. I had been in Palm Springs for a labor meeting, and was flying into Los Angeles. This is. . . . I'm trying to remember the date. Was it 1990? Well, it was the great earthquake, the day of the great earthquake.

YATES: That was October '89. Does that sound right?

VAN DE KAMP: Was it October of '89? I think it was.

YATES: Yes, the Loma Prieta [earthquake].

VAN DE KAMP: It was the Loma Prieta quake, because I was going to Malibu to John Davis's for a little fund-raiser, and she was up north, going to Contra Costa to an event. And anyway, I heard of the earthquake—which happened at World Series time, wasn't it, because it happened at Candlestick Park and everybody got out of the ballpark. Anyway, I

landed and the earthquake hit, and no one knows where Andrea was for hours and hours. We heard from her about eleven-thirty that night. She had landed at Oakland. She had driven underneath the Cypress freeway about twenty-five or thirty minutes ahead of the earthquake. During the earthquake it pancaked and killed many people.

YATES: That's right.

VAN DE KAMP: Anyway, so she was out there then in October, but during the last couple of weeks of the campaign she campaigned in northern California and had some wonderful experiences driving around and talking to groups of people. And she's great with people. That's why she's done such a great job down here at [Walt] Disney [Concert] Hall. She's a much better candidate, in that sense, than I am. And people have urged her to run for office. I don't think she is. I don't think she'd like the life that much, frankly.

One of the curious things about this is that if I had gotten elected, she was going to keep working here in Los Angeles, so we'd have—not a bicoastal marriage—but a 400 mile separation that we would have had to make accommodations for.

YATES: Your daughter wasn't very old at the time, either, was she?

VAN DE KAMP: No, Diana was then about. . . . She was born in '79, so she was eleven when this all happened.

YATES: I would imagine it must be very difficult on families to, one, be in the situation of one of the parents being in public office, but also the campaigning and everything else must be difficult.

VAN DE KAMP: Well, for my daughter, she went to Mayfield Junior School in Pasadena—most of the parents were right-wing Republicans. So she got some gas about me from some of her classmates. But she was a loyal defender looking back. She's turned into a very nice young woman.

We were both away a lot during the period that I was attorney general, with Andrea working. Let's see. Early on she was at Carter Hawley Hale, and then went to work for Sotheby's in '89. So, you know . . .

YATES: A lot of travel.

VAN DE KAMP: We depended a lot on housekeepers. That took its toll. My daughter couldn't tell, into the middle teens, which direction she was going to go. Fortunately, she absolutely ended up in the right direction. You know, she's doing terrific.

YATES: Well, again, it seems like the family situation is always very difficult for people who are in public office—and how they cope with it.

VAN DE KAMP: For anybody who has some notoriety—actors and their children, or public figures and their children—there are high standards and accomplishments that children have to live up to in some ways, or live

down, as the case may be, whatever it is. So there are different kinds of pressures than those found in a normal family situation.

YATES: Well, in that last. . . . I mean, when you lost the primary—and you mentioned about the initiatives and the financial end of that and the rest of the campaign up until November—and you know you're leaving office, what is it, officially at the end of December of that year?

VAN DE KAMP: Well, I think it's the first, is it Monday or Tuesday in January when the new people come in.

YATES: January of '91.

VAN DE KAMP: Right.

YATES: And so, where did you focus your attention, in terms of the AG's Office?

VAN DE KAMP: Well, I just kept at my work right up to the end. I did the things that I thought I should be doing. I didn't go on any long vacations or anything like that. In fact, in December I was going around the state, doing the traditional Christmastime drunk-driving press conferences.

In fact, in Beverly Hills here, I remember we held a press conference at the local police department and I said, "Here's what happens to drunk drivers. I'm about to be arrested for drunk driving and here's where they're going to take me." So they filmed me getting booked and going into a jail cell, to try to dramatize what happens to

people who get picked up for drunk driving. So I tried to play out my role to the end.

Some of the people in the office started to look for other things, but I decided early on that I was not going to go out and put myself on the market until after I left office, because I did not want to have anything that the office did to get tainted because of a job discussion that I might have.

YATES: So you really focused on being in the Attorney General's Office right up until you left?

VAN DE KAMP: Yes, till the very end.

YATES: Now, how much did you work with the incoming attorney general [during] that transition period?

VAN DE KAMP: Very little. As I remember correctly, the race between Lungren and Arlo Smith was very close.

YATES: I forgot to check the numbers.

VAN DE KAMP: I knew Arlo, who was the DA of San Francisco. We had known each other for a long time. I didn't know Lungren very well. Lungren came in to see me one time because the election still had not been resolved. I think it took three or four weeks, if I remember correctly.

YATES: Because the race was that close.

VAN DE KAMP: Because of absentee ballots and for the final certification of the election.

YATES: Yes, I'd forgotten about that.

VAN DE KAMP: He came in thinking that I was somehow going to interject myself in the count, or do something that would destroy his chances. And I said, “Look, what’s fair is fair.” So we had a pleasant enough meeting, and then later when he was elected, if I remember correctly—it’s a little dim—I think I sat down with him and talked to him a bit about the office, as Deukmejian had done for me.

YATES: Well, that’s why I was curious, because I remember you talking about meeting with him, with Deukmejian.

VAN DE KAMP: Yes. I see Lockyer periodically. Now, we are much more compatible in terms of our beliefs about what the office should do than I was with Lungren. I always liked Dan on a personal basis. As an attorney general, I did not think he had much breadth or scope. He had a legislator outlook and seemed to be more interested in politics than the work of the office.

YATES: You just mentioned how you weren’t going to pursue anything, or pursue another position, or however you want to put it, until after you’d finished office, so there wouldn’t be any focus on that, versus doing the things you needed to do in the Attorney General’s Office. But you must have had in the back of your mind what you thought you might like to do, or some thoughts about that.

VAN DE KAMP: Well, there were. . . . Ultimately, in January I came out, I started to look around and considered a number of options. First was running a foundation, a charitable foundation. Something that was fairly

consistent with my public service orientation. I looked around and did not find anything there that appealed to me.

I was asked to go and teach at the [John F.] Kennedy School [of Government] for a semester. I thought that would have been a lot of fun. I did not do that, simply because I felt I had to earn some money, having been living for thirty years on the public payroll, and at least staying even financially. I felt at that time I could not afford to live without any income for six months, and so I declined that.

I then started to think about law firms. Initially I was not inclined towards out-of-state law firms, because I thought you might get lost here in California. And finally after talking to a few people a headhunter emerged—Michael Waldorf—and said, “Could I help you?”

And I said, “Yeah, because it might be useful to talk to some of the law firms that you have contacts with, because you’ll know and they’ll know whether or not they might be interested in what I have to offer.” And one of the first firms he mentioned was Dewey Ballantine. It turns out that Alan Wayte, who is here, was an old friend of mine from law school. I should have thought of him long before.

I came over here and interviewed with Alan and with some of the people on the staff. I ultimately went to New York and talked to people there, and thought it would be a good fit. All in all it’s worked

out pretty well. Certainly I have no complaints about how they treated me financially.

The only negative has been that the. . . . And I think this may be true with a lot of “national”—in quotes—law firms, and that is that rather than sending business back and forth, as I had expected, nearly all the business that you do is the business that you generate here. There’s not a lot of cross effort, because people are very jealous about holding onto the cases that they’ve developed. It’s true here, and I’m sure it’s true with other law firms.

The good news for Dewey Ballantine is that they have remained strong and gotten stronger in California. We’ve had a couple of management changes over the years. We’re now in these new offices on Grand [Avenue]. We moved here a couple of years ago. And the office has gotten larger and more effective from a profit and loss standpoint. I’ve been Of Counsel since 1996. In ’96 I was approached to run a trade association of thoroughbred horse owners.

YATES: That’s what I was going to ask you about [next].

VAN DE KAMP: It just seemed to me at that point, if I could combine these two things together in some way, economically it would make some sense. I was not going to get terribly rich, but it’d be fun. And so for the last eight years, that’s essentially what I’ve done. I’ve divided my time, and I’m now, basically because of my age, going into what they term a slide. I

still remain Of Counsel here for the time being, but in a sort of different category here.

I expect to leave the Thoroughbred Owners [of California] at the end of June, because I expect to run, at least at this point, for the presidency of the State Bar of California. And if I get elected, if I earn it, I will be pretty much tied up in a pro bono job for about a year. So that's what's happened to me the last thirteen years.

YATES: When you left office, and any time since then, have you thought of running for public office again?

VAN DE KAMP: A couple of times. I was approached to run for governor in the recall situation and I said no, I didn't think that made sense. I was right on that one. I've been asked periodically whether I'd run. I don't think so. I still feel young, although chronologically I'm getting older.

YATES: Funny how it works.

VAN DE KAMP: Well, yes. I used to think that a person my age was really and I don't feel that way anymore.

YATES: No, it's not, it's not at all.

VAN DE KAMP: But it's funny about that, the aging process. I look at some of my classmates from college, and they look ten years older than I do. Many are retired and live a quite, well, different kind of a life than I would live. I work most of the time. I work seven days a week. I'm basically on the job seven days a week. Now, I may not work full days some days. On Sunday I go to church and then go out to the

racetrack and work there; may work a short day. But I'm busy. And I'm on the family restaurant board of Lawry's Restaurants.

YATES: And you just left the United Airlines board, is that right?

VAN DE KAMP: I just left the United Airlines board after nine years. But I'm still on the board of the L.A. Conservation Corps where I served as president of for five years. I'm the president of the California Historical Society right now, in my second year doing that. I'm on the board of the Planning and Conservation League. I'm on the board of the Skid Row Development Corporation, which is a smallish agency here that has single-occupancy hotels down in the Skid Row area, and runs the Transition House, which is for homeless people coming in off the street, trying to move on and move out. I've been on that board for a number of years.

You put all that together with my racetrack work, the Thoroughbred Owners job, which includes membership on the board of the National Thoroughbred Racing Association, which was one of the cosponsors, if you will, of the Breeders Cup race that we just had on Saturday here at Oak Tree [Racing Association]. And a lot of activity in conjunction with horseracing. So life is full.

YATES: Tell me again. . . . I know you just mentioned how you, it was '96, you went with the Thoroughbred Owners of California. Is that right?

VAN DE KAMP: Right.

YATES: And you joined them as head of the organization?

VAN DE KAMP: As the president and general counsel. And I still have that.

YATES: OK. Is part of the work involved in that lobbying on behalf of Thoroughbred Owners?

VAN DE KAMP: Yes.

YATES: Is that how you would describe it?

VAN DE KAMP: Well, we represent owners of horses and prepare contracts for every racetrack meeting. We put on horse courses for new owners. We try to attract people to the industry. We work on bills in Sacramento. I'm not a lobbyist per se. We have a lobbyist, but clearly, we work with the lobbyist on legislation, and have been fairly successful over the last eight years in getting tax relief and measures which have opened up the marketplace for horse racing. I'll be leaving that job at the end of June of this coming year.

YATES: Right. Because you were just explaining about other . . .

VAN DE KAMP: Yes. Well, whatever happens, I think that'll be about it.

YATES: I wanted to ask you about two other things I noticed among the items that were listed of your activities. I saw it said that you had chaired the interview panel for selection of the Los Angeles police chief in '92, March of '92.

VAN DE KAMP: That's correct. Daryl Gates was leaving. I was asked to chair this intermediate panel, which was to screen out all but three names of the candidates. The three would then go to the police commission for a final decision.

YATES: I see. OK.

VAN DE KAMP: The group that we forwarded consisted of Willie [L.] Williams, Bernard [C.] Parks, and I think it was Mark Kroeker. The [Los Angeles] Police Commission decided to choose Willie Williams from Philadelphia.

YATES: Right. That must have been. . . . Well, I don't know how difficult being in that position of being on that panel was or not, considering the circumstances of the time, or the context of the times.

VAN DE KAMP: Well, the difficulty for us was that we had no background information on any of the candidates. We simply had hour-long interviews with about twelve to fifteen candidates that had scored the highest from the panel that had sent them up to us.

YATES: And why did you not have any background information?

VAN DE KAMP: That was left to the Police Commission. It was a strange way of doing it, but that's the way they did it at the time. The process was conducted under the civil service rules in existence at the time. The only way Willie Williams could even be considered was that he had to, I think, score better than anyone else. The LAPD candidates got extra points for being LAPD. Those were part of the civil service rules.

YATES: So whatever in his background, his credentials, had to exceed . . .

VAN DE KAMP: His success in this interview. I mean, you basically hear of his credentials in the interview. We had no background information, really, on any of these people.

And then Willie came in. Willie gave a very good interview, an excellent interview. I mean, very crisp and sharp, as did Bernard Parks. And so it was left to us to ask questions after they'd make their presentation. Ask questions and then, eventually, when it was all finished, we scored them. There were eight to ten people in this group. You know, we did our scoring and passed it on up.

YATES: And how did you become chair of that panel?

VAN DE KAMP: I forget who appointed me. It was a decision made by the civil service people and the city.

YATES: I see. OK. You chaired the commission to present the budget options to the L.A. Unified School District, in '92 also.

VAN DE KAMP: Yes. That was a very interesting job—a much more substantive job in a way.

Turn off your microphone for a minute.

[Interruption]

YATES: OK. So you were just trying to see if you could find the report, but you couldn't.

VAN DE KAMP: Yes. But I was approached by members of the Board of Education and UTLA [United Teachers Los Angeles] to go on a commission that would study the finances of the L.A. Unified School District. The district was facing a potential strike by the teachers because of projected pay cuts the teachers were going to be forced to take.

The result was we had a very good group of people that included Steven [B.] Sample, who had just become the president of USC. [It was] a diverse group of people from within the community. I was asked to chair this group. We met and held evening hearings on a fairly regular basis for about a month, to try to find avenues of approach for the Board of Education, trying to help them find pockets of money that would minimize the damage.

Eventually, I made a report to the Unified School District, a public report and a written report, which summarized our findings. We came up with some \$140 million in potential savings that we believed might be available. Eventually they adopted some of the proposals and rejected others. Eventually, with the help of Willie Brown in Sacramento, they were able to get some support from Willie and some help from Sacramento, that gave them enough money to pass on to the teachers so the teachers strike was averted, and life went on. Willie deserves a good amount of credit for what he did in Sacramento to help them.

YATES: I just have a couple more questions. One, jumping around here a little bit, I was wondering, as a summary question—just thinking about the time that you've been active in politics up until now—what you've observed about changes in the Democratic Party over that time. I'm generally [thinking] the seventies up until recently.

VAN DE KAMP: Well, the one thing I found from the first time I ran for office was the Democratic Party itself, as an entity, is weak. It was weak in 1969, and today it does not carry much weight in terms of getting candidates elected. I mean, it's a . . . That's also the case of the Republican Party. They have some of the same problems. Arnold Schwarzenegger was able to get elected because of who he was, and was able to raise his own money. And Democratic candidates, while they go to traditional sources within the party, still have to make it on their own. There is little in the party to nurture or help you. You really have to do it on your own. That has not changed much in all the years. So there's that.

The other aspect, I guess, is that the Democratic Party is still made up of many elements. You have conservatives. We saw it with a group, the "Gang of Five," more conservative Democrats who gave Willie Brown a very hard time when he was the speaker.

And then there was what I call a more progressive group. I'm trying to remember what they called themselves. They were a group of Democrats who would meet periodically, basically good government kinds of Democrats, who tended to vote together. John Vasconcellos was one of those. Jack O'Connell was another. Sam Farr from Monterey, and Bruce Bronzan and Lloyd Connelly and Phil Isenberg, all terrific people who fell into that category.

I'm not quite so sure how that works today on the Democratic side. But we had some good people up there. What I've seen recently is that the role of the speaker has been diminished substantially with term limits. You had Cruz Bustamante who was there for a short time. You had Antonio Villaraigosa and then [Robert] Bob Hertzberg. Bob is a person I have great admiration for. Now it's Herb [J.] Wesson [Jr.]. None of them were there for very long, and it's a very tough job.

It used to be that Willie Brown was the strongest leader in Sacramento outside of the governor. Once terms limits came into being, power shifted to the senate, maybe because they were there for a longer period of time, and many had served in the assembly prior to their election to the senate. So Bill Lockyer had some power as the president pro tem. John Burton today is the strongest Democratic leader.

YATES: He also has a long history. [Or rather], I mean, experience.

VAN DE KAMP: Right. Both of them had. Like Bill, when he was there, who had been an assemblyman for many years, and then had been elected to the senate. So they knew their way around.

But the assembly, the assembly has become, because of term limits, a house that really lacks central authority. What you see today is that you see an occasional senator who is about to be termed out and may have not been termed out of the assembly, running for the assembly again. But you don't have enough of them, and they get

termed out pretty quickly. So you have people like [Richard] Dick Floyd, who came back. I see where Nate Holden is trying to run again.

YATES: Mervyn [M.] Dymally.

VAN DE KAMP: Mervyn Dymally has come back. Right.

YATES: Yes, from previous experiences.

VAN DE KAMP: Yes.

YATES: It's kind of crazy.

VAN DE KAMP: Yes.

YATES: I also wanted to ask you, just to wrap up with your experiences and your role as attorney general, any regrets that you have about things that you wish had been done? I know we touched on a lot of things through our time talking, but maybe there are one or two you want to identify.

VAN DE KAMP: Well, I think of the two or three things in my career that I'd like to do over again, certainly the Hillside Strangler decision. If I had. . . . You know, that's all hindsight. It was a principle decision at the time, but I would do that differently today. And certainly I'd do the initiative campaigns a lot differently.

I would probably avoid the initiative campaigning we did altogether. It was too diverting in terms of resources and dependent on events outside your control. I would be supportive of a stripped-down version of Big Green, to make it a lot simpler than what we had. And

possibly a campaign finance reform measure, a stripped-down version of that that would be more understandable and more competitive than it was then. But I would not make them the centerpiece of my campaign. Others would have to take the lead. Again, I mentioned before, the ballot measure dealing with the gill nets that passed that year; just a simple measure. People understood it and they could vote for it.

YATES: And it was the only one out of that group that passed.

VAN DE KAMP: Yes, yes. But it was simple, and people could understand what it was and what the impact would be. I learned that except under the most unusual circumstances, you're not going to be able to reform the universe with initiatives, because there are just too many. No one can be absolutely right about everything, and you develop major opposition and that accretes. You know, somebody once said, when you're in office, especially having been there a long time, and I was in office—at least elective public office, for fifteen years—over a period of time enemies accrete. It's the same way with initiatives. The more things you put into it, the more enemies you develop, and it makes it that much harder to get something passed.

YATES: Let me ask you the reverse of that, which is, things that, in looking back at your career, you're particularly pleased occurred.

VAN DE KAMP: Well, I think that the things that I'm proudest of are ephemeral things. I'll go back to the DA's Office today, and this is how many years? I

left there twenty-two years ago, and I'm now remembered as the greatest DA in modern history. Well, I keep telling them you have rose-colored glasses. The same thing in the Attorney General's Office, where the people who were there have compared me favorably to my successors, and that's gratifying. People remember those times as really the great times, because we were bound together for the common good. Business was being conducted as fairly and as equitably within the office as I could manage. Dissent was not punished. In fact I often talked more to those who disagreed with me than my supporters.

YATES: You know what, hold on.

[End Tape 14, Side B]

[Begin Tape 15, Side A]

YATES: We were just about to run out of tape right at that moment. So go ahead.

VAN DE KAMP: Well, I don't want to go back to the very beginning, because that gets to be pretty boring. But certainly, the things that I will remember the most will be the people, and certainly the friends I made—the friends I made in the U.S. Attorney's Office who are friends to this day. I'm going to an annual dinner in a few weeks where former assistant U.S. attorneys get back together. We had a wonderful morale situation there.

Establishing the Federal Public Defender's Office may not be high in anyone's book, but it certainly was on mine, because we started that from scratch, and some of those people that I see on the wall right here are friends to this day. That's more than thirty years ago.

In the DA's Office, it was, again, the people and the way that the people in the office have now remembered that era. In the AG's Office, the same thing, but there I can turn to some tangible things. I'm proud of the Cal-ID system that we developed, over some opposition. I'm proud of what we did with the AIDS drug-testing measure.

I'm proud of our environmental record in stopping coastal drilling. That's one of a number of things that we were able to do. You see a picture of Lake Tahoe here. We stopped development at Lake Tahoe for a couple of years, till they could put in decent environmental controls. I took a fair amount of heat on that. Overall, I could list things, which I will not do, that have left behind something important.

One of the others is the fast track system in our court system. It gets people closure in a timely way. That's something that came out of my office and came from me, so I'm particularly proud of that. But again, you look back and it was the people. In those two offices we

did some new things and the people in those offices worked with me to make some changes that we can all take some pride in.

So those are the things that you sort of look back on. But above all, it's the people. It's those around you who make things go. There are your campaign supporters. My wife has often said that about her work at the Music Center. She's gotten a lot of credit this last week for the building of Disney Hall. Sticking with Frank [O.] Gehry was important. But it's also getting other people involved. And there's no way the building would have been finished without thousands of people joining in the effort.

So you beg, you borrow, and steal ideas. You ride in on the back of a lot of other people. And, frankly, you want to make them look as good as possible, and we tried to do that. I also tried to get people around me who were smarter than I was. I was never afraid to look stupid around people who might be smarter than I was. I think I had pretty good judgment most of the time, but I needed all the help I could get.

As I said, there were probably a couple of mistakes, in retrospect, that I made, that affected the outcome of where I might have gone. But by and large, I made a lot of good decisions, too.

YATES: Well, I'm sure we've missed something. I hope we've hit most things. Is there anything you can think of that we've neglected, at this moment?

VAN DE KAMP: No. In doing this oral series of interviews I did not prepare for them by researching old clippings and ancient history. As we've gone along, I've resorted to some of our old publications, but by and large I've relied on my best memory. As a result I'm sure I've missed some things, and maybe some detail.

But it's interesting to go back over this. I realize how rich my life has been, and I'm very fortunate in that respect. So I thank you for the opportunity to. . . .

YATES: Thank you for all the time you've taken to do this. I'm really glad you had the time to do it. So thank you very much.

[End Tape 15, Side A]