

California State Archives
State Government Oral History Program

Oral History Interview

with

CLEMENT SHERMAN WHITAKER, JR.

Political Campaign and Public Relations Specialist, 1944-

September 15, 27, October 21, November 17, December 7, 1988; January 18, 1989
San Francisco, California

By Gabrielle Morris
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University of California, Berkeley

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None.

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PREFACE

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

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

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

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



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

John F. Burns
State Archivist

July 27, 1988

This interview is printed on acid-free paper.

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BIOGRAPHICAL SUMMARY

Clement Sherman Whitaker, Jr., known as Clem, was born in San Francisco on August 30, 1922. He attended grammar school and high school in Sacramento, then graduated from Sacramento Junior College in 1942 and attended the University of California, Berkeley, in 1943.

Mr. Whitaker served in the U.S. Army Air Corps from 1942 to 1946. He has been with Campaigns, Inc., then Whitaker & Baxter, Inc., both founded by his father, Clem Whitaker, Sr., since 1946, acting first as public relations consultant, then partner, then president since 1958.

Some selected issues on which Mr. Whitaker has worked over the years are:

- 1946 - California Teachers Association initiative for improved salaries (Proposition 3)
- 1948 - initiative concerning railroad brakemen (Proposition 3)
- 1949-54 - California and American Medical Associations campaigns regarding publicly supported health insurance
- 1949 - Repeal of McLain pension program (Proposition 2)
- 1950 - Initiatives concerning personal property tax repeal (Proposition 1), gambling (Proposition 6), and public housing (Proposition 10)
- 1952 - Initiatives concerning school funds (Proposition 2), public pensions (Proposition 11), cross-filing (Proposition 13)
- 1954 - Goodwin Knight campaign for governor
- 1956 - Congressional campaign regarding unitization of oil fields; speeches for Dwight D. Eisenhower
- 1958 - Knight campaign for U.S. Senate
- 1960 - Richard Nixon California campaign for president
- 1962, 1965-1968 - reapportionment of congressional districts
- 1966 - Robert Griffin campaign for U.S. Senate
- 1972 - People's Lobby pollution control (Proposition 9, June), coastal initiative (Proposition 20, November)
- 1973-1978 - Various national efforts concerning natural gas, hydroelectric plants, and other aspects of public utility regulation
- 1976 - United Physicians of California concerns regarding malpractice legislation
- 1978-1984 - American Dental Association public affairs program

He lists no party affiliation and has not held public office.

Formerly married to Isabel Flood, Whitaker is the father of two daughters, Christina and Isabella Alexandra. He is a member of the Family, the Burlingame Country Club, and several other clubs, as well as the Public Relations Society of America. He has served on the boards of the San Francisco Opera Association, Katherine Delmar Burke School, and the Children's Cancer Research Institute.

[Session 1, September 15, 1988]

[Begin Tape 1, Side A]

MORRIS: Where we usually start is with a little bit of personal background. I know you were born in Sacramento. Did you stay there growing up?

WHITAKER: Yes, I was born in Sacramento. I went through the Sacramento public school system through grade school, junior high school, and high school. I went to Sacramento Junior College, and then transferred to the University of California at Berkeley. So my younger years were all spent in Sacramento.

MORRIS: You did a stint on the Sacramento *Union* at quite an early age.

WHITAKER: One of the courses that I was taking in high school was a journalism course which, for I guess rather obvious reasons, fascinated me even then. And I became editor of the school paper. Actually, sports editor. And I, out of that, was offered a job with the Sacramento *Union*.

MORRIS: As a sportswriter?

WHITAKER: As a sportswriter. So I covered the Sacramento Valley from Stockton north on all high school and junior college sports for them. During that period of time, I picked up a job with the Sacramento *Bee*, which was obviously the larger paper, and worked for both papers at the same time. I worked from the city desk for the *Bee* which, of course, then was an afternoon paper. The *Union* was a morning paper. So I was able to work both papers and still go through school.

MORRIS: That's kind of a young newspaperman's dream, isn't it?

- WHITAKER: I thought it was fascinating. And then they had a radio station, the call letters of which I'm no longer positive. I think it was KROY. They hired me to do commentary. That was not sports. That stemmed out of. . . . I was in junior college at the time, and there was a professor by the name of [] Brickley who was an Australian, and he's probably the most notable professor I've ever had. Just a real disciplinarian but a magnificent mind. So we learned from him the history of the Middle East, along with other historical things. And he and I went on the Chautauqua circuit and started speaking all up and down the valley, he from his perspective, me from mine. And then the radio station caught up with that. I don't think that they hired Professor Brickley [Laughter] but they hired me. So those are the kinds of things that you do as you're growing up, if you want a good background.
- MORRIS: Very enterprising of you. Did you talk with your father [Clement Whitaker, Sr.] at all about the kind of work he was doing? Did he share around the dinner table his ideas of public relations?
- WHITAKER: Well, the answer to that is largely no. My mother [Harriet Reynolds Whitaker] and father were separated when I was just thirteen, so most of this transpired after he had gone. We would discuss things that I was doing when we would see each other, but it was not the kind of thing that you would do around the family table; the circumstances were not such.
- MORRIS: Was your Chautauqua circuit--were those political kinds of questions or were they just more broad, current issues?
- WHITAKER: Well, everybody at that age, as you understand, has very definite opinions on what's going to happen in life. And the thesis that I propounded at that time was that the British Empire had indeed lost the Middle East and India, and for a series of reasons, 1, 2, 3, 4, this was how it was going to crumble as it went forward, and that this country should position itself to be the power that moved into that vacuum. It was sort of a, perhaps, presumptuous approach to take at that time because the British felt that they

were very strong in these areas. But it was rather obvious as a very young student of history and economics that that was not the case. So I developed this thesis, and that's the one that Brickley said we've got to take it out and discuss it with audiences.

MORRIS: Did you continue this kind of study and speaking when you got down to Berkeley?

WHITAKER: When I got to Berkeley, I still took a few history courses. My major was economics. I did a lot of philosophy, psychology. I still did some speaking, quite a bit of speaking, actually. But I did not try to pick up a newspaper job at that time. Rather, in the summers, I came to work for this firm [Whitaker & Baxter, Inc.] for my father and got the practical experience that this kind of firm could offer a young person.

MORRIS: That would be 1943?

WHITAKER: Forty-two.

MORRIS: Was he already located in San Francisco?

WHITAKER: Yes, my dad moved here probably in about 1935, '36, somewhere in there.

MORRIS: After the Central Valley [Project referendum] campaign?

WHITAKER: Yes. He was in Sacramento when that was being conducted. That was November 1933, as I recall, Proposition 1.

MORRIS: But that gave him more of a statewide kind of exposure so he . . .

WHITAKER: Well, he had, I think, a fascinating background. And the profession that we practice now has, again, evolved; it didn't exist. My father was a newspaper reporter. He came out of World War I, went to work for [William Randolph] Hearst, and became Hearst's leading crime reporter. Every murder that happened, every hanging that happened, whatever, that was my father's assignment. So we used to get some of the gory details as these things were going on.

But he started free-lancing, as many reporters still do to this day, although they're much better paid now, in political campaigns. He was fascinated by government. So he would write

speeches for people; he would write press releases for people. And there was a steady stream of the early progression of California political figures going through the house at that time.

MORRIS: Would he work on legislative campaigns?

WHITAKER: Legislative campaigns. Bear in mind, this was really all free-lancing, moonlighting at the time. Somewhere in the late 1920s, he formed what he called the Capitol News Bureau, which was like United Press or Associated Press; it was a news service that was designed to serve newspapers out of Sacramento on the legislative and governmental happenings. And that was quite successful. He sold that to United Press in I think 1929 and started this business. His concentration and his interest were predominantly candidates. Oh, he did all sorts of legislative campaigns. He was involved, I guess, in every gubernatorial campaign from [Governor] Friend [W.] Richardson forward to [Governor] Earl Warren and Governor Goodwin [J.] Knight. That was his orientation and his interest, and he made it stick; he created, in effect, an ongoing business, the business of which was government and campaigns for the first time in the history of this country.

MORRIS: And in those days, if I'm right, the Republican party was primarily the only game in town.

WHITAKER: The Republican party was absolutely the dominant party and remained so until approximately 1958, when you had the great [U.S. Senator William] Knowland-[Governor Goodwin] Knight debacle. The Democratic party started really getting its act together in California somewhere around 1952. They were becoming a force, which they had never really been.

MORRIS: [Governor] Culbert [L.] Olson doesn't count?

WHITAKER: Oh, Culbert Olson was, in a way, an aberration. I don't mean that he was personally at all, but he was in a governmental sense absolutely taken apart at the seams as governor.

MORRIS: In office?

- WHITAKER: Yes. In a bipartisan fashion. And my father was in that up to his ears. So yes, Culbert Olson became governor, but that was, as I say, an unusual thing. It certainly wasn't registration . . .
- MORRIS: A reaction to the depression years, the economic hard times?
- WHITAKER: Not particularly. You know, you would have to track back, and memory sometimes is not as good a thing as you want in these instances. But we had a series of issues. Oh, the thirty-dollars-every-Thursday thing where you had--what were their names? Willis Allen and Lawrence Allen.
- MORRIS: Was that the Ham and Eggers?
- WHITAKER: Yes, that was the Ham and Eggers. That was a dominant, dominant operation in the middle thirties, had a great effect on legislative activities; and it probably reached its zenith in about '38, '39, somewhere in there, as my memory has it. That had quite a bit to do with the gubernatorial thing at that time, that movement.
- MORRIS: When you say your father was up to his ears in the reaction to Olson as governor, what form did that take?
- WHITAKER: He and several others decided that they would put together an economy bloc, I believe is what they called it, which they did. The Economy Bloc, which was a bipartisan group if I have its name right--and it was a bipartisan group--absolutely killed Culbert Olson's program, anything that he wanted to move. And by the time he was halfway through his term, it was quite obvious that he would be defeated by someone, at which point they were grooming Earl Warren to make the run.
- MORRIS: The Economy Bloc itself was grooming . . .
- WHITAKER: They were a part of it, although Warren was not. . . . Warren, even then. . . . This was a very conservative group, this so-called Economy Bloc that I'm discussing. And I'm talking philosophically conservatives, which Warren was not; but he certainly benefited by their activities. And then my father, of course, directed Earl Warren's first campaign.

MORRIS: In '42.

WHITAKER: Forty-two. Yes, I worked on that one.

MORRIS: Did you? What did you do in '42?

WHITAKER: Oh, shoot. I did everything that everybody gets assigned to do. You know, from working in the precinct things, going around the county central committee headquarters--this was just the nuts and bolts things that people have to do in campaigns. I think the word currently is, you're a "gofer." I was a gofer.

MORRIS: But it was important in the overall campaign to have somebody connected with the main campaign headquarters.

WHITAKER: At that time I was at Berkeley, and I organized a whole bunch of my friends at the university, and we put together a University at Berkeley team that worked in the Warren campaign at that time. I remember the night that he was elected, oh, how many of us I have no idea came over here, and we obviously celebrated the victory. We all slept on my father's floor all over the house. There must have been fifteen or twenty of us. And some of them still talk about that to this day. [Frederick] Fred Mielke, who was chairman of the board of PG & E [Pacific Gas and Electric Co.], and I were in the same fraternity house, and I was a part of that. There were a whole bunch of guys that . . .

MORRIS: Oh, really? That sounds like fun.

WHITAKER: It was fun, but it was work. We all enjoyed it. We enjoyed government.

MORRIS: The process of it?

WHITAKER: The process of it, yes.

MORRIS: Did you have any particular interests--did you think of running for office at that point?

WHITAKER: No. At a very early age anybody decides whether they're going to deal with government professionally or they're going to run for office. You cannot do both, in my opinion.

MORRIS: And if you're in office you're not professionally dealing with government?

WHITAKER: If you're in office, in my opinion, you are not dealing with government professionally; you're dealing with government with a different perspective, whether it's partly partisan, whether it's partly philosophical. And it's mostly power in every sense of the word. It is not a skilled person coming to grips with the problems of government as problems other than as Democratic or Republican, or some other kinds of problems.

MORRIS: You're a figurehead if you're in office.

WHITAKER: No, I don't mean that. Your perspective is totally different. Let's come up to date. We have a whole series of problems that are confronting this country at the moment which are easily definable. You don't see either the sitting president or either of the candidates for president joining those problems in a substantive way in the course of the campaign. Now, they may be dealing with it in a substantive way with task forces or something else, but not in the conduct of the campaign. If your business is government, and I consider my business is government, I deal with issues of that type every single waking hour of my life; and I'm not concerned about whether it's going to benefit a Republican or a Democrat or a black or a white or a what. You're trying to think through the answer to the problem in a way that's acceptable to the majority of the people in this country. You've taken me a couple of steps away here.

MORRIS: That's OK. You've raised an interesting question that I haven't come across before, or viewpoint. Are you saying that the process of government involves professionals who are outside the government as well as individuals and officials in the government?

WHITAKER: Absolutely.

MORRIS: That's an interesting observation.

WHITAKER: Government is not anything that you stick on an organizational chart, and you show the president and the Supreme Court and the Congress, and then you run all the lines underneath it and say,

"This is government." That is only a structure that the people have chosen to put in place through which they can run their own government. And you have professionals who are very skilled at different aspects of the problems that are confronting government, and they're working on this every moment . . .

MORRIS: Does this follow out to, if we have a government that involves the consent of the governed, there is a role for nongovernmental people in developing that consent in the government?

WHITAKER: I think there not only is a role--and this is certainly not said with any naivete--the dominant forces in government are the organized forces who are not sitting in the seats of government, which is probably a healthy thing for the country.

MORRIS: [Laughter] Well, it certainly means avenues for a lot more people to get in there and have their say.

WHITAKER: As you know, in the governmental process, as it's evolved, as it currently functions, you have competing forces is another way to look at it, on any issue of consequence; and until you can find a commonality of interest among a majority of the competing forces, you cannot take affirmative action. Negative action, yes; affirmative no. You can block; you can't pass. So it is critically important to think through how an environmentalist or a labor group or a consumer group or whatever--you know, an industrial group--has to come to grips with the problem in their own self-interest; and then you think your way through to what is the common thread that will bind most of them together on this project. When you find that, you pass legislation, or you get whatever administrative action you're seeking.

MORRIS: Going back to the Economy Bloc, you mentioned that your father was a part of this group. Would he meet with the legislators?

WHITAKER: Oh, yes.

MORRIS: And this would be the activity that would take place between the election years?

- WHITAKER: It was taking place during--and again this is memory--I think it conducted its business over a period of two or three years, anyway, and as an ongoing operation, the years probably being '39, '40, maybe even into '41. Yes, they would just meet together, work out their strategy for the moment. They were employing his services to help do this and to publicize it, and he really was the publicist for it. So yes, they all met . . .
- MORRIS: A lot of that, as I recall, had to do with the state relief administration and the expenditures that were uncontrollable in those times.
- WHITAKER: Yes, that's right.
- MORRIS: So that then your father would be sending out information to newspapers about what was happening in terms of the state spending?
- WHITAKER: Again, you understand, you're prior to my time. These are conversations that we have had, and my observations of what went on. But they would figure out the strategy that they were going to employ in respect to issues, legislative issues largely, and, having figured that out, different ones would introduce legislation and it would be publicized, discussed, debated. It was that kind of an activity that . . .
- MORRIS: Was the California Feature Service by then in existence?
- WHITAKER: The California Feature Service--the first issue of it is there on the wall. [Points to wall.] It probably says--I can't remember what year it started. I don't have my glasses.
- MORRIS: I've got mine handy. [Looks at issue.] That's got a Sutter Street address, and it has no date. Here it is: November 1936.
- WHITAKER: Well, then, yes, it was in existence obviously.
- MORRIS: I still come across it occasionally in mailings from organizations; and when I'm out in the country, I read local papers, and over the years I sort of look for the California Feature Service.
- WHITAKER: That became an institution. I enjoyed writing that, and I know my dad did. Leone [Baxter] enjoyed it very much. It was a way,

sometimes, to begin to set an issue that hadn't surfaced. And you felt that something was going to happen, whatever it was, in relation to an issue. So if you started researching it and writing about it in the feature service, you would begin to lead a thinking process among editors, whether or not they were printing it. Then if indeed your prescience was correct and the issue was coming up, then you helped shape it.

MORRIS: So if you were working with a client, either legislative or in the business community, and they became interested in an issue, you'd start writing about it in the feature service?

WHITAKER: If we thought it was appropriate. There are many issues that you work with people on that you couldn't subject to an editorial treatment kind of thing. But there were many of them where the feature service would week after week discuss that issue in different ways. We were talking about health insurance earlier for many years.

MORRIS: You can see that, too, in the file on the George Christopher lieutenant governor campaign I found in the [University of California, Berkeley] Institute of Governmental Studies library. There are several Feature Service sheets there. There would be two or three articles on Christopher's issues as lieutenant governor campaign, and then later on in the water campaign that looked to me like they were related to the issues at hand.

WHITAKER: They probably were, yes.

MORRIS: You also, like most of the other young men of your generation, did a stretch in the air force. Did that interfere--you know, take time out--from your professional career?

WHITAKER: No.

MORRIS: Did you work on *Stars and Stripes*?

WHITAKER: No, I didn't; I was a fighter pilot. [Laughter] Like most of my generation, you didn't sit down and think of why you shouldn't do it; it was why you should do it. I remember on the day of Pearl Harbor, all the kids . . .

- MORRIS: This was in September?
- WHITAKER: No, December.
- MORRIS: [Laughter] Sorry.¹
- WHITAKER: All the kids in the block, the boys, came over and we sat down on the curb in front of my house. You're familiar with Sacramento, the streets and the trees and the rest. We sat there on the curb in front of the house and discussed what it was that we should do. There were six or eight or ten of us that were talking. With one exception, they all decided that they should join what was then termed the army air corps. The other fellow decided he wanted to go into the naval air force. So we did. We went down and enlisted.
- MORRIS: As a group?
- WHITAKER: Well, yes, we probably all went just about the same time. Then they were giving educational deferments for students who were in college. But when the war got more serious and they needed more bodies, they canceled the deferments and we were called up in I guess it was January of '43, something like that. I went through cadet school and graduated and headed for Africa.
- MORRIS: You were right there early on?
- WHITAKER: Fairly early, yes. I did not get there as they were invading North Africa, but we came in at the time they were just starting to push up into Sicily and Italy.
- MORRIS: Had you done any ROTC [Reserve Officers' Training Corps]?
- WHITAKER: No. I was too busy, in my own mind, to do that. [Laughter]
- MORRIS: I can see that. But the United States was already in the war. Did you have the sense that it would be only a matter of time before you were called up?
- WHITAKER: Oh, yes. Everybody figured that--not that they were going to go, they wanted to go. So, yes, there were many of us who would like

1. Morris is joking about [Vice President] George Bush's slip in a speech during the 1988 presidential campaign in which he referred to Pearl Harbor Day as September 7.

to have gotten our college out of the way before we got called on; but when it didn't work, it didn't work. I don't think anybody was particularly unhappy. In fact, now that you've touched a chord, it reached the point where you weren't thinking as much about college as you should have been. You were totally--not totally--you were largely consumed by what was going on in the war.

MORRIS: The college years would then become sort of an interim before you went into the military?

WHITAKER: Yes.

MORRIS: Then coming back, you decided not to go back to college or--what was going on?

WHITAKER: I did not go back to college.

MORRIS: It was more interesting to go to work?

WHITAKER: I had gone to try to get through. I had done all the summer sessions and the intersessions and the rest. I had enough units to graduate by the time they called me, but I didn't have enough units in my major for a degree. Oh, in the air force they put us into navigation classes and trig[onometry] classes and things like that where I picked up a number of other . . .

MORRIS: And those were transferrable?

WHITAKER: They were all transferrable. And I just figured when the war was over, "OK, I want to make a living; I want to go to work." Whether that was a good decision or not, that's the decision I made.

MORRIS: I see. It's an understandable one for a young man who's been out of the home scene for several years. Did you consider anything else than coming into your father's firm?

WHITAKER: Yes. When the war ended, I had two, I thought, rather novel job opportunities. One was in Italy. They wanted to hire a number of us who had major experience flying to start and manage Alitalia. That didn't turn me on very much; I'd had about as much of Italy as I wanted at that time. And then the Brazilians offered several of us a great deal of money and a high position to

run an air force for them. I thought about that a little bit and figured, "I don't want to lose my citizenship." And nobody took that job. So then I came back here.

MORRIS: Had you had enough of flying?

WHITAKER: No, I enjoyed flying. I continued to fly after I got back, in the reserves . . .

[End Tape 1, Side A]

[Begin Tape 1, Side B]

WHITAKER: . . . the whole program disintegrated. We were flying at that time out of Hamilton Air [Force] Base over here in Marin, and you'd go over and wait around for two or three hours to get a plane. Largely you'd end up with a training plane of some kind, which none of us enjoyed flying particularly. No mission; you'd just get up, fly it for an hour or so, practice your skills, do a little navigation. I finally considered I was wasting my time, so I resigned.

MORRIS: Did they want to call you back in 1950 when the Korean . . .

WHITAKER: Fortunately, no. But all my friends--I shouldn't say all--those that I can recall who stayed in the reserve all went to Korea. And you know, after a while you've used up a lot of your luck.

MORRIS: Did your ideas about government change at all, having been in the military, about the issues?

WHITAKER: No, not particularly. I think, again, it was a learning process. Sure, you were involved in difficult things, sometimes dangerous things. But that's a part of government; that's a part of how nations function. I found it interesting, and some of us gave a great deal of thought to what this country and the British were doing as the war wound down. We took great exception to some of the decisions that were made, thought that they would lead to all sorts of trouble in the future, and obviously they did.

MORRIS: Military decisions or political decisions?

WHITAKER: No, they were political decisions.

- MORRIS: Such as who went into Berlin?
- WHITAKER: Who went into Berlin; how they divided Berlin; where they put the dividing line for the Soviet Union; how they divided up Austria and Vienna, which was another Berlin for a while, as you know.
- MORRIS: Governed by several different countries.
- WHITAKER: They were governed by a council--I've forgotten the names they used--of the Soviets, the French, the British, and the Americans. That wasn't going to work.
- MORRIS: Did you have any exposure to military government?
- WHITAKER: No more so than anybody that was going through the service. I never participated in military government.
- MORRIS: I understand that they had a military government unit that served in [Viet]nam.
- WHITAKER: Oh, they certainly did. And they went in and put the governmental structure in place, even though it was on a temporary basis, as the armies moved along.
- MORRIS: Coming back here, you got back to the States--out by '46.
- WHITAKER: I came out in '46 and came here to the Bay Area. I married my college sweetheart [Marian Green], who was also a Berkeley girl. I had a few thousand dollars that I had saved out of my salary. I figured, "That's going to be gone awfully fast." So I had to go to work, and I did.
- MORRIS: Was your father looking for people with some experience to work on those campaigns in '46?
- WHITAKER: Yes. In 1946, the company was involved in a variety of campaigns. The campaign against Warren's what we called compulsory health insurance plan was in full swing.¹ There were a series of ballot issues in which the firm was engaged, and he hired--oh, there was a fellow by the name of Glen Gillette, who had just come out of the navy; [Edward] Ned Berman, who had just come out of the marine corps; a fellow by the name of

1. S.B. 788 in 1947 and S.B. 157 in 1949.

[James] Jim Dorais, who had been in the coast guard--but Jim had been stationed here, so he had been sort of moonlighting for the firm while he was in the coast guard--and me. They put us to work basically as organizers throughout the state--we divided up the state geographically and went out and worked on the different projects that we were assigned to.

MORRIS: How does that work? When gearing up for a campaign, if you've got several campaigns going, is one person assigned to a specific campaign, or would you work on several?

WHITAKER: The writers, the people who can think through strategy, the media people, even the people plotting the organization of the campaign will work across the board, meaning one will have a greater bit of responsibility in one area than another. It's only when you're down to assigning those of us that I've just described here who still were the gofers, that we were assigned to go out and work on creating voluntary health insurance weeks all throughout the state of California. We wanted every one of the fifty-eight counties to have a voluntary health insurance week. Well, we put it all together with the local officials and the rest. But that was hard organizing; you'd have to go out and you'd have to sit with all the appropriate people county by county and talk to the newspapers and the radio people and the rest, and get this thing going.

MORRIS: Did the county medical people have their orders, as it were, from the California Medical Association?

WHITAKER: You can't order medical people, but . . .

MORRIS: But I've been told they were assessed . . .

WHITAKER: You can give them a plan of campaign, which was done. And the medical association, as I'm sure you're aware, functions primarily in terms of policy on an issue like this through the California Medical Association; and then its house of delegates has to approve; and then, if they have approved that plan, virtually all of the constituent county societies participate. And in this instance, I can't think of any that didn't.

- MORRIS: I've been told that at various stages in the health insurance matter that members were assessed, that "you will pay so much into this campaign."
- WHITAKER: That's my memory of it, yes. They have a dues structure that so much goes to the AMA [American Medical Association], so much to the CMA, so much to the county society. I believe you're right; I think there was an assessment for this purpose that was put on in California, which was probably a voluntary assessment, but basically, virtually everybody paid.
- MORRIS: If you were a gofer, would you know whether or not the medical association was already a client of Whitaker and Baxter?
- WHITAKER: Oh, yes, they were.
- MORRIS: They already were?
- WHITAKER: Sure. I used to sit in on the executive meetings, too, even though I was a gofer, where the strategy was discussed, proposed, modified, or whatever; and then we'd take it out and execute it.
- MORRIS: It's a little puzzling, since ten years earlier it had been doctors' groups who organized the Blue Cross and the Blue Shield to deal with people who couldn't pay for medical care during the Depression--I have never understood, and it's not clear from the literature, why in '46, when Warren . . .
- WHITAKER: Forty-five. That's the year it started.
- MORRIS: Well, I was looking it up in some of our material yesterday, and our records show that Warren talked to John Cline and Dr. [Philip] Gilman, who were . . .
- WHITAKER: Yes, I remember them.
- MORRIS: . . . the president and president-elect of the medical association like in December of '45. And then in '46 . . .
- WHITAKER: That may be. Warren's plan was submitted to the legislature in '45. So I don't know the conference that you're discussing here, but there were many conferences between the parties at different points in time.

- MORRIS: Yes, but then why was it that within ten years the medical association went from supporting things like Blue Cross and Blue Shield to major disagreement with the governor's suggestion that it be compulsory?
- WHITAKER: They would tell you that they didn't change their position at all. Obviously they were supportive of Blue Cross, Blue Shield. Blue Shield was their own creation. They were supportive, and probably the major boosters of the so-called voluntary health insurance programs, whether it was Blue Cross or Aetna [Insurance Co.] or Hancock [John Hancock Co.] or anybody else. They promoted those and promoted them vigorously all through this period of time. And they took exception to having a compulsory system set up and run by the government. And they don't consider that a change of position at all on their part.
- MORRIS: But the government wasn't going to run the program, were they? The employers were going to either buy a private insurance program for their employees or chip in like workmens' comp[ensation]?
- WHITAKER: I don't think when it was first proposed--and again, I'm pulling on memory of long ago--I believe it was a straight state program. At some point, it might have been modified to provide for people opting out for a voluntary plan if they chose to do that. The reason that in California a tremendous effort was put on these voluntary health insurance weeks I was describing to you earlier was to create an understanding of people's need for health insurance, and two, how they could satisfy that need by subscribing to programs. There were so few people covered by these plans at that time that it was incumbent on the medical profession--and I mean medical profession in all of its ramifications--and the insurance industry to provide an alternative; otherwise, the government was going to do it.
- MORRIS: Were the insurance companies active in the coalition to develop this?

- WHITAKER: Yes, all of them. As the thing progressed, the insurance companies participated. You had the dentists--you pick your own part of the medical complex; they all got involved, obviously with the doctors leading the way--leading the way financially largely, because they felt they were more under the gun than the others. But the insurance industry was very cooperative, and they began to devise health insurance plans that reflected the suggestions and the comments of organized medicine--in other words, better plans. And as it has evolved over a period of time, there certainly are plans that would fit almost anybody now, except someone who couldn't afford anything.
- MORRIS: Yes, what I was reading was that the results of the voluntary health insurance week. . . . By the end of that campaign, there were something like 5 million people in California covered by health insurance plans.
- WHITAKER: If you read it. . . . I just wouldn't remember any longer. But it was a major step forward and it really took the steam out of the argument.
- MORRIS: Interesting. Then if you were sitting in on the medical association strategy meetings, how did you find the time to also work on the teachers' salary initiative that was on that year?¹
- WHITAKER: You just divide up your time and handle yourself. . . . [Laughter] Everybody takes a workload differently, and those of us who have survived in this business, I guess is another way to put it, usually can carry a big workload; and if you have the capability of setting it up mentally in terms of time and function, you can deal with a great number of problems or issues. And then, of course, you must be well organized so that as you do this you can see that it's executed. In other words, you lay off the things that you can as you're executing a program.
- MORRIS: That means you delegate a lot?

1. Proposition 3 (November 1946).

- WHITAKER: Oh, sure. But not the thinking process. You accept that coming up, but when it goes back down, that's to execute the program.
- MORRIS: Were you part of the thinking process on the teachers' salary initiative?
- WHITAKER: Not so much as on the health insurance thing, no. Everybody likes to think that they got their two cents in, but that was my father and that was Leone. That was their thinking and their planning and their strategy, and really their executing it through all of the facilities available to them.
- MORRIS: Now, was there one plan developed for that, or was there a sort of skeleton plan which then is filled in as time goes on?
- WHITAKER: Well, what you do. . . . Let me be a little more general than that. What we do here, normally, is sit down. Say a new issue is going to come into the office, whether it's AMA or the dental association or something. They tell us their problems. And you meet and you go through this thing and you ask the questions that you have to ask; you get your hands on the materials that they have available, try to set forth the problem. And then what we do is, in effect, sit down, and I shut these doors and turn off the phones and start thinking my way through the problem. As you do that, you devise a plan of campaign that will take you from the start to the conclusion of the effort. This is whether it's pointed to an election, or it's an issue that may be involved in legislative or congressional action, or administrative, regulatory action. You think through all of these functions.

We at the same time do a classic thing. For years I would write one side of it, and Jim Dorais, whom I mentioned a little earlier, would lock himself up and write the other side, just as fiercely as he could. And we wouldn't talk to each other until we had written it all out. We thought it through every step we could take to win. Then we'd sit down and figure out how we took our side, thinking, immodestly, that we were smarter than anybody else that was going to work against us, that we had already

thought of most of the arguments or all of the arguments that anybody had used. Now, what are we going to do about those? Then you would build that back into the plan of campaign that you used.

MORRIS: What are some of the questions that you have to ask going into a new issue?

WHITAKER: Again, it depends on the arena in which you're dealing. I'll give you a recent for-instance, which makes it a little easier. We were retained a few years back by the electric utility industry in this country, by several of the major companies.

MORRIS: Nationally?

WHITAKER: Nationally. And their problem was, under the Federal Power Act,¹ as it was enacted, they dealt with the licensing of hydroelectric-generating plants. But they were sloppy in the power act in how they dealt with the re-licensing of hydroelectric power facilities.

MORRIS: Is that when one has gone out of commission or when the company has folded?

WHITAKER: No. Under the Federal Power Act, then and now, although we've since changed the law, you got an initial license for a facility, and that license could be good from thirty to fifty years, at which time you needed to get a new permit. Now, this assumes that you didn't violate your permit conditions during any of that period of time or they'd take it away from you.

So when you'd get to the re-licensing period some years before, you start applying, then to the Federal Power Commission, now to the Federal Energy Regulatory Commission, to re-license your plant. Well, at that point in time, the municipalities, public utility districts, around the country figured, "This is the greatest bonanza of free power we could ever get our hands on," because hydro power is cheap, cheap, cheap. And they applied for the license, in addition to the private utilities that had

1. Federal Power Act, ch. 16, 49 Stat. 863 (1935), 92 Stat. 3148 (1978).

built the facilities and put them in place and were trying to get a re-license. The Federal Power Act didn't make it clear as to whether the publics, the munis, had a preference in the re-licensing process, as they did in the original licensing process. Just to make clear, it had always been interpreted that they did not.

MORRIS: But originally a local municipality had preference over the private utilities?

WHITAKER: They had preference. If two people went for one site, the IOU, the investor-owned utility, and a muni that had equal plans--they only had to be equal; the muni didn't have to be better than the investor plan, it had to be equal to it--they got the license, the permit. They didn't do it; they couldn't afford it; they built little or nothing. The federal government built most of the large hydro facilities that are publicly owned. So these were largely built by investor-owned utilities.

Anyway, to make a long story short, to try to respond to your earlier question, it became clear to us that they were trying to fight this thing before the Federal Energy Regulatory Commission which deals on a case-by-case basis, obviously, in the courts. We told our clients, "That's a loser. There's no way you're going to prevail in that situation. You're going to lose some of your facilities just by the nature of the business of government." And they agreed.

MORRIS: Because government tends to favor another government unit?

WHITAKER: Well, no; it can change its mind. Every court rules narrowly on a point of law. That point of law may not go before it on the next one that comes in. The Federal Energy Regulatory Commission is an appointed commission. Every few years you have a bunch of new members. They're not bound by what the last one did. And they do: they flip from one side to the other on these issues. So we told them that "if you're prepared to put in the time and the effort, you need to amend the Federal Power Act so that there is

no question about who gets the re-licensing." They agreed, and then they retained us to put together a campaign to one, defend them, help them in the courts; two, help them before the regulatory agencies; but three, and most importantly, get the law amended.

MORRIS: Change the ground rules.

WHITAKER: Well, change the ground rules. Then we had to think through a campaign that would get the support of a variety of diverse interests that would get us through the Congress. So we went and talked to the Sierra Club, the Audubon Society, the Environmental Defense Institute, all of organized labor, those unions that are involved in the utility business, consumer groups, small business groups; and in every instance, we refined this case to show them what it meant to them in terms of the cost of the power that would be delivered to their plant or to their home, and where they could win or could lose in the thing. Until we could demonstrate that to them, there's no sense going and saying to them, "We'd like to have your help." Well, you could go, but it's not going to do you a great deal of good.

So we thought that through, laid that out, took the case out, and three years later got the act together and it passed with the support of all of this diverse group. Now, different ones had different things in their mind that they wanted to accomplish in this legislation, and where we could we obviously accommodated them. Things that you normally wouldn't put into a piece of legislation of this sort, but because. . . . Well, there was an issue with small hydro facilities. I don't know whether you know the difference between all of this stuff, but they have what they call low-head hydro. It's very important to the Sierra Club, all the environmental community.

MORRIS: Those are the ones where you can still go rafting and . . .

WHITAKER: No. That's one of the problems. You put in low-head hydros and you begin to shut down streams. These are little units that are

three megawatts, five megawatts, whatever. For a period of time, there was a proliferation of them around the country. Well, they said, "If you can get rid of that for us," which was not a part of our issue, "OK, we'll go with you." We just wrote it in the act.

MORRIS: Interesting.

WHITAKER: But that's the kind of information you have to go out and seek. And your clients usually don't know what to give you, because they are thinking as engineers or lawyers or managers of the ABC Corporation. They're not thinking in terms of what in the heck it is that's going to get the operating engineers to get into this fight. So that's what we try to do; and then, having thought it through with the client's obvious blessing, then we go out to these people and say, "Hey, Bob, look: this is the issue we're working on; this is the problem; these are the facts; you take the facts, have your people run them out. And if you find any fault with them, let me know or let us know, and we'll either answer it or correct it. But if you agree with us, this is where it's in your interest, and this is what we'd like to propose to you." That's the way it works.

MORRIS: Does your primary client have to agree about the potential members of the coalition?

WHITAKER: Oh, no.

MORRIS: You just tell them?

WHITAKER: They really just suggest to us, "You go structure the best thing that you can structure." You're dealing with people who have generations of animosities built up one between the other. They sit before a proceeding and they're lobbing mortar shells at each other every five minutes; they don't like each other. So we serve as a catalyst between them because we get along with all of them; we work with all of them all the time. So Consumers Power [Company] in Michigan may not like the co-ops at all, but they're certainly delighted when we can get the co-ops to help them.

MORRIS: So that in this example that we're talking about, the Sierra Club and the Audubon . . .

- WHITAKER: Among many others, yes.
- MORRIS: For example, yes. Those would be part of the opposition that one member of your outfit . . .
- WHITAKER: You're not talking about an in-place organization; you're talking about an association, an ad hoc group, that never meets. Only we meet with them and hammer out the differences.
- MORRIS: They never meet at any point during the . . .
- WHITAKER: Not in this issue. Other times it's done differently, but in that one it was best to work with everybody individually.
- MORRIS: Rather than have the old animosity . . .
- WHITAKER: Oh, yes, they're there. You put these people in a room, you can't imagine what happens.
- MORRIS: The question I was interested in was the one about having a member of your firm sit down and think up an opposition plan.
- WHITAKER: Oh, yes; I'm sorry.
- MORRIS: Both questions are relevant, I think, that the person working out the opposition strategy would include what . . .
- WHITAKER: What they would do to put these people on the other side, how they would convince them that, "No, you shouldn't join this group."
- MORRIS: Right. But you're thinking through who the potential opponents might be and how you might . . .
- WHITAKER: Oh, absolutely. You identify far more people as likely opponents --because you're only doing likely--than ever surface. Usually the reason they don't surface is that no one goes to them and makes the argument that you know might be compelling if it were taken to them.
- MORRIS: So that kind of information you just bury in your brain or in a locked file somewhere?
- WHITAKER: Well, it's in your brain and you figure out how you're going to present the issues. You know you're going to lose some, that there's just no way you can get them in on your side. Then you

can either neutralize them, if it's possible, take them out of play, which you frequently do by giving them something else to worry about so that they get out of your backyard, a totally different issue. But then you still have a hard core that's going to fight you right down the line. But you try to make that as narrow as you can make it.

MORRIS: Some of the literature says that one way of getting visibility for a campaign and getting the public thinking about it is to have some fireworks.

WHITAKER: Well, it depends again on what you want to accomplish. Sometimes you want visibility; sometimes you don't want any visibility at all if you can stay away from it. When you're trying to take affirmative action--I'm now talking about passing something positively--you want the lowest profile you can possibly get, because the more controversy, the more dispute that . . .

[End Tape 1, Side B]

[Session 2, September 27, 1988]

[Begin Tape 2, Side A]

MORRIS: . . . with a piece from today's paper which says that the California Medical Association is calling for health insurance for all.¹

WHITAKER: I read that.

MORRIS: I thought that was really interesting in view of what we were talking about last week, about your father and the CMA in '45. What might have been done in '45? Did your father ever talk about what Warren might have done that might have resolved the differences with the state medical association and produced what Warren was looking for forty years ago?

WHITAKER: The discussions we had--and this is my observation; I'm not attributing anything to my father in this--would lead me to believe that the California Medical Association was, in its commitment to the voluntary health insurance programs and to their growth, going as far at that period of time as their constituency would permit them to go, which is, I think, sort of their position. Warren's position, as you recall, was locked into his state health insurance proposal. And there is no way that he could have adjusted that to have achieved the support of even a sizable segment of organized medicine. Support yes, because he did have support from some of the people who were involved in the discussion at that point in time; but there were no accommodations that I know of that could have been reached which would have achieved a system of state health insurance at that point in time.

1. *San Francisco Chronicle*, September 27, 1988.

- MORRIS:** Interesting, since the subject has continued on through the years.
- WHITAKER:** As we discussed when we talked before, all of life is an ongoing drama and a series of unfolding events, and we build on what has gone before all the time. Sometimes wisely, sometimes not so wisely.
- MORRIS:** That's true; that's true. There were a couple of other questions I had on some of the measures that you worked on that we talked about last week. One was on the teachers' salary measure. I wondered when you first worked with the teachers' organizations.
- WHITAKER:** Well, the firm started working with the California Teachers Association long before my time, when really the organization was just being formed, or had been formed, when it was run by a man by the name of Roy McCloud, who was the father of the teaching profession as an organizational group. That's at the time when there were strong differences of opinion between those teachers who considered themselves "professionals" and those who considered themselves, in effect, union labor. And that was the original dispute between what was called the California Federation of Teachers, an AFL-CIO [American Federation of Labor-Congress of Industrial Organizations] union, and the CTA. And the CTA grew by leaps and bounds over the years and became the dominant teacher-representative group in California. So that probably started sometime in the thirties, I would guess.
- MORRIS:** There was a California Federation of Teachers as early as the thirties?
- WHITAKER:** I can't tell you that for certain; I can't tell you the year that they came into being. Unlike the national group, the AFT, the American Federation of Teachers, which became dominant in many big cities and in some states across the country, the California Federation of Teachers never really became a tremendous force within the profession.

MORRIS: The California Federation was not as powerful as the California Teachers Association?

WHITAKER: No, no; it never has been.

MORRIS: Was Mr. McCloud a teacher?

WHITAKER: You're trying my memory too far back now. I think he was an administrator of some sort in the schools at one time, and then was elected whatever they called him--executive director, executive secretary, or something--of the teachers association.

MORRIS: And he was still in that position when you came back in and joined the firm?

WHITAKER: He was in that position--oh, I've forgotten what year he resigned--for a great number of years, and really shaped CTA in its formative years. Then he was followed by a man by the name of Arthur Cory. Arthur, again, was a fellow who really looked ahead. He was a far-seeing individual. And the CTA under his leadership made extraordinary strides in an organizational sense. That's when they first started trying to make major increases in teachers' salaries --what were then called major increases in teachers' salaries.

I've forgotten the year of the first initiative, but they got a guaranteed annual wage passed, which they had tried to achieve in the legislature for years and years and years and years unsuccessfully, and they went to an initiative constitutional amendment, as I recall. They passed that. That must have been the one that they did in '46. Yes. It put in a base salary, and then it gave an ADA [average daily attendance] factor that keyed to the salaries, which was considered a major, major step forward in the teachers'-salary arena.

Then they repeated that process in 1952¹--I'm pretty certain that Cory was still running the CTA--and moved it up substantially. Those two initiatives are the foundation of today's teachers' salary structure. Obviously they've been built upon by

1. Proposition 2 (November 1952).

legislative action since. But they put in the constitutional guarantee that teachers are going to be paid, and they are going to be paid in effect as a first call on state revenues; and that, as you know, stemmed out of the depression era when there was a question as to who was going to get paid and who wasn't going to get paid.

- MORRIS: I thought that was in the original state constitution that education had the first call on state revenues.
- WHITAKER: I don't remember that that was in the original constitution. It was written in at some point in time. Now again you're testing my memory a long time back. They never effectively were able to get that first call on revenues. Out of the two basic initiatives--there might have been a third one, but two that I can recall--they established that right.
- MORRIS: The California Taxpayers Association, which followed all of these measures with interest, in regard to the '46 measure said that at that time their survey showed that California teachers were among the highest paid people in the state.
- WHITAKER: In the state?
- MORRIS: In the state.
- WHITAKER: I don't recall the figures. The teachers' salaries were. . . . In '46, when the first base was put in, they were really pretty low.
- MORRIS: The quote that I found was that the state Department of Employment figures show that 78 percent of those covered by unemployment insurance in 1943 received less . . .
- WHITAKER: Forty-three?
- MORRIS: In '43 received less than the \$2,400 a year that the proposition in 1948 was asking for.
- WHITAKER: That's probably true. They received less than the twenty.
- MORRIS: Right.
- WHITAKER: Absolutely. And it was 2,400; I had forgotten that.
- MORRIS: Well, they had done it, or there had been an earlier. . . . In the November '44 election, there was an amendment passed that

placed the minimum salary at \$1,800.¹ And then two years later, the second initiative raised that from 1,800 to 2,400 [dollars].

WHITAKER: Yes. And the first one was done by this office, but I was overseas. The second one I was up to my ears in, and my memory is a little bit better on that, obviously, than it is on the other.

MORRIS: But, yes, the general tone of the opposition to the measure was that teachers were already amongst the highest paid workers in California.

WHITAKER: That may have been their tone, but that certainly was not the case. We could go back and I could pull out, I think still, some of the materials that were used in those early days, and the teaching profession was a very ill-paid profession. And that was recognized by the great majority of the people in the state in setting these guarantees into the constitution, as apart from statutory law, where it could be lost or gained.

MORRIS: Who did you work with in the legislature on this? Were there some people that were helpful?

WHITAKER: Oh, yes. In the 1952 initiative--if I have my years correct, I think that's what year it was--we struck an uneasy alliance with [Assemblyman] Jesse [M.] Unruh and [Assemblyman Robert] Bob Monagan. They were playing flip-flop on who was going to be speaker during that period of time, and both achieved the position, as you're well aware.

MORRIS: In due time, yes.

WHITAKER: They were helpful. Another person that . . .

MORRIS: That was a little later, I think. Monagan was . . .

WHITAKER: I've forgotten the years. Monagan became speaker sometime later. But they were leading lights in the legislature at this time. [State Senator] George Miller, Jr. was one of the people who was helpful. George was a very tough fiscal person, and he was very hard to convince. He also was more supportive of the California Federation of Teachers than of the California Teachers

1. Proposition 9 (November 1944).

Association. So there were times when you had to walk that gap. As I recall, those are people who really were helpful: no matter the rhetoric, you could sit down and begin to fashion a way through these problems.

MORRIS: You tended to go to the legislative leadership, rather than the rank and file?

WHITAKER: In the legislature?

MORRIS: Yes.

WHITAKER: Oh, absolutely. The legislature at that time, and to a large degree now. . . . If you don't have support from the legislative leadership, you don't really have any support in the legislature.

MORRIS: Is that a matter of going to them on specific measures that you're working on, or do you kind of have somebody who calls on them regularly to keep in touch?

WHITAKER: Over the years--I think we touched on this a little bit before--you develop a series of ongoing relationships with people in and out of government, where no matter what the issue of the moment that comes up, you can work with these people and they're pleased to work with you, and there's a mutual trust. You may end up, when all is said and done, with some of them opposing or supporting a given measure, but they will work with you toward what we all consider a common goal. And more often than not, you'll find in fashioning your approach in this way, you prevail, because you do get a consensus. Now, you can't confine that to the governmental arena alone; you've got to always go outside of government and create the basis of support that encourages legislators to be helpful to you. If you're dealing with a subject that has little or no public support, perceived support, then, you know, they have other things they have to do; they have a full agenda, too.

MORRIS: Indeed. Moving on to the railroad initiative in '48,¹ did you, Whitaker and Baxter, develop that initiative, you know, help in

1. Proposition 3 (November 1948).

the drafting of that and decide that an initiative was the way to go?

WHITAKER: Yes, that's another issue: the so-called "featherbedding" measures, both the '48 one and then there was another one--one was on brakemen, the first one; the second one was on firemen--were developed after countless years of legislative attempts at a resolution of the problem.

MORRIS: Why didn't the process of consensus building work with the legislature on the railroad issues?

WHITAKER: There was never a support base built that was sufficient to override the railroad unions and their supporting unions in the legislature. And the answer to your question probably is that no one ever went out and tried to put together public-support groups; it was always joined as a legislative problem, and it was argued before legislative committees. Neither group could prevail, really. To oversimplify, where management was trying to reduce the crew sizes, labor wasn't --they just had a stand-off and labor, of course, was benefiting from the stand-off because they didn't really want any affirmative action, where the railroads did.

MORRIS: Their argument was always safety, as I recall.

WHITAKER: That was the primary argument that they used. That was sufficient when they were in the legislative arena and they were not subject to public pressures. And when it came time to go to the ballot. . . . To answer your question, yes, we did recommend it, yes, we did have some input, although obviously the lawyers drafted the measure. But we had considerable input in it. And that was the only way that we thought that they would ever solve that problem.

MORRIS: I came across a copy of the ballot measure in the secretary of state's handout, and I was surprised to see that the word "featherbedding" was actually in the initiative. That's kind of a slangy term.

- WHITAKER: Yes, it is. But it was a descriptive word, and it was a word that from our point of view sounds much better than "excess crew"; people understand what a featherbed is.
- MORRIS: Describe what it meant then. I remember it because I was around then.
- WHITAKER: Oh, a featherbed, when everybody grew up, was a big, soft, cushiony thing that you could climb in and perhaps luxuriate in the comfort of this featherbed. So people considered it an extravagance, a luxury.
- MORRIS: More staff than was needed was its context in terms of the . . .
- WHITAKER: Yes. I remember at the time, I think it was the '48 one that took the "I've Been Working on the Railroad All the Live-long Day"--remember the song? And I rewrote that into "I've Been Loafing on the Railroad All the Live-long Day," and we played radio commercials coming out of their ears on this thing. That had quite an effect. It hammered home what this featherbedding-loafing was all about, in a variety of ways.
- MORRIS: Did you use polls very much in those days?
- WHITAKER: Yes, we did. We started. . . . Well, again, without going back to the years when my father and Leone were directing the business, because I know they were using surveys, but to what extent I don't know. . . . We have never in my years been involved in any substantive ballot measure without major survey work. And the survey work, as you would know, even then when the art was not quite what it is now, we designed those things to test arguments and to determine issues, not to determine the outcome of an election, because that's not determinable in the early going. But the arguments are.

You could take that, and then we used to break out the demographics; you knew where the Democrats were, where the Republicans were, where organized labor was. Or you had the income scale. And then you began to fit all this together and find where your arguments track. You'd make use of that

information, obviously, in your campaign work. You'd even devise your direct mail, which was without computers a very primitive weapon, but we'd devise that keyed to either legislative districts, sometimes counties, sometimes regions, to use the argument that was most compelling with the groups that we were trying to reach by direct mail.

MORRIS: Did you start to develop some of these subtleties around 1950 when you became a partner or . . .

WHITAKER: Oh, long before that. There were some of us. . . . At that time, Jim Dorais, who I think we referred to previously, and I would block out the survey as we saw it; we'd do it ourselves.

MORRIS: Actually write out the questions?

WHITAKER: Well, we'd write out one, what is it we're trying to do with this survey, and . . .

MORRIS: As in find out, or what we want to achieve?

WHITAKER: What we want to find out. Because finding out, then you know how you can achieve. We knew what we wanted to achieve, but we needed some answers. So we'd work that out, and then we would bring in different survey companies and sit down and do the mechanics with them. But we then and now to this day do our own surveys; we block them out from beginning to end. We're doing one now, a major, national thing for a major corporation. You devise these things to get answers. If you don't use them for that purpose, you're wasting your time. The tracking polls and who's winning today: Bush is ahead; [Governor Michael S.] Dukakis is ahead; Joe's behind; or whatever it is--that may sell newspapers or help the six o'clock evening news programs, but it doesn't win elections.

MORRIS: Did you over the years develop sort of a standard or a picture of who the voter was or the citizen was who was most likely to respond to the kind of candidates and arguments you were developing?

- WHITAKER: Yes. It isn't the same person or the same group. They change, depending on the issue, depending on the campaign, depending on the personalities involved, depending on the economy of the country or the state or the region. So you have a shifting target out there. You've got to find it.
- MORRIS: So that's what you're doing, in effect?
- WHITAKER: Oh, absolutely. You may think that you've got it down pretty cold in your own mind where all the pieces are and what you should do in the election. I think intuitively we're probably right over 90 percent of the time. But once in a while by this process, you find something you were missing, and you always find ways to sharpen your story and to target your campaign more precisely.
- MORRIS: Can you recall an example or two of campaigns where there was something you didn't expect in those initial . . .
- WHITAKER: There certainly have been. I'm trying to think of one that I could use as a for-instance. Off the top of my head, I cannot come up with that.
- MORRIS: Maybe we'll come across it later on. I was wondering if the decision to use the word featherbedding in the '48 railroad proposition, if maybe that turned out to be something that your polling indicated people responded to.
- WHITAKER: Yes, it did. We had determined that we were going that way, but the surveys. . . . Unless we were contradicted by the data that we collected, the surveys made it totally clear that that approach was one that people understood and they would react to, which is why we went in that direction.
- MORRIS: Did the lawyers balk at using such a casual phrase? Usually propositions are unintelligible to a nonlawyer.
- WHITAKER: The lawyers and engineers or doctors or whatever are professional people who have professional skills, but their skills are not in communication. So you benefit by their professional expertise, and they benefit by yours. If we're being hired to run a campaign, then we're being hired to fashion the message, subject

to the client's approval, of course, and to communicate with the electorate. They aren't.

MORRIS: But in general you tell them, "You stick to your business and we'll stick to ours"?

WHITAKER: No, we try to do it in a very nice way. But if it comes down to a difference of opinion, then we have held with our clients that "you hired us to do this, and if you want to hire somebody else that's your prerogative." But it really never gets to that point.

MORRIS: There were six railroad companies, I guess, who had a coalition that retained you.

WHITAKER: There was what they called the California Railroad Association, and the dominant members were obviously Southern Pacific [Co.] and Santa Fe [Railroad] in California. This thing was established on the basis of the trackage that each railroad had in the state. That's how they set up their assessments one against the other and sort of the pecking order as to how they would proceed. Union Pacific [Co.] was a substantive player; Western Pacific [Railroad] was a somewhat lesser player, but still an important player at that time; Great Northern [Railway]. I think those were the railroads that were involved.

MORRIS: Now, did each of those companies delegate somebody to be their contact person to work on this?

WHITAKER: Absolutely. What you'd do, you'd form whatever term you want to give it--a steering committee. The clients are represented on that steering committee, as are we. You develop your plan of campaign; you develop your entire approach; you develop your budget--A, B, C, D. And you take it in and you sit down with your steering committee and go through it. They approve or disapprove or modify or whatever it is that they want to do. Occasionally you will have a member of a steering committee representing one interest or another that will have to go back to his principals to get a sign-off on the thing. Well, it's very important to do this and to have everybody in harmony as you go

forward. So in the instance of the railroad campaign, each of the railroads had a member on the steering committee, and they. . . . I've forgotten whether they worked officially through the California Railroad Association at the time, but that was the format. They were using . . .

MORRIS: A pre-existing system that worked.

WHITAKER: Yes. These are the people that ran the California Railroad Association, which is the organization that had lobbied for the last twenty or thirty years trying to do this problem in the legislature. So they were intimately familiar with the problem.

MORRIS: Who was the lobbyist for the railroad association?

WHITAKER: At that time, a fellow by the name of Claude Minard.¹ Claude had been a former assemblyman. I'm trying to remember; I think he was even speaker at one time. A very bright guy, very nice guy.

MORRIS: He would have been part of this steering committee?

WHITAKER: Oh, absolutely.

[End Tape 2, Side A]

[Begin Tape 2, Side B]

WHITAKER: . . . the representatives of the individual railroads.

MORRIS: Were the representatives at the vice-president level, or were they from the public affairs section? How does that work?

WHITAKER: Well, let's see if I can remember. Southern Pacific's representative at that time was a man by the name of George Buland, who was general counsel. [Robert] Bob Walker was Santa Fe's general counsel, and he was their member. In each instance, they were out of the law department, yes, in this particular campaign.

MORRIS: What did you do about the opposition's claim that this wasn't really a matter of efficiency in the economy of railroad operation, it related to trying to put down union organizing?

1. Assemblyman from Fresno, 1936-1937.

- WHITAKER: We, one, never even discussed that, because we weren't trying to put down union organizing. We did not campaign against union labor; we campaigned against featherbedding and/or excess crews or whatever. We made the point in our material, but certainly it wasn't the lead issue in the campaign, that the safety thing was a fraud in effect; there were no safety questions involved, and we put together voluminous amounts of material that demonstrated that to be the case in our major work pieces that we took to every editorial board, every radio station, the taxpayers association, the chamber--every group that exists in the state. So you lay the foundation for your case with people who do take the time and the effort to search deeply into the issues; and only then can you begin to make use of the media, you know, the twenty-second, thirty-second, minute or ad material where you're simply hitting the highlights of the issue. You've got to have the base, the foundation down to permit you to do the media work effectively, we think.
- MORRIS: Right. So you didn't deal with the broader issue of union . . .
- WHITAKER: We didn't consider it an issue, never dealt with it.
- MORRIS: Did the opposition use that in their campaign?
- WHITAKER: Yes, to a slight degree. But except in, I would say, the affected unions themselves, it really wasn't a saleable argument. These companies were totally unionized; they were going to be unionized. They weren't arguing about whether their workers should be represented by the brotherhood of railway clerks or whatever it might be. They were arguing about how you man a train.
- MORRIS: How you run the railroad.
- WHITAKER: Yes.
- MORRIS: How about the California Federation of Labor? Did they get active in issues like this?
- WHITAKER: Oh, they probably did. But it was largely the railroad brotherhoods, in one instance the brakemen and in the other the

firemen, that carried the brunt of the thing. And then, obviously, they reached out and got as much support from other elements of organized labor as they could.

MORRIS: I was thinking about [Cornelius] Neil Haggerty who was head of the federation.

WHITAKER: Neat guy.

MORRIS: Did you have much contact with him on various issues?

WHITAKER: Oh, we knew each other. Yes, over the years we worked together many times and helped each other out. That went on for all of his career.

MORRIS: What kinds of issues would you be on the same side of?

WHITAKER: Oh, on the teacher issues we were on the same side. We were involved in shipping campaigns where we were on the same side. Every issue in which we were involved that in effect was a job issue, a construction issue, a bond issue, whatever it was, we worked together on them. We had a very good working relationship; did then, do now.

MORRIS: Really? With the federation?

WHITAKER: With these people nationally, of course. These are some of my best friends. They are. And we help them and they help us.

MORRIS: Were you paying any attention to the fact that amongst the other propositions on the ballot was this one that George McLain was pushing, the blind and aged initiative?¹

WHITAKER: Well, that was the '48 year.

MORRIS: That's the same year as this first railroad initiative.

WHITAKER: We had nothing to do with the thing in '48, McLain's thing.

MORRIS: No. It was more did you . . .

WHITAKER: We were trying to encourage our clients in their own interest to oppose the thing vigorously, which they didn't. It passed, and the day--I guess election night--they came to us to put together the initiative to repeal it, which we did the next year.²

1. Proposition 4 (November 1948).

2. Proposition 2 (November 1949).

- MORRIS: Why did no organized opposition develop?
- WHITAKER: They didn't think it could pass. You were talking about surveys. We tracked all sorts of issues; every survey we do, we're tracking what's going on, because it always has an effect on what you're doing.
- MORRIS: OK; so it's not just a single-issue kind of survey.
- WHITAKER: Oh, no, no, no. You've got to be out there in touch with the world. You can't just go out and talk about brakemen on a railroad train. You have to be concerned with the economy of the state or the region or the nation. And you have to determine how other issues are influencing what you're doing.
- MORRIS: They do impact each other to a degree.
- WHITAKER: Of course, to a degree. Life is not a series of pigeonholes where you can take issues and stick them in this little cubicle, and then pull it out and put another one here. They all interrelate.
- MORRIS: This sort of broader "what issues are of concern now," is that the kind of surveying that the California Poll does?
- WHITAKER: Yes, because the California Poll, [Mervin] Field's poll, goes into the field on a broad enough number of issues--I'm not privy to how they cross-ref[erence] their stuff--that they have a fairly continuous feel for the primary issues that are before the state.
- MORRIS: The Field Poll sort of is marketed to the various organizations and media. Do you market the results of your polls?
- WHITAKER: Absolutely not. Our polls are ours. They're totally internal; they're privy to the client during the course of the campaign and for their use thereafter. They are very important pieces of the business, and it's not the kind of thing that you're publishing in the newspaper. Your purpose is different. Now, people use pieces of polls; you see that all the time: "My survey shows X," whatever X might be. Well, that's something that they usually have just lifted out of a survey.

- MORRIS: Going back to the McLain poll, had you watched or had contact with George McLain yourself and your father? He'd been around for some years, hadn't he?
- WHITAKER: Yes. My memory is that he was some kind of a functionary--I don't know of what importance--in the Ham-and-Egg thing of Willis Allen and Lawrence Allen. I believe that's where he sort of got his start. And as their star faded, his began to rise as he put together his own pension organization, which he built quite effectively. He built a substantial organization. But we knew who he was; we would nod as we passed. But that's never anyone with whom we had the kind of relationship that I referred to with the later people and the others of a moment ago that . . .
- MORRIS: Really? Because there was not the kind of give-and-take and mutual understanding?
- WHITAKER: No. When you're dealing with issues of that type, the fervor on the part of--and I'm not picking on McLain--but on the part of a McLain or on the part of Allen and the rest is almost a religious thing. There's little room for intellectual give and take. And that's been true on issues like that, oh, all throughout our history. There was the People's Lobby thing that came up for a while where the Koupals [Ed and Joyce] did that. There's almost no room to discuss substantive matters. You're right or you're wrong on the issue, they believe; so you don't establish that kind of a relationship.
- MORRIS: Is that similar, coming up a few years, to Howard Jarvis and Paul Gann?
- WHITAKER: Yes, to an extent. It's the same basic approach to life.
- MORRIS: Is it the approach to life or the single-issueness that makes them difficult to work with?
- WHITAKER: No, I wouldn't say it's single issue, because every year there are a great number of single-issue campaigns, so-called, and there are a great number of us who work together and discuss the "single issues," sometimes being able to modify them successfully before

they reach a ballot or a legislative point of resolution. That was not the case with a McLain, and certainly wasn't with the Koupals. It really wasn't with Jarvis. He and Gann couldn't even get along. They had competing organizations. They had a few marriages of convenience, I guess, from time to time. But they were not . . .

MORRIS: It was truly expediency that they joined forces in '78?

WHITAKER: I would think so, yes.

MORRIS: What kind of information did you gather from your surveys in terms of what might work in repealing the McLain initiative?

WHITAKER: What came through rather clearly was that people were supportive of the concept of a decent pension system. They were not supportive of a pension organization that was surviving on its constituency, that was, in effect, building its own livelihood into the initiative, which the McLain thing had done. They named themselves to office--and I've forgotten all the details--but they put their organization into business as the administrators of the pension program.

MORRIS: [Director, Department of Social Welfare] Myrtle Williams was the person whose name . . .

WHITAKER: Yes, I'd forgotten. She became the director of the thing, but she was one of McLain's people, and came out of his organization. She was his assistant or something; I've forgotten precisely how it went. But the thing that came through clearly was that people were not supportive of that approach. And that proved to be the case. That was the thrust of the campaign, where, as I recall, we called it the McLain Pension Scheme, another one of those definable words that . . .

MORRIS: "Scheme" having a poor connotation?

WHITAKER: Basically it's considered to have a poor connotation, yes.

MORRIS: How about Earl Warren? Did he join forces with you on the repeal measure?

WHITAKER: I don't remember. He probably opposed it; I would think so.

- MORRIS: The measure, yes.
- WHITAKER: Yes. But in terms of joining forces? No. Other than getting an endorsement statement, there was no. . . . The governor's office wasn't out making this issue number one on their hit parade.
- MORRIS: I was curious, since it sounds as if the McLain proposal had fairly expensive connotations.
- WHITAKER: Very. But even there, it's, I think, important with that issue. . . . And it's a subject that's still with us, obviously; it's never going to go away. People genuinely believe that this country should have a decent pension system, whether it's social security or whether it's a state pension plan or whether it's health insurance or whatever. They believe in that. So to the degree that these programs are workable and genuine, people support them. To the degree that they're not, the degree that there's a concern that there are some shenanigans involved, they are not supportive.
- MORRIS: Were those the things that you put into the campaign, that there were shenanigans?
- WHITAKER: Yes. I don't know that we used that word, but . . .
[Laughter]
- MORRIS: Were there differences. . . . Mr. McLain's strength, I believe, was in the southern part of the state because there were more older folks?
- WHITAKER: I can't recall where his greatest strength was. Probably in Los Angeles. But it was a fairly uniform thing in the urban areas of the state. You get over into the end of the valleys or into the suburbs, his support base was way down.
- MORRIS: Does that mean that that affects how you plan the media and things?
- WHITAKER: Of course.
- MORRIS: You do more in the small towns than in . . .
- WHITAKER: Well, that depends on what you're trying to do in the campaign. Whether you're trying to build your own support base or to erode

your opposition's support base, or both. But yes, you use that information to key your campaign.

MORRIS: Is it harder to build your own support base or to erode the opposition's?

WHITAKER: Harder to build your own support base. But when you're dealing with an issue that requires an affirmative result, you must have a support base or you almost can never win. If you're attacking where the other person has to prevail with an affirmative vote, you can afford to devote more time to the attack in the media and somewhat less to the organizational face of the campaign. That's marginal.

MORRIS: Once the measure had passed, did you have trouble lining up people to support it and go to work on overturning it?

WHITAKER: Oh, no. We got in business probably within thirty days that we had the thing really humming.

MORRIS: And it was mostly the business community and the civic organizations, not the political, elected officials?

WHITAKER: No. Oh, the total thrust of the campaign, the power of the campaign, came out of the business-civic community. The elected officials, some of them, went along, but they were not leading the effort.

MORRIS: They didn't see it as a threat to the smooth operation of state government?

WHITAKER: They saw it as a threat to the cost of government; and therefore, those that were concerned with the cost of government, the administration and some of the legislators, were concerned with it.

MORRIS: But in those days, legislators took less of a role in this kind of campaign than they have since come to do? That's what I'm trying to get a finger on.

WHITAKER: Blanket statements are always not correct. Legislators hardly ever lead issue campaigns. They join them. If you're looking at schoolteachers, that's the CTA or the CFT. If you're looking at

the shipping industry, it may be the maritime unions or it may be the Pacific American Association or the Pacific Maritime Steamship Association. If you're looking at agricultural things, it's going to be producers and growers. That's where issues are shaped and formed.

Then, obviously, you have elected officials who are concerned with the issues, who participate to a greater or lesser degree, depending on their interest in the campaign. But very seldom does Governor X or Senator Y say, "I am going to solve a featherbedding issue." They aren't. They may talk about it, but they are not going to solve it because they can't put together the economic and political power that it takes to prevail. Usually. I keep stressing that. [Laughter]

MORRIS: Right, I understand. I was thinking about it along the time line. In the fifties, as the legislature began to develop specialized research staffs and a lot more field people, would that put them beginning to be in a position where they could do the kind of testing of concerns and evaluating an issue?

WHITAKER: Well, they can do a great deal of evaluation. They could then; they can do much more now because of the staff capability of the legislature. But you have to remember that people who are elected to office are concerned with getting elected to office. Their strength is in the kinds of people that are putting together a railroad campaign or a school campaign or some other kind of campaign. They have to go to these constituencies to get themselves elected. So they are really not in the best position to take Issue A, whatever the heck Issue A is, and lead the fight to pass it or defeat it. Now, there are times when that's not the case.

I'll give you a classic, perhaps. When the constitutional revision thing came up,¹ that was an issue that was extraordinarily important to Jesse Unruh and to Bob Monagan. It was at that time that the two were in the driver's seat in the legislature. They

1. Proposition 1 A (November 1966).

were two really bright individuals and they had thought through governmental structure very ably. They came to us and said, "Can you put together a coalition of business-agriculture-whatever-labor that will permit us to go to the electorate and to have a chance to prevail?"

To make a long story short, we did; we assembled the forces. Bob and Jesse, [Senate President pro tem] Hugh [M.] Burns and [Senator John F.] Jack McCarthy who were in it from the senate side were deeply involved. The four of them attended every major session that we had with the groups that we had assembled to work on that campaign and expressed their strong support for what was being undertaken. They gave more leadership in that campaign than I can recall having been given to another issue perhaps in all the history of the state. They got as far out in front as they could. They took an extra step over the line of leaning on those to whom they were indebted to help them on this, as apart from helping them in their own reelection campaigns, if I draw the difference properly.

MORRIS: Right, I see the distinction.

WHITAKER: But that's an unusual kind of thing. And it wouldn't have worked, in my mind, without their total commitment to getting it done.

MORRIS: That 1966 proposition wouldn't have passed without their help.

WHITAKER: Not without their making it clear to the people who were prepared to underwrite the campaign that it was extraordinarily important to them, that they thought that this was very important for the state. That kind of constitutional revision just takes the most all-encompassing group of support to get it through. That would not be a hard one to knock off if your interest was in fragmenting the support that was there.

MORRIS: Why would it be easier?

WHITAKER: Because it was a rather complicated thing, and it had some very debatable elements pro and con. The consensus was, "OK, it's pro; we'll go pro."

- MORRIS: Would debatable--which would have been more . . .
- WHITAKER: Debatable, arguable. Like, "Is this truly in the interest of the state of California to do everything that's wrapped up in this nice little package?" That's arguable. But there was a decision: "OK, we will go with the package."
- MORRIS: There was also a legislative salary and a legislative retirement section.
- WHITAKER: Absolutely.
- MORRIS: Which was of more concern to Unruh, Burns, McCarthy, et al.?
- WHITAKER: Oh, I think without question they were more concerned with the constitutional revisions and the full-time legislature that would come out of that, the staffing, and the rest that they considered to be essential to the governmental process in a large state like California. I think probably there were many in the legislature who were quite interested in the salary provisions, which most people felt were worthwhile; that was not an overpayment in any sort. That was not one that people were jumping up and down about saying, "Oh, gee, you shouldn't pay these people so much money," or "You shouldn't pay them anything," or whatever.
- MORRIS: The wisdom of hindsight: nowadays the cost of public salaries has surfaced as kind of an issue. I take it you're saying that in 1966 it was not an issue?
- WHITAKER: Not a particular issue. It really isn't, except in some instances, much of an issue now. You get a lot of comment about it and a lot of talk, but except where you get some obscene figures--and there aren't many of those--the public is prepared to pay good people a good wage. And I think that's, again, been an evolutionary thing in government.
- MORRIS: There were, on the 1949 McLain proposition repealer, somehow there were half a dozen measures to repeal obsolete parts of the state constitution. Those don't seem to have incurred any concern. That was a different kind of a thing than the actual revision of some of the sections?

- WHITAKER: Right.
- MORRIS: That's very helpful.
- WHITAKER: But those are things sometimes you can just pick up on in a broader issue.
- MORRIS: Just tidy up a few outmoded sections?
- WHITAKER: Yes.
- MORRIS: The '48-49 must have been quite a year. That was when you went national with the American Medical Association? Was that the first national . . .
- WHITAKER: Yes, in December of '48 we took on the AMA thing. That was largely my father and Leone. They moved to Chicago, being the home of the AMA, so that they could work directly with the staff and the officers there. And they spent '49, '50, '51, '52 there on that campaign.
- MORRIS: So you stayed here and ran the store in San Francisco pretty much?
- WHITAKER: Yes. We ran this end and this business, and they devoted themselves to that account.
- MORRIS: Was that the first national exposure you had?
- WHITAKER: Not the first national exposure that the office had. That I had, yes. But my father was involved in Wendell Willkie's campaign in 1940. They were involved in [Governor Thomas E.] Dewey's campaign peripherally.
- MORRIS: The Dewey part or the Warren part?
- WHITAKER: The Dewey part.
- MORRIS: The breach between your father and Earl Warren never really resolved itself?
- WHITAKER: No, it did not.
- MORRIS: That's interesting. Because mutually, or was that . . .
- WHITAKER: I obviously could not speak for Earl Warren, but I know that my father felt very strongly that he didn't want to have anything to do with Earl Warren. Now, Verne Scoggins, whom you mentioned the other day, and I have discussed this many times. Verne and I

perhaps have a little bit different perspective on it than the two protagonists did at the time. But no, they didn't like each other.
 MORRIS: Even before they had the difference of opinion about the '42 campaign?

WHITAKER: They had great difficulties during the period of the campaign . . .

[End Tape 2, Side B]

[Begin Tape 3, Side A]

MORRIS: Did Scoggins make any effort to bring about a reconciliation?

WHITAKER: No.

MORRIS: Before I get past it, in this late-forties period, were there other campaign management firms around the state that were doing the same kind of work that you were doing?

WHITAKER: Oh, yes, there have been a great number of firms that have come and gone over the years. In that period of time there was a firm, [Herbert] Herb Baus and [William] Bill Ross, who headquartered in southern California. Herb worked for us in 1949 or '50, so somewhere in that period they got themselves started. They were quite successful. They were a totally professional operation. They stayed in business for quite a number of years. I couldn't tell you exactly when that broke up, but they broke up at some point in time.

MORRIS: As a partnership?

WHITAKER: As partnerships. Well, I don't know whether they were a partnership or a corporation or what. But the two of them broke up, and they worked separately after that for a few years. But they were a very capable group.

There was another fellow who worked for us called Harry Lerner. Harry established his own firm. He dealt largely with candidates, but he got involved with some issues too. And Harry was, I think, very successful for a period of years.

MORRIS: Nowadays he still mostly works on the Democratic side of issues.

- WHITAKER: Oh, he always did. And then Harry came back and worked for us on a variety of things afterward. We used him on Issue A, B, or C, whatever the heck we were doing. He was quite good.
- Then there were other people who had more localized offices. [Frederick] Fred Whitney down in San Diego had a good operation going. [William] Bill Queale over in Sacramento had a . . .
- MORRIS: I ran into his name in some of your material, and I was interested because I had previously run into him as a consultant for the state fair.
- WHITAKER: He may well have been. But Bill had a good firm. He's no longer active. These were people who were totally professional.
- MORRIS: As opposed to somebody running their husband's campaign?
- WHITAKER: Oh, the ones that come in and out. Yes, you run your husband's campaign or your lawyer does it.
- MORRIS: Because he's your old college roommate.
- WHITAKER: Well, either that or he wants to be a judge or whatever.
- MORRIS: That too.
- [Laughter]
- WHITAKER: I'm talking now about people who were making a living by working in government, a full-time living. The people that I've mentioned--there may have been some others--but they're the ones who were the early ones.
- MORRIS: People like [Russell] Rus Walton?
- WHITAKER: Yes. I'd forgotten Rus, but he was in business for I don't think very long.
- MORRIS: Well, he moved over to become executive--this is moving up into the sixties--executive director of the United Republicans of California. So he was still doing professional political work.
- WHITAKER: We did some work with him, but the exposure was not such that I could judge. But he was here; he was obviously a totally capable human being.
- MORRIS: Using the same kinds of approach that Whitaker and Baxter did?

- WHITAKER: Oh, everybody worked a little bit differently. Some of them. . . . Well, you take Queale. Bill was very skilled at what we call the organizational aspects of campaign work. Lerner was very skilled at the publicity aspects. A great writer. Whitney was a good organization man, and he was also a very good speaker.
- MORRIS: You could send him out in place of the candidate to talk to the chamber of commerce?
- WHITAKER: Yes, Fred was totally able to do that. Bill was, but he was not the same kind of speaker that Fred was. So they had different strengths. We all do.
- MORRIS: We haven't really talked about candidates' campaigns. We've got a bunch more initiatives in 1950. Did you do a candidate then?
- WHITAKER: Well, let's see.
- MORRIS: Your list gave me . . .
- WHITAKER: We were involved in parts of different candidate things in the fifties. We were involved. . . . Let's see; in San Francisco we did Elmer Robinson's mayoralty campaign. We did both his first one and his second one. We were involved in the planning stages of [Alameda County District Attorney Thomas] Tom Coakley's campaign for attorney general.
- MORRIS: Does that cause a problem to do part of a campaign?
- WHITAKER: Actually, we were involved in the planning stages and then felt that Tom couldn't prevail. So it was never anything where there was a follow-through called for.
- MORRIS: Did you recommend that he then not continue?
- WHITAKER: Oh, I've forgotten now, but . . .
- MORRIS: Do you in cases?
- WHITAKER: Oh, yes. If we're convinced that somebody is--whether it's an issue or a candidate--that it's not a winnable situation, we'll tell them that. And we have. There's no sense taking someone's money and losing a campaign for them. There is a reason for some integrity, you know. We pride ourselves on having it.

- MORRIS: Right. But you're pretty sure on the basis of a preliminary planning study that something is winnable or that it's definitely not winnable.
- WHITAKER: Well, that's not how I would state it. You know that you have a reasonable prospect to prevail or you don't. And you can't ask for anything more than a reasonable prospect to prevail.
- MORRIS: Right, but you can be fairly categorical that this campaign, either person or issue, hasn't got a chance of prevailing?
- WHITAKER: Yes, either hasn't the chance or the chances are very, very slight. Those are very difficult ones because sometimes people don't agree with you. So you then have to take the position that you are going to stay with them or you aren't. And if we just can't see a way to get through under any circumstances, we try to part friends and let it go. We were involved in one, as an illustration of that, in Goodwin Knight's campaigns.
- MORRIS: His '58?
- WHITAKER: Fifty-four was his first campaign for governor. Then in '58 you had the great Republican upheaval when Bill Knowland decided that he was going to come back to California and he was going to become governor, and Knight could either step aside or run for the [U.S.] Senate or whatever. And [Vice President Richard M.] Nixon and [U.S. Senator Thomas] Kuchel were obviously all involved in the thing, too.

We worked as strenuously as we knew how to keep Goodwin in the gubernatorial race. We told him that we were convinced that he could win it. He was not so convinced. And so he finally decided that he would run for the United States Senate. We had the feeling that Goodwin really didn't want to be a United States Senator, that he would hurt himself by making that run. And we told him that. We then agreed to stay with his campaign through the primary, which we did. And then we separated after the primary, for the reason that you and I were discussing a moment ago: we just did not believe that was a good

campaign for him. It wasn't that we thought it was totally impossible to win, but it was unlikely that he was going to prevail. It was just the wrong campaign.

MORRIS: How did you feel about Bill Knowland's campaign for governor?

WHITAKER: Oh, I think that Bill Knowland's campaign came out exactly as anybody could have predicted. It was an absolute disaster and a given loss.

MORRIS: Were you close enough to the people who were the officials in the state central committee and the national committee to have any input into what this was going to do to candidates in general?

WHITAKER: They were all, in effect, tearing their hair out. Not all of them, most of them. Yes, we discussed that with lots of them. But the struggle, really, was Bill Knowland's desire to return to the state for whatever reasons.

MORRIS: Well, it's "whatever reasons" that I would really like some insight into, because one of the theories in the literature is that Knowland wanted a California base so that he could then run for president; another is that Richard Nixon was definitely looking ahead and wanted to strengthen his position by getting out of the way some other possible challengers.

WHITAKER: Well, I think that's perhaps giving Dick more prescience than he had. That's not speaking unfairly of him at all. You had Knowland who was a believable United States Senator who might have become a believable candidate for president as United States Senator. Bill Knowland was not a believable governor for the state of California; he was not going to establish a California base that would catapult him into the presidency. I think those who were close to the situation believed that he came back here for personal reasons, rather than political.

MORRIS: That his wife was not happy with Washington; she wanted him out of Washington?

WHITAKER: Yes.

MORRIS: Did anybody ever say that?

- WHITAKER: Oh, it was discussed. I don't know that it ever got discussed publicly particularly.
- MORRIS: There were also various shifts and changes. Some of the people that Goodie Knight thought were going to be elected to the state central committee somehow ended up not being chosen, and then Nixon's men got to be. . . . It's really a marvelous plot with intrigue.
- WHITAKER: That was at the state central committee meeting in Sacramento. That didn't have a great deal of bearing on either the decision or the outcome. It was a jockeying for power between Knowland, Knight, Kuchel, and Nixon. Knight ended up with really enough strength that he could have done whatever he wanted to do there, whether they agreed with him or they didn't agree with him. It was an interesting fight and an interesting few days or month or so struggle, but I . . .
- MORRIS: Did you counsel him, you and your father and Leone, to dig in his heels and say . . .
- WHITAKER: Absolutely.
- MORRIS: Why didn't he?
- WHITAKER: He decided that he couldn't win. His concern was that the Los Angeles *Times* would kill him, they would destroy him as a political figure; so therefore, he finally decided to run for the senate.
- MORRIS: Did you folks talk to [Los Angeles *Times* editor] Kyle Palmer at the time?
- WHITAKER: Of course. Oh, Kyle was all for Knowland and all for Goodie getting the hell out of the race.
- MORRIS: Goodwin was a southern California fellow. Was it the fact that the Knowlands were also in the newspaper business?
- WHITAKER: Oh, no, not really. Goodwin never was considered a part of the Los Angeles Republican establishment; he was always a little bit of an outsider. Goodwin was a little too moderate in some of his positions for the *Times* at that time.

MORRIS: That's the *Times* with a capital "T"?

WHITAKER: *Times* with a capital "T." I think that when Knowland surfaced, Kyle figured that if he could elect Knowland, then the governor would be more responsive to him and Goodwin would only be partially responsible to him or them. There was a little bit of that.

MORRIS: As somebody sort of very close both to the media and to the political officeholders, what about the legend that the *Times* controlled California politics, that they were the king-makers? Is that just?

WHITAKER: No one controls California politics, and I don't think anyone ever has controlled California politics. They control some elements of the political structure, and there was a time when the Los Angeles *Times* and the Stockton *Record* and the Oakland *Tribune* and the Hearst papers, and then to a lesser extent, the [San Francisco] *Chronicle*--oh, and the McClatchys [*Bee* newspapers], for goodness' sakes--anytime that they could get together, you came close to having a slam dunk. But they didn't get together all that often, because they had their own differences of opinion and they had their own newspapers to, in effect, promote. So therefore it was very difficult for them to work together too closely very often.

They had a loose but effective relationship that extended probably to my knowledge somewhere from probably the late thirties through the forties into the fifties, when newspapers were still a dominant voice in partisan politics, between the *Tribune* and the Los Angeles *Times* and the *Chronicle*. They worked together more often than not. Oh, and in the early days, but much earlier, Irving Martin of the Stockton *Record* was a working part of that group. But yes, they'd still differ from time to time.

MORRIS: Irving Martin is interesting because he was also on the State Board of Control. He's the only one of those power brokers who

- actually spent some time trying to deal with the problems in government. Did you know Mr. Martin?
- WHITAKER: I'd met him. I did not know him. My father knew him quite well; I did not.
- MORRIS: I know he's before our time, but I think he's interesting partly because he sent Verne Scoggins to Sacramento to help out.
- WHITAKER: Verne was political editor of the Stockton *Record*. You had Verne and Kyle Palmer, [Earl] Squire Behrens, Royal Jameson. These men exercised considerable influence in California politics in behalf of their newspapers.
- MORRIS: Royal . . .
- WHITAKER: Jameson, the *Examiner*. Hearst.
- MORRIS: He was the *Examiner's* political reporter?
- WHITAKER: Editor.
- MORRIS: And television made a change in how that group of newspapers functioned?
- WHITAKER: Well, a whole series of things. Radio was changing it even before television became much of a force. Television began to change it. The ability to use direct mail in a marketing sense changed it. The whole variety of elements that came into play that led to a point where newspapers were not the dominant voice. They became an important voice, as they still are. But there are a whole variety of reasons for that, not only television.
- MORRIS: Some economic or some demographic?
- WHITAKER: We're dealing with a society where there is free and easy communication now. Taking all of the means of communication together, you're dealing with a very informed electorate. It doesn't make nearly as much difference any more in terms of what the Chamber of Commerce recommends or what the Labor Council recommends or what a newspaper recommends in terms of candidates as it used to. People used to look to . . .
- MORRIS: It used to make a difference?

- WHITAKER: It made a difference. People used to look to them to inform them. They would respect their labor union; they would respect their chamber of commerce; or they would respect their newspaper--whatever one they liked. That's no longer nearly as true.
- MORRIS: Is that of the fact of more people getting more education?
- WHITAKER: Well, yes, it's just society continuing along and knowing a little bit more--perhaps not being any more skeptical than they ever were before, but having access to a wider variety of opinions than they did before. You know, if you didn't get it out of your local newspaper or the magazine or the newsletter from whatever the organization it was that you belonged to, people did not have access to the kinds of information they do now that leads them to make more of their own decisions, particularly with candidates. They still will track with opinion leaders, I guess is what you would call them, more on issues than they will on candidates.
- MORRIS: That's interesting.
- WHITAKER: But that's always been true.
- MORRIS: Really?
- WHITAKER: Yes.
- MORRIS: That people are more likely to make up their own mind on a candidate than on an issue?
- WHITAKER: Yes.
- MORRIS: Why is that?
- WHITAKER: Because a candidate is a living, breathing thing with a face on it. They can see that person; they like that person; they don't like that person; they like the way he or she talks; they like what they have to say about A, B, or C. It's more of an intuitive thing: "I think that Susan would be a great mayor; I think she represents more of what I want to see as a mayor." You get around to "Shall there be a two term limit on the officials in the city?" that's a different proposition. They think that through differently.
- MORRIS: And tend to stay thought through?

- WHITAKER: Yes. Once they get there, they tend to stay there.
- MORRIS: Right. They're later making up their minds on an issue?
- WHITAKER: Probably, but not necessarily.
- MORRIS: Does that mean that more things can go wrong with a candidate campaign than with an issue campaign?
- WHITAKER: Oh, yes. Because, again, with issues, while you're dealing with human beings and you should never forget that, with candidates, they are human beings; and human beings are fallible and they make mistakes. They can be the nicest person in the whole world and you see their picture in the newspaper and you don't like them. That's human beings reacting to human beings.
- MORRIS: Is this the origin of what we hear a lot about now that candidate campaigns are based on trying to develop the earnest smile or the image, and stay away from what the actual--that it's more difficult to figure out what the candidate is actually like than it used to be?
- WHITAKER: It's always been very difficult to figure out what a candidate was actually like, but they carry it to extremes now, and I think to their own detriment.
- MORRIS: Candidates or the managers?
- WHITAKER: Candidates. Well, candidates and the managers both. There's a preoccupation with the red power tie or the lack of the red power tie, things that aren't quite as important to people, I believe, as what the individual candidate is espousing, and how he makes his point, how he brings it across. It's a fact of life that if a person is not a good speaker, if they have an unfortunate appearance or whatever, they're going to lose support because of that.
- MORRIS: Going back, say, to Goodie Knight's campaign, would you have sat and talked with him about how he presented an issue or the cut of his hair, the cut of his suit?
- WHITAKER: Oh, we would discuss the issues. With all candidates, you will sit and for hours on end go through the various issues that make up the overall campaign. You lock yourselves up with three or four

people and you just hammer your candidate unmercifully, so that anything that he gets from the opposition is a piece of cake by comparison to what he's going to get when you lock him in that room. But that's just really a process of education. You're trying to sharpen them on the issues, because in this era of instant communication, your first answer has to be pretty close to being the right answer. It's a little hard to say, "Well, let me think that one through and I'll get back to you next week," which is, of course, what people should do when they're dealing with issues rationally.

MORRIS: Yes. Is it not acceptable to do that to a newspaper reporter or to the six o'clock news?

WHITAKER: Well, it is acceptable with an editorial board. It is not acceptable if you're up speaking about health insurance or whatever and you're being queried about it; you're supposed to have an answer. If you don't have an answer, as you know, from time to time they'll say, "Well, I really haven't formed a firm opinion there yet. My position is evolving," or something. And that people detect as a little sign of weakness, waffling, which it probably isn't.

[Laughter]

MORRIS: When you were working with Goodie Knight, who would you have used and who would he have relied on to do that kind of issues brainstorming and sharpening?

WHITAKER: Well, he relied very heavily on my dad; he relied on Leone; he relied on [Newton] Newt Stearns, Jim Dorais, and me. We'd sort of take turns.

MORRIS: Newt did some work, actually, with Whitaker and Baxter, didn't he?

WHITAKER: Oh, yes, he was one of the partners in the firm, was a stockholder. An extraordinarily capable guy, a very nice man.

MORRIS: Right. But he was a partner and then he went to Sacramento with Knight?

- WHITAKER: No, no. He went to Sacramento with Associated Press. He became Knight's press secretary. Then he became executive secretary. And he came with us in 1958, during the Great Upheaval.
- MORRIS: He was not comfortable with Goodwin Knight running for the Senate either?
- WHITAKER: Well, he was prepared to make a career change, and I think without any question if Goodwin had run for governor and been reelected governor, Newt might have stayed with him another year or so just to get a transfer. But we had been discussing with him for some time the possibility of his coming to work with us.
- MORRIS: So he would have come in as a partner about the time that you became president of the firm?
- WHITAKER: Yes, that exact time.
- MORRIS: So it was your interest in having him in the firm rather than your father's?
- WHITAKER: No, it was a mutual interest. You see, at that time my dad and Leone were leaving; they were retiring and we bought them out. Jim Dorais and I felt that it would be in our interest to have another strong person here. My dad and Leone had been discussing this with Newt for some time.
- MORRIS: Talking with them as partners with them?
- WHITAKER: Just coming in. This I think probably preceded their decision to retire. That was a decision that we all sort of welcomed. He was just an extraordinary talent, and unfortunately died.
- MORRIS: That's too bad. Do you want to stop there?

[End Tape 3, Side A]

[Session 3, October 21, 1988]

[Begin Tape 4, Side A]

- MORRIS: I need to go back and ask you about some of the other propositions you worked on. In 1950--you mentioned that you worked on three that year--the personal property tax, which was an initiative measure to remove the personal property tax from the tax burden as a constitutional amendment.¹
- WHITAKER: Let's see. The gambling thing was just as it says, an initiative to legalize gambling in California, as I recall.² We ran the campaign against that.
- MORRIS: Well, the material I found said--I was really interested--it said this was "the latest of the biennial attempts to rewrite the state's old-age assistance program" introduced by the Ham and Eggs people, Willis Allen and company. Remember that?
- WHITAKER: Yes I do, now that you. . . . I haven't obviously read this in years and years. My memory is that it did tie to a pension program, and that was the rationale for the thing.
- MORRIS: The profits . . .
- WHITAKER: There was a man who had, I think, worked for or with Allen, who was the sponsor. It was so long ago it is just not fresh in my mind. I remember the issue; I remember the gambling thing. Now that you mention the pension thing, yes. But I cannot, for the life of me. . . . If you have something there, let me skim it. It might bring back. . . . [Looks at document.] Oh yes, [] Wilson. Yes,

1. Proposition 1 (November 1950).

2. Proposition 6 (November 1950). The third measure referred to above was Proposition 10, Public Housing Projects, also November 1950.

I remember it now. [Laughter] So, ask questions. Now maybe I can answer. I'm not deeply knowledgeable, but you have refreshed my memory.

MORRIS: Good. I was wondering if there was some group that sort of kept a watch on what the Ham and Eggs people were doing. Were you expecting in those days they would come up with another initiative?

WHITAKER: Yes, because they and several others had been active over a period of years and we tracked it rather carefully--we, this firm--what they were doing, what McLain was doing, and other people, as did at that time the state chamber, which was under the direction of a fellow by the name of [James] Jim Mussatti, who was their executive director.

MORRIS: Mussatti?

WHITAKER: Mussatti. M-u-s-s-a-t-t-i. James Mussatti. They tracked all this stuff very carefully. Cal Tax [California Taxpayers Association] did to a reasonable extent at that period of time. And then there were a few companies that were kept informed and did some tracking of their own. We worked, for instance, very closely at that time with Pillsbury Madison and Sutro, which represented then Standard Oil of California. And my memory is--but I'm not certain of this--I think they represented some of the other oil companies, but I'm not certain of that part. But they would track, we would track, we would all of us communicate back and forth on a constant basis what was going on--what these people were doing and somebody else was doing, what the different candidates or officeholders were doing. So yes, there was a give-and-take, a free flow of information among a rather narrow group that didn't want to get caught by surprise.

MORRIS: Did that include sort of staying in touch with the secretary of state's office to see what was . . .

WHITAKER: Oh, absolutely. Yes, the answer to your question is, yes, but by the time something got to the secretary of state's office it had

been in the planning stage for obviously six months, a year, two years. If you hadn't picked it off before it got there, you weren't doing much work for your clients.

MORRIS: How could you pick it off before it got to the filing a title and summary stage?

WHITAKER: By just being aware of what they were doing, what they were promoting. I don't mean that in an invidious sense. You can't operate in a vacuum tube. If you're interested in a gambling proposal you have to talk to people; you have to work with it; you have your own troops who are involved. And when you pursue this business it's important to you to know what other people are doing, so we make it our business; many of us make it our business to know what is going on. Frequently you can know certainly a year before, sometimes a year and a half or two years before, what's coming.

MORRIS: Does that mean it's possible to sign up one of your people as a member of the Ham and Eggs Association, for instance?

WHITAKER: Oh, you could.

MORRIS: Or get on their mailing list?

WHITAKER: All sorts of people would send us some material.

MORRIS: That's interesting. So it's kind of a network that . . .

WHITAKER: Oh, yes. It's not just Ham and Eggs. It's important to know what all different kinds of groups are doing. If you want to be at least in step with the political process and if you want to be a little bit ahead of it, it's vital that you know what people are thinking, what they're doing.

MORRIS: Does this include contacts with the press and in the fifties the radio stations?

WHITAKER: Certainly.

MORRIS: At the editorial level or the newspaper beat man's . . .

WHITAKER: Oh, it's not a formal thing, as you would know. Just addressing still the same campaign that you're discussing here, we were in touch with the press all the time at the editorial level, at the news

level, on a variety of matters, and exchanging information. You'd talk, have lunch together, whatever. These were people with whom you worked. And so you're exchanging ideas and thoughts: "Did you hear about such-and-such?"

MORRIS: Fascinating, to keep track of all those things. In your head or do you maintain a file system?

WHITAKER: You keep it in your head and as you become interested in something, obviously, you keep a running file, an action file or something. It might be on a tax problem, it might be on Ham and Eggs, or it might be on a whole variety of things. It might be on what [Edmund G., Sr.] Pat Brown was doing at that time or it might be about Goodie Knight--a whole series of things. You keep up with that and you obviously keep a running file of what you consider to be important information that you don't want to forget. You can't pack it all in your head. You can pack an awful lot in there, but . . .

MORRIS: That's what I was wondering. In the fifties, on the ballot measure front, there would be twenty or twenty-five issues per election. Would you track all those subjects or just the ones that related to the kinds of areas that your clients tended to be interested in?

WHITAKER: You'd be knowledgeable about virtually all of them. Some of them didn't make any difference one way or the other probably to anybody except the person that was promoting the thing. But it was important to track with them, to understand them, whether or not you were working on them professionally. There's an interlock between issues that becomes important. If you have a string of bond issues running at the same time, you have a tax measure running at the same time, you have a pension plan running--all of these things come together to create a political climate. And so it's important to have them all in mind and to deal with your issue in the context of the whole, if I make myself clear.

- MORRIS: Yes. Let me ask you a specific. In November 1952 there were two measures relating to elections. One was the one that said we will have party affiliations listed with candidates on the ballot. That was Proposition 7. And then [Proposition] 13 that year was the ballot measure that would prohibit cross-filing. Did those interact?
- WHITAKER: Yes, obviously. And again, you're pulling on my memory, which I suppose is always a dangerous thing, but my memory of it was that the move to identify people by partisan registration was an offset to the anticross-filing measure. And that's a fight that went on for years and years and years and years, as you're well aware, and finally was resolved: they abolished cross-filing. But it went through the steps: first you had to label yourself a Democrat or Republican; and then finally they got rid of cross-filing altogether.
- MORRIS: I'm assuming you were against cross-filing, that the Whitaker and Baxter . . .
- WHITAKER: At that time, as a practical matter, no.
- MORRIS: What was the practical side of that?
- WHITAKER: The practical reason was that. . . . Well, it would still prevail today if you didn't have cross-filing--the same rationale, that same reasoning, would prevail. The political parties in the state of California at that time, both parties, were weak, they were nonentities; they were organizations, period. They were incapable of electing candidates by themselves. The power of campaigns came from outside the political parties and then meshed with them in the conduct of a campaign.
- That would still be true if you still had cross-filing. So what I'm saying is that you had an opportunity to save money by winning the whole thing in a primary election. You didn't have to worry about the general, and that always appealed to people who had to put up the money.
- MORRIS: Did that happen in a significant number of campaigns?

- WHITAKER: It used to happen quite often, yes.
- MORRIS: I remember the celebrated Warren campaign in '46 when he won
...
- WHITAKER: You have to remember there were all sorts of congressional and legislative campaigns in addition. I could no longer recite you percentages, but I'm sure you would find a high percentage of people winning in the primary election. And that was not unusual to either win it in the primary, or more often you didn't knock out the other candidate in the primary but you wounded him so badly that the general election was simply a pro forma thing. You really got your election won going through the primary. It was a whole different political philosophy under cross-filing.
- MORRIS: From the point of view of somebody whose business is running campaigns, it's advantageous to have more campaigns and more campaigns to run in the general election?
- WHITAKER: No, not really. Because there are enough campaigns to run without manufacturing them.
- MORRIS: Was it your activity that produced the party designation on the ballot measure, or was that totally a different group of people and a different concern?
- WHITAKER: I don't recall that we had--in fact we probably did not have anything to do with the campaign to nail in the party designation, except as an offset to the anticross-filing thing.
- MORRIS: They weren't similar enough to say . . .
- WHITAKER: Obviously the attempt was to try to kill or forestall the repeal of cross-filing by providing a party designation and give people that option of choice. It was our thinking then that at the best all that would do would be to prolong the cross-filing system. But it would eventually lead to the abolition of cross-filing simply because you made that issue more acute, the partisan issue more acute. And all that was was a partisan issue.
- MORRIS: Cross-filing kept on for another ten years or so.
- WHITAKER: I can't remember exactly when it went down, but yes.

- MORRIS: When you lost the campaign in '52, did you keep that alive as an issue that you would then have worked on in subsequent ballot measures?
- WHITAKER: I don't track with your question.
- MORRIS: Well, did you keep working on the cross-filing issue in subsequent elections, or did you just run that one campaign?
- WHITAKER: That's the only one I recall.
- MORRIS: OK. I just wondered about that one. Then we've come into. . . . [Looks through papers.] I've got more pieces of paper than you do here. [Laughter]
- WHITAKER: Again, the answer to your question, while you're looking, cross-filing was a subject of political dispute in California for a great number of years. We tracked with the issue all through those years because it was a part of all campaigning. And whether we or anyone else would be specifically supporting or opposing a particular cross-filing proposal was really not the point. Everybody was trying to tend to it while they were doing the rest of their business.
- MORRIS: Working with statewide candidates such as Goodwin Knight, did they have an interest in strengthening the party, or was it to the advantage in California for candidates to be able to build their own . . .
- WHITAKER: It sort of depended on whether you were benefiting from the system or you weren't, obviously. And largely the Republicans felt they were benefiting from cross-filing, and largely the Democrats felt that they were not. And as a matter of election outcome, that's probably true that the Republicans benefited and the Democrats did not. Republicans benefited by winning more elections, and that was one reason why they were able to do that for a long period of time. Along about 1950 when the Democratic party was trying to really put itself together in California--and that's when they started putting it together as we know it now, a very viable party--one of their principal points was

they had to get rid of cross-filing. They had to make people conscious of their partisan affiliation.

MORRIS: That makes sense. The next item on your list is the unitization of oil fields. That's not the first time you worked on a national level because you'd already worked on medical insurance.

WHITAKER: Yes, that again. . . . You know what unitization of an oil field is.

MORRIS: Tell me again. You told me off-tape and I'd like it on tape for fellow historians who are not in the engineering field.

WHITAKER: Well, when you drill for oil, in the simplest terms, you have a lease or you own the land or whatever and you can drill on the land where you have the permit to drill. Oil unfortunately doesn't pay much attention to property lines. Oil gathers in basins and those basins in almost every instance come under a series of different property ownerships. So, again oversimplifying, you can have one pool of oil down there and let's say you have a hundred owners of property on top. Every single one of them could drill into that same field. And the faster you drill, the more you get because you're getting the other guy's share by sucking it out from under his land.

MORRIS: A very competitive situation.

WHITAKER: Very competitive. So the attempt was made in the oil industry to try to form groups: "We'll drill together. We'll try to get the ownership or the control of the surface rights, and then we'll drill this thing more intelligently. We'll take more oil out over a longer period of time, which means you can market it more efficiently, and it's better business." That didn't work too well, the so-called voluntary groupings. So there was an attempt made here in 1956, which was not the first attempt to do this--but there was an attempt made to pass an initiative which would unitize an oil field.¹ If 75 percent of the owners decided--I think that was the magic figure--that they were going to drill this thing together, everybody had to abide by that and you would drill it as a unit,

1. Proposition 4 (November 1956).

you would drill the whole field as a unit, for the benefits that I have cited. That was basically supported by what are called the major oil companies.

MORRIS: Is that big oil?

WHITAKER: Well, yes. There are some independents who are very big too, but the majors are integrated oil companies largely, where they produce and refine and market. Independents usually are drillers. That's again an oversimplification. But the major oil industry was supportive of this concept, and understandably so.

MORRIS: Why did it go the initiative route?

WHITAKER: Because they couldn't get the legislature to enact it.

MORRIS: I see. Why not?

WHITAKER: Because the votes weren't there. The independent producers had enough clout in the legislature that they were able to preclude a bill of this type coming out.

So you had the so-called independents--not all of them, but most of them--opposing this concept and you had the majors supporting it. At that time, in 1956, the independents prevailed; the initiative did not pass in California. Now most oil fields, I believe, are operated as units. You don't have this old system of everybody puncturing the earth and trying to make it squirt in their own back yard kind of thing.

MORRIS: Was this a question where antitrust questions raised their head?

WHITAKER: Oh, you weren't violating the antitrust act. The initiative wasn't violating it. Where you get into trouble with antitrust laws on this or any other subject is when you get people working together where it can be alleged that they're trying to stifle competition, or to control a market. And that was an argument that was used, that this was to the economic benefit of the big people and it was to the disadvantage of the little fellows. I think that's just an argument.

MORRIS: That split between the larger integrated oil companies [Inaudible]?

WHITAKER: You have to understand, as I said a moment ago, there are some big, big, independent oil companies and they're as big as any business around. So when you say the majors you think of the integrated companies.

MORRIS: Thank you; I appreciate that. I was thinking about '46 and '48 when the integrated oil companies and the independents were tussling over the highway program and the gasoline tax.

WHITAKER: Was this an outgrowth of that? Not really, if that's the question.

MORRIS: Right. Well, I was wondering if there was a sort of continual "Where do we stand?" between these two segments of the oil industry.

WHITAKER: In the oil industry around the world, but particularly in this country, it's fiercely competitive--major against major. It's fiercely competitive major against independent and vice versa. You have the producers who are fighting with the pipelines who are fighting with the refiners. It's a constant economic battle to either maintain parity or to get an edge in the production of energy. It's no different than selling apples; it's just oil.

[Laughter]

MORRIS: It sounds like the political scene is an important part of that process of maintaining your market.

WHITAKER: Well, over the years most energy has been subject to a variety of governmental controls. And when the energy business first came into being, when they first discovered oil--you know, they started doing coal and all the rest--it was sort of everybody for themselves. You drilled your land, produced your oil, or produced gas, which at that time was largely flared--they didn't know what to do with it--you produced your coal. And you tried to get a market for it.

Then the government stepped in and began to set up a playing field that everybody had to address. That playing field was national as well as local, local in terms of states. And it got to the point where the industry was fairly well regulated in terms

of what it could do. Then you have had in recent years, in the last probably five, six, seven years--maybe a little longer than that--this whole decontrol drive to decontrol price and production and the rest. So it's like everything else in business: the function of government, the proper function of government, is to try to maintain some reasonably level playing field in the interest of the ultimate consumer. Government does that sometimes a little better than at other times. But within these rules all these companies must function. I don't know that I'm helping you with this.

MORRIS: The playing field concept is an interesting one.

WHITAKER: It's critical, absolutely critical.

MORRIS: That's the area in which regulations are set?

WHITAKER: You go back to the presumed functions of government. Go back a number of years and you had monopolies that were created. And as you could create a monopoly and as you could control a market, you controlled price. So you eliminated competitors, your business competitors, and you got every cent that the market would bear and then some from the consumer of your product, whether that consumer was an industrial plant or a home or a citizen--you know, whatever. Then this country came to the conclusion that that was not a good form of government. So we broke up the so-called monopolies and we made a more competitive business climate. As that developed, this thesis of a
...

[End Tape 4, Side A]

[Begin Tape 4, Side B]

WHITAKER: It's, simply put, a system where the government should be a referee--probably a benevolent referee--to see that the industries involved don't unfairly injure each other, but more importantly that the consumer benefits from service, availability of product,

and price. And the only way you do that is to ensure that there is not a monopoly of production.

MORRIS: That would sound like there would be an aspect, too, in which some companies would be just as happy to have some government guidelines in order to increase their likelihood of surviving in the marketplace.

WHITAKER: A cynic would tell you that those that are losing would like more government help and those that are winning don't want the government anywhere near them. That's not totally true. But you find that even large companies--and I'm not addressing oil now; it doesn't matter if it's oil or gas or whatever--they are every bit as concerned with having a fair shot at the market as anything else. Because there's no real way in this day and age you'll get a monopoly or even a monopoly through a series of holding companies on a product; and therefore, big businesses or small businesses can only be injured where they--again, using the same phrase--where the playing field isn't relatively level for all the participants.

MORRIS: Interesting. In the fifties . . .

WHITAKER: I've gone before the fifties and came, obviously, far after them.
[Laughter]

MORRIS: Well, you know, it occurred to me that one of the big controversies in California in earlier years was the theory that Standard Oil controlled the California government. That's from the history books. That's why the initiative and the referendum.

WHITAKER: Southern Pacific got more of the blame than Standard Oil, I think, at that time.

MORRIS: But that Standard Oil was equally powerful. I wondered if that was still a factor in dealing with the media and government regulations.

WHITAKER: You mean that there's a concept that they're powerful or that they are powerful?

MORRIS: There's the concept Standard Oil and other large companies have a . . .

WHITAKER: There's a belief on the part of a lot of people that large companies of all types have greater political influence than small companies or than individuals, which is not particularly true. You'll find that companies that live in a regulated climate, in a governmental climate, obviously pay attention to what government proposes to do in an administrative fashion or in a legislative fashion. If they didn't, they'd be insane. So they monitor the activities of government very carefully. Some of them, and not a majority--not even close to a majority--some of them participate in the political process vigorously, some to a limited degree if really at all. Every company structures itself a little bit differently.

But the perception is there that if you're big--if you're General Motors or whatever, therefore you have an inordinate amount of clout in the state of Michigan or in California where you have automobile assembly plants, or wherever. That's in the eye of the beholder largely. They have influence. They have clout. They can prevail only when they're able to put together a consensus, a reasonable consensus, on the part of a large segment of groups that have an interest in the same problem. I'll phrase it another way: there isn't a single solitary entity in the United States of America that is powerful enough unto itself to enact a single piece of legislation that is controversial. Not one.

MORRIS: But going back to the eye of the beholder. Would that have been a factor, say, in something like this unitization of oil fields?

WHITAKER: Oh, yes. Absolutely; no question about it.

MORRIS: How do you deal with that . . .

WHITAKER: And there have been periods of history when some big businesses have been far more influential in government than at other times.

MORRIS: How do you deal with that in an election campaign?

- WHITAKER:** You deal with it, again, by. . . . If you're right, if indeed what you're trying to accomplish is in the interests of the majority of the people, be they, again, individuals, other companies, or whatever, you must be able to convince a majority of the people that that's right, that it is not just in Standard Oil's interest, it is not just in ABC's interest; it is in your interest, it is in the University of California's interest, it is in the interest of the C & H Sugar Company, the interest of whoever, to produce oil in this sense and market it in a sense where you get more oil, you use more of the resource, and you get it out at a better price. Now if you can convince people of that, they'll support it. But only if it's in their interest. Certainly not if it's in Standard Oil's interest, using the example you just came up with. And obviously that issue was sufficiently fuzzed up in the campaign that it did not sell. Even though it was true. [Laughter]
- MORRIS:** Do you really care about a large turnout of voters? Some of the literature on initiatives is that there is a real drop-off in voting on initiatives.
- WHITAKER:** Again, the answer depends on what the issue is. If you're working on a school issue, you want the largest possible turnout of voters that you can get. Because the people who turn out for elections without much urging largely tend to follow an economic scale, a philosophy-of-government scale; the people who are higher up the economic scale, who are a little bit better educated, who tend to be somewhat more conservative in their concept of government, go to the polls in greater numbers proportionately than the rest of the population. That's just a given.
- MORRIS:** Is the theory that they have a greater stake?
- WHITAKER:** No, they pay more attention.
- MORRIS:** Yes, OK.
- WHITAKER:** They pay more attention because their education has brought them to the point that they think it is in their interest to pay attention to government. They get very concerned with tax- and

expense-related issues because they affect them personally and dramatically and they know it. So that's the given bloc that comes in--apart from the fierce partisans. The fierce partisans, what I've just told you, that basically doesn't prevail. But there is a limited number of fierce partisans.

So to answer your question, on a school issue where people might not be inclined to spend as much as your issue might call for them to spend on the schools, you want to drive out, if you can, a greater voter turnout. So you work to do that; you work hard to do that. If you're working on a series of bond issues and say these are bond issues where you contend some of them or all of them or whatever are not appropriate, then you would be much . . .

MORRIS: You as a campaign manager?

WHITAKER: As a campaign manager. Well, your client. They figure. . . . OK, well, we did one one year--I've forgotten the proposition number --we called it the "Bad Apple in the Bond Barrel." And we just banged through in California on the Bad Apple in the Bond Barrel and we just slaughtered that thing, while the other bond issues were going through. So you can single them out. But the point I'm making is if basically you want to defeat a bond issue, you're perfectly content with a relatively low turnout. If you want to pass the thing, then you're going to have to get a better turnout. And if you get a marginal one that is going to be a little tough to sell, you need a big turnout.

MORRIS: A bigger turnout?

WHITAKER: Yes.

MORRIS: The extra-big turnout gives you . . .

WHITAKER: Comes from people who are not so concerned with the cost of the bond issue. Here you've got a bond issue let's say for a billion dollars. Well, it isn't a billion dollars. You're probably looking at three billion. So you've got three billion dollars, whatever the figure is. And for over thirty years, everybody in the state of

California is going to pay for that thing. And they're going to pay two to three times the amount they would have paid if it was handled as a capital expenditure--they will, their children will, and their grandchildren will. So when people come out to vote who are not so concerned with the taxes they pay, largely because they don't pay them, or what they pay is insignificant, they don't care what it's going to cost you. So they're more inclined to "Gee whiz, let's do this" whatever the bond issue calls for.

MORRIS: How did you get connected with President [Dwight David] Eisenhower and what kinds of issues did you do speeches for him on?

WHITAKER: Well, politically I got connected with him when a fellow by the name of [James] Jimmy Reynolds ran the Citizens for Eisenhower in the first Eisenhower campaign.

MORRIS: In California?

WHITAKER: Nationally. Jimmy was a friend of mine, a neat human being. He was a man with a cause. His cause was Eisenhower. There wasn't much partisan makeup to him.

MORRIS: Eisenhower or Jim Reynolds?

WHITAKER: To Reynolds. And so they structured a group of people around the country who were largely like they were. They didn't care all that much about the Republican party or the Democratic party. They thought Eisenhower would make a great president and so they put together "Citizens for Eisenhower." They looked for leadership in the middle ranks of business and the professions, largely, to get people like themselves involved in the political process.

Anyway, one day--I've forgotten when--Jimmy called and he said, "Would you write some speeches for Eisenhower?" He and I, Reynolds and I, had worked together in other areas. I said, "Well, one, I don't know that he wants me to write any speeches for him; and two, it would depend on what he needs; and three, I'm also trying to run a business." He said, "Well, come on, if Ike

would. . . ." Oh, no; he said, "We think he needs to couch his message differently." That was the way he came at this. "It needs a different touch." And anyway, to answer your story, I said, "Well, OK, give me some subject matter. Tell me what it is within reason that you'd like to do and let me sketch out some things, some thoughts, and I'll give them to you and you do anything with them that you want." So I did and he did, and then the request came back if I would write some speeches on some of those issues. I can't at the moment tell you what they really were.

MORRIS: Was this a West Coast or western states kind of flavor or just new ideas?

WHITAKER: No, no. They were just speeches that had new approaches, a different approach. So I've forgotten now; I wrote quite a few and some of them surfaced, never in whole but in part, and some didn't. So I sort of enjoyed that.

MORRIS: Was that pro bono?

WHITAKER: Yes. And somewhere along the line I then met Eisenhower. He was a neat guy. And that's the story.

MORRIS: Was Reynolds concerned that in 1956 Adlai [E.] Stevenson might be more of a competitor than he'd been in 1952?

WHITAKER: He thought he was going to be a major competitor. But I think his real concern was that--oh, it was all coming out by rote, the things that he [Reynolds] was reading and reviewing. Because we had known each other and he had seen a whole bunch of stuff that I had obviously been writing for other people, he said, "Why don't you give it a try?" So that's how it came about.

MORRIS: Did it include some suggestions on Eisenhower's delivery? Was that a concern in '56?

WHITAKER: That was not. You can't do delivery for someone unless you can work directly with them.

MORRIS: That's true, but I wondered if maybe you and Reynolds were close enough that you could say he should . . .

- WHITAKER: We were close enough. Once you've observed a person you know basically how he speaks, how he's comfortable, or she, and so you write that way. They were really just looking for different twists, a different approach, new ideas, a new use of ideas, that kind of thing.
- MORRIS: Did you work also with Richard Nixon on his vice presidential campaign?
- WHITAKER: No. I'm trying to remember. No.
- MORRIS: Were you acquainted with him through the general flow of California politics?
- WHITAKER: Sure. We knew him: I knew him and my dad knew him; Leone knew him. And we all liked each other. But in the early stages Nixon, of course, was oriented largely to Southern California, one, and two, to the congressional scene. We, this firm, at that particular time was more interested in gubernatorial politics. And there's not really a good fit, as you know, between congressional and state politics nor senate campaigns and state campaigns. Each one has its own little sphere. Now, they interlock, but they're different. So you talk back and forth, but you don't run single campaigns encompassing all these people.
- MORRIS: But quite often the same people are working on both a U.S. Senate campaign and a gubernatorial campaign.
- WHITAKER: That happens. What I'm trying to convey is that the campaigns are different, the strategies are different, and you are not going to exchange confidences, well, between Goodwin Knight, Bill Knowland, Dick Nixon, and Tommy Kuchel, to go to the group we're discussing here. You all know each other, you all get along together, you like each other; but each one is trying to move his own campaign, his own agenda--agenda more than campaign.
- MORRIS: Agenda meaning what they want to do when they get elected?
- WHITAKER: Yes. And who is going to prevail as the political kingpin at any given point in time.
- MORRIS: Within the sphere of California political control or national?

- WHITAKER: Within or without. They're always looking first within and then without.
- MORRIS: Is it an accurate analogy to ask if there are similarities between a group of corporations in the same field? Earlier you were describing the struggle between corporations to prevail in a field. Is there a similarity between those . . .
- WHITAKER: Oh, yes. You're dealing with human beings. Corporations, you know, are not inanimate.
- MORRIS: No. They each have their own personality.
- WHITAKER: And their own people. And it's people you have to consider.
- MORRIS: Right, but those people make up a personality.
- WHITAKER: Absolutely.
- MORRIS: I have been struck by that.
- WHITAKER: Political campaigns and business operations obviously are not similar. And political agendas and business agendas are not similar. But they are not all that dissimilar. You're dealing with the same fundamental issues; you're just coming at them from a little bit different point of view.
- MORRIS: From the point of view of somebody organizing and managing the campaign, how do you keep these different personalities and agendas from conflicting with your carefully worked out plan for their election?
- WHITAKER: You try to take into account in your own planning--you try to take all of this into account in your own planning. Because as we've said many times, you cannot deal with your problem without a consideration of everything else that's going on around you. All of the other issues, all of the other candidates, all of the other officeholders--you're all working in the same big arena, even though you're driving toward somewhat different goals individually.
- MORRIS: What was Kuchel's agenda in here? Was he happy in the senate or . . .

- WHITAKER: Oh, I think he was totally happy in the senate. And, as you know, he went a long, long way in the senate and very successfully so.
- MORRIS: But he's not usually very visible in this tussle that was going on between Knowland and Nixon.
- WHITAKER: That I can recall, he was never part of the infighting.
- MORRIS: Because his own position was secure?
- WHITAKER: Oh, I think because his position was secure and he. . . I've never discussed this with Tommy, but I would think that it was not in his interest to get involved in that. It was against his interest to get involved in that. Get involved in somebody else's dispute and you might get whacked too.
- MORRIS: Caught in the crossfire, yes.
- Then you did go on and work on Nixon's presidential campaign in 1960.
- WHITAKER: Nineteen sixty campaign, yes.
- MORRIS: Where did you fit into that? Were you the prime contractor, as it were?
- WHITAKER: Yes. We were responsible for the California end of that thing. Then they put together initially a group of people from around the country who basically coordinated their thoughts and their plans and their suggestions together, and that largely was [Herbert] Herb Klein and [Robert] Bob Finch who sort of coordinated the efforts of these people, and obviously Nixon himself. But the California thing was run differently than the other states. One, it was Nixon's own home state; he had substantial support here. So that campaign was run, it was financed, the whole ball of wax, by the California team.
- MORRIS: The California effort or the national coordination?
- WHITAKER: The California effort was run by the California team. Obviously, again, we were coordinating what we were doing with the others. But there were [Robert] Bob Hornby and Jim Mussatti, whom I've mentioned before. I've forgotten whether it was. . . I think Jerd Sullivan and [Charles] Charlie Blyth made up the major

northern California policy and fund-raising group. Then there was a similar . . .

MORRIS: Was James Black in that group yet?

WHITAKER: No. Oh, he may have been involved, but the people I've named were the ones that were truly responsible for getting the money and setting the policy.

MORRIS: And then there was a separate group in southern California?

WHITAKER: Yes, there was a separate group and I'm trying to think of who those people were.

MORRIS: Was that Mr. [Henry] Salvatori and [Howard] Ahmanson and those fellows?

WHITAKER: Ahmanson was involved. Yes, Salvatori was involved. Our friends Herb Baus and Bill Ross, who I mentioned to you earlier, were involved.

MORRIS: They were sort of your counterparts in southern California?

WHITAKER: Yes. Oh, obviously there were others. But it was put together as a California effort. We wrote our own material, produced our own material, printed it out, ran our own radio-TV, and the rest, and squeaked by.

MORRIS: Did you export any of that to other states?

WHITAKER: We made it available and I assume some of it was used. It would have had to have been re-adapted because this all had the California sound tracks and the rest.

But we did some things I have forgotten. We put together some TV commercials. It had the Kennedy people just screaming. They were little animated things. We had [then U.S. Senator John F.] Jack [Kennedy] and [Robert] Bobby [Kennedy] and [Edward] Teddy [Kennedy] as the dynasty. You know, you elect one, you're going to have them all. It really distressed them. They tried to knock them off the air.

MORRIS: Really? Prevent radio stations or television stations from using them?

- WHITAKER: Well, these were TV. They challenged them. So we got more ink and more space because of the challenge of the material than we would have had if they'd not paid that much attention to it.
- MORRIS: Murray Chotiner turns up in a lot of Nixon's campaigns as being a master of that . . .
- WHITAKER: Yes. Murray was, I guess, Nixon's original campaign supporter and obviously was involved in all of this.
- MORRIS: Original supporter?
- WHITAKER: I think he ran Nixon's first campaign, if I recall, for Congress. I believe so.
- MORRIS: As a nonprofessional or . . .
- WHITAKER: No, he'd been involved in politics. He was not a campaign manager as you think of that, but he certainly became one.
- MORRIS: Right, the old-style . . .
- WHITAKER: Yes. I guess Murray, Finch, Klein--I'm probably leaving somebody out--were the ones with Nixon all the way.
- MORRIS: And Finch was an attorney and Klein was more of a professional idea man?
- WHITAKER: Klein was, at that time, the political editor for the San Diego *Union Tribune* and . . .

[End of Tape 4, Side B]

[Begin Tape 5, Side A]

- MORRIS: Did you stay on through the fall campaign?
- WHITAKER: Oh yes, all the way. We got to be really quite fond of Nixon. I thought he had a very good mind. I may have told you this before, but it distressed us, and me, when he lost the presidency that he opted to come back and run for governor of California. We considered that just a political mistake and discussed it with him at great length. Jim Dorais and Newt Stearns and I sat down with him and with, oh, I think Herb Klein and I don't know who all else was there--about eight or nine of us--and told him that we

thought he couldn't prevail there, that he would not be believable.

We proposed another strategy for him. After every ten years you have, you know, a new census and reapportion the congressional seats. We suggested to him that we do two things: one, we take whatever reapportionment bill was enacted and subject it to referendum and force an at-large election of the new congressional seats that would be allocated in the next election. I believe California was granted six additional congressional seats at that time. And we suggested to him, like [John Quincy] Adams, that he run for Congress, but do it in this dramatic way--lead a group of six new elected at-large congressmen back to Washington with him. He would immediately be back on center stage on the national scene, where he was totally believable, and then he could run for president two years later if he wanted to, or whenever.

I guess the idea was somewhat intriguing, but he considered running for Congress a great step down.

MORRIS:

Having been in the White House as vice president?

WHITAKER:

Yes. And we tried to convince him it would not be seen in that fashion, but unsuccessfully.

MORRIS:

That would have been a very dramatic . . .

WHITAKER:

Oh, I think it would have been spectacular.

MORRIS:

And you were pretty sure you could have put together a package of six winning candidates for the new congressional seats?

WHITAKER:

We were quite certain that we could do that and particularly if we could run them at large and wouldn't have to run them in a district.

MORRIS:

Do we have any at-large candidates . . .

WHITAKER:

Oh, no. But you see, if you referendum the reapportionment bill, then you don't have anything except existing districts; but you have six new congressmen, so they have to run at large.

MORRIS:

Goodness. Had anybody tried this anywhere?

WHITAKER: Never before or since that I'm aware of.

MORRIS: Oh, that's too bad.

[Laughter]

MORRIS: Could we go back a bit and talk about whatever you recall about the Nixon and Kennedy debates, since that was a state-of-the-art sort of thing in 1960?

WHITAKER: Oh, just my impression I don't think was much different than anyone else's. We tried very hard, as I discussed with you before, to maintain a perspective. I thought if you had listened to the debate--I'm talking now about the first debate, the crucial debate --if you had listened to that rather than viewed it, it was perhaps a draw. Maybe not, but perhaps. But in viewing it, Kennedy clearly prevailed. And that had a great impact on the outcome of the election. No single incident or happening is going to win or lose most closely fought elections, and that single thing was not singly, solely responsible for Kennedy's victory. But it was a major element in it.

MORRIS: Because of Kennedy's own skill or because television was relatively new in its . . .

WHITAKER: Again, this is retrospect, but I sort of felt this way at the time, and so did my associates here--that Kennedy came over a little bit better. It's not so much what he said. The ideas weren't startling or terribly innovative any more than anybody else's really are. But, well, you can come up to date in a sense with the Bush-Dukakis thing the other night--their second debate. Clearly Bush prevailed in that and for probably the same reasons. He came over better to the audience. If you queried the ordinary viewer who is not a political activist about what was said between Nixon and Kennedy or Bush and Dukakis this time, they'd have a little difficulty three days or four days later in coming up with what it was that was discussed, where the great differences were. But it's the overall impression of a televised debate that they go away with.

- MORRIS: Could you sense that that was going to be the impact of the debates in 1960?
- WHITAKER: At the time? We didn't think he should debate, that Nixon should debate. But they were going to debate.
- MORRIS: Nobody asked you?
- WHITAKER: I don't recall whether we were asked or we weren't asked. This is just a political fact of life: if you're ahead, you don't debate. I don't care what they want to say, just forget it. If you're challenging, you need anything you can get to force the other person into some kind of a mistake.
- MORRIS: Would you have sat down with Mr. Nixon and given him some advice or suggestions on the debate?
- WHITAKER: At that time? I don't think we did, but I don't recall that. We may have, but I don't recall it.
- MORRIS: Subsequently, in other campaigns?
- WHITAKER: In some of them you work very closely with the candidate. But we were not a part of that debate team.
- MORRIS: Then in '62 you did George Christopher's campaign for lieutenant governor. Did you avoid Nixon's presidential campaign?
- WHITAKER: You mean as governor. Gubernatorial campaign.
- MORRIS: Right.
- WHITAKER: Did we avoid it, yes. After talking with Nixon in the situation I described a little earlier, we decided California was going to have to find some kind of new leadership and we thought Christopher, who was a person who was interested in making the run, would be a good candidate, a good gubernatorial prospect; and he asked us if we would do his campaign. We sat down and went through it with him. We discussed the Nixon thing very candidly and, as you may recall, Christopher started out running for governor, not lieutenant governor.
- MORRIS: I didn't pick that up.
- WHITAKER: Well, he did.

MORRIS: In '62?

WHITAKER: Yes. And he made the point in his statement of candidacy, as I recall, or somewhere at that point in time, that if Nixon was going to be a candidate for governor, then he, Christopher, would run for lieutenant governor. Because he--I've forgotten the words, but something to the effect that California didn't need another schism within the party like 1958. So it was on that basis that he announced for governor, and then continued the campaign as lieutenant governor.

MORRIS: Did that make some ill feelings between the Christopher and the Nixon forces?

WHITAKER: No, no. Because George was very careful, and certainly we were in the conduct of his campaign, not to permit that kind of situation to occur. Assuming Nixon had not come back and run for governor, then the only way Christopher was going to prevail was to have a unified party behind him.

MORRIS: And to tap into the same money and political . . .

WHITAKER: Right, so he could then make a major run. So he wouldn't just be another gadfly in the process.

MORRIS: Did you and Mr. Christopher in 1962 see this as a warm-up exercise or did you think he was, aside from the Nixon question, feel that he could prevail in a statewide race?

WHITAKER: Oh, yes. We were quite confident and I think George was confident that he could win this thing. And that will never be known, of course. But this was no attempt to go in and get exposure, name recognition, and the rest. This was a full-bore shot.

MORRIS: What was the status between northern and southern California in the Republican party at that point and in voting strength?

WHITAKER: Voting strength had shifted south by then, of course. Proportionately you were probably not quite 60-40 in voting strength. If that's the answer to your question.

- MORRIS: That's part of it. The other part of it is the north versus the south in terms of the political clout.
- WHITAKER: The antagonisms?
- MORRIS: Rivalry, whatever. Some people say it is definitely a factor in political campaigns.
- WHITAKER: In recent years there's always been, oh, a competitive spirit between the north and the south that is really not so much partisan; it extends to many of the things that occur in the state. It does exist in a partisan sense. There are people in the north that have great difficulty supporting a southern Californian and vice versa.
- MORRIS: Was that operating in the Christopher case?
- WHITAKER: Of course it was. It's been there all the years that I have been in this business. Some years it's there to a little greater extent than others. Some years they patch over their differences and work together quite well. Other years you get up. . . . Well, take the [Assemblyman Caspar W.] Cap Weinberger-[Congressman Patrick J.] Pat Hillings fight for attorney general. Cap Weinberger was knocked out of the blocks because the southern California group was not going to take a northerner and they particularly weren't going to take Cap. So they nominated Pat Hillings and Pat got defeated and . . .
- MORRIS: Those are quite different people politically, too, aren't they? Hillings and Weinberger would come from different points of view at that time.
- WHITAKER: Yes, particularly at that point in time. But all I'm doing is making a point that there are times when, if the candidate is not from the south, the candidate is not going to get the nomination of either party. There are other times they have been able to patch that over. Perhaps there will be times where they can, but largely now the fights for the nomination, the party's nomination, are centered on southern California candidates. You know,

[Edmund G., Jr.] Jerry Brown moves down south, Pat Brown moves down south.

MORRIS: [California Secretary of State] March Fong Eu moves south.

WHITAKER: March. Now Jerry's moving home to try to be the chairman of the state central committee. They say he's coming back to San Francisco because it's going to be up in northern California next year.

MORRIS: There's a certain irony to the guy who expected to have no fight for it is a thirty-two-year-old attorney [Steven Westly]. [Laughter]

WHITAKER: Yes, there is. [Laughter] He's probably the best qualified man, although I don't know anything about it. Anyway, the point I'm trying to make, there is that competitive spirit that is north-south. It also breaks to San Diego and it breaks into the [San Joaquin] Valley.

MORRIS: They're part of the Los Angeles climate?

WHITAKER: When there's going to be other than a nominee for statewide office from Los Angeles, then you almost always have a consensus between San Diego, the Valley, and the Bay Area in northern California on who that person will be.

MORRIS: Oh, I see.

WHITAKER: So it's not just draw a line at the Tehachapis. You can also separate out San Diego. Well, you can separate out the six southern California counties from L.A., and then the central valley and the coastal counties. They all function a little bit differently. It's not too monolithic, is what I'm trying to convey to you.

MORRIS: There are some internal rivalries within the north and within the south.

WHITAKER: Yes, very definitely.

MORRIS: As I mentioned in the letter I wrote, the file I found on the Christopher speeches in '62 looked as if they had foreshadowed the [Ronald] Reagan '66 campaign and . . .

- WHITAKER: I think I did go back and read that when you sent it to me, and I read some other stuff that we had. I think basically what Christopher was trying to do was to set a fresh Republican agenda. He was trying to set an agenda forward. He was trying to separate himself from the past because he was not of the past. I believe that he did that rather well. Without question the thrust in. . . . Many of the ideas that he was putting forth were ideas others have picked up on since. And not alone Reagan. I don't want to overstate what Christopher accomplished, but he did make a break with the past. He did set forth a new agenda, a different vision of how the state might move. I think that was a healthy thing and I think it was recognized as a healthy thing by a whole bunch of people.
- MORRIS: Let me give you some of these quotes. On February 13 he was talking about "disheartening fiscal irresponsibility," and then April 17 "the reckless spendthrifts in Sacramento." And then in October there is "Citizenship is more than marching in a picket line." Are those characteristic of the new ideas he was expressing?
- WHITAKER: I don't know whether they're characteristic, but they're characteristic of a part of a theme that he was attempting to set.
- MORRIS: The theme being that government was getting too big and spending too much money?
- WHITAKER: Partly that, and partly that there were problems that he would address, the creation of which he had not been a party to, and that, again, cuts across the board in a nonpartisan way.
- MORRIS: Reaches out to some Democrats?
- WHITAKER: Oh, absolutely, absolutely.
- MORRIS: Some of those phrases could also be described as the increasing conservatism. Is that what you were sensing?
- WHITAKER: Fiscal conservatism, I think, yes.
- MORRIS: OK, you make a distinction?
- WHITAKER: I certainly do.

- MORRIS: Between fiscal conservatism and social needs?
- WHITAKER: Absolutely. And I don't think I'm alone in that. I think that's true of a number of people in public office and I think it's true of the majority of people who elect people to public office. They largely are conservative fiscally, and I mean all of this in the classic use of the language. They largely believe there are social needs that should be met, that society has an obligation to meet. Those are not irreconcilable positions. It's just that you do it prudently.
- MORRIS: [Laughter] I see. The file that I came across had mentioned that you had a Los Angeles office for Christopher, and Sanford Weiner was in charge of that. Sandy Weiner who's now in the Bay Area?
- WHITAKER: Is now up in the Bay Area, yes.
- MORRIS: That's interesting. Was he a bright young fellow that you had hired?
- WHITAKER: Christopher hired him. I've forgotten in what capacity, but Sandy had been around for quite some time and quite successfully, as I recall. And if Christopher didn't hire him than perhaps Arch [] Monson did. Arch, who is also still around, was Christopher's. . . . I think he was a campaign chairman for a period of time. He moved with Christopher constantly. He was the point of contact with the candidate.
- MORRIS: He traveled with Christopher?
- WHITAKER: Largely. Not always, but largely. Another fellow who traveled with him frequently was a man by the name of [Michael] Mike Dorais, my partner's son, who is now the general counsel and executive director of the California Newspaper Publishers Association. [Laughter]
- MORRIS: The small world variety.
- WHITAKER: Yes. We used to have to urge Mike to be sure that the candidate got there. [Laughter]

- MORRIS: Absolutely, absolutely. Was that the first time you'd had a Los Angeles office?
- WHITAKER: No. We opened and closed them. We'd been doing that long before me and it will probably go on long after me.
- MORRIS: OK, when there's a campaign . . .
- WHITAKER: When there's any need to have a presence there, we maintain a presence there. If there's not, we don't. We've done the same thing all over the country. We've had offices in New York, in Boston, in Detroit, in Chicago, in Anchorage, in Honolulu, in Juneau--you name it. Phoenix. But these you always open--we always; other people may do it differently--open them for a particular purpose. They may be functioning for a year, two years, three years; and then when the purpose is past we phase that out, because I don't want to spend my life supporting other people and maintaining offices all the way around the world.
- MORRIS: The temporary short-term hire kind of approach. How do you maintain the quality control on a short-term office? Do you send somebody from San Francisco?
- WHITAKER: Almost invariably somebody goes from here. And the control is here. And whoever we put there. . . . Well, we didn't have FAX machines at that time, but I'll guarantee you it's absolute. They are executing the policy that's laid down. But they are people who are totally competent.
- MORRIS: Well, if you've picked them and worked with them here that would. . . . Except I noticed in reading that marvelous brochure you sent me about the firm that the head of your Washington [D.C.] office is an Alaskan by . . .
- WHITAKER: Yes. We met him in Alaska. David [Freer] was the deputy borough manager in Juneau, which is the deputy city manager. Then later he was elected to their city council. We ran into him many, many years ago when there was a move afoot to move the capital of Alaska from Juneau up to the Anchorage area. We worked with him and a bunch of other people at that time. David

was a pretty young fellow at that time. I thought he had great promise, was a very bright fellow. Then he went on, worked for the Western Oil and Gas Association. Well, first he went to work on the Alaska lands problem. That's what took him to Washington. He did that successfully and resolved it successfully for the state. Then he went to work for Western Oil and Gas Association and Alaska Oil and Gas Association. We hired him from them.

MORRIS: So he was already in place when all the business about oil on the North Slope . . .

WHITAKER: David was in Alaska when the Prudhoe Bay fight was on.

MORRIS: But the people in Alaska came to San Francisco to get you to help on the matter of moving the capital?

WHITAKER: Yes.

MORRIS: That's quite a tribute.

WHITAKER: I thought it was nice. And it hasn't been moved either.
[Laughter]

MORRIS: Yes, that's kind of like, in a way, having Sacramento be the capital of California.

WHITAKER: Except Anchorage, in that sense, would be California's Los Angeles. It's almost the whole population of the state, as you know. So there was all sorts of pulling and hauling going on during the fight. But like so many, when it got down to money it was clear the majority of people would vote to move the capital to an area outside Juneau, but it was equally clear to us they wouldn't pay for it. So the issue was put on the ballot to require that it be paid for when, as, and if it was going to be moved, and there would be a critical study made of the cost, and that cost would be put to the people, and the people would vote yes or no, and they voted no.

MORRIS: So that would be a very complicated process. In other words, you specified in the ballot measure . . .

WHITAKER: Well, this went over a period of years. You win a piece here and lose a piece here, but finally win the war there.

MORRIS: Well, was the strength from your point of view with Juneau because it was the older community and the stronger individual devotion?

WHITAKER: Southeast Alaska obviously wanted the capital in the southeast. The people around Anchorage--middle Alaska--wanted it there. The people up in Fairbanks don't like Anchorage much better than the people in San Diego like Los Angeles, so they weren't too keen on supporting the thing. And those are your population blocs. So it evolved out of that complex.

MORRIS: Maybe we could end up for a couple of minutes where we ended up last time and we haven't gotten back to it. When you took over the firm as the chief honcho, what kinds of things did you have in mind either organizationally or kinds of campaigns you wanted to concentrate on?

WHITAKER: Well, I was determined to limit the candidate involvement of the office, and the thought was at some point we would not do candidates at all.

MORRIS: Why was that?

WHITAKER: The fundamental reason for that is that I wanted to increase the year-in, year-out business that we do for companies or organizations or associations in representing them, and I thought that we could do that work better if we were not involved in fiercely partisan matters. So I was going to withdraw, in effect, from the partisan end. And we have done that. But we have major alliances now with people of all partisan persuasions: with labor, with environmentalists, with the consumer movement.

[End Tape 5, Side A]

[Begin Tape 5, Side B]

WHITAKER: If you're going to run Nixon for president, or if you're going to run Bush for president or Dukakis or whoever, you are not going

to do the kinds of things that we now do. Because there are a number of people in this country who take their partisanship very seriously and they choose up sides on a partisan basis. I don't think that partisan affiliation has anything to do whatsoever with the resolution of issues, fundamental issues. I think they are more easily resolved where you can establish communication and a dialogue and trust that far overruns any partisan consideration. There isn't any partisan consideration; it doesn't exist. There is implicit trust on the part of the participants that we will represent their interests, and they don't have to ever be concerned about a partisan flavor in the thing. Nor do they ever have to be concerned that in some way they're going to be misled or put into a political box.

I don't know whether I'm explaining this well enough for you, but that was the fundamental thing that I had in my mind after having watched how this place worked and being an integral part of it for a number of years. I wanted to change the nature of the business, so we have changed the nature of the business.

MORRIS: From a partisan concern to a nonpartisan concern?

WHITAKER: We ran 99 and 44/100ths percent Republican campaigns. I'm talking now candidate campaigns. We ran issue campaigns that didn't have too much of a partisan impact, some of them, and they were of a sufficient mix that we never got into the position where we were viewed as Standard Oil's people or as Southern Pacific's people. We were doing shipping campaigns and school campaigns and a whole variety of things that broke those barriers. It was very helpful and we still get ourselves a little bit involved in those around the country. But that's the basic answer to that part of your question.

MORRIS: That's a good place to stop for today and we can talk about that in relation to your work with some of the later propositions.

WHITAKER: OK.

[End Tape 5, Side B]

[Session 4, November 17, 1988]

[Begin Tape 6, Side A]

- WHITAKER: I've got to get out of here for a session, and I've just got a terrible day.
- MORRIS: I understand. Ten o'clock is fine for me. I took BART [Bay Area Rapid Transit] over and I was treated to the sight of a whole line of cars waiting by the BART station in order to pick up their second and third passengers to come over the bridge.
- WHITAKER: [Laughter]
- MORRIS: Really. Very interesting.
- WHITAKER: That's a whole different world. I've heard them talk about it on the traffic news. There are people--they congregate at a certain place, and I guess the BART station is one--and they come by in their cars, they get their passenger, and then zap--they go through the . . .
- MORRIS: Off they go, yes. Well, I knew it was the habit; I didn't realize it had been institutionalized.
- WHITAKER: Apparently, it's almost to the point where they're running their own computer systems.
- MORRIS: We talked a little bit a couple of times ago about the campaign you worked on for Richard Nixon in 1960. I had a couple of questions about that. Were you involved at all in either planning or coaching Mr. Nixon on the debates that were innovated?
- WHITAKER: We were not involved in the coaching or the planning on the debate.
- MORRIS: As I remember, you said you worked on the California part of that campaign.

- WHITAKER: We worked in the state of California, and as I think I indicated to you, California as a campaign was treated a little bit differently than the campaign throughout the rest of the country simply because of Nixon's background and the people who were supportive of his candidacy here. So the California campaign was coordinated with the national effort, but it was run as almost a separate campaign.
- MORRIS: How did it differ from the rest of the states?
- WHITAKER: Oh, we produced our own media; we produced our own materials; we did virtually all of our own organizational work. Some of his advance people would come in, as he would come in, to work on specific things. But that issue, no, is not the norm in a presidential campaign.
- MORRIS: No. I thought that a presidential candidate did have a crew of advance people that went wherever . . .
- WHITAKER: Absolutely. And he did.
- MORRIS: And they were the same people that came into California that went to other parts of the country?
- WHITAKER: That is correct. When I'm talking about the organizational work, I'm talking about the dealings with the party and all the groups that involve themselves in political campaigns. That was done, as I recall, almost entirely by the California campaign people. It was the advance work in terms of the president's own schedule of appearances where he would have his advance people come in and we would, obviously, work with them. Those that I can recall who came in and out most frequently were John Ehrlichman and [H.R.] Bob Haldeman.
- MORRIS: Haldeman was a Californian, so he would have known the state.
- WHITAKER: That's correct. He was from southern California and had come out of one of the advertising agencies; I've forgotten which one.
- MORRIS: Was there a sense that the California priorities or issues were different than the rest of the country?

- WHITAKER: Not particularly. I think the sense was that he had confidence in the people who were running his California campaign, which he considered to be critical to his attempt to secure the presidency and, therefore, delegated a great deal of responsibility to that group to conduct the campaign.
- MORRIS: Was there a sense amongst the California Republican leaders that they wanted to have more influence on the national decisions or that California . . .
- WHITAKER: Oh, everybody wants to have influence on national decisions, but I think. . . . And that certainly was true of the principal people who were involved. I'm talking now largely about the public figures that joined the campaign, not the paid staff.
- MORRIS: Like the state central committee leadership?
- WHITAKER: Well, yes, they of course. But then you had. . . . I don't remember precisely who carried just which title at the time, but you had a whole series of major California leaders that participated in the campaign. These were business people, and also people involved in different organizations who obviously wanted as much input as they could achieve on national policy. But I think their fundamental concern was seeing that California issues were properly addressed.
- MORRIS: Was this partly Mr. Nixon's decision that California needed to be a special case?
- WHITAKER: It was all his decision. We recommended it, we being a number of us. But there are no decisions of consequence in a campaign that don't carry the blessing of the candidate.
- MORRIS: Well, that's interesting, because that's an issue that comes up in campaigns. When something goes wrong, the candidate tends to say . . .
- WHITAKER: It's always comfortable: "It was done by so and so without my knowledge." And occasionally those things happen. But policy issues of the kind we're discussing here, no.

- MORRIS: How far back ahead of the campaign was the decision made that California should be a special . . .
- WHITAKER: Oh, way ahead. I really couldn't tell you precisely any longer, but I would say a year, year and a half, maybe even two years.
- MORRIS: How easy is it to work with campaign people in other states? I assume there was an overall strategy.
- WHITAKER: It's not particularly difficult when you have people who are competent and professionally motivated. There's competition. You want your state to do better, or you want the candidate in your region more frequently, or that kind of thing; those are normal human things. But I don't think it's very difficult at all.
- MORRIS: Does some of it relate to which states have raised more money?
- WHITAKER: Oh, there's great competition to see who's doing better. Money is important; endorsements are important; the media is important. All of those things. This is not the case in the campaign we're discussing, but there have been campaigns when one state or one group of states or one region will do far, far better than others.
- MORRIS: In raising money?
- WHITAKER: Well, in raising money and getting their campaign in place. That usually is because the people who are in charge of the thing have gotten their act together.
- MORRIS: So you're advocating early and thorough planning in order to . . .
- WHITAKER: Oh, absolutely. I think we've discussed this before: campaigns, whether it's for a candidate for the presidency or governor or whatever, if you don't plan them thoroughly and think them through well, you reduce your opportunity for success. You just won't do as well.

It's like if you want to put together a new Genentech or something, you'd better think it through and put it together. Well, take the Liquor Barn. If somebody had thought through that business operation before they paid Safeway umpteen-hundred-million dollars, they wouldn't be in Chapter 11

bankruptcy now. Well, the same thought process has to go through campaigns into government and issues.

MORRIS: That's interesting. You don't have leverage buy-outs in political campaigns, though, do you?

WHITAKER: Well, not with money.

MORRIS: But you do occasionally have . . .

WHITAKER: You leverage people in and out of campaigns, but not with money. I don't want to be misunderstood. You just create a situation where they're dead in the water.

MORRIS: A candidate?

WHITAKER: Some other candidate, yes. Or you create a situation where your candidate is just obviously so far ahead of the rest that other people pull out. They are not interested in futile exercises.

MORRIS: That again sounds like it's before a primary situation.

WHITAKER: Oh, long, long before. If you wait until "primary season" to start a major campaign, you're almost inevitably going to lose it--any campaign of consequence, any contested campaign. You know, if you're running in a congressional district that's 72 percent Democratic, well, forget it; you know you're going to win.

MORRIS: I was wondering if Leone Baxter worked on this 1960 Nixon campaign.

WHITAKER: No. They had retired from the firm in '58. That was the last association they had with the firm.

MORRIS: Then she later established Whitaker and Baxter International.

WHITAKER: My father did before he died, the two of them. They probably--not probably, they did--get that underway at the time that we bought them out from this company.

MORRIS: Did that cause any confusion in subsequent years?

WHITAKER: Some. Never critical, but there was always a little. . . . Oh, there were people who didn't know the difference between the firms. Those who knew us at all well, that was no problem at all. But you'd sometimes deal with new people and they'd say, "Well,

what's this?" Then you'd explain it. But it was never any big thing.

MORRIS: What about the long-term clients? Did some of them scratch their head and go one way and some go the other?

WHITAKER: No. They all stayed here.

MORRIS: That's interesting. So that the international Whitaker and Baxter was intended to deal with different kinds of matters?

WHITAKER: Well, I can't speak for them, only except as we discussed it amongst ourselves. But basically they wanted to stay active professionally, and this was a consulting firm that they thought would permit them to do that. We in this firm had no quarrel with that; all of this was resolved before we bought them out, obviously. They have never done any work inside the state of California. So it never caused . . .

MORRIS: And that was planned to be consulting, rather than active developing and managing specific cases?

WHITAKER: Again, I don't mean to speak for them.

MORRIS: Right, but in the discussions at the time?

WHITAKER: Really no interest whatsoever in terms of running a hands-on campaign. My father was not well at that time, and the time that he could spend working was somewhat limited. A campaign, as you know, is an extraordinarily demanding thing. You're looking at fourteen-, sixteen-, eighteen-hour days just one right after the other.

MORRIS: Seven days a week.

WHITAKER: Yes.

MORRIS: The next item on your marvelous list that I'd like to talk to you about, if I can find it in my file here, is the reapportionment matters. It says in 1962 you worked with Mr. Nixon on reapportionment of California congressional districts?

WHITAKER: I told you a little bit about that. That's a different reapportionment thing. What we suggested to Nixon was that with the decennial census behind, obviously by law there would

be a reapportionment of congressional districts that would fall out from it. And after he was not successful in gaining the presidency, we suggested to him that he consider running for the House of Representatives from California, that California would have. . . . I've forgotten now how many new congressmen would come in as a result of that census; and that there would be, in effect, a team formed of congressional candidates.

Tied to that, there should be a campaign to affect the reapportionment of congressional delegations. Our feeling was that no matter what--and this is true in any state--no matter what apportionment plan is finally adopted, it's suspect for all the obvious reasons: it's been constructed for a partisan purpose. We said, "Therefore, let's just figure going in that we're going to oppose the reapportionment plan, and that we do so by forcing the new congressmen to run at large. If they run at large, if we can put that scenario together, if you come back to California now, lead a slate of whatever, six, seven, eight new congressmen back to Washington, you're right back on the national scene where you will be the spokesman for the Republican party. You will not be a 'freshman congressman' in any sense of the word." We discussed that at great length, but he decided he didn't want to do that.

MORRIS:

By then the one man, one vote decision had come down.

WHITAKER:

That's a different. . . . Here we're talking of the apportionment of congressional districts. The reapportionment issue--the apportionment of legislative delegations historically in this country had been, with the lower house of the state legislature apportioned on the basis of population, and the upper house constructed to give representation to the regional areas of the state, like California where you have a great agricultural economy but you don't have the people in those districts. So the theory was that you protect all the resources in the state by balancing it geographically as against population. That was the historical way

that the legislatures had been constituted. That came under attack over and over again around the country, and . . .

MORRIS: Well, and some states hadn't done any reapportionment for twenty, thirty years.

WHITAKER: There were all sorts of. . . . Good states and bad states, there were horror stories and gold stars on report cards, say. You just had a mix around the country. And in California, the system really worked quite well. It was not a partisan thing in the state so much as it was in other states.

The first reapportionment campaign that I recall--I'm sure there may well have been others before it--was in 1948 in California, and there was a ballot measure to overturn it, to in effect create districts by population only in the senate.¹

MORRIS: The ballot measure was to . . .

WHITAKER: That was the California ballot measure.

MORRIS: Right.

WHITAKER: Well, we ran the campaign against that, and a whole series of them had kept popping up. Then you got the United States Supreme Court decision that both houses would have to be constituted on the basis of population. That set up the classic confrontation between the philosophies of government and between states on the apportionment issue, in that there were nationally a series of leaders, largely congressional, supported by interests all around the country, to overturn, in effect, the Supreme Court decision. The only way you could do that, insomuch as the Supreme Court had decreed that this is what the constitution said, was to change the constitution. The leaders of that fight were [U.S. Senators] Everett Dirksen, Spessard [L.] Holland, Roman Hruska, Frank Church . . .

MORRIS: Sort of a bipartisan . . .

WHITAKER: Oh, totally. In this state, [B.F.] Bernie Sisk. And the decision was, "OK, if we're going to overturn this, there's only one way that

1. Proposition 13 (November 1948).

you do it. You have to get thirty-four states to petition the Congress to call a constitutional convention, or to enact the requisite constitutional amendment itself. I think it was thirty-four; yes, it was. So we were asked to direct that national effort. So for a great number of years I headquartered in Washington, directing that campaign and moving all throughout the country to different regions, different states. Because in each instance you had to have a state petition the Congress to do this. So that means the state legislature in effect had to petition the Congress to do that.

MORRIS: So you had to move around and talk to the legislators in each state?

WHITAKER: There were fifty state legislatures, and we thought them through as carefully as we could. We marshalled our forces and started out getting the requisite petitions.

MORRIS: Did you and your people do the legwork, or did the Congress . . .

WHITAKER: We did. With their help, but we did it and they kept the issue focused in the Congress. We were successful; it was a lot of fun. We got to thirty-three states that had petitioned the Congress to call a constitutional convention. And that had a lot of people very nervous, because, again, one of the contentions was that you cannot control a constitutional convention, that once it's convened, you can't limit it to a single subject: it can deal with any subject that it might wish to discuss.

MORRIS: It could repeal the Bill of Rights?

WHITAKER: Conceivably. Well, you would have to have it then ratified by the states, but the first step is with a constitutional convention, this one contention went, which could spill out all sorts of things in terms of recommendations.

There was another school of thought--and I'm talking now about learned schools of thought; there was a difference of opinion by legal scholars--that held that if the Congress chose not to adopt the constitutional amendment itself without convening a

convention, which it could do, it could specify how the constitutional convention would be constituted and the subjects which it would address. Without getting too deeply into that, those were the two conflicting points of view that were put out at the time.

Anyway, it was a very important drive. There were many people who thought then and who believe now that our system of state government would change substantially, and most people believe now that it has as a result of that decision. The last one After we got to the thirty-three states, of course thirty-four was bingo. The state of Alaska was on our list as a potential thirty-fourth state. You know, you begin to run out of places where you can work after a while. You know you can't get through in some states, and maybe you can others.

MORRIS: Which states did you know you weren't going to have any success with?

WHITAKER: Oh, I've forgotten them now. I could give you the list. But we thought we could conceivably get through the legislature in the state of Alaska, and we did. The last night of the session, somewhere around midnight, they passed our resolution. Consternation broke loose in Washington and all over the place that this decision now was going to come to the Congress. Well, without getting too deeply into the details, the governor of the state at that time . . .

MORRIS: Of Alaska?

WHITAKER: . . . of Alaska called in his loyal legislative troops and they withdrew their resolution. Anyway, the point, I guess, is--that addresses the mechanics--but it was a critical, fundamental issue that confronted this country, and there is no question that it has changed the nature of state government.

MORRIS: In what ways? You still have the same number of . . .

WHITAKER: Your apportionment. Come to California, which is easy for us to discuss. Los Angeles County had one state senator at this time.

That state senator was a Democrat. He was totally supportive of our position, gave speeches all over the United States of America on this thing. He thought that was the best system and Los Angeles County did much better with the one senator than they would with ten or twelve or whatever would eventually ensue. He was probably correct, as it turned out. They were much more powerful when they had the one man speaking in the state senate for the entire . . .

MORRIS: Really? In a group of . . .

WHITAKER: Forty.

MORRIS: Rather than having was it about ten or twelve?

WHITAKER: You had him there; you had the people. . . . You could go from the San Diego border to the Oregon border. You had similar people in the state senate who were representing, in effect, agricultural or rural interests. They comprised a majority of the state senate. Therefore, they were a balance wheel on the urban centers of the state, dominated by population. They kept the urban centers from riding rough-shod over what you could loosely term the rural areas of the state. That was a theory of government when the system was first put into effect throughout the country. It was a good theory. And it was changed. So now it's not that balanced, here or anywhere else.

MORRIS: The articles that I read said that utilities and oil companies were much interested in this problem, and I wondered why that would be.

WHITAKER: We had the support of. . . . I guess the first people to really go to the mat with the issue nationally--well, it's sort of true in California too--the first ones that went to the mat were the American Farm Bureau Federation. They are a federation, so it's not constituent members, but their state farm bureau federations --and certainly it was true here in California--just pulled out all the stops on the issue. Then you had the incumbent state senators, almost all of whom supported the situation as it was, for

rather obvious reasons. So they were a vocal, major force in trying to get the Congress to deal with the issue. There were California legislators, senators and assemblymen both, who traveled this country for years, giving speeches, lobbying other states, working on this issue.

MORRIS: Was California a major factor in this national . . .

WHITAKER: California was probably *the* major drive in the initial instance. When the California legislative leaders and the California interests combined forces with Dirksen and his people, that was the power of the effort. That was the force, in effect. But going back to the question you posed, there wasn't a water interest, a water district, an agricultural interest, a mining interest, an oil interest--and oil, you have to remember, is not an oil interest because they pump oil in the city; it's because they drill for oil usually in areas that are not city areas--basically business across the board: utilities, manufacturers . . .

[End Tape 6, Side A]

[Begin Tape 6, Side B]

MORRIS: Because they tend to, you know, in the textbooks prefer the status quo to something they don't . . .

WHITAKER: They like the balance. Again you have to look at government as an institution and not as a group of people. As an institution, where you have a more balanced government, the theory goes, you have a more responsible government. You can't push extreme issues with the facility that you could if it's unbalanced. And that, of course, is true.

MORRIS: You can also end up in the case where the balance is so great that nothing happens, which is . . .

WHITAKER: Well, if that was the case then we made a great mistake in our system of government. In the first instance, we shouldn't have had states. . . . You can argue this all over the place. The inherent protection of the individual or any individual's interest

in government in this country is the balanced system that was created: the tripartite system of the administration, the congress, the courts. And it broke down the states in the same way: you balance the United States Senate, you balance the House of Representatives. That is the greatest protection any individual can ever have from the excesses of government. And except for our own, most governments have shown a tendency to excess on occasion.

So that was the motivating force. You say, "Well, what does balance get you?" Well, balance will get you fiscal responsibility. It will get you water projects. It will get you all sorts of things that you can't get otherwise.

MORRIS: Well, water is an interesting example because . . .

WHITAKER: Yes, it's a very important example.

MORRIS: And a very important example in California over the years.

WHITAKER: Throughout the country.

MORRIS: That's true. But in California it's interesting because the water is in the less-populous areas, and the more-populous areas far and away need it. You would think that it would be in the interest of those who wanted to develop water projects to have more representation in the areas where there was a need for water.

WHITAKER: Well, that is if all you want to do is drain the mountains and put them in the cities. If you want to protect the Delta, and if you want flood control, and if you want all of the other things that are essential to an agricultural economy or a mining economy or whatever, then you aren't going to simply drain the rivers dry to let people water their cars every day in the city. You are going to require that the water project be developed in a way that meets the needs of the greatest majority of people and interest in the state. I hope I'm being clear in this.

MORRIS: It's very interesting because . . .

WHITAKER: I don't think you would have had the Central Valley Project, for instance--just as a for-instance--if you had a legislature

constituted as it is now. Probably you would have had. . . . And it was difficult enough to achieve it at the time, but you probably would have gotten more of the stand-offs that we're getting now that are regional in nature--north-south--than you did then.

MORRIS: Do you recall your father ever talking about the extent to which the Central Valley Project hinged on or incorporated just plain economic development in terms of jobs? Because that was during the Depression.

WHITAKER: Oh, yes. As I think I've told you, this firm under my father ran the campaign that put the Central Valley Project in place. It was flood control, it was the agricultural development and enhancement of the state . . .

MORRIS: Was it rural electrification, or was it not in California?

WHITAKER: Not in the state. You know, you have the power that is spun out of the project, and which certainly interested utilities in the state; but I think the number one issue that probably got the thing enacted at the time was what it would do for the economy of the state for the Sacramento and San Joaquin valleys. The job issue probably was right alongside it, but. . . . It was probably alongside it, not so much in terms of the construction work that would be involved, although that was a huge project as you're aware, that motivated the unions and others to push for it; but I think everybody, also, as I've read the history of it, was looking at it that a project in place that could turn the valleys into productive areas rather than barren areas would so enhance the economy of this state that everybody in the place was going to benefit from it. I think that's sort of what drove the engine in the thing.

MORRIS: But then coming down over the years, we've had the transporting the water from the north to the south.

WHITAKER: We started with the basic program, and then they've added all sorts of things to it. You've got the federal government's projects as well as the state's, and they've finally gotten them basically intermeshed. There came the point in time when that water, they

wanted to deliver it south, get it past the Tehachapis, and that was another set of compromises. But they were reached.

MORRIS: To what extent do Southern California Edison's views on how water should be developed differ from or track with Pacific Gas & Electric as the . . .

WHITAKER: Obviously, both view water somewhat similarly. Without water in southern California, southern California won't grow. If southern California didn't grow, Southern California Edison wouldn't have had hookups, had meters that returned the revenue. And the only place where they could get the water was from the Colorado River at that time and/or northern California. Well, they got some from the Colorado, lots. Not Edison, but I mean southern California.

MORRIS: Metropolitan Water District.

WHITAKER: Yes. In PG & E's instance, if the economy grew in the valleys, then that was beneficial to them. They differed in terms of their view of water; quite obviously, PG & E was in the water business. They were then and they are now the largest hydroelectric-generating company in this country, private company. So they viewed water as a source of power in addition to its use as a way to irrigate crops and give people drinking water. There is almost no hydro power in the southern part of the state, simply because the water doesn't run off the mountains so you can't spin the turbine. Water has to come down that hill to spin that turbine.

MORRIS: Right. I never thought about that aspect of it, because I think about that you have to pump it up over the Tehachapis and then . . .

WHITAKER: Well, but that's where you're using the power that you've got to move the water. That's a dual use of your power. You could argue--and I don't think many people do--why use that power to pump the water over the mountain when you could use that power to keep rates down in the service area north of the mountains? That's one argument. But again where you get a

legislative balance, you begin to resolve these conflicts. You have a better chance of doing it.

MORRIS: And the argument went, on the reapportionment matter, that reapportionment one man, one vote would tip the balance to the south where the ideas on what [Inaudible]?

WHITAKER: Well, the argument went that. . . . It's not so much north-south. Bear in mind that Richard Richards, the state senator I was discussing with you earlier, was the representative of Los Angeles.

MORRIS: The one that did the speaking.

WHITAKER: He was out talking. Hugh Burns from Fresno, who was pro tem of the state senate at that time, was just ringing the chimes. Jack McCarthy from Marin County was out doing his job. Jesse Unruh was doing his. Bob Monagan was doing his. George Miller [Jr.] was in this thing up to his ears. That's not geographic; that was a pretty unanimous shot in both houses.

MORRIS: That they were against this, the . . .

WHITAKER: Yes, they just thought it was not going to serve the interests of this state well. They thought if you tilt everything into the population centers without the balance of the geographical needs of the state, the resources that are available--and most of the resources are available in most states in areas of low population; they're used for the benefit of areas of greater population, largely--but you don't get the productive system if you have people sitting in one place saying, "This is the way we're going to do it."

MORRIS: Was there discussion that if you . . .

WHITAKER: You make it harder. There are no absolutes. I'm just talking degree now.

MORRIS: Well, since '64, '65 when this debate was going on, we've had a huge increase in population and the emergence of the idea of limiting growth and controlling growth. Was the theory discussed

then that if you kept the system that existed, that would begin to slow down growth in southern California and produce a . . .

WHITAKER:

No.

MORRIS:

That was not a factor or concern?

WHITAKER:

Not at all.

MORRIS:

And having made the effort to produce a constitutional revision in the reapportionment area, the issue was dropped as no longer viable?

WHITAKER:

I've forgotten the precise years now that were involved.

MORRIS:

Sixty-five to '68, I guess.

WHITAKER:

The issue, after the incident I described to you in the state of Alaska, stayed alive, oh, probably for most of the rest of that year. And the planning continued as to what other state might join in the drive.

MORRIS:

There's a time limit on putting together . . .

WHITAKER:

That too is very fuzzy in the law. But there was a contention that seven years is the period.

MORRIS:

That's difficult.

WHITAKER:

Sure. Well, ERA [Equal Rights Amendment] overran seven years and they gave them a little more time, and all that stuff. That's just an argument. The constitution doesn't chisel that in stone. But the commonly accepted theory was that we ought to get the job done within seven years, and that way we got rid of that argument. The plague would come, you know, right afterward.

Anyway, the point I was going to make, Everett Dirksen died at that point. The other national leaders did not have his ability to continue to coalesce the bipartisan group within the Congress to the degree that he did, and they didn't have the ability to reach into other areas of the country than their own which he did.

MORRIS:

Now, how did he develop that ability?

WHITAKER: Oh, he was an amazing human being. We met nearly every single work day at about five-thirty in his office at night, four or five of us, and sat there and worked out this issue and various others, and decided, "OK, this is what we should do." He would invite Frank Church in, a very liberal Democrat. He'd have Senator Holland sitting there. Whoever. Roman Hruska was always there. Roman was his constitutional lawyer, probably the finest constitutional lawyer in the country, and one of the best that was ever produced.

So we'd sit there and we'd talk it through and we'd think it through. A variety of issues, but we were concentrating on this. He just had a great mind, and people genuinely warmed to him. He had partisan opponents, but no fierce hate on either side of the aisle in the Congress; and he was mentioned on a number of occasions as the great Republican hope as a presidential candidate. He traveled this country over and over and over again. Do you remember his famous Dewey speech?

MORRIS: Yes.

WHITAKER: He was quite a national figure.

MORRIS: Did he see this one man, one vote issue as something that he might build into a presidential candidacy?

WHITAKER: No. He considered this the single most important governmental issue that had come before the country almost since the constitution had been enacted. He thought it was going to make such changes in our form of government that the country would suffer from it, and he dedicated himself to this thing.

MORRIS: How was the populace's response dealt with?

WHITAKER: Largely in the way that I have described to you earlier. You can argue theories of government any way you want. We did not create a system of government in this country that is one man, one vote. You don't elect your presidents one man, one vote; you elect your presidents by an electoral college. Every piece of this government was structured to protect the individual, to protect

the minority, to protect the defenseless. And every time you break down one of those protective barriers, you make this a little more difficult place in which to live if you are not one of those who can sit there by sheer weight of numbers and say, "This is what's going to happen." That's the fundamental argument.

MORRIS: Was there any conversation with or about Justice Warren as to . . .

WHITAKER: Oh, great conversations, because it was Warren's court that came out with the opinion of one man, one vote. That was a scorching war.

MORRIS: During the process of the Supreme Court deliberation?

WHITAKER: Absolutely. During, before, and afterward.

MORRIS: It continued?

WHITAKER: Oh! It probably heated up after. Not probably, it heated up afterward.

MORRIS: Well, attacks on Warren as chief justice certainly heated up over the years.

WHITAKER: Yes, they certainly did.

MORRIS: And the feeling was that one man, one vote had as much to do with that as some of his other social decisions, like *Brown v. Board of Education*?¹

WHITAKER: I wouldn't make too many links.

MORRIS: OK. I was just asking since . . .

WHITAKER: I'm trying to reflect on your question. I think courts, like congresses and legislatures, will have a current point of view, the majority, that will change from time to time in any body. But those points of view are not prevailing to all issues, and people sometimes make the mistake of saying, "Well, gee whiz, Earl Warren is a screaming "L"--isn't that the "L" word this year?--screaming liberal, and therefore he's going to do A, B, and C. Well, that wasn't really true in all respects. He was liberal; he

1. 347 U.S. 483 (1954).

was moderate; he was whatever you want to call him. But I would not link this decision with others that came out.

MORRIS: I wasn't necessarily thinking of linking the decisions; I was thinking of linking the negative response to Warren as chief justice.

WHITAKER: Again, the response varied with the issue. Now, you might have five "groups"--and I use the word loosely--that were mad at the Warren court. Of course, Warren couldn't make these decisions individually. But they might be mad at the Warren court for five different reasons. So therefore they pounded on the Warren court, but they were pounding on the Warren court for A, B, C, D, E, or F. It doesn't help you, necessarily, when you are concerned with, say, issue A, reapportionment, to have people banging that court or any other court over the head on a whole bunch of others, because it makes it more difficult for you to work with the people who are probably supportive of many of the members of that particular court, and who would support you otherwise if you weren't trying to beat their hero to death.

MORRIS: The timing also I wondered: by '68, you're getting close to the next decennial census.

WHITAKER: Well, and also you'd see, as you look at the government process, you have legislature after legislature after legislature, all of them that had apportioned themselves on the basis of population. The old senate based on geography in every state, except Nebraska which is unicameral, was gone. So the pressure from the state legislative bodies shifted from a pressure to maintain the balance system to a pressure to maintain the districts that they had just newly acquired.

MORRIS: During the 1960s.

WHITAKER: Yes. Take any state. Missouri. So the Missouri legislature complies with the court order. It reapportions itself on the basis of population. Then you have an election. They elect all these new legislators.

- MORRIS: Under the new rule.
- WHITAKER: Now, the new people under the new rules have no interest in losing the seat that they had just gained, little or no interest. They stop being philosophers, or students of government.
- MORRIS: And become practical . . .
- WHITAKER: They become officeholders.
- MORRIS: Have you followed, or has Whitaker and Baxter worked on any of the subsequent reapportionments in California? In the seventies there was rather a contentious . . .
- WHITAKER: Oh, I'm trying to remember now. I don't think there was any classic reapportionment issue brought to the ballot here that we didn't run the campaign on. But I cannot remember any in recent years that posed that classic confrontation because it's not possible for a state to do that now.
- MORRIS: Well, in 1972 the reapportionment went to the courts and then there was a suggestion first that the lieutenant governor appoint a commission to be a nonpartisan . . .
- WHITAKER: I vaguely recall that, yes. We probably were involved in it, but that was nothing of great moment. The issue was resolved.
- MORRIS: Right, and then you go on to the new business.
- WHITAKER: You go on to something else that's worthwhile doing. It is an issue that could be revived by the same process I've outlined to you. But the forces are not there. There would have to be extraordinary excesses in a vast number of states that would lead to a public uprising on the thing. That's not likely to happen. What you do with most decisions, even major ones like this, you get a shading; you get a different approach. But it is not a cataclysmic thing.
- MORRIS: How about 1966 when you were handling the campaign for the California constitutional revision? That was Proposition 1 A on the ballot. Your summary report that you gave me to look at was very helpful, very good.

WHITAKER: Well, I only thumbed it the other day before giving it to you. You must give me that back. [Laughter] But you're free to copy it or do whatever you wish with it.

MORRIS: Thank you. I have them safe; I recognize them as treasures.

WHITAKER: That was, again, a very important issue in this state, and it became a very important decision across the country. There had long been one thesis of government that if the legislature met as it did in the early years of our existence as a country, and even up through the forties--it met every other year and it got in there for thirty, sixty, 120 days--it could take care of the business of the state. Most people viewed their legislators and congresspeople at that time as part-time public servants.

They neither had nor wished nor tried to secure much in the way of staff. If they had two people in the office, a secretary and somebody to go research issues, that got to be pretty good. So the legislators themselves did the thinking, their own thinking. Which sometimes is a frightening thought--I don't mean that. The issues, it was said, were not as complicated as they are today, and the demands that the public made upon government were certainly not as complicated nor as many.

At the time this issue came up, the 1 A campaign, a different thesis had gained credence, and that was that the business of government was a full-time business. Government was a business; it couldn't be addressed properly as a part-time proposition. The people deserved better than that. Therefore, if that's the case, we should create a full-time legislature; we should pay our legislators sufficiently that they don't have to hold down other jobs, they don't have to moonlight. They aren't going to go home for eight or ten months of the year; they're going to be here for ten or eleven months of the year.

MORRIS: This new idea, did that originate in California or was it widespread?

- WHITAKER: No, no. That's a thesis of government that was being discussed all over the country.
- MORRIS: The state of the art, as it were.
- WHITAKER: Yes. You can argue now, as it could be argued then, which side is right, which is a better way to constitute government. The fact of the matter is that in California the decision was, "OK, let's try it. Let's take this issue to the public. Let's see if . . ."
- MORRIS: You had the state constitutional revision commission before?
- WHITAKER: Yes. If the people will sign off on this, then indeed our legislature will become a full-time governmental body: adequately staffed, adequately paid--the whole thing. That campaign gained pretty universal support. It didn't have it going in, but we must have hit pretty rapidly.
- MORRIS: Well, that was what I wondered. In your summary report back to the sponsors, you said that from Whitaker and Baxter's point of view it had a late start.
- WHITAKER: Yes.
- MORRIS: What was that all about?
- WHITAKER: Oh, I'd forgotten. There was another campaign immediately preceding it, and everybody was preoccupied with whatever the heck that was--I don't recall now. So by the time this one was addressed, there were probably three or four months in which to actually put together a campaign and run it.
- MORRIS: Who came to whom? Had you been providing advice on the constitutional revision commissions?
- WHITAKER: We had been working in this state with the principal legislators on a variety of issues. We would counsel with them when they asked. So as this thing began to come together, Jesse Unruh really was the one that was pushing it most vigorously. Jesse asked if we would be willing to run the campaign, if a campaign could be put together, and we said that we would. As you noted from that material, the legislature came together totally on the

issue. You had Jesse and Bob Monagan both on the assembly side, and you had Burns and McCarthy on the senate side.

MORRIS: Not meaning to be disrespectful, but it looks sort of like a motherhood-and-apple-pie issue, looking at the . . .

WHITAKER: It does now, but it wasn't when we started.

MORRIS: Well, that is what is clear. Let me put on a new tape so I don't lose the beginning of the story.

[End Tape 6, Side B]

[Begin Tape 7, Side A]

MORRIS: . . . of opposition that . . .

WHITAKER: Well, in the first instance, the decision had to be reached. . . . Not had to be; it had to be determined whether there would be substantive opposition to this. If there was going to be, who would it be? Who were the potential groups and people who might lead the charge on the other side of part-time legislative theory? That's what we addressed ourselves to in the first instance. As you went in, anybody who had a concern with the cost of government itself and what government might do to increase the cost of government would be a potential source of opposition. Anytime you put somebody to work for eleven or twelve months of the year, they're going to generate activity. And activity in a governmental sense is going to cost money. So fundamentally, those are the kinds of people that you had to look toward and think about.

MORRIS: Like the California Taxpayers Association?

WHITAKER: Oh, the Taxpayers Association, the Chamber of Commerce, the Manufacturers Association, the Cattlemen, the Farm Bureau, the utilities, the oil companies.

MORRIS: But they're people that you traditionally had worked with on a number of other issues over the years.

WHITAKER: That's right, of course.

MORRIS: That's interesting.

- WHITAKER: That may even be why they came to us to run the campaign. So anyway, we went out and visited with all these groups very quickly. We held a series of meetings with very earthy give-and-take.
- MORRIS: With Mr. Unruh and Mr. Monagan?
- WHITAKER: Sometimes. Well, we never had one or the other; we always had all four. This is still a two-house legislature and still a two-party state. So anytime we'd have a . . .
- MORRIS: Well, Unruh and Monagan were at least opposite parties.
- WHITAKER: Opposite parties, but they were on the same side on this issue.
- MORRIS: Right. But that's what you had from the legislature.
- WHITAKER: That's correct. But there was not a difference of opinion on their part on this issue is what I'm saying.
- MORRIS: Right. But these earthy discussions would include somebody from the state senate and somebody from the assembly?
- WHITAKER: Oh, absolutely. We met on a series of occasions with every conceivable kind of group and reviewed the proposition, reviewed the pros and the cons, and obviously trying to convey that we thought that the pros outweighed the cons on the thing. There was a very quick consensus: "OK, we'll go."
- MORRIS: Were there any concessions in terms of what the ballot measure might include? Some of these provisions maybe didn't . . .
- WHITAKER: I don't think anything of great consequence. In the period of time, I think the manner in which legislative pay, salaries, would be increased and by how much was an issue of discussion.
- MORRIS: Pensions were also . . .
- WHITAKER: Pensions were a big part of the thing. All the goodies that go with the office were discussed. Staffing of the legislature was probably not a big issue. The issue was, "Either we're going to do it or we aren't. If we are, then the staff has to follow."
- MORRIS: Did the argument that business and industry is becoming more complex and needs more technical staff support . . .
- WHITAKER: Well, that was the governmental argument and . . .

- MORRIS: Right. Did that have merit in the eyes of the business community?
- WHITAKER: No, not particularly.
- MORRIS: They needed MBAs [master's degrees in business administration], but they didn't need a master's in public administration in the legislature?
- WHITAKER: Right. There are all sorts of ways to get information. That is an issue that just really was never joined in a confrontational way.
- MORRIS: What about the other aspect? In the political lore, there's the theory that one reason that the legislative leaders were eager to beef up legislative staffing is so that they would have an independent source of information separate from what they had traditionally gotten from the Department of Finance, which was seen as the governor's . . .
- WHITAKER: That's a theory, and that was a contention that was made.
- MORRIS: Yes, but that's a political kind of concern, rather than what you think of as the rather dry, formal specifications of the state constitution.
- WHITAKER: That's true. Again, as you would understand, in this instance we dealt with the concept. Once you have agreement on the concept, then you don't have too much difficulty shaking out the pieces. Somebody might be concerned, as I said a moment ago, about salaries or costs or this, and let's adjust that part of the bill or something else. But at that point, usually--and in this instance it was the case--they are going in the same direction, so they're trying to accommodate each other with a measure with which everybody could be comfortable. That's what came out of this. You didn't get the kind of argument that you're raising here about do we really need to have committees staffed up and our own individual staff because we can't trust the departments of state government, or we can't trust the AFL-CIO or the teamsters or the Chamber of Commerce or the Farm Bureau? That never got into it.

- MORRIS: Or the executive versus the legislature?
- WHITAKER: The executive was very mindful that this was the legislature's business.
- MORRIS: There was no discussion maybe off-stage that the executive is to a certain extent threatened by the development in the legislature?
- WHITAKER: Not that I can recall. And you would know again that when you're dealing with the executive's prerogatives, you pretty well just write the checks and let the executive exercise his prerogatives. When you're dealing with the legislature's prerogatives, you do the same thing. And when you're dealing with the court's prerogatives, you largely do the same thing. To use an inelegant word, they don't mess with each other very often. [Laughter]
- MORRIS: I know that on the housekeeping thing, but when you're talking about the data that goes into the state budget, that's the executive proposes and the legislature disposes.
- WHITAKER: Well, the executive has its Department of Finance that comes up and the legislature has its own department that runs out the figures. These people obviously work together, hand-in-glove, both offices; and they'll disagree what the projected cost of A, B, or C is. At that point, the legislator, who is now being even better paid--probably just being paid--for his services has to make a decision who's right and who's wrong and in what instance. But it's just another source of information.
- MORRIS: Were Governor [Ronald] Reagan and former Governor Pat Brown part of these discussions, or did they just routinely say, "Fine, we'll be co-honorary chair"?
- WHITAKER: I may be wrong, but I can't recall any particular involvement on their part. It's conceivable that they issued statements in support of the thing, but beyond that . . .
- MORRIS: Oh, they did. You featured them in your brochures.
- WHITAKER: Beyond that, they did not get into the nitty-gritty.

MORRIS: With all this unanimous support that was developed, did it require a full-blown campaign with all the trimmings, or did just routinely folks . . .

WHITAKER: It was not one of the biggest campaigns in history--and I've forgotten how much money was spent on it--but I would say it was far more than an average effort. It was a pretty aggressive effort. Certainly not flooding the media as you can do in a presidential or a gubernatorial or a senatorial campaign and is so often done now. But it was not an inconsequential effort financially.

MORRIS: Would you recall what the sense of the polling was as to how interested the public was, or did they care?

WHITAKER: I just don't remember. My feeling is that with an issue like that you would almost certainly have had a divided electorate going in. If you can present sort of a united front in terms of the interest in the media, the state in support of a position, generally speaking, on an issue as apart from a candidate, the public will accept that. What they look for, obviously, in any campaign is where the differences are, where the sharp differences are, and then they'll take sides.

MORRIS: Yes, it would be hard to object when . . .

WHITAKER: Yes, with everything from labor to those conservative elements of the state and both political parties and virtually every newspaper in the state of California running in the same direction, it's hard to find what's really wrong with the issue. Not to find it; it's hard to consider that there's something really wrong with it.

MORRIS: Did this unanimous support from the leadership in the community end up having any benefits in terms of future relations with the legislature? Did people kind of look for, "We helped you on this"?

WHITAKER: Well, I'm sure that there was a lot of that thought that was in it. It's like so many things: those who did lead out certainly felt that at least they should be listened to the next time they came into town.

- MORRIS: Particularly now there was all this expert staff that they could . . .
- WHITAKER: But you see, the counter argument is that now that all the extra staff is in there, it's even harder to get your point of view to the man that's going to vote.
- MORRIS: Is that true?
- WHITAKER: That's true.
- MORRIS: And that's the reality as well as the perception?
- WHITAKER: That's the reality. Not to talk to them--don't misunderstand me--but to get your point of view across.
- MORRIS: Right. Because there's another layer of people who are . . .
- WHITAKER: Multilayers. This is not a single layer.
- MORRIS: Right. There are committee consultants and legislative aides and district representatives.
- WHITAKER: You've got a full-blown Ford Motor Company in there.
- MORRIS: And all of those people are sort of the first line of input to the legislator making the decisions?
- WHITAKER: Well, let's put it a little differently. If they hold a contrary view to whatever it is that you may have, that view is going to one, be communicated to their boss; two, it probably, they think, reflects their boss as they put it together. So therefore it becomes very important informational input. It's not decisive in all instances, but it's very important.
- MORRIS: Of equal weight with a major constituent?
- WHITAKER: I would think so. If a major constituent came in and if the staff counseled the legislator that the constituent in this instance was wrong for whatever cause, then quite obviously the legislator, if he or she was smart--and most of them are--would sit down with the constituent and say, "I've got a problem with this. These are the things I see. Don't you think you could re-think this a little bit?" But it would have great impact on the legislator, and there are times when the legislator will overstep that; he'll think they're wrong, if they picked the wrong piece of the thing.
- MORRIS: The constituent has picked the wrong . . .

- WHITAKER: No, their own staff has.
- MORRIS: Was that consequence foreseen in the enthusiasm for passing Prop. 1 A?
- WHITAKER: Not to the degree it has grown.
- MORRIS: Would it have made a difference?
- WHITAKER: No.
- MORRIS: Interesting. At this point in the sixties, I still come across clippings in small-town papers bearing the line of the California Feature Service. Is that still going on?
- WHITAKER: No.
- MORRIS: When was that phased out and why?
- WHITAKER: Oh, I couldn't tell you exactly the year. If it's important, I can go back and determine it.
- MORRIS: No, it's more what the rationale was.
- WHITAKER: Well, it was rather a simple rationale. The feature service was conceived, as it says up there. . . . That's the first issue. [Points to first issue on the wall.] It was conceived in the 1930s. It was conceived as a vehicle of communication on issues that were of importance. It was conceived at a point of history when most newspapers, except for the largest of metropolitan dailies and virtually all radio stations, were understaffed and had their hands full just turning out their product. So when my father started that thing, he decided that it would be written here in this company; it would be printed by us; it would be mailed by us--you know, A, B, C, D, and E. And it always was.
- Well, as the years went on, that became a very, very expensive piece of business, and we were not charging anybody either to receive it or to have any information in it. It was strictly a W and B piece that reflected what we wanted to reflect at that point in time.
- MORRIS: Right, a service to the media in the state.

- WHITAKER: Yes. And it was a means of keeping issues that we thought were of consequence at least before people. They might not print it or they might not print it as it was, but most of them read it.
- MORRIS: Well, I was surprised, as I say, to see that in the 1960s not only were people using it, but a number of people who credited either California Feature Service or Clem Whitaker as the author.
- WHITAKER: Which was never asked, but they did.
- MORRIS: That's a great tribute.
- WHITAKER: Anyway, my point is, in answer to your question, it reached the point that I decided we just were not going to put out that kind of money for that particular purpose. We gave a little thought at the time to putting together different electronic services, print and video both, and decided that that, which of course was much more expensive, would have to be underwritten and it was just a project that we didn't want to undertake. It's not our business. It's a lot of fun to have a vehicle of self-expression, but it's a lot of work and it costs a lot of money.
- MORRIS: To a certain extent, has it been replaced by organizational newsletters and mailings which have gotten much more sophisticated?
- WHITAKER: No, there really isn't anything. There have been attempts to do similar things, but the answer to your question is no. There have always been organizational newsletters. There have always been the *Farmer's Corner* and this and that and whatever. And there always will be. This just fit into a different slot; it was done for a different purpose.

And it was a lot of fun. We would sit here. We wanted to put that thing in the mail--I've forgotten now--it had to go in the mail. . . . First we used to get it in the mail on Monday night. That was keyed against Wednesday, Thursday publication dates. Whether you were in a campaign, whether you were dead tired, no matter what you were doing, there were several of us that would sit down every Monday morning early, lay out what it was

that we agreed that we wanted to do, what we wanted to put out that day, and write it, edit it, get it to the printer, get our proof back here at ten or eleven at night, and then into the mail at the post office.

MORRIS: Yes, that could be a full-time job.

WHITAKER: Well, eventually, you see, we hired people to do all that so that we didn't have to do it ourselves, and that just--then the cost began to go up.

MORRIS: And then you didn't have the fun of it any more? [Laughter]

WHITAKER: [Laughter] No. Fun's important.

MORRIS: Indeed. There's one more I wanted to ask you about this morning, because I know you have something else to do. I came across some press references to your working in 1968 on the Watson Property Tax initiative.¹

WHITAKER: Yes. We ran a campaign against that.

MORRIS: The material I read said that Cal Tax primarily was the catalyst for opposition to that. Yes or no?

WHITAKER: [Los Angeles County Assessor Philip] Watson may have been. Probably not. Watson came up with several initiative proposals.

MORRIS: I think '68 was the first one.

WHITAKER: My memory is we ran the campaign against, I guess, each of them.

The Cal Tax was out in front because these were tax proposals, but it was more Cal Tax's constituency that motivated Cal Tax to move. By their constituency I mean the people who serve on the board and support it and underwrite Cal Tax. They considered these unwise tax proposals, and we were obviously retained by the companies involved, not by Cal Tax, to do the campaigns.

MORRIS: I see. Well, it's an interesting position because the local taxpayers' organizations tend to be vociferous about any raise in local school tax or city government tax. Therefore it caught my

1. Proposition 9 (June 1948).

eye as sort of an anomaly for the statewide organization to be opposing a measure by a county tax assessor suggesting that tax assessment practices may not have been all they should be. Why should this state organization be opposing . . .

WHITAKER: You'll forgive my smile.

MORRIS: Well, we're talking about 1968.

WHITAKER: I know.

MORRIS: The beginning of the taxpayer rebellion.

WHITAKER: There were a variety of reasons. Assessor Watson was obviously a talented guy. He was a maverick. He was not the voice of local assessors, certainly not of state tax officials. The assessment question is another fundamental question that has been argued in California for many, many years, and one in which we have been deeply involved. It's been dealt with in a whole variety of forms. Some of the issues that are involved were one, you used to have, and do now, local tax assessments set by local tax assessors. You have your state assessed property assessed by the state Board of Equalization. And historically, the local assessors used to--I've forgotten the exact percentage--but for goodness' sakes, every assessor set a different ratio rate, and they would range from a low of 3, 4, 5 percent to I think maybe once in a while they'd get up to 10 or 11 percent, if my memory is correct.

MORRIS: But the tax bill says full cash value.

WHITAKER: Oh, I know what it says, but that's not what they were doing. [Laughter] The state board, which assessed these state assessed properties, was setting it's rate let's say at 50 percent. That percentage is not important, but the disparity is. Therefore, state-assessed properties, the revenues from which then flowed back to the counties, were assessed at a very high rate, which permitted the assessors to be heroes with all of the local taxpayers where they set a very low rate; and the state assessed property was permitting them to do that.

So over the years, there were a number of attempts made to equalize those tax burdens, and that has been done within pretty good reason now. And it took maybe twenty years of effort to forge that. We still don't have a perfect system. Not that there could be a perfect system of taxes. But it is a question and an issue that will remain in this state and many others, in my opinion, until there have been further refinements in the process. And it will come up and down by the public mood in terms of how badly they think they're being treated from time to time. Sometimes taxes are of great concern, other times they're of a little less concern. I don't know that I'm responding to your question, but . . .

MORRIS: Well, it's interesting to get the . . .

WHITAKER: What I'm trying to say to you, you cannot take one instance in 1968 and say that that was an issue that stood alone in its own time. That's what I'm trying to convey to you. That was a step in the process.

MORRIS: That's a good point. You said that Mr. Watson was a maverick.

WHITAKER: He was viewed as a maverick, yes.

MORRIS: Because he challenged the status quo?

WHITAKER: No. Many people challenge the status quo. I guess the perception was--I never worked closely with local assessors--but I guess the perception was he could have done more, they could have done more for their own position if they'd all worked a little more closely together.

MORRIS: My understanding is that there had been a long process within at the staff level of the Board of Equalization, staff members working with county assessors to try and develop equalization.

WHITAKER: Oh, absolutely. I assure you that's the case. And it's not stopped yet.

MORRIS: Yes. It sounds like maybe Mr. Watson either was getting a lot of pressure from people in his county . . .

- WHITAKER: Either that or he saw an issue that he thought was a good political issue, and that in his mind it was attractive and it would do an appropriate thing. Whether it did or it didn't isn't material; I'm sure he felt that way. But he would not have picked up the issue if he didn't believe it had salability to his constituency--and to a broader constituency.
- MORRIS: Right. If you go on the statewide ballot, you're trying to speak to a wider constituency.
- WHITAKER: Yes, right.
- MORRIS: I agree. It was one instance in a long progression. It's interesting that it's a county assessor and whoever his constituency was in terms of actually putting the ballot measure together. . . . The issue then was that property taxes are too high, that they've gone up too far too fast for the homeowner. And it's interesting that this surfaces at the county level before it surfaced in the state legislature.
- WHITAKER: Not true.
- MORRIS: Not true?
- WHITAKER: Partially true, but not true. Again, bear in mind that even at this point in history, certainly at that point in time, state assessed properties were carrying an undue tax burden as opposed to local assessed properties.
- MORRIS: OK, that's public utilities?
- WHITAKER: Largely public utilities. All the buses, all the utilities, all the telephone companies--there are hundreds and hundreds and hundreds of them in this state. They churn out an incredible tax load. And their assessment is set with the state Board of Equalization. Now, while Watson was contending that the local property taxpayers were paying an unfair share of burden . . .
- MORRIS: No. Going up very fast, and in a very short period of time. I don't remember it being that they were paying too large a share.
- WHITAKER: A lot of the contention was that they were riding on the coattails of the state assessed property. That was during the period of time

when they were trying to equalize the burden, the assessment ratios, between state assessed and locally assessed property, so that hopefully all property would be assessed at the same ratio. That's never going to happen exactly, but at least you can get it pretty close. Then your contention that it says full cash value on your tax form, they've never gone at that . . .

- MORRIS: That's been ignored in the . . .
- WHITAKER: That's 100 percent, you understand.
- MORRIS: Oh, I understand.
- WHITAKER: That's full cash.
- MORRIS: Right. Plus all the issues that were raised later in the Jarvis and Gann . . .
- WHITAKER: Well, I'm just really trying to put this thing in context.
- MORRIS: Right. Was there much difficulty in keeping Mr. Watson from prevailing? Was it a difficult campaign to . . .
- WHITAKER: Not terribly. It was noisy, but it wasn't too tough.
- MORRIS: It was sort of your routine . . .
- WHITAKER: There are no routine campaigns, but some are harder than others.
- MORRIS: Do you do the reading up on all these issues to . . .
- WHITAKER: Absolutely. We do that in here. If you don't know more about it than anybody else, you're not going to know, one, how to advance your position and, two, how to defend your position. You cannot lean on somebody else to do your basic research.
- MORRIS: So that over the years you and your people have done the reading in the California tax codes . . .
- WHITAKER: Oh, absolutely. And pulled . . .

[End Tape 7, Side A]

[Begin Tape 7, Side B]

- MORRIS: . . . opinions from the people in the profession?
- WHITAKER: Well, you need lawyers' opinions; you need engineers' opinions; you need a water expert; you need a geologist. If you're going to

deal with these issues--if you're going to deal with them well--you have to deal with them in their entirety. So what we try to do is to take a proposed law, a proposed act, or whatever, and just tear it to shreds and build up a body of knowledge that will permit us to find the most salable and the most unsalable bits and pieces of the thing. You do that whether you're trying to attack one or advance one. When you want to advance one, if you think it through well beforehand, it's much more difficult to attack you because you haven't left those things out there.

MORRIS: And then you keep that data available from that study for the next time tax issues come up?

WHITAKER: Not really. We keep some current things. Basically it's in your head, and once you've done it you know how to restructure it quickly.

MORRIS: I was thinking about something as technical as tax assessment and administration methods.

WHITAKER: Again, I don't mean to be flip, but since 1947 I have been the designated tax assessment expert in this office. I understand that subject, and I work with people who understand that subject. And it's a fluid subject, as I'm sure you're well aware; it's not static. So other than keeping some benchmark work . . .

MORRIS: It's one of the tools of your trade, to understand the tax structure?

WHITAKER: Absolutely.

MORRIS: OK. Why don't we stop there for today?

WHITAKER: All right. I'm sorry I have to.

[End Tape 7, Side B]

[Session 5, December 7, 1988]

[Begin Tape 8, Side A]

MORRIS: I was going to start this morning by asking if you had read that Hugh Burns had died.

WHITAKER: Yes.

MORRIS: He was sort of the landmark in California politics for many years.

WHITAKER: Absolutely.

MORRIS: I wondered if he was somebody that you had worked with.

WHITAKER: Closely, for many, many years. The legislature, as you know, functioned differently at the time that Burns was at the zenith of his legislative career, and he, without question, was the strongest person in the legislature, I would think, at the point in time when he was pro tem. Powerful is probably not the right word, but certainly the strongest. He had a working group that functioned with him that was really an amazing group of people.

MORRIS: The senior senators at that time?

WHITAKER: Yes. Hugh was obviously somewhat partisan, as a Democrat, but not terribly so. The minority leader most of those years was Jack McCarthy from Marin County, and the two of them got along very well. Burns did a spectacular job of balancing the competing interests within the senate. You had [Senator Randolph] Randy Collier, with the things that he was pushing; you had George Miller doing his things. There were a whole variety of them, and Hugh was able, really, to work with all of them very well, where many of them had difficulty working with each other. But he ran quite an interesting store.

- MORRIS: You make a distinction between being a strong leader and powerful. Now how do you . . .
- WHITAKER: "Powerful" has the connotation that he ran the legislature, and I wouldn't want to give that connotation. I think he directed it and he channeled it; he certainly was the most important, most influential person at that time. But you don't run those people. You work with them and sort of aim them. [Laughter] I've tried to choose my words a little carefully but I think you know what I mean.
- MORRIS: Yes. I was wondering if you remember an example where he was a leader rather than a powerful autocrat.
- WHITAKER: Frequently. There was a time when. . . . Remember we discussed, I think, the featherbedding campaigns, the railroad campaigns, in one of our sessions?
- MORRIS: Yes.
- WHITAKER: Hugh decided to take a lead with that issue and did . . .
- MORRIS: On your side of the issue?
- WHITAKER: On our side of the issue. He was extraordinarily helpful in the passage of the measure, and that was the one where the issue of the firemen was at stake. He just had a feeling that that was wrong. Now, here you were dealing with an issue that, in effect, was not handled in the legislature. He took the next step and went to the ballot. My memory is that he was the chairman of the thing, or a co-chairman--I've forgotten precisely which way it went--and campaigned up and down this state like he was running for governor himself or something. [Laughter]
- MORRIS: He was considered pretty conservative in the line of Democrats.
- WHITAKER: He was more conservative than some, but he reflected the majority of the Democratic members at that time. The Democratic party, as you know, was not a very liberal party in California at that period of our history. There were two or three people who were thought to be very liberal. [State Senator] Richard Richards was one. But that was almost more perception.

I wouldn't say that Hugh was out of line or more conservative than the other Democratic senators. And the central valleys are a somewhat conservative area, apart from the partisanship of it, and always have been and. . . . You can't say "always will be," but for the foreseeable future they are going to be.

- MORRIS: So that he was reflecting his constituency down there?
- WHITAKER: Absolutely, yes.
- MORRIS: Then, after the constitutional revision in '66 . . .
- WHITAKER: He took quite a lead in that, too.
- MORRIS: But it sort of also marked the end of his tenure.
- WHITAKER: The issue of constitutional revision and Burns's tenure may have coincided somewhat, but I don't think the constitutional revision thing had anything to do with Hugh stepping aside.
- MORRIS: That same election, there were a lot of people who moved from the assembly to the senate.
- WHITAKER: That's correct.
- MORRIS: It's not been clear to me whether the salary and pension and retirement provisions in Proposition 1 A that year led to a lot of people retiring and making room for more people to go into the senate.
- WHITAKER: It did. I think it encouraged them. But I think there was another issue that we discussed earlier that was still being argued at that point in history, and that was the reapportionment thing. The reapportionment issue led to the wholesale changes in the senate far more than did 1 A. One A, sure, the higher salary keyed up some of them to. . . . It was a more attractive thing to run for office, and the pension program got better, and the rest. But the big changes came about because of reapportionment.
- MORRIS: As an observer working closely with the legislature, was there a noticeable difference in how the senate operated, then, after these changes occurred, and then Howard Way and then later . . .
- WHITAKER: It was somewhat evolutionary, but yes, substantive change in the way the senate functioned prior to reapportionment and after.

- MORRIS: It became more like the assembly?
- WHITAKER: More like the assembly but still unlike the assembly. It, for all the obvious reasons, became a body that reflected a population that reflected urban desires more than rural interests, just as does the assembly; so that would be the kind of shift that took place. I guess it's one that perhaps went on probably six, seven, eight years before the senate settled down to the body that it is now.
- MORRIS: That would be about the time that [James R.] Jim Mills became [president] pro tem?
- WHITAKER: Yes.
- MORRIS: Was he easier to work with, different to work with, than Hugh Burns had been?
- WHITAKER: Well, they were totally different kinds of people. Burns was less a partisan leader than Mills, so to that extent he was an easier person to work with, both with his colleagues and with others who had an interest in what was going on in the legislature. Mills sort of was a point man in making the state senate more partisan. And that, too, was an evolutionary thing. I don't mean to overstate this. He didn't jump in and create a partisan body overnight. But it began to work that way.
- MORRIS: Is that sort of following the ideas that Jesse Unruh had been developing in the assembly?
- WHITAKER: I don't think so. The assembly, historically, was a more partisan body, and there wasn't much that Jesse did that made it any more partisan that I can recall. It's the senate that, over the years, was more the balance wheel and the less partisan body. Not that they didn't have their partisan squabbles; they certainly did.
- MORRIS: The senate's been referred to as sort of a gentlemen's club.
- WHITAKER: You might refer to it that way, but these were gentlemen who knew what to do with bare knuckles, too. [Laughter]
- MORRIS: In that same period, the late sixties, you get Jesse Unruh also stepping aside as speaker. I wonder how [Assemblymen Robert] Moretti, [Leo T.] McCarthy, and then Willie [L.] Brown [Jr.] were

to deal with as speakers--how different or how they left their mark.

WHITAKER: Obviously, they were different types. Moretti was a fierce partisan. Bob carved himself out a liberal part of the spectrum, quite a liberal part, far more so than Jesse ever did. Not that Jesse was not a liberal person, but he was not out on "the liberal crusades" as Bob was. Bob got deeply involved in some of the environmental issues that were prevalent at that time. He was quite interested in positioning himself to become governor of the state. A very able guy. He was just a different type person than Jesse. And Willie Brown is also different than either one of them. Going back to your question, I think Jesse was probably much easier to work with than Moretti. No matter what your differences of opinion might be, Willie is far easier to work with than Moretti. Willie is a superb legislative strategist inside the body.

MORRIS: The kind of balancing of issues and . . .

WHITAKER: And people, the different factions that are there.

MORRIS: The kind of thing that you like to. . . . The way you like to work?

WHITAKER: Yes.

[Interruption]

MORRIS: We were talking about Willie being a more negotiating kind of person than Moretti, perhaps, as speaker.

WHITAKER: Yes. If there's a way to find a consensus about a problem, Willie will work very hard to find that consensus. Bob was more apt to start out from a predetermined position and try to advance it. This is not to say that either one feels more strongly about an issue than the other; it's just the way they function. It's been my experience that usually the person who is interested in trying to find a consensus is more successful in accomplishing their goal, whatever their goal might be with a particular issue. But you had, then, Leo McCarthy in that mix, too. Leo was a very strong

speaker. They all were. There's not a one of these people that hasn't been a very strong speaker.

MORRIS: That's interesting that the speakership should end up in strong hands rather being a more . . .

WHITAKER: It's almost the nature of the beast as to how the assembly has evolved. I don't think anyone who wasn't very strong would be speaker for six months.

MORRIS: What I would hypothesize is that sometimes it would be a more retiring person as a compromise choice that seventy-nine people could agree on, most of whom have fairly strong ideas themselves.

WHITAKER: Most of them have very strong ideas themselves, but they gain greater strength through the strength of the speaker if, indeed, they are a part of his "team." You've seen that over the years. So long as the speaker is a strong person, so long as the speaker is adept at dealing with the needs of his members, he survives. When they falter in that is when they get into trouble.

Frequently, too, you'll find that they get into trouble because they've decided that the legislative arena, being speaker, is not where they want to end up. They want to be governor; they want to do this; they want to do something else. The minute that the members get a perception that Speaker So-and-So is more interested in running for governor, Speaker So-and-So gets into big difficulty.

MORRIS: But one of the functions of the speaker, is it not, is to maintain a strong position vis-a-vis the governor and the executive branch?

WHITAKER: Absolutely. And vis-a-vis the senate. Each of these entities is competing for its position, and if you don't have a strong speaker, if you don't have a strong pro tem, if you don't have a strong governor, one or the other is going to get greater influence over the process.

MORRIS: That sort of argues against a calm and rational resolving the issue of the day in the interest of the citizens.

- WHITAKER: I don't think that government in this country was ever intended to be a calm, dispassionate, thoughtful process in the sense that you dealt with things in a vacuum tube. Government functions right out in the real world and has to be observed that way.
- MORRIS: Is what you're saying then, that there is not really in most cases one objective, rational best thing to do?
- WHITAKER: No, I don't mean that. I mean that you're not in a philosophy class.
[Interruption]
- MORRIS: It's not a process of calm objectivity.
- WHITAKER: No, because life, economics, the whole business of living is not a calm, dispassionate thing that you deal with the theories and the theorem. You are dealing with an issue of concern to a great number of people, and those concerns are different. Therefore, most issues of consequence are dealt with somewhat abrasively. That doesn't mean that there isn't a great deal of thought and attention given to ascertaining the facts and what it's all about. There is. But once that part of the job is done, you have the. . . . The business of government is to seek a way to deal with the thing effectively. That is not calm and dispassionate.
- MORRIS: It's an interesting philosophical question. Did you, at any point, talk with either Jesse Unruh or Bob Moretti about their thoughts about running for governor?
- WHITAKER: Yes, we all talked back and forth all the time, whether it's about going to dinner, who's going anyplace, and if somebody has an interest in running for governor--whatever. Those things, again, they're not in some little isolated test tube. That's a matter of a give and take, too.
- MORRIS: Would they have talked, either one of them, to you as part of the sounding out the waters or developing their own theory as to whether or not they should have a go, and the timing?
- WHITAKER: I had more conversations of that type with Jesse, almost none with Moretti. Bob and I were on opposite sides of most issues

most of the time, and so our relationship was somewhat different. With Jesse, as with Willie, it really doesn't make too much difference as to who's on what side. They're going to be on that side. But there's the give and take and the discussion that helps everybody that goes on. That was not true with Moretti.

MORRIS: What is it about speakers? They don't seem to have much luck in running for governor.

WHITAKER: This is not just true of speakers. People who are believable in a legislative arena--we did a little bit of this discussion when we discussed Nixon--are not necessarily believable in a statewide arena. Not only not necessarily: mostly, they're not believable in the other arena, to the people. I'm now talking about the electorate itself. You can be a great legislator, and we have had all sorts of them in Washington and in the various state legislatures. Even once in a while you get them on the city councils. But that doesn't make them good administrators. They are not perceived, usually, by the electorate as being good gubernatorial material or good senatorial material. Your observation is absolutely correct. Very few successful legislators move from that arena into a statewide executive. . . . And the thought process is different; the work is different; that piece of government is totally different. It reflects in the way people act.

MORRIS: But it doesn't seem to affect legislators' desires to think about running for statewide office.

WHITAKER: Oh no, it doesn't affect the desire at all. Everybody is running for whatever it is, supervisor, on their way to being pope.

MORRIS: You mentioned that Bob Moretti was a champion of the environmental issue.

WHITAKER: Yes. He attached himself to a number of environmental issues, and rather successfully. He did a pretty good job in advancing many of the environmental causes, as did Leo McCarthy. They both obviously felt strongly about those issues and they devoted a

great deal of time and effort to them, more so, in the scheme of things, than to some other issues.

MORRIS: Because that was seen as the predominant concern facing state government and the state senate?

WHITAKER: It was seen as a concern of a significant segment of the electorate. Therefore, it was viewed as a popular issue; they were viewed as popular issues. If you wanted to be governor, you were looking for issues that had a statewide base, and that happened to be one. There's nothing wrong about this, but it's, again, the way things work.

MORRIS: There is a trend in issues.

WHITAKER: Oh, of course.

MORRIS: The environment was more popular than highways were?

WHITAKER: There was a time when highways were the most important thing in the state. There was a time when water was the most important thing. There was a time when "environmental issues" were the most important thing. Those come and go, and they're quite discernible.

MORRIS: Could you see an initiative developing? Were your clients part of this debate that was going on in the legislature?

WHITAKER: Yes. You can't deal with any major issue without having an impact on all segments of society. Therefore, business or labor or the consumer interests or whatever are going to try to deal with, in this instance, environmental issues in a way that they think they're protected.

MORRIS: I seem to recall that the legislature did some studies and required Governor Reagan's administration to come up with an environmental protection plan, that this went on for three or four years. Where my question is going is, if there was all this activity in the legislature and Norman Livermore's people were busy developing this plan for the governor, why is it that we ended up

with the coastal protection initiative?¹ Why wasn't what was going on already sufficient?

WHITAKER: Many of the environmental leaders did not think that the administration and the legislature were dealing with the issues in a satisfactory manner, and therefore they went to the Coastal Commission initiative and prevailed--narrowly, but they did prevail--in establishing it. Same was true with some of the other environmental things that some of the initiatives passed, some didn't.

You have the same thing with this Prop. 65 that everybody is working with now.² The perception was that the legislature was not dealing with the matter adequately, so you can get this kind of run. You have the same thing, in a way, with this whole insurance controversy that's going on now. The perception is that the legislature has not come to grips with it adequately. Now, those are perceptions. They may not be right or wrong, but they certainly are perceptions.

MORRIS: Could we talk a little bit more about the coastal initiative?

WHITAKER: Of course.

MORRIS: I hate to ask you about one that you lost, but that makes it an interesting case history about what might have prevailed. Could you recall, maybe, what some of the aspects along the way were that got in the way of the Whitaker and Baxter foolproof plan for ...

WHITAKER: What I'm going to say is subjective, of course. [Laughter] But that is an initiative, Prop. 20, that could have been enacted, as it was, or have been defeated. There were several reasons why it wasn't defeated, in my mind, not the least of which was that that issue was preceded on the ballot by an environmental thing put on by Koupal and the People's Lobby, Prop. 9, the Clean Air

1. Proposition 20 (November 1972).

2. Proposition 65, Toxic Disclosures (November 1986).

initiative,¹ and there was a great deal of attention paid to that issue for about a year and a half, two years. It was defeated rather substantially. We couldn't get our clients to focus on the Coastal Commission thing until . . .

[End Tape 8, Side A]

[Begin Tape 8, Side B]

MORRIS: We were talking about how your clients were not interested in looking at Prop. 20 until Prop. 9 had been decided.

WHITAKER: Obviously, it was an issue of great concern to a lot of different kinds of people. We urged them to make up their minds what they wanted to do with this thing. This was before the initiative was circulated and qualified.

MORRIS: But you knew it was in the works.

WHITAKER: Oh, of course. We urged them to consider working with some of the proponents of the initiative . . .

MORRIS: The Sierra Club kind of . . .

WHITAKER: Yes. To try to see if the issue could be resolved in a more satisfactory manner. And with all the rest that was going on, not enough of them wished to take the time to deal with it. I don't think they took it that seriously, either, that it was going to be qualified.

MORRIS: It was quite a different issue. The Prop. 9 was a clean-air kind of a thing.

WHITAKER: Yes, they were totally different. Well, not totally, but substantively different kinds of things. And Prop. 9 was perceived as a terrible disaster to the state and to the industry of the state.

Anyway, the Prop. 9 thing, that campaign was a June ballot issue, as I recall. It was over, done with. Everybody felt happy. And it was September before we could get them to sit in a meeting and decide that, "OK, now you've got this thing. What do you want to do?" "Well, we have to defeat it." "Why do you

1. Proposition 9 (June 1972).

have to defeat it?" So we then go through the issue, what's right with it, what's wrong with it and the rest. So a major campaign was commenced in September . . .

MORRIS: This is November of the same year that Prop. 9 had been on the . . .

WHITAKER: I've forgotten the polls and survey figures now, but when we started, the thing was going to pass overwhelmingly, 75, 80 percent of the people. We narrowed that considerably, but we were never able to finish it off. I am absolutely convinced that, one, it could have been defeated if the actual campaign had been started at the same time the Prop. 9 thing was going on. There was no reason why that couldn't be conducted on parallel tracks, or that there couldn't have been some accommodation between the interests that would have precluded the thing from going to the ballot.

MORRIS: It was quite a different coalition of organizations that was pushing Prop. 20. Prop. 9 was mostly the Koupals, wasn't it?

WHITAKER: Koupals, and they had some pretty substantial allies. But it was a different coalition, a different group, that was pushing Prop. 20, largely. They did so successfully. They ran a good campaign.

MORRIS: The materials that I read look like they had been organizing for two or three years.

WHITAKER: At least.

MORRIS: They had put together a good network.

WHITAKER: They had thought it through with great thoroughness. That was probably the result of it. . . . It was probably the culmination of four, five, six years of work until the actual issue evolved and they pushed on to the ballot thing.

MORRIS: Or put the initiative together and into circulation.

WHITAKER: Yes. But it started long before that. It was just the way successful efforts should be conducted.

MORRIS: Were you keeping an eye on the development of these grass roots organizations and the putting together of a network?

- WHITAKER: Yes.
- MORRIS: Did you have anybody in particular watching that development other than yourself?
- WHITAKER: Oh, absolutely.
- MORRIS: You brought in somebody to . . .
- WHITAKER: We had a number of people that were closely monitoring it.
- MORRIS: Was the consensus that this was an improved kind of citizen organization, that the grass roots organizations were becoming more effective?
- WHITAKER: I don't know that they were becoming more effective. They were better organized, certainly, in that instance. Sometimes truly grass roots things are not very well organized and you have many of the separate organizations that get involved in it running in somewhat different directions. That was not the case here. They did, really, I thought, a good job of organization.
- MORRIS: Who do you recall were the people who were responsible for putting that together in a well organized fashion?
- WHITAKER: I think the Sierra Club was certainly the lead. I think they put most of the heavy effort into it. They gave it direction. Carl Pope, who is still with the Sierra Club, was probably the single person who did more to put that campaign together. And then there were many others. But I would credit the Sierra Club, one, and Carl as the one they assigned to this, two, with being responsible for the victory, largely. Nobody's totally responsible for anything, but largely responsible.
- MORRIS: But you do need a point person to keep all these things going at the same time.
- WHITAKER: Of course, yes.
- MORRIS: Which aspect of it was it that really concerned your clients?
- WHITAKER: Well, different clients had different concerns. You may recall that the home builders were a big factor in the Prop. 20 campaign. Their concern was the obvious one of the permitting process that would fall out of the passage of the act. They felt

that the act would largely lock up the coastal areas from development. I mean even good developments, assuming there is good development. They felt that it would make coastal development virtually impossible. And that's largely been the case, for better or for worse. So that you had that thrust, where the so-called home building industry put in as much effort on that as any campaign I can think of that has ever confronted them. The real-estate people were a factor but not nearly to the extent the home builders were. You had a business concern with the thing, manufacturing interests, who were either in the coastal area or had to work in the coastal area.

MORRIS: Lumbering kind of people?

WHITAKER: No, no, not so much that. You had people who. . . . Well, the Chevrons and the Arcos and the rest, they have refineries, they have facilities in the coastal areas.

MORRIS: Like the Richmond refinery would be affected if they wanted to expand or modify?

WHITAKER: Absolutely. So they had a concern. The utilities had a concern with it because power plants, those that are not hydro [hydroelectric], are largely in coastal areas. Not totally, but largely. So they were concerned with their ability to keep pace with the state's needs.

MORRIS: Oh, the supply end, the supplying power?

WHITAKER: Yes.

MORRIS: Some of the literature I read about the implementation of the act talked about oil leases and whether or not this Coastal Commission would infringe upon the accessibility of any mineral resources off the coast.

WHITAKER: The issue was argued that it could preclude--it would be basically oil and gas--development within state waters, which is true. Therefore, you had people who were concerned with the development of those resources involved in the thing.

I guess another way to put it, while this dealt with the coast, you could just as easily take the interior valleys and go between the Coastal Range and the Sierra Nevada and carve that out as a preserve, and, in effect, regulate the development and the use of the resources within that area. They just happened, in this instance, to pick the coastal area. Now, whether these things are good or they're bad isn't so much the point. The point is that they impact the economy of a state to a substantial degree.

MORRIS: Was the public-access question one that caused your clients concern?

WHITAKER: It caused some people concern, and that, again, was more people who already had property in the coastal areas. They were concerned that their property could be overrun or their facilities would be endangered in some way by uncontrolled public access to the area. There was a degree of that, yes.

MORRIS: Did the campaign that Whitaker and Baxter organized make a special effort to involve the potential irate individual homeowner, small landholder?

WHITAKER: Yes.

MORRIS: How did you go about doing that? Was that difficult?

WHITAKER: Well, through all the tools you had that were available to you. You work with groups, governmental agencies, businesses, whoever, to convey the concern that you think they would have if they understood the act. That basically was the case. The final result of the thing indicated that the message had really gotten through to a great portion of the electorate, particularly those who would be most directly impacted by it.

MORRIS: People actually living in the coastal communities?

WHITAKER: Those who lived there, those who worked there. People don't get terribly concerned about a great big company. They get more concerned about their own daily lives and their ability to function inside society, so you have to take the problem of the impact upon a plant or on a facility or on somebody's desire to build a

home or to do whatever they want in those areas. Then you obviously get a voter reaction.

MORRIS: So you sort of downplayed the corporate interest?

WHITAKER: Yes.

MORRIS: And emphasized the individual citizens?

WHITAKER: You have to do that, really, in every campaign. If you sit there and try to advance the cause of whatever--the oil industry or take any industry you want--you don't command the attention of too many people. You only command their attention when they understand what that does to them individually, and to their livelihood and welfare.

MORRIS: The last ten years or so, there's been a lot of discussion about corporate social responsibility, and I wondered if this was anything you discuss with your clients and help them set up some kind of program in this area, maybe on the environmental question or on other issues.

WHITAKER: I'll jump way ahead for you. Maybe it will help complete the circle. The answer to your question is yes. All throughout the years, this firm has worked closely and without much friction with all the different interests at play. We have worked very closely with the environmental community. We have worked with our own clients to encourage them to think through issues of concern to the environmental community from their own self-interest and to work with these people. I am the chairman of a group now, a national group of people, that meets about once a month, every six weeks, where you have all the consumer groups, all the senior citizens, the environmental groups. You have utilities, you've got the whole bit. And we sit around a table like this and we hammer at the issues that are there.

MORRIS: The public policy issues?

WHITAKER: Public policy issues, and what's going to happen legislatively or administratively, and what's good about it or what's bad about it, how do we accommodate each other. So the answer to your

question is yes, we've given tremendous thought to how you deal with these issues before they become acute, before everybody is hunkered down and shooting mortar shells at each other.

MORRIS: Their feet cast in concrete?

WHITAKER: Yes. Now, there are issues that you're never going to get agreement on, but we have created a climate where people can deal with what they'll agree upon and put the other aside, and it doesn't enter into the conversation.

MORRIS: Does this body have a name?

WHITAKER: Yes. It's called the Wye Energy Group. Now, you are wondering why it's the Wye Energy Group. There's a place called the Wye Plantation in Maryland where the Aspen Institute has a facility. Many years ago, I convoked the assembled interests over there to see if there was any way in this world that they could ever work together. And they all agreed, without exception, to come to see if that was the case. Many of them were very skeptical it would work.

MORRIS: Yes, that's the lion and the lamb sitting down together.

WHITAKER: I don't know where the lambs were. I mean, this is a bunch of lions. [Laughter] Anyway, the Wye Plantation is where we started, so we called ourselves--we said, "Why not? We're the Wye Energy Group." We've worked very effectively with the regulatory agencies, with the Congress on issues where we do have a common interest. We're devoting an extraordinary amount of time to this whole greenhouse effect now, trying to map ways to join that issue effectively. The different people in the group obviously all are driven by different forces. All the major labor unions are a part of this thing. It's a pretty good group.

MORRIS: Sounds like a great policy forum.

WHITAKER: It's a policy forum. It's not a think tank in the sense that, "Let's sit down and write a paper or do a treatise." It is an action-oriented operation.

- MORRIS: Primarily directed to legislative means?
- WHITAKER: Legislative and administrative. The common thread is energy. It may sound strange, but every one of the people who participate have one thing in common, and that is they're a consumer interest. Whether they're a utility or a labor union or a Sierra Club, that's the thing that binds them together.
- MORRIS: It sounds not unlike. . . . I remember [A. Ruric] Ric Todd telling me about when he was with PG & E talking to the state about bringing together various interests to talk about siting power plants before it was time to apply for a permit.¹
- WHITAKER: Same kind of thing. Ric and I used to talk by the hour and the hour and the hour trying to figure out how we could deal with problems more effectively--not just we ourselves but all of us. We came up with a number of different stratagems, many of which are in place now. They have been helpful; they've been effective. They can't be helpful only to a single interest. You know, you've got to be concerned with the person's interest on the other side of the table.
- MORRIS: It leads one to wonder if either PG & E, specifically, or other utilities or any kind of group like this was ever subjected to the charge of being exclusive and precluding other solutions than this kind of in-house process involved.
- WHITAKER: Not just PG & E. Any large company, in years past, was concerned with the project before it, whether it was to build a highway or it was to build a power plant, whatever it might be, and you engineer the highway. OK, so you're going to run the highway from here to here, and if you run it in a straight line, it's cheaper. You know, all these good things. But if you run it in a straight line, you're going to upset all sorts of other balances.
- MORRIS: Somebody's pasture and somebody's shopping center.

1. See interview with Todd in *Republican Campaigns and Party Issues, 1964-1976*, Regional Oral History Office, University of California, Berkeley, 1986.

WHITAKER: But that's what engineers like to do. I'm not picking on engineers but that's the mentality. The most efficient, the least costly thing is what they want to do. Well, as the state and the nation grew, that's the way we did things. There was not really much concern about the cow pasture or whatever else it might be that was there.

MORRIS: The home of a special butterfly?

WHITAKER: Yes, wherever. Society has progressed, and you can't do things that way now. You have got to devise your project so that it's acceptable.

We went through this with some of our energy clients. You recall the great gas shortage of the seventies. I mean natural gas shortage, not gasoline shortage. They wanted to build an LNG facility, liquefied natural gas facility, and import gas from south Alaska and from Indonesia to the West Coast. The engineers thought all this thing through and they figured out, "This is how we'll do it. This is where we'll put the facilities." There was just no way you were going to build those facilities the way they were engineered.

So the fellow who was in charge of the project was an engineer and a great guy. I said, "If you build this plant, you're going to have to do this and this and this and this and this. It may cost you a little bit more, but what you're going to have to decide is whether you want the plant, whether you want the permit, or you don't. Now, if you want it, then it's just a question of economics: how much more can you pay to get a permit to build the thing?"

MORRIS: In terms of adjustments in the plant?

WHITAKER: In the plant and its siting and its location, how you handle the shipping channels, how you handle fishing, how you handle Indian burial grounds, how you handle the Coastal Commission and the other five hundred permitting agencies that get into the act. You've got to be able to deal with these people positively and affirmatively, and if you can figure out a way to accommodate the

legitimate concerns of the majority of them, you can get a permit. And we did. But it wasn't where he had originally wanted it.

MORRIS: So that figures in the company's cost-benefit ratio, how much they can afford to . . .

WHITAKER: Of course. And it has to figure into society's thinking, too. We have in this state a Public Utilities Commission--and an energy commission, now--that govern the siting of plants, and they govern the rate structure, the Public Utilities Commission does. If the Public Utilities Commission will not permit a rate to build a plant, you aren't going to build it, either. That's society's concern. So if, in responding to public concern, you increase the cost of your facility from \$1 billion to \$2 billion, the PUC may or may not allow that on the rate base. You need to have a very accurate feel going in as to whether you have overstepped the economics of this thing in accommodating the concerns of a variety of people. That's a societal judgment.

MORRIS: Where do you get the kind of statistics for that kind of societal judgment?

WHITAKER: You do that by osmosis. You do that by talking to people, working it through. You know what your plant's going to cost, vaguely--not vaguely, pretty precisely. You know that if it takes you twelve years to get that plant on line instead of three, that the cost is going to increase by X, and it's a big increase. So you figure all this is going to come down to the point that. . . . Take the LNG facility. You're going in, you're going to get gas at \$1.20 a foot. After you jockey the thing around, you've got gas at a minimum of \$4.60 a foot. It's not economically in line; you can't do it.

MORRIS: Do you rely just on your own figures? I was wondering if things like the Bay Area Council and some of these other organizations . . .

WHITAKER: Well, there are many people who obviously do their own calculations. But usually, in trying to make these judgments, you

rely on the expert opinion for which you pay to analyze these things. People can argue a little bit about studies like that, but it's only a matter of degree, and usually small degree, as to where the argument comes out. You don't often, if you do good work, get caught where you totally misjudge the cost of something.

MORRIS: Interesting. Going back to the Coastal Commission, did you monitor the process of setting up the implementation and . . .

WHITAKER: You mean after it passed?

MORRIS: Yes.

WHITAKER: To a degree.

MORRIS: There seem to have been a continuing series of lawsuits about the interpretation and about the permit process and things like that.

WHITAKER: Yes.

MORRIS: Would your clients have been involved in those?

WHITAKER: Some were. But that was not done in the organized fashion that they all sat down together and decided, "We can attack here, here, here, and here." The home builders might go at it at one place and somebody else might go at it in another way. But that's the question of accommodating yourself to fact. It's there; now you have to live with it.

MORRIS: I ran across a report by Pacific Legal Foundation, which sounded like their view was that it was an attack.

WHITAKER: That it wasn't what?

MORRIS: That it was not a matter of accommodating clients to the fact that the Coastal Commission. . . . Their perspective, at least in the report that I read, was to dismantle the Coastal Commission.

WHITAKER: There was a strong body of opinion, which probably still exists, that the act could not stand a total assault of the judicial system. There were those, and the Pacific Legal Foundation was one, that thought that there should be a major attempt to dismantle it.

MORRIS: Does Whitaker and Baxter get involved in that kind of political . . .

WHITAKER: We do, but we weren't involved in this particular piece of it.

MORRIS: Have the various legal defense organizations been helpful to your projects?

WHITAKER: You always have to factor in the legal contentions. You have to work with the lawyers, either in house or with law firms. Everybody is trying to figure out what any piece of legislation or regulation, what it's going to do to them, and you need to get the best legal advice you can, and then begin to chart your action. Yes, we get deeply involved in that kind of thing. Just as you have to work with your engineers, you have to work with your lawyers and your accountants, the whole bit.

MORRIS: In the sixties and much more so in the seventies and eighties, we had the appearance of the political action committee [PAC]. I'm not quite clear what the impetus was for starting those and, from your point of view, whether they're helpful or an extraneous . . .

WHITAKER: I'd rather deal with that subject this way.

[End Tape 8, Side B]

[Begin Tape 9, Side A]

WHITAKER: The political process in this country requires anybody who has any intelligence whatsoever to involve themselves in it. Now, you can involve yourself in the political process by working for a political party, by working for a candidate, by working on an issue, by doing a whole variety of different things. Some of that is "volunteer time," some of it is not. The political process requires money to run campaigns, to deal with legislative matters and the rest.

In my opinion, there should not be any restrictions, fundamentally, on anybody's ability to participate in any way they see fit in the political process, so long as every single solitary thing that is done is reported. If you give \$500,000, it is reported that you gave \$500,000. If I give \$1 million, then that is reported. As you do this and you report it cleanly, openly, the electorate can determine that, "OK, these are the people who are involved.

These are the people who are putting up the money. What does that mean to me, the voter? Does that color my perception of the validity of the issue?" Maybe it will. But so long as it's reported, I think it should be permitted.

That's not true. In an attempt to be Goody Two-Shoes, we have devised a system of restrictions on the ability to participate in the political process that's absolutely ridiculous. You have officeholders who are pounding you on the head to contribute to their campaign, and they make it so darn difficult to write a check that it's just ridiculous.

MORRIS: They're asking with one hand and telling you how to do it with the other.

WHITAKER: Whether it's a PAC for a labor union or whether it's a PAC for a business, whether it's you or me or a company or whatever or an association, that hasn't got anything to do with the process. The more people who involve themselves, involve their dollars, involve their time, involve their effort, the better the process is going to be. The way you get a degree of purity is by subjecting it to the greatest possible public scrutiny. They know who's there. When they know who's there, they can make their own judgments on whether that person is participating properly or improperly.

MORRIS: That's been the idea behind most of the "reform" initiatives, hasn't it, that greater [Inaudible]?

WHITAKER: No. The idea behind most of the so-called reform issues has been to circumscribe different groups' ability or different people's ability to participate in the process, because if you can make it tougher for business or for labor or for the environmentalists to function, then you get an advantage in the process. And that's what motivates most people in their so-called reform activities: they're trying to get an advantage for their own point of view in the process.

MORRIS: I don't know whether it's a causal relationship or not, but the perceived effect over the last fifteen years has been that there's

- been a lot more money moving around, and the campaigns cost more and there are more people putting more money into . . .
- WHITAKER:** That's true, but so do automobiles cost more, and so do houses and so does everything else. If you took the cost of a campaign in, say, 1950, and you translated it in constant dollars to the cost of a campaign today, perhaps it's gone up a little bit, maybe not. I haven't tried to run a figure of that type.
- MORRIS:** Fairly expensive. We now have million-dollar assembly campaigns.
- WHITAKER:** But we now have, what is it? 25 million people in the state. We now have media centers to buy into this market for television or for radio or for a newspaper advertisement or to do direct mail. You have not increased your unit cost so much as you have your overall cost, because you're trying to deal with more people in a different economic situation.
- MORRIS:** The more units that you have to get the message to.
- WHITAKER:** Yes. And what in the world difference does it make if a campaign costs \$1,000 or \$100,000, \$1 million or \$1 billion? That is what people are prepared to put in or they're not prepared to put in.
- MORRIS:** That's true. But the social reformer says, "What could you do with all that money if it went to feed the homeless or into AIDS research?"
- WHITAKER:** Maybe you'd do a homeless initiative and see whether it passes or it doesn't pass. One did, one didn't.¹ But you deal with issues on their own. To say, "What would you do if you didn't permit people to put any money into a campaign?" In other words, we get our government in the vacuum that we were discussing earlier, without any knowledge whatsoever of what's going on . . .
- MORRIS:** Or on "volunteer" basis.
- WHITAKER:** There just is no volunteer basis that is going to work.

1. In November 1988, Proposition 84, Housing and Homeless Bond, passed and Proposition 95, Homeless Funds, was defeated.

- MORRIS: I was wondering about that because you mentioned "volunteer" political involvement. What did you mean?
- WHITAKER: There's lots of it. That's what you might term in-kind contributions or in-kind dollars. If you give your time to work for whatever, that is a contribution. It may be your time, but your time is valuable. If they had to pay you, they would be paying you X, so that is a contribution to the campaign.
- [I'll] give you an easy example. The California Teachers Association has a great number of members in the state of California. They can put together an exceptionally good "volunteer" effort, campaign. Nordstrom does not have all those teachers. It doesn't have the ability to reach the public in the same sense that the CTA does. So the CTA, properly and wisely, organizes the forces--its teachers and the allied professions--and then puts money on top of it.
- MORRIS: In other words, their strategies are based on recruiting teachers to go out and do the precinct work.
- WHITAKER: Recruiting their people to do the campaign work to the extent that anybody can do that, and recruiting their dollars to pay for what they can't do with volunteer work.
- MORRIS: Member dollars?
- WHITAKER: Yes.
- MORRIS: How extensively do they use volunteer time?
- WHITAKER: Very, if you're talking about the CTA.
- MORRIS: Yes, I'm talking about the teaching . . .
- WHITAKER: They do a superb job of organizing the teaching profession.
- MORRIS: Is this at the precinct level or is this at the level of talking to the school boards and community opinion makers?
- WHITAKER: They run a very sophisticated operation. It's an across-the-board political operation that's very effective.
- MORRIS: Because of the nature of teachers?
- WHITAKER: The difference is that there are lots of teachers; there are very few oil companies. So oil companies have to put up money to pay

to tell their story. Teachers put up less money because they have people, bodies, that can do a lot of the work, if I make myself clear.

MORRIS: You do. But I'm asking a different question. I'm thinking in terms of, is there something about teachers as people, following through from the point that they're . . .

WHITAKER: That makes them better at this business?

MORRIS: Yes, or respond to . . .

WHITAKER: Yes, they seem to do this work better than any other organized group that I can think of. They do a better job than organized labor; they certainly do a better job than, say, the manufacturers association. But they're always working to a point of demonstrable self-interest. When it's your salary that you're keyed to, it's not as hard to get you involved as it is if the advantage to you in the issue passing or not passing is less evident.

MORRIS: But they've got the built-in corollary to that: my better salary means a better education for your kid.

WHITAKER: Of course. We helped them organize this whole thing many years ago. That was a client of ours, and we put this whole thing together step by step by step as they grew, and they've done it very well.

MORRIS: Why don't we stop there for today, since your day started early? We still have malpractice to go. Can you put up with another session?

WHITAKER: Yes. Can we talk about everybody's malpractice?

MORRIS: Oh, absolutely.

WHITAKER: We don't have to just pick on any. . . . I'm kidding. [Laughter]

MORRIS: We can continue. . . . If the lawyers and the dentists and, I gather, the concept has been very . . .

WHITAKER: The dentists and the accountants and all of us.

[End Tape 9, Side A]

[Session 6, January 18, 1989]

[Begin Tape 10, Side A]

- WHITAKER: . . . perhaps by the time you get to the end, but you don't spend as much time on it as you would like.
- MORRIS: Is it kind of an evaluation process, or is it more reporting?
- WHITAKER: It's more reportorial; the evaluation you've done as you go along. You know by the time you get to the end what was good, what was bad, what was so-so.
- MORRIS: Right, but you don't necessarily remember that next time a situation comes up.
- WHITAKER: You may not remember it in terms of a specific incident, but the tactics don't go away. It may sound strange to put it that way, but if somewhere you feel that you've made a tactical error or not done something as well as you should have, the precise details of that aren't as important as the manner in which it was done, the thinking process. I don't know quite how to put this for you.
- MORRIS: The process where the trouble signs show where something may have gone wrong or what looks like a good device?
- WHITAKER: Yes. Mistakes are almost always mistakes in strategy or tactics, occasionally in your materials, how you present your story. But it's more apt to be that, on reflection, you might have done something better than you did.
- MORRIS: Well, that's sort of the human condition.
- WHITAKER: I think so. [Laughter]
- MORRIS: When we wound up last time, we had just gotten to the matter of liability malpractice.
- WHITAKER: I'm glad that you know where we were. [Laughter]

- MORRIS:** I have the advantage of having seen the transcript. It just came back the other day. You said, "Let's talk about malpractice in general and then the issue as it arose in the late sixties and then became a full-blown issue in '74, '75, '76 in California." We hadn't really talked about it. We'd come to the time for your next meeting. I was wondering when the [California] Medical Association [CMA], or you in your conferences with them, became aware that there was a developing problem in malpractice.
- WHITAKER:** I couldn't answer that specifically, but it became evident in the late sixties, early seventies, as I remember the time frame, that a problem was developing. Our involvement in the thing, if I remember correctly, would have been in '75.
- MORRIS:** After the assembly . . .
- WHITAKER:** I'm talking now about the medical malpractice part.
- MORRIS:** Right. There was an assembly committee on medical malpractice chaired by [Assemblyman] Henry Waxman.
- WHITAKER:** Yes. I remember that. We were not involved in the thing, except as observers, professionally until the medical profession. . . . And there, I must say that it was a segment of the medical profession. They had gone far enough that the legislature was not addressing this problem satisfactorily, and they came to us and we did gear up a substantive effort in '75, '76. I'm not quite sure of the years here; forgive me.
- MORRIS:** Those are the right years.
- WHITAKER:** The issue became a more tenable situation for them. There were some legislative actions taken. A number of them, as you probably recall, had, as they expressed it, "gone bare."
- MORRIS:** Doctors had gone . . .
- WHITAKER:** Doctors. They just canceled all malpractice insurance and reconstituted their practices in corporations to shield, they hoped, themselves from personal liability. And that had a powerful effect on the legislative thinking. It had an effect also, I think, on

the insurance industry itself. The economics were substantial. The thing didn't come out perfectly or in any pristine way within that first year. But, as I recall it, there was a period of about two, three years, and it basically resolved itself with additional legislation, additional negotiation between insurance carriers and the medical profession and the rest.

MORRIS: You said "part of the medical profession." Which was the part that came to you?

WHITAKER: They called themselves United Physicians of California, and it initiated, in the first instance, with a group stemming out of Los Angeles County. These were, basically, all members of the CMA. They were, basically, all members of the Los Angeles County Medical Society or whatever other county medical society was involved. They took the lead; they raised the money; they put the troops together to do the speaking, to go to the legislature, you know, to fight the fight. The CMA, while it did not oppose, as I recall, what they were doing, was not there marching in lockstep with them as the United Physicians of California drove for the remedies that they thought were necessary. They were a more aggrieved lot. They were the people on the front line. They were the surgeons that were terribly exposed in all the . . .

MORRIS: Because it related to their kind of medical practice.

WHITAKER: Really, to a large extent, yes. I'm pulling on memory, now, from long ago, but you had other segments of the medical profession that, I think, while they totally sympathized with what they were trying to do, had other priorities. So I would guess that, in terms of very active support, you probably had maybe somewhere around half of the affected doctors that got themselves involved in the thing. I don't mean to overdraw this. I don't mean to make a point that CMA and this group were going head to head, because they sat side by side. It's just that the priorities were a little different.

- MORRIS:** That was my next question, because by 1975, Malcolm Watts was president of the American Medical Association, and he's from California. He was opposing federal proposals for intervention in professional liability and saying the problem has to do with how the insurance companies handle the coverage problem. I wondered if that might have been the . . .
- WHITAKER:** That was a position taken by a great number of medical people. To the contrary, there were others who thought that the state and/or federal government had to bring additional pressure to bear on the insurers and, failing that, that they could not afford to practice. As I indicated a moment ago, instead of. . . . I suppose maybe a few quit practicing, but they were probably prepared to quit anyway. The big economic push is when they just started going bare. And they did. They just. . . . Bong! There goes all the liability insurance. Like, "Sue me. I haven't got anything. You can sue this corporation, and there's nothing there."
- MORRIS:** Interesting idea. Did that come out of discussions with your people or had they come up with that idea on their own?
- WHITAKER:** No, they got there on their own.
- MORRIS:** I was wondering if you would have conferred with Malcolm Watts about any of this.
- WHITAKER:** I don't recall it.
- MORRIS:** The parallel struck me in that, here's the president of the California physicians becoming president of the AMA during the insurance liability crisis, and twenty years before, it had been the president of the California Medical Association that went to head the AMA during the health insurance . . .
- WHITAKER:** That was John Cline. After John, we had another Californian, from Napa, Dwight Murray. In fact, Californians. . . . It seems to be a little cyclical, but they have been extraordinarily active in the AMA, as well as in their state and local societies.
- MORRIS:** In one of the articles I read, there was a reference to Mr. [Howard] Hassard representing both the medical association and

the insurance companies in presenting this matter to the assembly committee.

WHITAKER: Yes. Howard Hassard, but he's called "Hap" Hassard, is . . .

MORRIS: Does he object to that nickname?

WHITAKER: No, he doesn't object to it at all. He's a neat guy; he's also the attorney for this firm. I couldn't tell you the starting date, but to my knowledge, he has represented the California Medical Association since 1945, probably prior to that. But to my knowledge, that's when my memory tells me that this firm first associated with him and CMA. That's while I was still away in the Great War.

MORRIS: He must have been a pretty young fellow himself at that time.

WHITAKER: Yes, yes, he was. Then he, for a period of time, was also retained by the San Francisco County Medical Society, and then, for a long period of time, in his office, also represented the AMA in some of their activities. That firm, the Hassard firm, is, I guess without doubt, the leading law firm in terms of organized medicine, certainly in this state, and one of the important law firms in this field nationally. And Hap, for many, many years, personally drove the bus.

MORRIS: I was a little puzzled by the reference to his representing both the medical profession and the insurance profession.

WHITAKER: I can't remember that precise incident. They have represented the Irwin Memorial Blood Bank here. That's an element of what they call the National Association of Blood Banks; they helped put all that together in the early years. They and we worked very closely with the medical profession over the years, particularly at the time when the whole health insurance issue was current. And that relationship, I'm sure, still existed at this time. I would be certain it did. It probably still exists right now. I don't know the incidents to which you refer, but it had to be where there was a commonality of interest, that he could speak for both sides. But his number one client would have been medicine.

- MORRIS: The medical people.
- WHITAKER: Yes.
- MORRIS: I was wondering if you would have sat in on some of the discussions with the assembly committee--Henry Waxman's people--or on some of the hearings.
- WHITAKER: No. We monitored them, but I didn't sit in on them. One of the fellows here sat in on most of them, but . . .
- MORRIS: I see. Because Mr. Waxman was a fairly new assemblyman at that point, and I wondered if there was any sense that the committee people were interested in the political benefits of creating a big uproar.
- WHITAKER: I don't know whether "uproar" is the right word. I think that there was a feeling that some legislators looked on this as an issue that would find favor with their constituency, so, therefore, they devoted more time to it. Some, like Waxman, I think, have almost made a career out of it. Henry is truly dedicated to pursuing the whole medical insurance. He got into the malpractice thing. He's involved, as you know, in his subcommittee in the Congress. He's one of the leading figures on most of the medical stuff that works its way through there. You should never try to think what somebody else thinks, but I don't believe that it's any light or flippant political act on his part. I think that he has devoted a great number of years out of sincere conviction that he can help forge solutions to some of the problems.
- MORRIS: In the first year of the hearings, '74 and '75, they had about a dozen bills that the legislature was proposing, none of which seemed to pass the first time around.
- WHITAKER: I think that's true.
- MORRIS: They had to do with a disciplinary action in relation to doctors who might not be performing up to snuff and with reorganizing the Medical Examiners Board and proposing government

arbitration. I take it that the medical people that you were working with were not happy with those bills as they were first . . .

WHITAKER: Not particularly, no.

MORRIS: I see. What was wrong with them?

WHITAKER: Again, I'm trying to pull on memory here. [Laughter] But their feeling was that the issue that was acute to them--medical malpractice, their ability to practice, their ability to pay the premiums that were required to be in practice--effectively made the economics of practicing medicine untenable, or almost so. They didn't see answers to the problem in a restructuring of the Board of Medical Examiners or in some oversight board that was going to determine whether the doctor had, in fact, been guilty of malpractice or not. They thought that the problem was a fundamental insurance problem.

MORRIS: What was the reaction to the statistics saying there was an absolute increase in number of court cases? And prior to that, in the late sixties, there had been a lot of state documentation of problems with medical care under the Medi-Cal program.

WHITAKER: I would think that the perception of the people that we worked with was that these were not, in truth, fundamental issues. I think that they, without question, felt that there were doctors who should not be permitted to practice--then, now, and will be in the future. I think that they thought that the business of discipline was a subject unto itself, and an important one, obviously. The flood of malpractice cases, I think, they felt was spurred by the public attention paid to the problem, in part, and spurred by the fact that we have become, then, and even more so now, a very contentious society. You'll find that in product liability cases. You'll find it in medical liability, legal liability, accounting liability. It's endemic, and the first thing you do is you say, "Let's sue."

So I believe that those who were truly somewhat thoughtful had the feeling that that wasn't the problem, that that's

a societal problem. And you work for high quality of medical care; you work for the highest ethics that you can work for. And so do other professions. But when it came down to the business of being able to insure themselves, they couldn't. Now, that's an overstatement. But they--honest to goodness, and I hope I'm making this clear--were focused on how you resolve the problem of malpractice insurance.

MORRIS: The focus was on the economic issue?

WHITAKER: So how can you, a good, great doctor, afford to practice and pay \$100,000 or whatever it cost you or more a year in premiums for malpractice insurance? Well, the odds are you might not be able to do that. So at that point it has nothing really to do with the quality of the care. You're trying to find a solution to a problem that permits a profession to function in the public interest.

MORRIS: That was about the time when Bob Moretti was speaker of the assembly, '75, '76.

WHITAKER: That was exactly the time that Bob Moretti was speaker.

MORRIS: Would he have intervened or have had an interest in how this was dealt with?

WHITAKER: I don't recall specifically, but anything that Henry Waxman was doing, Bob Moretti would have been interested in.

MORRIS: I see. They were that close together.

WHITAKER: Well, Bob was speaker and Henry wanted to be chairman.

MORRIS: Yes. He gave up the chairmanship of the [Elections and] Reapportionment Committee in order to be chairman of this select committee.

WHITAKER: Right.

MORRIS: Would that be an unusual move?

WHITAKER: Again, I've never discussed this with Henry Waxman, but I don't know that he was all that enamored of the Elections and Reapportionment work. I did watch one of their hearings where I testified, and I think he was more distressed at the fireworks that were going on between the participants than he was interested in

the subject. But that I don't know; that's just an observation. But Moretti was. Moretti was deeply into the Elections and Reapportionment Committee work.

MORRIS: Because he was already thinking about the governorship?

WHITAKER: Sure.

MORRIS: What kind of testimony would you be giving to the Elections and Reapportionment Committee?

WHITAKER: Oh, that had nothing to do with this issue. We were involved in What campaign was it? Yes, it was the People's Lobby thing, which preceded this by a few years. I think it was the People's Lobby. No, wait a minute; in fact, it was the Coastal Commission Act.¹ Moretti was very much in favor of the act, and opposed to our campaign of opposition. So he decided it would be a good idea to have me testify before his committee and he'd tell us what terrible things that we were doing to the electorate. He didn't fly very high with that; we had quite a go 'round. That was the last time he called me before his committee. [Laughter]

MORRIS: So it was Moretti that got Waxman to call you before the committee, and Moretti was sitting in on it too?

WHITAKER: Waxman was chairman, but Moretti was the person who was running this little episode.

MORRIS: I see. That's an interesting sidelight. How about the Joint Underwriting Association? This was one of the solutions that the legislature did pass, a bill to establish a two-year market for when medical malpractice insurance was not available.² I was unclear whether the state was going to underwrite that or . . .

WHITAKER: That's what the argument obviously was about, and I can't recall whether that had much effect on the issue. I just don't recall.

MORRIS: Would you have been in contact with insurance companies in the process of their responding by saying, "Let's see what we can set up in the way of a physician managed underwriting program"?

1. California Coastal Zone Conservation Act of 1972.

2. A.B. 4468, 1974 Reg. Sess., Cal. Stat., ch. 1482 (1974).

- WHITAKER: We had a--as you always do in these things--steering committee or an executive committee, and we would go through those things, and then we'd put together groups that would meet with the insurance companies and other interested parties to try to find solutions to the problem. But those are just pieces of any activity of this kind where you're probing at the different areas where a solution could be achieved.
- MORRIS: It looks as if the insurance profession on the one hand sort of created the issue by withdrawing from the market in '73 and '74; but then, on the other hand, they turned around and created the solution in the form of some new underwriting mechanisms.
- WHITAKER: That's, I think, a reasonable statement.
- MORRIS: Is that a frequent process?
- WHITAKER: It's not unusual.
- MORRIS: It's an interesting idea. Would you have participated or advised in April of '75 when San Francisco physicians in general curtailed everything except emergency medical services?
- WHITAKER: We did here. The first "job action," as it was called, was . . .
- MORRIS: That's a union term.
- WHITAKER: I know. . . . instituted in Los Angeles and then in various other places. I can't recall now whether they were simultaneous or sequential. Yes, we were very much involved in that.
- MORRIS: What kinds of things were you concerned about as those actions were planned and then carried out?
- WHITAKER: Basically, we were concerned with seeing that our client's story was enunciated as clearly as it could be from the forums that were made available, because of that activity. And those forums were considerable. They gave great focus to the issue.
- MORRIS: This would be the media?
- WHITAKER: To the media and to the legislature to the extent that you created enough public interest that the issue was not going to go away, and it had to be dealt with more effectively. So it's like many, many public issues. And this, of course, is, in a sense, a public as

well as an economic issue. If you can't focus public attention on it, it's very difficult to get legislative and/or administrative bodies to deal with it effectively.

MORRIS: Because it's an awkward issue?

WHITAKER: Well, it's not easy of resolution. You're not going to make everybody happy. You can't make everybody happy. At best you might make 30, 40, 50 percent of the people unhappy. On a wild day, you might get 52 percent of them that you made happy. Then, you'll have about 15, 20 percent that you make mad as mad can be. If you're the governor of a state or the president of a nation or a congressman or a legislator, you don't need that kind of hassle if you can avoid it.

MORRIS: Did the doctors come to you and say, "We're thinking about doing this"? How did it emerge as a . . .

WHITAKER: They were quite a way along in their thinking when we first met with them. We met with them in either November or December of '74, as I recall, the first time. I think this whole thing took off immediately after the first of the year. They had done a great . . .

[End Tape 10, Side A]

[Begin Tape 10, Side B]

WHITAKER: . . . show the problems that were stemming out of the issue. They had a number of thoughts about what to do with it. Doctors are like most professional people: they have very active minds; they don't think as monoliths. You have all sorts of opinions, even when you're down to a fifteen- or twenty-man steering committee, that are voiced very effectively. So out of that, you sort a policy that will help them achieve their end, and that's one of the places where they depended on us. Largely, I would say substantively, they depended on us to help them present their story to the public as well as to the legislature.

MORRIS: Was it a matter that you recommended the job action or was it a consensus that this would be the most effective of various . . .

- WHITAKER: I think it was a consensus thing. Again, I don't remember which, the chicken or the egg, came first. That was one of the options that they had thought of somewhere along the line, and, obviously, we looked at its pros and cons very carefully, because that's not an inconsequential action.
- MORRIS: Well, it's not one that you associate with your friendly family doctor, the staid and sedate, aging fellow.
- WHITAKER: No. And the thinking was that if this can't be resolved otherwise, before we can practice, we're going to demonstrate what happens.
- MORRIS: Did the timing have a bearing on the fact that this was what was decided on?
- WHITAKER: Timing to the extent that, yes, the legislature was getting underway again and it's the first of the year and lots of projects start at that time. But more because the issue had festered and been around for quite a while, and they were trying to bring it to a head.
- MORRIS: Going back to the hearings, the medical spokespersons were articulate about not liking any of the bills that were presented?
- WHITAKER: Again, I don't recall that that was the case. They proposed positions; they proposed a variety of approaches to the thing. They were quite outspoken where they thought what was being proposed wasn't adequate. That kind of thing.
- MORRIS: Would that be mostly Mr. Hassard or would that be the actual physician spokespersons?
- WHITAKER: No, Hassard could not represent this group because Hassard, at that time, was representing CMA and we were representing the United Physicians of California. You must remember who was spearheading the drive. It was not CMA, although CMA was critically interested in the thing. We did keep Hassard reasonably informed of our thinking because it was important not to have a rupture in the medical profession. And he was nice enough to keep us sort of informed as to what was going on. His clients and our clients were aware of this.

- MORRIS: Is there anything about the insurance profession in general? With the medical malpractice in the seventies, they were definitely on the receiving end of a lot of flak.
- WHITAKER: "They" being the insurance . . .
- MORRIS: The insurance profession. I was thinking of it in relation to the automobile insurance business that we're currently going . . .
- WHITAKER: They're similar; obviously, they're similar. The medical profession was convinced that they were getting an unfair deal out of the insurance industry, and that's a part of what the fight was all about. As you're aware, the insurance and medical professions, dental professions and the other allied professions, usually are running in the same general direction. In this instance, they were not.
- MORRIS: Have you ever talked with people in the insurance industry about what they might do in relation to the perceptions of their . . .
- WHITAKER: The present problem?
- MORRIS: Yes.
- WHITAKER: Well, yes I have, but just to gig them. Somebody needs to do some thinking there.
- MORRIS: They, too, are seen as rather monolithic.
- WHITAKER: Yes. Nobody's paying me to comment on their problems, so I'll let it go.
- MORRIS: Right. But I wondered to the extent to which you might hustle an organization or a professional group if you see a need for your kinds of services.
- WHITAKER: I think they're in a position at the moment where many other people have found themselves, that they haven't figured out an answer to the problem. There are probably many approaches within the industry to it. They give the public the impression of stonewalling. And no matter how strong their Sacramento and national governmental affairs programs might be, they can't prevail that way.
- MORRIS: If the impression is that they're stonewalling?

- WHITAKER: That's right.
- MORRIS: OK, let's try another subject. It's going to back up in time a little bit. I came across a reference to Whitaker and Baxter having worked on a No campaign against Ronald Reagan's government spending initiative in 1973.¹
- WHITAKER: Oh, yes.
- MORRIS: How did that come about?
- WHITAKER: We and our clients thought it was a terrible piece of legislation that wouldn't accomplish anything that it proposed. That was a bitter, incisive campaign, and we did prevail. His program was never put in place. Then he tried to do it nationally and he didn't really get it there, either. It was one of those things that sort of popped up.
- MORRIS: He'd had a tax reform commission running off and on in various forms throughout his administration.
- WHITAKER: Yes. I'm trying to remember some of the details of the thing. I can remember more the politics of it than I can the specific details.
- MORRIS: The politics of it?
- WHITAKER: Of the issue. As it was going together--now, it's beginning to come back in place--it looked like it was probably going to pass. In fact, we did some early surveying on it, and it was going along huckley-buck. The California Teachers Association, a client of ours, came to us, and they were very concerned about it and asked if we would mount a campaign against it, which we did with them. And that's a campaign, too, where Moretti was still speaker and was trying to use that issue to, in effect, promote his candidacy for governor.
- MORRIS: Give him some statewide visibility.
- WHITAKER: Yes. So he was working against the thing, too. We dovetailed our efforts to . . .
- MORRIS: They were separate efforts?

1. Proposition 1 (November 1973).

WHITAKER: Totally separate. Ours was funded and, basically, his wasn't.
 MORRIS: He was using caucus [Inaudible]?
 WHITAKER: Whatever money he could raise. But it was done in a way where, as I recall, he, Moretti, used the money that he had available largely for television spots. When we had reached an accommodation on that, we just shifted our budget to cover everything else that needed to be done.

But no, the governor and [Executive Assistant Edwin] Ed Meese [III] and [Assistant to the Governor Michael] Mike Deaver and company couldn't understand why we were so mean to them. That was an interesting thing. Toward the end of the campaign, the governor had some comment to make--I'm not going to state it accurately--to the effect that all the charges, that nobody could understand what the heck this thing did. He said, "I don't understand it either, but that isn't what's important." We plastered that on full-page ads and radio, television, and the rest, and the whole thing turned in forty-eight hours. It just blew it right out of the water.

MORRIS: If its sponsor says he doesn't understand it . . .

WHITAKER: We hammered on that. We had about ten days to two weeks to go, and it was a lot of fun.

MORRIS: Is that the sort of thing you hope for in a campaign?

WHITAKER: You so seldom get something like that.

MORRIS: That sounds similar to the one seven years before, when Pat Brown's film people made a movie that included a line about how it was an actor that shot Lincoln.

WHITAKER: Yes. That kind of thing. . . . As I say, that kind of an opening doesn't come along very often. But it was the damndest thing. [Proposition] One was very confused, but there were some very precise things in it that it was going to do, too.

MORRIS: I've been told--I have not read the document--that it is very similar to Proposition 13¹ that came along five years later, and

1. June 1978.

that Mr. Reagan has been quoted as saying he thought he recognized something of it. So to what extent was it the same people with the same concerns?

WHITAKER: You see, maybe there's another way to look at that. We're going through the travails of the insurance industry now, and a few minutes ago we were talking about the travails of the medical profession. Here you're just discussing tax reform, a tax revolt. These issues--and we've gone through this before, you and I--they rise and fall periodically, and one will be in the public mind and the other will be down. They don't go away. They just move up and down as critical issues.

MORRIS: I can see the teachers association being concerned enough about the potential of Prop. 1 to want to take some action against it. How about other clients, more purely manufacturing and business oriented?

WHITAKER: I don't recall that we had much difficulty in mobilizing most of the traditional forces at play. I don't want to say that the California Manufacturers Association or the Chamber [Chamber of Commerce] or somebody else, without going back and looking at files, were participating. But we had very little difficulty in setting up a preponderance of force in terms of the different organizations representing different groups in the state.

MORRIS: I guess my question has to do with, are there times when a business organization or group which is normally for less taxes and less government spending will be on the other side of the issue and say, "Well, not that much"?

WHITAKER: Sure. There are times when people choose different sides, obviously where they perceive their own interest to be.

MORRIS: There seem to be two schools of thought on Proposition 13. One is that it was a people's grass roots effort, and the other, that it wouldn't have gotten as visible and successful if it hadn't been for the [William] Butcher-[Arnold] Forde organization's assistance. Can you . . .

WHITAKER: As an issue and as a cause, its time had come, which was rather obvious. Then you get around to the kind of legislation that is shaped to deal with it. What's his name? Gann and . . .

MORRIS: Howard Jarvis.

WHITAKER: . . . Jarvis each had their own approach but finally put their uneasy alliance together. I don't think the precise nature of the issue that was voted on was what carried it, really. It's that people had reached a point they thought that they were being overtaxed.

In response to the Butcher-Forde thing, they do a good direct mail job; I think that's their greater area of expertise. I think they, without any question, put a solid foundation under that campaign. And as you recall, there was an enormous number of people who were involved in the campaign in terms of little volunteer clubs and neighborhood groups and taxpayer this and the rest, which I thought at the time, and I do now, was equally important. It isn't very often where you get groups of usually disinterested citizens who honest to goodness will go out and work on an issue, and that was the case with that issue.

MORRIS: Yes, Paul Gann said that during a hot issue, his organization will have as many as 30,000 or 40,000 people.

WHITAKER: I think that's probably true. It doesn't make much difference whether it's 10,000 or 30,000. The fact of the matter is that Gann or Jarvis or other people. . . . CTA can muster far more troops than that in any major issue. But where you can get them going, they become a very potent force. It's not usual.

MORRIS: It's not usual?

WHITAKER: No.

MORRIS: In spite of the proliferation of initiative measures?

WHITAKER: No. Somehow the issue has to strike home to all these usually disinterested citizens that "this affects you. We're not now talking about glory or motherhood or apple pie. We're talking about

your tax bill or your salary." And at that point, you can get some amazing activity.

MORRIS: So to that extent the question would be whether or not Butcher-Forde manipulated Jarvis and Gann or whether they just benefited from . . .

WHITAKER: I don't know whether anybody could really manipulate either Jarvis or Gann. But I think they were able to work together to the extent that they got, basically, the direct mail work done and the media work done.

MORRIS: That brought in the money that . . .

WHITAKER: I think they brought in a lot of money, a great deal of money. And that's not inconsequential, either.

MORRIS: Had that particular kind of direct mail campaign been used before? You know, "Your tax bill enclosed."

WHITAKER: I don't recall whether that specific thing had been used before, but approaches like that had been used for many, many years.

MORRIS: Have you ever worked on the same side of an issue with Butcher-Forde?

WHITAKER: Oh, yes. Before they were associated, we hired Butcher on a number of occasions and used him here. We sent him back to Illinois once on a campaign.

MORRIS: To do the direct mail?

WHITAKER: I'm trying to remember. It was some kind of precinct work that was involved. I don't know Forde as well. But they're competent people and they have their own style.

MORRIS: Then in 1984, you were involved working against Proposition 24, which was just Gann at that point, the legislative reform issue.¹

WHITAKER: I was involved as a volunteer.

MORRIS: Really?

WHITAKER: Yes. We weren't involved professionally at all. I just thought that that was one of the most ridiculous things that I'd ever seen. And I was talking with some of my friends. Who the heck was I

1. June 1984.

talking with? Oh, Bob Monagan, and we were sort of lamenting the state of the world at the moment as this reflected it. I said, "Why don't we do something?" He said, "What do you want to do, run a campaign?" I said, "No, I don't want to run a campaign. But if you'd be willing to get involved in this thing, I'll get involved. We can put together some material and make it available to people and maybe give a little direction to this thing and see what we can do." I said, "Even though you were in the legislature, the process is not all bad." So on that high note . . .

MORRIS: This was when Monagan was with the manufacturers association?

WHITAKER: He was with the California Manufacturers Association. But then I went over and I talked to the speaker, at that time Brown, and talked to Roberti, and asked them what they intended to do, if anything. They were of a mixed mind. They didn't like to be attacked, but they didn't know whether the legislature in particular were the best people to mount a campaign against it. Anyway, I wrote some fundamental pieces, where I took it section by section, and stuff like that that was sent to the newspapers, the media, most of the organizations in the state. Monagan spoke out all over the place on it. There were a couple of others who got involved; I'm not sure right now who. But this was just something. . . . Our system of government isn't perfect, but it's about the best that anybody has invented yet. There may be a couple of excesses here and there, but you take care of those by careful pruning, not by chopping down a tree.

MORRIS: Was there any other, more organized, official campaign against?

WHITAKER: There was no campaign against it of consequence. We talked to a lot of our friends and some of our clients, and they agreed that this is ridiculous. But they had other things to do. We just really didn't try to put a funded political campaign together on the thing. Maybe we should have.

MORRIS: Because you figured that would have been a negative kind of backlash?

WHITAKER: No. I didn't have the time. I was involved with other things and so was Monagan. Once in a while you have to volunteer for something.

MORRIS: Yes, indeed. I heard Mr. Monagan speak a couple of months ago, and I was really interested in his ideas for some kind of an effort to improve the quality of legislative action.

WHITAKER: He's felt this way a long time and he has been one of the leading advocates of--oh, "reform" is, I guess, a big word--reforming procedures in the legislature and primarily in the assembly, where he, of course, is more knowledgeable. He has made a number of suggestions that I think are quite good, some of which the legislature has embraced, most of which, probably not. But I think that's one where Bob just. . . . He feels deeply about it and he's going to hammer away on that issue as long as he can. But I guess, when we were talking, he said, "Gee whiz, when they come up with an approach like this, it's just insane. It undoes all that we try to do to do the job right."

MORRIS: Do you have a feeling that there have been major changes in legislative process and the attitudes and kinds of people in the legislature in the last thirty or more years?

WHITAKER: I think there have been procedural changes, obviously, some substantive. There have been great changes in the nature of the legislature itself, as we discussed when we were talking about the Prop. 1 A thing. And those have continued; that was not a one-time move. That has affected, to a degree, the kind of representation you get in the legislature.

I think the same thing has happened in a different way on the congressional front. You get people involved in the process who are interested in government as a career, interested in being legislators as a career, and that's a little unusual. As you go back in time, there were some people that stayed around a long time.

But the turnover, particularly in the assembly, was fairly rapid, the senate a little less so. But you were dealing more before with what you might term citizen-type legislators. The person was a farmer or the person was an automobile dealer, whatever, whereas here and now, as I said, you're dealing to a great extent with people who this is their career. They are not farmers; they are not doctors or lawyers or whatever, no matter what their educational background.

MORRIS: That's taken a fair amount of heat in the last couple of years that ...

WHITAKER: And probably will take more.

MORRIS: ... this removes the professional legislator from the people.

WHITAKER: That's just one of the fundamental philosophical debates about government: how far do you want to remove it from "everyday people"?

MORRIS: When you have at the same time built up a professional civil service.

WHITAKER: You've done that, and you've built up a professional staff that may or may not be civil service. This is the entry level to becoming legislators in many instances. I don't know the figures, but I would guess maybe in most instances now. You just look around at the seats as they come vacant and, pop, you've got an A.A. [administrative aide] moving in behind or something like that.

MORRIS: Does that affect their functioning as a legislator, in your observation?

WHITAKER: Does it affect it? No. Again, these are people who, as I say, government is their career. They do understand it; they do understand the processes. I think that they're a little more removed from economics and philosophy as we know it, those of us who are a few steps out of the legislature, which may or may not be good.

MORRIS: Another side of it is the financial. One of the arguments along the way for first increasing legislators' salaries and then making them full-time and increasing their retirement benefits is that then they would concentrate more on the matters of government and less on outside financial interests.

WHITAKER: That's the argument or the case that has been put forward historically. In the execution, I think, it's not held up. I think there is just as much interest in outside income or just as much interest in improving their perks as they go along as there was before. I don't consider that evil in any way, but human beings being what human beings are, they're always looking for a way to improve their lot in life.

MORRIS: Have you got, in looking back over the years, any model legislators who, in your experience, have been particularly able or enlightened or expert at the public's business?

[End Tape 10, Side B]

[Begin Tape 11, Side A]

WHITAKER: . . . more than others, just as you, again, do in any of life's endeavors. From my personal observations, there have been some that I have enjoyed working with who I found had great breadth of character, good intellects, good balance, and others not quite so good. To pick some out, I guess the most interesting person that I ever worked closely with on the national scene was Everett Dirksen. He had an amazing grasp of the legislative process, had a great mind, facile. He would pick things up so quickly. He was probably as broad gauged a person as you could find in the legislative process. There are others who have been awfully good, but you put his personality, his abilities, and the whole package together, and he stands out.

In the state, I think probably the standouts would be Hugh Burns, who did an extraordinary job as pro tem. For a great number of years, he did a neat job of balancing a very fractious

bunch of people. And the senate was a very productive senate. I guess I picked on him because, in a sense, like Dirksen, he was in a leadership position, and so you look to people who can do that, a totally different kind of person.

You look on the assembly side, and oh, I guess, in my lifetime, there would be two standouts. Their talents were different. But that would be Willie Brown and Jesse Unruh. I think Monagan did a superior job under very difficult circumstances when he was speaker, but he was not in the position long enough to be evaluated in the same sense that you could look at Unruh or . . .

MORRIS: When you mention "difficult situation," would that be . . .

WHITAKER: Just in a partisan sense.

MORRIS: What about the distance that I gather existed between the speaker's office and the governor's office?

WHITAKER: Oh, but that's historic; that's the nature of the system of government. It doesn't make any difference whether in the legislature both houses are Republican controlled and the governor's Republican, or vice versa, you are still going to get the pulling and the hauling between the two branches of government and you're going to get the pulling and the hauling between the two houses in the legislature. It goes with the territory; it won't be otherwise.

Another person, I think, that I enjoyed working with who hasn't had much of a tip of the hat from history was Goodwin Knight. He probably understood his state as well as, if not better than, any governor before or since. He was a good administrator. He was a good human being. In the crunch, I wish that he had been stronger.

But these are people who come to mind. There are so many that you can reach back and. . . Each has done spectacular things. You look at somebody like [Congressman Anthony] Tony Coelho or [Congressman Victor] Vic Fazio or [Congressman]

George Miller [III]. These men are, one, leaders in the Congress. Not just from California but in Congress, and they are going to be. . . . Because of pure ability, they have it. They probably are what everybody would point to and say the person who picked government as a career, who picked being a legislator as a career, this is what you get; this is what you want. They would be the finest of examples of that. You could go on and on and on.

MORRIS: In your work, do you see much of linkage, cooperation, between congressmen from the California delegation and their fellows in the legislature? Or do they generally operate separately?

WHITAKER: They obviously operate separately, but there are political alliances that run back and forth, not the least of which is the apportionment of legislative districts and the congressional districts. So it behooves them to have something in common, and they do.

MORRIS: It's odd and interesting and ironic that this morning's paper says that the courts have ruled again on the 1983 reapportionment, and we're getting ready to go again. Is that something you see a solution to? You know, we're at wrap-up time; we're trying to . . .

WHITAKER: Is there a solution to the apportionment of legislative bodies? Yes, there are a number of solutions. You have to decide what kind of representation you want. And if you decide that you want representation based on population only, OK, I can sit at this desk and, with a computer, I'll guarantee you I can create legislative districts that will elect 75, 80 percent of the party I want to elect, with the same population base and the same registration base as, perhaps, you or someone else could do it just the opposite. You are not doing anything illegal; you are just drawing the lines properly. There's no way to get around that. You had the great Claremont [Graduate School] study. You've had all kinds of studies on apportionment, how you pump all the data into a computer and the computer coughs it back up and it

gives you purity. That's not true. It'll give you back what the person put in.

MORRIS: Do you see any issues . . .

WHITAKER: I have no trouble with the system, I guess is what I'm telling you.

MORRIS: Right. Where I'm at is that there seems to be an increase in what is always there to a certain extent, a feeling that the public is being played fast and loose with, that people of specialized skill are manipulating things for their interest.

WHITAKER: There is absolutely no question whatsoever that that's true. But that has been true even before the United States of America was conceived, and it's never been any different. The sole difference is that, as with everything else in our life, technology is advanced to the point that you can use instruments that you didn't have before to speed up the process of doing what you wanted to do to start with. Now, you go back to the original gerrymander.¹ Well, what the heck? That was sort of a work of art. It probably took the poor guy forever, or woman, or whoever did it. I guess it was a man. It was the governor.

MORRIS: Elbridge Gerry?

WHITAKER: Yes. But if you have all your demographics in place, which they didn't have then and we do have now, and they're all available on a master computer tape, you can pull that, you can set it up, you can put it against a map, and you can sit there and you can play. And you can play down one side of the street, then you take this cul-de-sac and you put it in or take it out. It's just so simple. All it has done is make the process easier. It hasn't changed the process.

MORRIS: It sounds like you admired [Congressman] Phillip Burton's . . .

WHITAKER: I thought he did a great job, for what he wanted to do. I might look upon it differently; I would have done it differently. But he

1. Origin of this term to designate rearrangement of voting districts to favor the party in power, though not the practice, was in such an occurrence in Massachusetts when Elbridge Gerry was governor (1810, 1811).

understood it. He understood the districts; he understood the people; he understood the accommodations he had to make with the other party to prevail; and Phil did a neat job, probably better than they'll do this time.

MORRIS: Do you see any issues on the horizon that are probably going to emerge in the next few years and require your services?

WHITAKER: Fortunately, they're required now. We're working on a variety of issues. But I would guess that a more general answer to your question . . .

MORRIS: I don't want you to give away any current professional . . .

WHITAKER: I wouldn't hesitate. I think that, at this point in time, the problems before the country are the same, really, before each of the states. Almost all these things are national or international, largely international, to start with. Technology is the great problem that we have to deal with in this country if we're going to maintain ourselves as a "world leader" or not. That's problematical, I think, as anybody looks at it. And you break that down into different parts and exclude defense, which isn't easy to do.

But you have to then look at the fundamental problem facing the country, which is what financial direction it's going to go. What are we going to do as a people to cope with federal and state budgets? Are we going to relook and revisit our priorities? Are we going to change them in the economic process of getting control of our pocketbook or not? And as you do that, you look at the differences. You begin to make the decisions on how we're going to cast our society, where the R and D [research and development] will be, where the emphasis will be. Is it going to be manufacturing? Are we going to do this or are we going to do that? And it's government that's going to give some direction to that, simply because of the tax provisions that are enacted, under which we must all live.

You look at things like that. You look at the philosophical issues that are before us and this whole business of reducing the impact of the burden of government on people. Well, that means different things to different people. We have gone through a society up until, what? the mid-thirties or early thirties, mid-thirties, I guess, where we let free enterprise run pretty free. And then we enacted a series of laws that constrained it, to an extent, and regulated it, to an extent. Now, we're trying to unregulate it in all of its facets. And as you do that, you'd better have history in mind; you'd better remember why it was that you did something earlier and, again, decide whether that was right or whether it was wrong. That breaks down into energy; it breaks down into agriculture; it breaks to medicine; it breaks to anything you want to talk about. I think when you start with the fundamentals, you have to start with the overriding problems that are out there in the direction that's given to them, and then the different pieces begin to fall in.

California, just as the nation, has to cope with these same problems to the extent that federal direction permits a state to cope with it. The United States, as a federal entity, has to cope with it to the extent that the international economy gives it latitude to make some decisions. I don't know how helpful this is. But it's awfully important in my mind to elevate your thinking sometimes to fundamental problems before you try to resolve what you're going to do with medical malpractice or insurance disputes.

- MORRIS: Or how much particular political campaigns are going to cost.
- WHITAKER: To me, as I think I told you earlier, that's almost a nonissue.
- MORRIS: How about the question of power, who has the power to make these decisions?
- WHITAKER: This sounds corny, but the power truly is in the hands of the electorate to the extent the electorate compels a decision, and sometimes it does and sometimes it doesn't. To the extent that

people don't put enough pressure on the Congress or the legislative body or the administration to do something about things where they feel keenly, then you have left the levers of power in other hands which will shape it for you for better or for worse.

MORRIS: That's a very interesting note upon which to end. It is eleven-thirty, and your timing is excellent. Thank you very much.

WHITAKER: It's been fun.

[End Tape 11, Side A]