

88/71

c























Regional Oral History Office  
The Bancroft Library

University of California  
Berkeley, California

Earl Warren Oral History Project  
Northern California U.S. District Court Series

William T. Sweigert, Sr.

ADMINISTRATION AND ETHICS IN THE GOVERNOR'S OFFICE  
AND THE COURTS, CALIFORNIA, 1939 - 1975

With an Introduction by  
Robert F. Peckham

Interviews Conducted by  
Amelia R. Fry  
1972, 1973, and 1975

All uses of this manuscript are covered by a legal agreement between the University of California and William T. Sweigert, Sr. dated March 11, 1976. The manuscript is thereby made available for research purposes. All literary rights in the manuscript, including the right to publish, are reserved to The Bancroft Library of the University of California, Berkeley. No part of the manuscript may be quoted for publication without the written permission of the Director of The Bancroft Library of the University of California, Berkeley.

Requests for permission to quote for publication should be addressed to the Regional Oral History Office, 486 Library, and should include identification of the specific passages to be quoted, anticipated use of the passages, and identification of the user.

It is recommended that this oral history be cited as follows:

William T. Sweigert, Sr., "Administration and Ethics in the Governor's Office and the Courts, California, 1939-1975," an oral history conducted 1972, 1973, 1975 by Amelia R. Fry, Regional Oral History Office, The Bancroft Library, University of California, Berkeley, 1987.



UNITED STATES DISTRICT COURT JUDGE WILLIAM T. SWEIGERT, SR.

ca. 1960



TABLE OF CONTENTS -- William T. Sweigert, Sr.

INTRODUCTION by Robert F. Peckham	i
INTERVIEW HISTORY	xv
BIOGRAPHICAL SKETCH	xiii
OBITUARIES	xxi
HOMILY FOR MASS OF CHRISTIAN BURIAL OF JUDGE WILLIAM T. SWEIGERT, 19 February 1983, by Reverend Denis D. Foudy, Pastor, St. Monica's Church	xxiii
I EARLY YEARS IN SAN FRANCISCO	1
Parents and Grandparents	1
Education and Part-Time Jobs	8
Social Life and Recreation	13
College and Army, 1917; First Marriage, 1924	18
Law School, 1919; State Bar Exam, 1922	21
Eustace Cullinan	24
II START OF LAW CAREER	26
Assistance District Attorney, San Mateo County	26
Joins Cullinan and Hickey Law Firm, 1923	29
PG&E	31
A.P. Giannini	32
Arrangement for Successor to San Mateo Position	35
III EARLY POLITICAL ACTIVITIES	39
Meeting Earl Warren	39
Democratic Party Activities, 1928	40
Political Discussions with Earl Warren	42
IV EARL WARREN CAMPAIGN FOR ATTORNEY GENERAL, 1938	44
Warren's Reputation as District Attorney, Alameda County	44
Sweigert's Campaign Participation	46
Campaign Opponents and Campaign Theme	47
V THE ATTORNEY GENERAL OFFICE, 1938	50
Unable to Join Staff, Sweigert Suggests Herbert Wening	50
Illness and Death of Wife, 1938	53
Sweigert Reorganizes Attorney General's Office, 1940	54
Personnel and Responsibilities	55
Role of Attorney General	58

VI	PEARL HARBOR AND CIVIL DEFENSE	61
	Office of Civil Defense	61
	Herb Wenig Liaison with Adjutant General	62
	Pre-Pearl Harbor Defense Preparations	64
	Council of Civil Defense	65
VII	GUBERNATORIAL CAMPAIGN, 1942	67
	Earl Warren Throws Hat in Ring	67
	Governor Olson's Conflict with Warren and with State Legislature	67
VIII	WARREN SPONSORS PUBLIC HEALTH INSURANCE BILL, A JOINT INTERVIEW WITH JUDGE ALBERT C. WOLLENBERG	70
	Public Health Included in Message to Legislature, 1945	70
	Previous Health Insurance Bills Supported by Doctors (SB 454, 1935 and AB 2172, 1939)	72
	Meeting with Doctors Prior to 1945 Legislative Session	74
	Warren's Program Rejected by CMA House of Delegates, January 1945	75
	Ethics of Warren's Administration	79
	Legislative Hearings, Opposition and Lobbying by CMA	82
	Warren's Relationship with William Knowland	89
	More on Warren's Health Insurance Bills	92
	The Liberal Image of Earl Warren	94
IX	CAMPAIGN TECHNIQUES	99
	Minority Group Support, 1938 and 1942	99
	Gubernatorial Campaign, 1946	101
	Vice Presidential Campaign, 1948	105
X	MEMO TO EARL WARREN, 1942: SOCIAL CONSCIOUSNESS IN GOVERNMENT	110
XI	DEMOCRATS FOR WARREN IN 1942	113
XII	EARL WARREN'S FIRST TERM AS GOVERNOR, 1943	116
	Social Welfare Reforms and Governmental Reorganization	116
	Organization of Governor's Office and Personnel	119
	Warren as Boss; Relations with Press	126
	Reorganization of Civil Defense	130
	Relations with Legislature and Department Heads	133
	Preparation of Budget; Travel and Research Secretaries	135
XIII	WARREN'S POLITICAL ETHICS	139
	Public Office is a Public Trust	139
	Appointees and Conflict of Interest	140
	High Office Qualifications: Experience and Ethics	144
XIV	KEY POSITIONS ON ISSUES WHEN GOVERNOR AND AS CHIEF JUSTICE	150
	Reapportionment	150
	Labor	151

XV	POST-WAR PLANNING: ELECTION EFFORTS Reconstruction and Reemployment Commission 1944 and 1946 Campaigns	156 156 161
XVI	WARREN'S 1948 VICE PRESIDENTIAL CANDIDACY Biographical Sketches by William Sweigert Nomination and Campaign	165 165 169
XVII	JUDGE SWEIGERT ON THE BENCH: MUNICIPAL COURT, 1948; SUPERIOR COURT, 1949; U.S. DISTRICT COURT, 1959	172
	TAPE GUIDE	179
	APPENDIX	
	"Memorandum of the Basic Philosophy upon which Earl Warren should base his campaign for the Governorship of California," August 11, 1942.	180
	October 29, 1942, press release regarding Sweigert radio speech on civil defense.	187
	July 30, 1971, notes on unrecorded conversation concerning drafting of AB 800 (1945 health insurance legislation).	189
	Memo, Sweigert to Warren, July 23, 1945, "Completion and Use of the County Files."	190
	Memo, W.T.S. to Warren, October 10, 1945, "Master Name Project."	193
	Memo, W.T.S. to all secretaries, October 20, 1945, "Office Organization."	194
	"Memorandum Re San Francisco Organization," W.T. Sweigert, March 25, 1946.	195
	"The Legend of the Earl of Warren," by W.T.S. 1951 - supplemented 1971.	206
	"Superior Judge William Sweigert Urges New Rules of Court to Speed Trial Cases," <u>Brief Case</u> , January 1958.	210
	"Judge Here Takes on War Case," <u>San Francisco Chronicle</u> , September 11, 1970.	212
	Judge Sweigert's remarks at Earl Warren memorial services, Grace Cathedral, San Francisco, July 12, 1974.	214
	Sierra Club <u>Bulletin</u> , October 1975.	221
	SERIES PREFACES AND LISTS	222
	INDEX	232



## INTRODUCTION

Appointment to the U.S. District Court, 1959

In preparing an introduction to William T. Sweigert's oral history, one thinks first of the gentle wit and deep understanding that Judge Sweigert brought to the state and federal bench and of the strong moral convictions with which he dealt with major and minor judicial questions from 1949 until his death in 1983. Many of his decisions shed important light on the often knotty questions of those days, and the lives of many have been enriched by their contact with Judge Sweigert.

How these personal qualities were formed and expressed during the judge's youth and early public career are the subject of this oral history. The narrative, in Sweigert's own words, provides the rare treat of following a fine mind as it reflects upon events and issues of significance to the narrator and to the reader.

Because the oral history touches only briefly on his career as a jurist, this introduction, at the request of the Regional Oral History Office of The Bancroft Library, will provide further information on Judge Sweigert's appointment to municipal, superior, and, later, federal district courts, and some examples of his judicial style and actions.

Judge William Sweigert's tenure on the U.S. District Court for the Northern District of California began at noon on a Thursday, the first of October 1959. Over two hundred relatives, friends, and associates of the new district judge filled Acting Chief Judge George B. Harris's old Seventh and Mission street courtroom in San Francisco to witness Sweigert's induction. Newspaper photographs of the day show Harris and Sweigert standing together for the administration of the oath of office.<sup>1</sup> The huskier Harris extends his hand vertically far above the inductee's head. Sweigert holds himself rigidly, raising his hand to shoulder level and repeating the oath while his wife, Virginia, looks on.

With the last words of that oath, Bill Sweigert embarked on the challenging journey of a federal jurist. Prepared by ten years on the state bench and ten years' experience as California's chief assistant attorney general and executive assistant to Governor Earl Warren, Sweigert eagerly undertook the challenge.

U.S. Senator Thomas Kuchel had recommended Sweigert's appointment to President Dwight D. Eisenhower shortly after the death of Northern District Judge Edward P. Murphy. Eisenhower sent a letter to the Senate nominating Sweigert on April 23, 1959. Notwithstanding his recommendation by the state's senior Republican senator and endorsement by many longtime colleagues, Sweigert's confirmation was not swift.

Political considerations delayed confirmation for five months. The 1959 general election had been a substantial Democratic victory. California had a new Democratic senator, Clair Engle, and there were many loyal Democrats who were considered well-qualified to sit on the federal bench. If the electoral trend continued, Democrats could expect to control the presidency in 1960 and could hope that in two years they would have more control over the process of appointing judges.

In the meantime, some Democrats were concerned about the balance of judicial appointments. Emanuel Celler, chairman of the House Judiciary Committee, wanted to be sure that appointments went to "Democrat[s], and I think that consideration is going to be of paramount importance, because it is the other body [the Democratic-controlled Senate] which will or will not confirm" nominees to the bench.<sup>2</sup>

Although Sweigert was a lifelong Democrat, many dedicated Democrats did not consider him one of them because of his long association with the Republican Earl Warren. Sweigert had demonstrated a bipartisan independence in his early public activities. A devout Catholic, he became a leader in the Knights of Columbus, representing the San Francisco and Marin County chapter--the largest in the state--at conventions. In 1932, he was elected the state's deputy to the national organization. As a prominent fraternal figure, Sweigert was recognized as a Democratic leader in San Francisco and a supporter of Franklin Roosevelt. Yet in 1934 when novelist-turned-politician Upton Sinclair captured the state's Democratic nomination for governor with his controversial End Poverty in California [EPIC] campaign, Sweigert bolted the party.

Sinclair's opponent was the incumbent, Frank F. Merriam. In the campaign, the governor's defense of his Republican administration during those Depression days was pitted against what was referred to as Sinclair's "fantastic, impossible plan" to put the unemployed to work in state-aided enterprises.<sup>3</sup> As the campaign progressed, Merriam began to call for some New Deal-type reforms and attracted the support of many more-cautious Democrats. Sweigert was among those who endorsed Merriam's re-election and the Republican candidate for lieutenant governor, George Hatfield, a former U.S. Attorney for the Northern District of California. Both men won handily.

Whatever the partisan considerations in 1959, filling the vacancy on the Northern District court could not wait two years. Due to a steady increase in population and court business, the San Francisco court was suffering acute problems. Long trials produced continuous workload pressure and required assignment of visiting judges to handle the backlog of cases. District Judge Michael J. Roche was eighty-two years old, still trying a remarkable number of cases, and the court was already shorthanded because of the death of Judge Murphy. As the needs of northern California and other districts grew more urgent, agreements were reached in Congress to balance judicial appointments. Eventually Clair Engle, the state's new Democratic senator, gave his support, and Sweigert's nomination for the federal bench was confirmed.

On assuming his position on the federal bench, Sweigert first mounted a prodigious effort to answer his congratulatory mail. University of California President Clark Kerr sent a simple, direct four-word message: "Congratulations on your appointment."<sup>4</sup> Others were more effusive: one state senator thought Sweigert's elevation was an indication of the "respect with which you are held, not only locally, but on a national level."<sup>5</sup> Edward Bronson, a founding partner of the firm of Bronson, Bronson & McKinnon and a friend, wrote that Sweigert "would like it on the Federal Ct. group. (Better [than on the state court]—but don't say I said so.)"<sup>6</sup>

Those still on the superior court bench admitted that they envied him the new challenge. Some did not expect him to stay on the district court; Sweigert would "land on the Circuit Court of Appeals, where the honor is greater but the air thinner and less stimulating."<sup>7</sup> To this the new district judge responded that he had no appetite "to live on thin air."<sup>8</sup> One friend admonished him that "it is very easy to overwork on the [federal] bench. You will allways [sic] do your part in the work to be performed. Allow a part of your time to your devoted family...."<sup>9</sup>

"I should have..guessed that you would receive the appointment," exclaimed one friend who was not surprised that one who wore his judicial "robe so becomingly" had become a federal judge.<sup>10</sup> Another friend wrote, "I am certain that you will grace your new appointment with the same dignity, understanding, and judicial temperament that you have in the past. The last trait I consider the most important, and this you possess in the highest degree."<sup>11</sup>

Yet this dignified judge was not all judicial business. One wellwisher would "never forget" the occasion when Sweigert held an impromptu lollipop party while on the superior court.<sup>12</sup> Relaxing in his chambers, the judge unexpectedly pulled out assorted candies after he had entered an order permitting the adoption of a child by anxious foster parents. San Francisco police officers recalled similar considerateness. The judge was "never too busy to take a few moments from his very busy schedule to discuss any problems" of an administrative or personal nature confronting an officer.<sup>13</sup>

This was Sweigert's special gift--his ability to touch those around him with his stories, with his willingness to listen and with his thoughtfulness. This easy manner often made those around him forget he was a judge. As one grand juror told Sweigert, when he presided over grand jury sessions the jurors "considered you an actual member of the group, as well as its presiding judge."<sup>14</sup>

#### In State Government with Earl Warren, 1939-1948

Chief Judge Harris was fond of remarking to the judges of the Northern District Court that coming to the federal bench does not change the nature of the person. The man or woman makes the office, not the other way around, he said. But what type of man was Bill Sweigert when he came to the federal bench?

Sweigert was intelligent, hardworking, public-spirited, a devoted family man and member of his church. Professionally, his career was linked closely with that of Earl Warren. As chief assistant to Warren from 1939 to 1949, Sweigert played a key role in administration and policy formation during Warren's terms as attorney general and governor of California. He also drafted speeches, advised on appointments, and kept close watch over the legislature. His aim was to maintain the nonpartisan stance on which Warren had built his reputation in an era when California candidates could, and often did, crossfile on both major party ballots in state elections.

The two men were kindred spirits in the search for a government that would combat social injustices and that would function in an efficient and orderly manner, endeavors they both carried forward in their work on the bench. Warren later commented that he relied on Sweigert's views "to a very great degree,"<sup>15</sup> and that Sweigert's "generous manner of dealing with everyone soon dispelled any feeling of partisanship or sectarianism" in the governor's office.<sup>16</sup> In his oral history memoir, Sweigert refers proudly to his role in converting the governor from a "Hoover Republican and conservative" to a more socially conscious political leader. Sweigert also notes that as early as 1942 he suggested the need for government-assisted medical insurance, probably the most controversial legislation introduced by Warren.<sup>17</sup>

Like most effective executives, Warren was a tough boss. Various people who worked on his staff have recalled that he worked hard as governor and expected them to do likewise. Upon occasion he would discard a report or speech over which they had labored and expect something new to be drafted on short notice. Particularly during political campaigns, the pressure would mount and tempers fray. After going through the unaccustomed rigors of traveling with Warren during his vice-presidential campaign in 1948, which Sweigert describes as "one of the most miserable experiences I ever had in my life," he once again expressed a desire to resign.<sup>18</sup>

Sweigert recalls that "two or three times before I'd tried to get loose" from the governor's office, because "I always had an inkling that temperamentally I'd be better off on the bench."<sup>19</sup> He confided his judicial aspirations to Chief Justice Phil Gibson, with whom Governor Warren often conferred about appointments to various courts. Gibson admired Sweigert and undoubtedly encouraged Warren to release him to the bench. Finally the governor offered him an appointment to the municipal court; and in December 1948 the appointment was announced, described in the press as "a handsome Christmas present."<sup>20</sup>

#### On the San Francisco Municipal and Superior Courts, 1949-1959.

Sweigert joined the bench on January 25, 1949. Thomas C. Coakley, retiring president of the San Francisco Bar Association, with whom Sweigert had considered going into practice, presided at the noontime event in the courtroom of then-Superior Court Judge Edward R. Murphy. Phil Gibson, Chief

Justice of the California Supreme Court, administered the oath and a large crowd of city and state officials witnessed the occasion. A few weeks after this induction, Sweigert was honored at another noon ceremony at the Hall of Justice. On that day the Native Sons of the Golden West presented a flag to the new judge, and Sweigert responded with brief patriotic remarks.

Within four months Sweigert found himself advanced to the superior court. He tried to discourage any official fanfare for this induction, not wanting to "impose again on my friends who were at the formal ceremonies when I was appointed to the Municipal Bench."<sup>21</sup> He "hadn't reckoned with his friends" however, who turned up in such large numbers that the simple ceremony planned had to be moved to a larger courtroom.<sup>22</sup>

Completing a remarkable year, Sweigert stood to retain his superior court seat in November 1949. The past fourteen presidents of the San Francisco Bar Association endorsed his campaign, including such legal luminaries as Randolph V. Whiting, F. M. McAuliffe, L. W. Dinkelspiel, and Roy A. Bronson. Sweigert won with ease.

On the superior court, Sweigert was intensely interested in applying businesslike principles to the administration of justice, a concern for which he became noted throughout his judicial career. His assignments gave him experience with the full jurisdiction of that court. But it was in the domestic relations department that his administrative skill began to make itself evident.

Domestic relations was the department least enjoyed by many judges of the superior court. The difficulties of adjudicating deeply personal family matters seemed to some to be a legal backwater compared to criminal work or certain civil litigation. Often little could be done by the court to correct the problems of wrecked marital relationships. This department's cases frequently seemed to involve irreconcilable situations in which the court's resolution of the difficulties had to be based on a law that utilized traditional procedural forms out of step with social reality. Sweigert's approach was to see if the difficulties inherent in this type of case might be diminished by a "mild injection of efficiency."<sup>23</sup>

In keeping with state policy developed during Governor Warren's administration, Sweigert devised methods to insure an orderly reconciliation procedure and to attempt to avoid divorces, particularly in cases where minor-age children were involved.<sup>24</sup> One early step was to develop and use a questionnaire to provide all the information needed to determine the facts in a case and render relief quickly. Oral testimony was reduced to a minimum to avoid wrenching courtroom confrontations. Standard forms were created for domestic relations cases so that temporary support and other orders could be issued more efficiently. His basic concern was to insure that litigants were neither deprived of their rights nor forced to concede cases because they could not afford to maintain suit.

## Modernizing Rules of Superior and Northern District Courts

In 1957, Sweigert was elected presiding judge of the San Francisco Superior Court. His colleagues on that bench chose him to replace Twain Michelsen. This new position provided Sweigert with an opportunity to explore the matter of congestion and delay in the superior courts. He attacked this problem by seeking to increase the court's personnel and by establishing rules and procedures to cut delay.

Sweigert found that the persistence of delay was due to a number of factors. The most pressing of these appeared to be an inability to sustain consistent procedural reforms. To combat this, Sweigert established a five-judge committee on revision of the court rules to preserve the impulse for reform and change. Much of his time was devoted to assigning cases to trial before his colleagues. Other than this and moral suasion, Sweigert had few powers over his fellow jurists. All of this made the presiding judge a "glorified calendar clerk for his colleagues," although Sweigert was "a calendar clerk with a vengeance."<sup>25</sup>

As presiding judge, Sweigert also urged his fellow judges to work longer hours, because he believed this would allow them to be more productive and do their jobs better. Superior court judges normally had a four-hour court day. Sweigert suggested that court sessions be extended to four hours and forty-five minutes. This "would be equivalent to the creation of two new regular judgeships" in San Francisco, he explained.<sup>26</sup>

He also declared that "loose procedures abound," so that judges rarely had any "reliable control" over their caseloads.<sup>27</sup> Many agreed that his efforts as presiding judge to change archaic rules brought about a small revolution in the court. During Sweigert's tenure, the backlog of civil litigation was reduced by 20 percent. Plaintiffs now faced only a fourteen-month wait, instead of twenty, for their cases to be heard.

A major part of Sweigert's innovation was his effort to discard the "trailing calendar", which for years had aided and abetted delay and procrastination by lawyers.<sup>28</sup> Under the trailing calendar, cases were set for "mythical" trial dates and then allowed to trail for months and years in limbo. Sweigert replaced this system with an open calendar where he, as presiding judge, assigned cases to trial according to their priority in time.

Another important change in court procedure also occurred that year. Pretrial hearings, designed to speed litigation by means of informal conferences before a judge, became mandatory procedure in all state superior courts in 1957. Sweigert supported this reform and joined Superior Court Judge Albert C. Wollenberg, Sr. at educational sessions for lawyers on use of these hearings. Mandatory pretrial hearings were later found to have minimal effect on court efficiency, but during the first year of their use, the number of cases awaiting jury trial in San Francisco dropped from 3666 to 2936, despite an increase in the number of case filings.<sup>29</sup>

A further barrier to optimal operation of the court was, according to Sweigert's diagnosis, the lack of consistent policy. "For years, in many courts," he said, "administrative responsibility has been taken so lightly that it has been handed about on the basis of seniority or honorary rotation." He added that "practices have been as diverse as the temperaments of individual judges."<sup>30</sup>

As Sweigert completed his year as presiding judge of the superior court, he became embroiled in a controversy that was fully aired in the press. His colleague, Judge Twain Michelsen, charged in December 1957 that Sweigert and two other superior court judges, Orla St. Clair and Milton Sapiro, were hiding possible corruption, manipulating court records to protect criminals, and forgetting their oaths of office.<sup>31</sup>

The problems began when St. Clair modified the sentences of two men tried earlier by Michelsen, saying that the original sentences were ambiguous.<sup>32</sup> The effect of St. Clair's decision was to reduce the two convictions from felonies to misdemeanors. Michelsen maintained that he had sentenced them as felons and that reducing their sentences meant they would not receive the full punishment he had intended. Michelsen requested that the district attorney reopen the cases, and he then assigned them to his own court for hearing.

Next, Michelsen was switched from the criminal to the civil division by Judge Sapiro, who was then presiding, and also by Judge Sweigert. Michelsen charged that he had been switched to the civil division from the criminal by Judge Sapiro and Judge Sweigert to prevent him from hearing the two cases. Judge Sapiro replied that he had made the change because of complaints that the criminal calendar was being blocked and because the district court of appeals had threatened to dismiss some cases unless they were moved more rapidly.<sup>33</sup>

Initially Judge Sweigert played down the charges, saying he was "not worried" about their seriousness. However, the next day Michelsen urged the state legislature to impeach Judge St. Clair, and Sweigert asked the state Bar Association for protection from "unjust accusations," as provided for in the American Bar Association ethics code. The chairman of the San Francisco grand jury stated that the jury had already heard Michelsen's accusations and had concluded that there was nothing criminal involved in the matter and that it was "strictly a judicial matter" for the judges to resolve among themselves.<sup>34</sup>

The controversy ended almost as quickly as it began. On the day Michelsen's charges were first reported, another superior court judge restored the sentences that Michelsen had imposed but interpreted them as misdemeanors, an interpretation Michelsen rejected but did not further contest. Judge Sweigert visited Michelsen's chambers the following day and Michelsen issued a "somewhat apologetic statement," saying that while Sweigert had blocked Michelsen from hearing the matter he had insisted that the cases be heard again.<sup>35</sup>

Final comments came shortly thereafter, when the San Francisco Bar Association issued a report calling Michelsen's charges "entirely unwarranted." The association's directors also affirmed their "complete confidence in the personal and professional integrity" of the three judges in question. The state Bar Association, too, refused to become involved in the matter, claiming no jurisdiction over Judge Michelsen's charges and making no mention of Judge Sweigert's appeal for protection.<sup>36</sup>

The value of Sweigert's accomplishments in revising court procedures was recognized when he was named chairman of the Conference of California Judges Superior Courts Committee. Then in September 1958, Chief Justice Phil S. Gibson appointed him to the eleven-member Judicial Council of California, an administrative body devoted to improving court procedures.

Sweigert's interest in modernizing the rules of the court continued unabated when he moved to the Northern District Court in 1959. In time he became chairman of the district court rules committee and found that "their rules were very meager," like those of other district courts he reviewed.<sup>37</sup> He set to work on their improvement until "we have a good set of rules now."<sup>38</sup>

#### Some Federal Cases of Note, 1962-1974

On the federal bench, Sweigert was soon responsible for adjudicating cases that touched on issues of wide concern to the public as well as the legal profession. As early as 1962, he became involved with a question that troubled the courts throughout the 1960's and the early 1970's: the question of how to treat cases involving social activism and protest.

In that year, he presided in United States v. Yoes and Lazar..and the Committee for Non-Violent Tactics (Civ. No. 40781 and Crim. No. 4838). Concurrent civil and criminal actions concerned the limits of constitutional protest. The government requested a temporary order to prevent the defendants and others from sailing their trimaran, Everyman, from San Francisco and heading for the south Pacific to protest the Dominic nuclear test series at Christmas Island.

Judge Sweigert issued an order which barred Everyman from sailing until the court completed a full hearing on whether the Atomic Energy Commission (AEC) regulations could exclude protestors from the test area. During the hearing, sizable demonstrations were held on several days expressing sympathy for the defendants and their adamant refusal to obey the court's order.

Within a week, Sweigert made permanent the court's initial temporary order. He noted that the defendants' refusals were sincere nonviolent protests, "entitled to respect, and in a certain sense laudable."<sup>39</sup> Yet his duty was clear: "the law of the land must be respected....It cannot be made dependent upon every individual's version of the dictates of his conscience."<sup>40</sup>

Summarizing a Supreme Court ruling, Sweigert wrote, "No one...no matter how righteous his private motive, can be a judge in his own case...[If so] the very rights which you now claim and enjoy would be meaningless."<sup>41</sup> When the defendants refused to purge themselves of contempt of the district court, Sweigert set a punishment "sufficient to establish the principle of the authority of this court and of the law."<sup>42</sup> Accordingly, he sentenced the defendants to thirty days' imprisonment.

Sweigert continued to explore the question of whether or when individuals in a democracy have a right or duty to disobey. He concluded that the individual has no right to disobey; that persons feeling a duty to disobey should act out their disobedience but they should also willingly accept the punishment for this action. Neil Horton, clerk to Judge Sweigert in 1962-1964, has noted that although the judge could sympathize genuinely with a defendant whether charged with tax evasion or draft evasion, he had a reputation for being a tough judge for whom the central question should be what is right.<sup>43</sup>

In an article entitled "Moral Preemption," Sweigert related these questions to the situation he and others on the federal bench faced during the Vietnam war years. What should be the response when someone disobeys the positive law but claims that the law violated contravenes "the 'supreme law' of the land and is, therefore, an 'unconstitutional impingement' on some civil right"? Sweigert argued that "judicial determination will finally resolve whether one has acted lawfully or unlawfully."<sup>44</sup> The judge was also of the opinion that the judiciary should not, indeed could not, decline to consider the lawfulness of state action.

These concepts came together in Mottola v. Nixon (318 F Supp. 538 (1970)), popularly though erroneously referred to as the case in which Sweigert declared the Vietnam war unconstitutional. In this case, Sweigert denied a government motion to dismiss the suit of three men who were challenging the legality of U.S. involvement in Vietnam, and he chided the U.S. Supreme Court for avoiding that question. Sweigert asserted in his oral history memoir that "they dodged that issue all during the war...but I wasn't going to sit there and go along with it."<sup>45</sup>

Although learned persons including Earl Warren declared the issue was not justiciable, Sweigert responded, as he often did, by examining the Constitution. Article I, Section Eight (11) was clear that Congress shall have the power to declare war. The Congress had not done so. Therefore Sweigert called upon the Supreme Court to decide by whose authority, that of the Congress, the president, or both, could the war be continued or discontinued.<sup>46</sup>

For the Northern District Court as a whole, Selective Service cases had become most troublesome by the time of Mottola v. Nixon. Among Sweigert's colleagues on the district court, there were disagreements on how the draft cases should be dealt with, and there were conflicting opinions and directives from the appellate court. There were charges in Washington and in the

media that the district was too lenient with young men resisting military draft, encouraging them to bring their cases to San Francisco for trial.

The evidence was that in 1970 only one-third of those convicted in Selective Service cases in the District Court for the Northern District of California were imprisoned, for an average of half a year; while in the nation as a whole, three-quarters of those convicted received prison terms averaging three years.<sup>47</sup> By 1971, these cases made up close to 60 percent of the criminal cases in the district, and there was a backlog of 275 indicted Selective Service defendants awaiting trial in San Francisco. Not only the district court but also the U.S. Attorney's office was overburdened. The number of cases led the court to appoint a panel of over one hundred attorneys in San Francisco to provide assistance to defendants with few resources to meet the costs of resisting induction.

Although duty-bound to uphold the law, some prosecutors acknowledged that "a majority of the people we deal with are reasonably sensitive and reasonably principled and are doing this as a matter of conscience."<sup>48</sup> When convinced that such was the case, Sweigert would generally place the defendants on probation. True to his principle that one should accept responsibility for one's actions, he would include the condition that they perform public service as would have been required if they had established to a draft board that they were conscientious objectors.<sup>49</sup>

In addition to the matter of Selective Service defendants, Sweigert wrote opinions on many other important questions. The published reports include Sweigert on the constitutionality of the Bank Secrecy Act, Stark v. Connally, 347 F Supp. 1242 (1972); environmental issues, Sierra Club v. Volpe, 351 F Supp. 1002 (1972); the application of antitrust laws to professional sports, Kapp v. National Football League, 390 F Supp. 73 (1974); among other opinions of interest. To Judge Sweigert, his law clerks maintain, all his decisions were significant.<sup>50</sup>

### Consistency and Strong Beliefs

The judge took nearly every matter, including motions, under submission. Nearly every submission resulted in a memorandum of decision setting forth the operative facts, the parties' contentions, and the reasons for the holding. The judge would put pencil to yellow legal tablet to draft his opinion and then would draw lines and arrows connecting clauses and thoughts written outside the margin to the paragraph and the concept within it, providing a challenge for his skillful secretary, Marian Murphy. With care and rewriting, he strove to be simple and thorough. When a law clerk got entangled in deep legal analysis, he would say, "Find the facts and in most cases you will have decided the issue before you."<sup>51</sup>

Neil Horton has noted how much of a piece was Judge Sweigert's relationship with his law clerks, for whom he had great affection and pride. To his colleagues on the bench, as well, and those who came before

him in the courtroom, he provided a uniform example of conscientiousness and of striving for fairness. Consistency was very much an attribute of Sweigert's thinking. In his earliest years on the municipal court, he was concerned with improving the rules with which that court operated. As late as 1975, he was still hoping to revise again the rules for the district court. "One of my detestations," he says firmly in his oral history, "has been the lackadaisical, disorderly way in which the judiciary allows litigation to go on."<sup>52</sup>

Similarly, in his views on the nature and purpose of government, there is consistency between ideas drafted in 1942 and principles he continued to hold throughout his years on the bench. During Earl Warren's first campaign for governor, Sweigert wrote a "Memorandum of the Basic Philosophy upon which Earl Warren should base his campaign for the Governorship of California and his conduct of that office." In the memorandum (see appendix), Sweigert describes a "leadership that attains a requisite level of personal and political integrity" that brings to government "a sympathetic understanding of the problems of plain people." Government, he maintains, "has a positive duty to interfere whenever the projects of the smart and swift so selfishly develop in size or purpose as to endanger the welfare of the community as a whole..."

"Intelligence, integrity, and nonpartisan efficiency are needed more than ever," he wrote in 1942, "in the administration of the multitude of state and local agencies designed to meet the needs of the thousands whom they affect." Speaking specifically of the judicial branch in 1975, he conveys a similar message, that "the federal courts in the last ten, fifteen, twenty years have become inundated with business simply because of legislation and upper-court decisions expanding the federal jurisdiction. Well, today you can't operate courts like you did in the horse and buggy days."<sup>53</sup>

Such wry and forceful statements of strongly held beliefs were indeed characteristic of Judge Sweigert. As a judge, he was not only practical but idealistic and sought to advance the law and also justice. As a friend and colleague, he provided inspiration and warmth. His oral history will continue to provide illumination on the nature and meaning of our governmental institutions and insight for those who administer and oversee those institutions.

Robert F. Peckham

May 1986  
San Francisco, California

---

Robert Peckham is Chief Judge, U.S. District Court for the Northern District of California. This introduction was prepared with the assistance of Joseph Franaszek, Michael Griffith, and Gabrielle Morris.

## NOTES

1. San Francisco Chronicle, 2 Oct. 1959, p. 18, col. 2-4
2. House Subcommittee No. 5 of the Committee on the Judiciary, Hearings, Federal Courts and Judges, 86th Cong., 2d sess., 1960, 50-51, as quoted in Carl Baar, "When Judges Lobby: Congress and Court Administration" (Ph.D. diss., University of Chicago, 1969), 138.
3. George Creel, as quoted in Walton Bean, California: An Interpretive History, 2d ed. (New York: McGraw-Hill, 1973), 419.
4. Clark Kerr to Sweigert, n.d., Sweigert Collection.
5. "J" Eugene McAteer to Sweigert, 24 April 1959, Sweigert Collection.
6. Edward D. Bronson to Sweigert, n.d., Sweigert Collection.
7. Walter H. Stammer to Sweigert, n.d., Sweigert Collection.
8. Draft, Sweigert to Stammer, n.d., on ibid.
9. Cohen to Sweigert, 25 April 1959, Sweigert Collection
10. Martin J. Dinkelspiel to Sweigert, 4 May 1959, Sweigert Collection.
11. Leonard S. Lurie to Sweigert, 24 April 1959, Sweigert Collection.
12. Max H. Margolis to Sweigert, 24 April 1959, Sweigert Collection.
13. Copy, Charles M. Long and Bernadette G. Long to Thomas H. Kuchel, 29 May 1959, Sweigert Collection.
14. Walter McCarthy to Sweigert, 24 April 1959.
15. Conversations with Earl Warren on California Government, Regional Oral History Office, (Berkeley: University of California, 1982), 126.
16. Earl Warren, The Memoirs of Chief Justice Earl Warren, Doubleday and Co., Inc., New York, 1977, p. 209.
17. See text of this oral history interview, pp. 70-71. Hereinafter cited as Sweigert ohi.
18. Ibid., p. 171
19. Ibid., p. 172

20. Sacramento Bee, 25 Dec. 1948, p. 2, col. 1; Chronicle, 26 Dec. 1948, p. 7, col. 7.
21. Chronicle, 26 June 1949, p. 13, col. 1.
22. Ibid., 29 June 1949, p. 15, col. 6.
23. James Murray, "Judge William Sweigert Escalates from Superior Court to Federal Bench," The Brief Case 9[November 1959]:15.
24. Robert G. Sproul, Jr., "William Sweigert Likened to Sherman Adams in His Natural Propensity to Get Things Done," The Brief Case 7[January 1957]:7.
25. Chronicle, 12 Jan. 1958, p. 5, col. 1, 2.
26. Ibid., 27 Nov. 1957, p.2, col. 6.
27. Ibid.
28. Ibid., 12 Jan. 1958, p. 5, col. 1.
29. Ibid., 13 Dec. 1956, p. 4, col. 5-8; 27 Nov. 1958, p.2, col. 6; Murray, "Sweigert," 15.
30. Chronicle, 12 Jan. 1958, p.5, col. 1, 2.
31. Ibid., p. 5, col. 1; 19 Dec. 1957, p. 7, col 1.
32. Ibid.
33. Ibid., 18 Dec. 1957, p. 5, col. 2.
34. Ibid.; 19 Dec. 1957, p. 1, col. 1; p. 7, col. 1, 2.
35. Ibid., p. 1, col. 2; p. 7, col. 1; 20 Dec. 1957, p.1, col. 2; p. 5, col. 3.
36. Ibid., 21 Dec. 1957, p. 1, col. 2; p. 5, col. 1; 20 Dec. 1957. p.1, col. 2; p. 6, col. 4.
37. Sweigert ohi, p. 174
38. Ibid.
39. Typescript, U.S. v. Stallings, Yoes, and Lazar, Proceedings on Contempt, p. 2, Sweigert Collection.
40. Ibid., p. 3.

41. Ibid., p. 6.

42. Ibid., p. 8.

43. Neil Horton, "Tribute on Behalf of the Law Clerks of District Judge William T. Sweigert," in Remembrances of the Honorable William T. Sweigert, in press, Federal Supplement, West Publishing Co., p. 2.

44. William T. Sweigert, "Moral Preemption: Part III: Claims of 'Right' under the Positive Law," Hastings Law Review 17 [March 1966]:463, 464.

45. Sweigert ohi, p. 177.

46. Horton, "Tribute," p. 3.

47. Los Angeles Times, 15 June 1969, sec. A, p. B, col. 7.

48. Assistant U.S. Attorney Paul Sloan quoted in *ibid.*, p. 19, col. 2.

49. Horton, "Tribute," p. 3.

50. *Ibid.*, p. 4

51. *Ibid.*

52. Sweigert ohi, p. 174.

53. *Ibid.*, p. 176.

## INTERVIEW HISTORY:

The following oral history with William T. Sweigert (1901-1983) has been completed as part of both the Earl Warren Era Oral History Project and the Northern California U.S. District Court Oral History Series. The volume contains valuable insights on both the executive and judicial branches of government. Begun in 1972 as part of the Earl Warren Project, the interviews focused on Judge Sweigert's overall philosophy of government in relation to his work as chief assistant to Earl Warren as attorney general and governor of California, 1939-1948. In the final chapter on his later career as a judge of the Northern District Court, preceded by service on San Francisco's municipal and superior courts, Judge Sweigert briefly outlined some of his efforts to improve administration of the courts, echoing his earlier concerns in state government. Because this distinguished public servant died before he could expand on specifics of his work on the bench, Robert F. Peckham, Chief Judge of the Northern District Court, has kindly prepared commentary on significant aspects of Judge Sweigert's years on the bench, which appears as the introduction to this oral history.

The interview was recorded in four sessions, three of them taped at the Federal Building in San Francisco. On February 18 and 25, 1972, the sessions were held in the judge's chambers and his law clerk was present for part of the time. On July 2, 1973, a joint interview was conducted with Sweigert and Judge Albert Wollenberg in Wollenberg's chambers. The last session was recorded on April 9, 1975, in the study of Sweigert's home in Carmel Valley.

William T. Sweigert is the "Bill" to whom other interviewees in the Warren series refer with affection if not awe. With a unanimity seldom found in historical sources, be they written or live oral testimony, "Bill" Sweigert was seen by others as the aide with the most influence on Earl Warren's personal ethos of governmental responsibility to society.

The major question these interviews seek to illuminate is not whether Bill Sweigert enjoyed a highly privileged position in Earl Warren's inner circle--he did--but what were Sweigert's own beliefs and what were his specific opportunities to impart to Warren the social ethic of his Jesuit teachers (and the Democratic Party).

A parallel question lies outside this oral history: How much impact on Warren-the-youth was made by the quite similar (but Protestant) "social gospel" that pervaded campuses and small towns across America during its years of progressivism, before Warren met Sweigert? These sessions may shed some light on the proportions of the two influences.

Getting a better focus on the proportion puzzle is an effort worth making. In the larger context, the Warren government model expresses a mix of progressive/Jesuit/social-gospel (and perhaps even Swedish reform beliefs of his home life). That model not only took the state through its longest single governorship--ten years--but also continued through the successive terms of Goodwin Knight (Republican) and Edwin G. "Pat" Brown, Sr.,

(Democrat), until it ended in 1964 when Ronald Reagan captured the governor's chair. Many contend that meanwhile Warren's government-and-society ethic was also carried into his leadership on social and civil rights questions before U.S. Supreme Court.

Other more usual themes of inquiry into public administration are pursued here, too. In operational themes, Sweigert describes organizational procedures as they evolved in state government, political opposition and campaigns, and planning that took the state through war and a peace which came with an unprecedented population increase in California. To get the narrative of Warren's doomed 1945 state health insurance bill, a tandem session was taped, thanks to arrangements made by Judge Albert Wollenberg. In this discussion, Wollenberg compares notes on what he, then an assemblyman, did as floor leader for pro-insurance forces during that legislative battle, with what Sweigert recalled from his governor's office purview.

Sweigert possessed not only a legal mind and an ability to organize that anomalous creature called government, he also liked words and the satisfaction of putting them together to say what he meant. His literary versatility shines forth in his rollicking satire, "The Legend of the Earl of Warren," and, for sharp contrast, his remarks at San Francisco's Grace Cathedral during Earl Warren's memorial services, July 12, 1974 (see appendix for both). That statement expressed Sweigert's fresh grief and struck this interviewer as remarkable in its expression of personal loss and in its penetration of what Warren's life meant for our society. He held Warren and his visions in the highest regard, and he also loved him. The two do not, or cannot, always go together and stay together in the swift-moving pressures of politics and government.

To help us with the taping, Judge Sweigert hauled into his chambers many significant papers: a small biography of Warren that he had written (as an aid for the short deadline under which biographer Irving Stone was working in 1946) and memos including the crucial August 11, 1942 "Basic Philosophy upon which Earl Warren should Base his Campaign for a Governorship..." [in appendix].

In spite of his commitment to Earl Warren historical documentation and the interviews, it was never easy for Bill Sweigert to schedule sessions. Although his secretary was cooperative too, again and again appointments had to be postponed in favor of court cases exceeding their predicted length, Sweigert's administrative duties as part of the Northern District Court, and, later, his going to part-time status on the bench in order to spend more days per week with his wife.

His priorities became clear when we met to tape the interview that became our final one. The session was at their home in Carmel Valley. It was there that the judge's deep affection for a wife stricken with muscular dystrophy exhibited one more facet of Sweigert the administrative specialist, and the judge who never ignored the human side of a case. By that time he had achieved some new fame with his decision in a 1970 case

concerning draft resistance during the Vietnam War. In this new dimension, he was also a man who could draw on a deep reservoir of devotion and, with his own doctor warning him of the limits of his heart, provide cheer as well as care for his wife.

Throughout his career, Sweigert exhibited a rare combination of administrative skill and humane concern. For this interviewer, the judge's eulogy of Earl Warren could equally well describe Sweigert's own role in society in providing a "lifelong example of what--yes--of what a politician can be and can do in measures of able, honorable, faithful, impeccable public service."

#### Completion of the Memoir

In our talks about what we had recorded, it was clear that Judge Sweigert was satisfied with what we had done in our task. We were still planning another session to record some final anecdotes and points about Warren as governor which Sweigert wished to include. That session could never be scheduled before his death on February 16, 1983.

Although the transcript of the four recorded sessions, as emended by the interviewer, had resided in his San Francisco chambers for many months awaiting his review, the transcript was never found. One section did survive, the joint interview with Judge Wollenberg. Sweigert had initialed the corner of each page, but had made no revisions. We project from that that he most likely would have done the same to the other sections. With the permission of William T. Sweigert, Jr., the manuscript has been completed from the ROHO file text.

By 1983, interviewer Fry was on leave on another assignment in Washington, D.C. Her colleagues Gabrielle Morris and Sarah Sharp saw to completion of the interviews and arranged with the Northern District Court for the introductory essay. Publication of Judge Sweigert's memoir was made possible by the Historical Society of the U.S. District Court for the Northern District of California.

Amelia R. Fry,  
Director, Earl Warren Project

May 20, 1985  
Washington, D.C.

BIOGRAPHICAL SKETCH OF WILLIAM T. SWEIGERT, JUDGE OF THE UNITED STATES DISTRICT COURT, NORTHERN DISTRICT OF CALIFORNIA, CITY AND COUNTY OF SAN FRANCISCO

---

Judge William T. Sweigert was born in San Jose, California, on November 13, 1900, the son of the late William Jonathan Sweigert, a lawyer, and the late Agnes Sweigert (nee Egan), both of pioneer California families.

He is the brother of Dr. Charles F. Sweigert, San Francisco physician, the late Mrs. A. R. Jonsen of San Francisco, and is a nephew of the late Charles A. Sweigert, veteran San Francisco attorney.

His wife is Alice Virginia Sweigert (nee Orr), to whom he was married in 1942. She is a graduate of the University of California, a former teacher, and a niece of the late California Superior Court Judge Frank H. Dunne of San Francisco.

He is the father of three children, William T. Sweigert, Jr., a graduate of the University of San Francisco, and now a practicing attorney in Sacramento, California; Mrs. Jane Marie Roche, of San Francisco, a graduate of Dominican College of San Rafael and formerly a teacher in the California public school system; and Philip Kerner Sweigert, a graduate of Stanford University and now a practicing attorney in Seattle, Washington. These three children were born to Judge Sweigert and his deceased wife, the former Gertrude Helen Kerner, who died in 1938.

Judge Sweigert was raised in San Francisco, attended St. Ignatius Jesuit High School, and graduated from the University of San Francisco with the degree of A.B. and, later, LL.B. in 1923. During his school years he worked at part-time jobs as sheet metal worker and later, during his law school years, as Athletic Director at Hamilton and Southside playgrounds, San Francisco Department of Recreation.

He served in the United States Army, S.A.T.C., in 1918.

Judge Sweigert actively engaged in the private practice of law in San Francisco from 1923 to 1940, in association for many years with Eustace Cullinan, Sr., and Thomas W. Hickey, later the firm of Cullinan, Hickey and Sweigert.

From 1925 to 1933 he lectured as law instructor at the School of Law, University of San Francisco.

From 1940 to 1942 he served first as Assistant, and then as Chief Assistant Attorney General of the State of California under then Attorney General Earl Warren, later Chief Justice of the United States.

In 1943, during World War II, when Earl Warren was elected Governor of California, he brought Sweigert with him to the Governor's office at Sacramento to work closely with him as his Chief Secretary.

On January 25, 1949, he was appointed by Governor Warren as Judge of the Municipal Court of San Francisco; and after serving for five months on that bench, he was elevated, on June 28, 1949, again by appointment of Governor Warren, to the California Superior Court. In June, 1950, he was elected without opposition to a full six-year term. In 1956 he was re-elected, again without opposition, for a second six-year term.

He has served as Presiding Judge of the Criminal Division of the Superior Court, and as Judge of the Law and Motion Department, Appellate Department, Domestic Relations Department, and general civil departments at the City Hall.

In 1955 his reorganization and improvement of Domestic Relations and Conciliation procedure was approved by the bar associations of San Francisco and was adopted by the Judges of the Superior Court.

In 1956; and again by reappointment in 1957, Judge Sweigert served as chairman of the statewide Committee on Superior Courts of the Conference of California Judges, whose reports, calling for extensive and progressive improvement in court organization and procedure, were adopted for action by the Conference.

He served as Presiding Judge of the San Francisco Superior Court during 1957, inaugurated important changes in the calendar system of the court, and reduced the calendar backlog of the court by a net 20% in terms of size, and from 21 months to 14 months in terms of time.

He has twice served as lecturer on panels for the Continuing Education of the Bar, under the auspices of the State Bar of California and the University of California Extension, and is the author of a number of papers and monographs on legal and historical subjects.

In September, 1958, he was appointed by California Chief Justice Phil S. Gibson as a member of the eleven-judge statewide judicial council of California.

He was a sponsor and member of the Special Rules Committee to review, revise and improve the administration of the San Francisco Superior Court, 1957-1958.

In 1959, Superior Court Judge Sweigert was nominated by President Eisenhower as United States District Judge for the Northern District of California and, upon confirmation by the Senate, took his federal bench oath of office on October 1, 1959.

He has served for many years as Chairman of the Rules Committee of the United States District Court and under his chairmanship that Court, completely revising and modernizing its Local Rules, changed from the so-called Master Calendar System to the so-called Single Assignment System on October 1, 1969.

[Senior U.S. District Court Judge, November 1973.]

# U.S. Judge Sweigert Dies

U.S. District Judge William T. Sweigert, a colorful jurist who in 1970 rocked the federal government by ruling the Vietnam War unconstitutional, died yesterday in his San Francisco home after a short illness. He was 82.

A protege of the late U.S. Supreme Court Chief Justice Earl Warren, Judge Sweigert's legal career spanned six decades and saw him rise through the judicial ranks from assistant district attorney of San Mateo County to his nomination to the federal bench by President Dwight D. Eisenhower in 1959.

He was a senior federal judge in partial retirement at the time of his death.

Judge Sweigert was fond of saying that lawyers referred to him as "S.O.B. — Sweet Old Bill. If they meant that, I'm deeply moved. But if they meant the other, as I suspect they did, I can only plead that in the best tradition of judicial fairness I have been equally one to both sides."

An outspoken activist jurist, he once said that he was not bothered by colleagues who disapproved of

the social and political commentaries he delivered from the bench while dispensing justice.

In 1969 he slapped a tax evader with a stiff prison sentence and fine and lectured him that there was no equity in jailing "idealistic" draft evaders and then letting "materialistic" businessmen off with a "meaningless" fine.

Chief Justice Warren, a lifelong Republican, once cited Judge Sweigert, a lifelong Democrat, as a strong influence in the historic civil rights decisions handed down by the Warren court, regarded as among the most liberal in U.S. history.

In March 1940, the two men began a friendship rare in jurisprudence when then-California Attorney General Warren appointed Sweigert as chief deputy attorney general. Three years later, as governor of California, Warren made Sweigert his executive secretary and chief aide.

Warren later credited a Sweigert paper on social consciousness, written while he was a gubernatorial assistant, with altering Warren's social and political views. He appointed Sweigert to the San

Francisco Municipal Court in 1949, elevated him to the Superior Court five months later and encouraged President Eisenhower to name him to the federal bench.

It was from the federal bench that Judge Sweigert handed down his most memorable decisions, many of them viewed as courageous and politically unpopular.

In September 1970, he agreed with three Berkeley law students who argued that the war in Vietnam was illegal because it had not been declared by Congress. In announcing his ruling, Judge Sweigert challenged the Supreme Court to rule on the legality of the war and went on to chide the justices for dodging the issue. His decision was later overturned.

Four years later he radically altered professional football when he struck down the National Football League's so-called "Rozelle Rule," which severely restrained a player's option in choosing which team to play for after becoming a free agent.

Judge Sweigert was a longtime advocate of judicial reform. As Superior Court presiding judge in

1957, he said judges should work longer hours and he reduced the backlog of civil cases by 20 percent.

U.S. District Judge Robert Peckham called Judge Sweigert the "consummate public servant. We had great respect for him as a legal scholar and jurist. We will miss his lively intellect, extraordinary knowledge of literature, language, history and his playful sense of humor."

Judge Sweigert is survived by his wife, Alice Virginia; two sons, William of Sacramento and Philip of Washington state, and a daughter, Jane Marie Roche of San Francisco. Funeral plans are pending.



**JUDGE WILLIAM T. SWEIGERT**  
He 'outlawed' Vietnam War

## In Memoriam

from The Reporter  
February 1983

### Judge William Sweigert

U.S. District Judge William T. Sweigert, who ruled the Vietnam war unconstitutional in 1970, died Wednesday in his home after a short illness.

Sweigert, a senior federal judge in partial retirement, was 82.

Sweigert was a protege of the late U.S. Supreme Court Chief Justice Earl Warren. During his 60-year

(Continued on Page 10)



Judge William Sweigert

## Sweigert

### Continued From Page One

career he rose through the judicial ranks from assistant district attorney of San Mateo County to the federal bench to which he was nominated by President Dwight D. Eisenhower in 1959.

An outspoken activist jurist, he once said he was not concerned with colleagues who disapproved of the social and political commentaries he delivered from the bench while dispensing justice.

Republican Warren once cited Democrat Sweigert as a strong influence in the historic civil rights decisions of the Warren court.

While Warren was California attorney general, he appointed Sweigert chief deputy attorney general in 1940. Three years later, as governor of California, Warren made Sweigert his executive secretary and chief aide.

He appointed Sweigert to the San Francisco Municipal Court in 1949, elevated him to the Superior Court five months later and encouraged Eisenhower to name him to the federal bench.

From the federal bench, Sweigert handed down his most memorable decisions.

In 1970 he agreed with three Berkeley law students who argued that the war in Vietnam was illegal because it had not been declared by Congress.

Sweigert chided Supreme Court justices for dodging the issue and challenged them to rule on the legality of the war. His decision was overturned.

In 1974 he struck down the National Football League's so-called "Rozelle Rule," which severely restrained a player's option in choosing which team to play for after becoming a free agent.

Sweigert is survived by his wife, Alice Virginia; two sons, William of Sacramento and Philip of Washington state, and a daughter, Jane Marie Roche of San Francisco.

"Having been privileged to enjoy a close personal and professional relationship with our beloved Senior Judge William T. Sweigert throughout the greater portion of his professional life, which covers a span of 60 years of distinguished service as a lawyer, teacher, deputy attorney general, executive secretary to Governor Earl Warren and state and federal judge, it is with great sorrow that I learned and must painfully accept the fact that he will no longer take his place with us on this court," said Senior Judge Alfonso J. Zirpoli, in a prepared statement Thursday.

"We bow in reverence and tribute to this warm and friendly gentleman whose strength of character, impeccable legal scholarship and wisdom, laced with common sense, enabled him to bring to this court not only a profound understanding of the law, but a deep and abiding sense of the nature of his responsibility in the administration of justice, which he conscientiously discharged with great industry, courage and compassion and without fear or favor.

"He was a truly great judge, who possessed an inherent capacity 'to hear courteously, to answer wisely, to consider soberly and decide impartially,'" Zirpoli added. "While his loss meant so much to us and to the era he symbolized and the legacy he left, we mourn him as a friend and express our deepest sympathy to his widow, Virginia, and to all the members of his family. There is comfort in the knowledge that he lived a full and useful life; a life that made all who came into contact with him - and in particular this court and the administration of justice - the better because he passed our way."

The court adjourned Thursday in respectful memory of Judge Sweigert.

ST. MONICA'S CHURCH  
470 - 24TH AVENUE  
SAN FRANCISCO, CA 94121

Homily for Mass of Christian Burial of  
Judge William T. Sweigert -  
February 19, 1983

Scripture says it clearly. We are not made for ourselves alone. We not only need the company of others, but we are called to help others both in life and in death. This is God's wisdom. This morning we are gathered here first to remember gratefully the Honorable William T. Sweigert, who, as a lover of law and as a distinguished jurist, spent his earthly life, now ended, in the service of others.

The scholar of old in a classic definition revealed the noble purpose of law. Emanating from competent authority law is but the ordering of reason for the common good. Since society without law is impossible, the one who dedicates his talents to law, and more the one entrusted with the wise and proper administration of law renders incomparable service not to some abstraction as the State or the Constitution, but to the people who make up that State and live under its constitution. Their rights can be assured, their common good can be promoted only thru just laws wisely and faithfully administered.

William T. Sweigert, born of a distinguished California family, first sensed the nobility and the challenge of law at the knee of his father, who was also an attorney. Happily his two sons now carry on this family tradition. After serving his country in time of war, William Sweigert prepared to serve it in time of peace. by returning to what is now the University of San Francisco. He enrolled in and graduated from this renowned School of Law in which he was subsequently to lecture.

Devoting himself first to private practice, his extraordinary talent and profound scholarship were recognized, and he was invited to Sacramento by the then Governor Earl Warren to serve the people of the State of California. In 1949 Governor Warren appointed him to the Municipal Court of San Francisco, and quickly to its Superior Court, where later he would serve as Presiding Judge. In recognition of his superior talent President Eisenhower in 1959 appointed him to the Federal Court on which he continued to serve until the end as Senior United States District Judge. There his record is written in large letters known to all.

But Judge William T. Sweigert was not merely a member of civil society. He was also a member of his own family, dear to him, and we are here this morning also to offer, by our presence, condolence and sympathy to his beloved wife Virginia, to his devoted sons and daughter, and to his brother Doctor Charles Sweigert. We are aware of the ache and the absence in their lives.

And together with his family we are here this morning above all because Judge Sweigert was also a member of the community of faith. In the simplicity of his own faith he stated that today he wanted just the prayers of the Church. To offer these is our privileged duty.

ST. MONICA'S CHURCH  
470 - 24TH AVENUE  
SAN FRANCISCO, CA 94121

The faith that brings us to this Church today, the faith in which he shared, is a precious gift of God. As Pope John Paul II tirelessly reminds us it is a light that enables us to see the truth about God more clearly, as well as the truth about ourselves. In the light of faith we know that God is not a stern judge, but a loving Father, and we are confident that he has said to William Sweigert "Well done, good and faithful one".

Yet with faith we also know the truth about ourselves. Only Mary was the sinless one. The rest of us are never fully prepared for the presence of God. It is like stepping from a darkened room into brilliant light. The Saints knew this best. Dying, they always asked others to pray for them. Our own patron Saint Monica told her son, the great St. Augustine, "You, at least, remember me at the altar of the Lord". This morning we join our prayers with the great Prayer of Christ Himself in this Mass of Christian Burial.

Following this Mass there will be a Final Commendation and Farewell. We shall confidently commend Judge William T. Sweigert to the Lord. And we will remember that the Farewell is but an "Au revoir". Though we are still pilgrims, one day we too will be called by the Lord, and then we shall meet again where God is all in all.

May God be very good to Judge William T. Sweigert, and may God be very good to each one of us who are here today.

Reverend Denis D. Foudy, Pastor  
St. Monica's Church

19 February 1983  
San Francisco, California

## I EARLY YEARS IN SAN FRANCISCO

[Interview 1: February 18, 1972]##

Parents and Grandparents

Sweigert: Going back this far reminds me of how old we get.

Fry: To go back to 1900, is that when you were born?

Sweigert: Yes.

Fry: And who your parents were is the first question, usually.

Sweigert: I was born in San Jose.

Fry: Oh, a native Californian.

Sweigert: I'm a Californian by birth; my family came up to San Francisco when I was about three or four years old. I've lived in San Francisco ever since, except for a spell of about two years in Marin County, and except for a spell of about four years or more up in Sacramento with the governor.

My father was William J. Sweigert, William Jonathan Sweigert. He was a San Franciscan. He was a lawyer. He went down to San Jose to enter into the practice of law with his cousin. In about 1900, while in San Jose, he met my mother, who was Ann Egan. She was the daughter of Thomas Egan.

---

##This symbol indicates that a tape or a segment of a tape has begun or ended. For a guide to the tapes see page 179.

Sweigert: Thomas Egan had come to California from Ireland via Boston and the Isthmus of Panama, which he traversed on a donkey and eventually settled in San Jose. There he went into the nursery business and had a home on the corner of a street called Fox Avenue. I've since seen it, and up to a few years ago it was still there.

My father, William Jonathan, as I said, was born in San Francisco. He was the son of Jonathan Sweigert, who had come over in the later part of the 19th century from Germany and settled in Philadelphia, then in Chicago, and later came out to California.

Fry: How did your paternal grandfather get to California, and why did he come?

Sweigert: I don't know too much about that side of the family. I know that the paternal side of the family, from which I get the German name Sweigert, came from Baden-Baden in Germany. My father's father came out to San Francisco, and he was engaged in the contracting business. He married an Irish girl in San Francisco, by whom he had a number of children, among them my father, William Jonathan Sweigert.

My paternal grandfather, Jonathan Sweigert, died when my father was eight years old. He was killed in an accident while working on some construction at the old Woodward's Gardens in San Francisco. So, my father, instead of being raised a Lutheran, as was his father, was raised by his Irish mother as a Catholic. He was sent to St. Ignatius College when that college was on Market Street in San Francisco, where the Market Street Emporium is now.

My father was educated by the Jesuits, first at the Market Street site and later on at St. Ignatius College when it was located on Van Ness Avenue between Hayes and Grove Streets, where now is a parking lot--just off center from the present city hall of San Francisco. I can see it out the window.

Fry: I don't know if you know very much about your father's education, but did he pick up some of the humanitarian precepts of the Jesuits?

Sweigert: Yes, he was educated by the Jesuits. In fact, after his graduation from St. Ignatius College, as it was called then, he taught there for a while as a lay teacher. Then he went to Hastings Law School in San Francisco and became a lawyer.

As I've said before, after a time he went down to San Jose intending to practice law down there with a cousin. However, after about four years he returned with the family to San Francisco and

Sweigert: then went into association with his brother, my uncle, Charles A. Sweigert, who was for many years a rather active and prominent attorney in San Francisco.

Fry: Was your father what you would call a liberal?

Sweigert: Yes, he was a very scholarly and a very kindly man who had the principles of public service. He always taught me to beware of people who wanted to take short cuts, especially in government affairs.

Fry: You mean in their careers? In their progress in government affairs?

Sweigert: Yes, yes.

Fry: He felt that people elected to office shouldn't climb too rapidly, is that what you mean?

Sweigert: No, it was to be consistently honest in all matters of public service. He had high standards of public service, and so also had my uncle, Charles A. Sweigert, who as an attorney took an active part in the so-called San Francisco graft prosecution during the post-earthquake years. My Uncle Charles, with whom my father was associated, was closely aligned with men like Rudolph Spreckels, Francis J. Heney, Hiram W. Johnson, and Matthew I. Sullivan. All of those men had banded together after the earthquake to prosecute Mayor Eugene E. Schmitz and Abe Ruef for graft in the San Francisco city government.

Fry: Was your father involved in this, too?

Sweigert: Not nearly as actively as my Uncle Charles, but they both shared the same views. I guess my training reflected their detestation of graft and wrongdoing in public service.

Fry: This made an impression on you at the time?

Sweigert: Yes, it did make an impression on me, and I carried it all through my life. And strangely enough, I suppose that those impressions that I had, and those standards that I absorbed, matched more or less with Earl Warren's. I had those things in mind when I first became associated with him. I can tell that story later, you see. Where are we now?

Fry: You said that your Uncle Charles was aligned with Spreckels, Heney, and Johnson. What did he do in his law firm or in his community activities in this trial?

Sweigert: Nothing directly. He wasn't the official prosecutor in the graft prosecution, but he supported them in this combination of citizens of San Francisco who carried this graft prosecution forward. Later, when the graft prosecution cleaned out Schmitz as mayor of San Francisco and led to the election of Mayor Edward Robeson Taylor (who had been a law professor at Hastings Law College) my uncle became a member of the police commission in the Taylor administration. As a police commissioner he took an active part in trying to forward law enforcement in San Francisco.

Fry: Did your father ever hold a public office?

Sweigert: No, my father never held a public office except that for a while he did serve as an assistant district attorney in San Francisco when the district attorney was a man by the name of William H. Langdon, who thereafter became a member of the Supreme Court of California.

Fry: Do you know why he went into public service for that period.

Sweigert: Well, I guess it was largely because of the fact that my father was more of a scholar and more the kindly, gentle type than the aggressive law practitioner. He fitted in more in having a job to do rather than in the competition of private practice. I think that was the situation.

Fry: But he did remain in private practice with your uncle?

Sweigert: Yes, for most of the time he was engaged with my Uncle Charles in the private practice of the law, except during such times as he would serve, let us say, as the district attorney, or do some special work for some other attorney, or something of that kind. And for a while he did also serve as an employee of the Internal Revenue Department in San Francisco.

Where are we now, and where would you like to go?

Fry: I'd like to hear about your mother.

Sweigert: My mother came of Irish parentage, her father being Thomas Egan, to whom I've already referred, and her mother being Abbie Lynch.

She was raised in San Jose, went to the Notre Dame convent, and married my father just about the turn of the century. She had three children. I was the oldest, then my sister Helen Catherine, and my younger brother Charles Francis.

Sweigert: My sister died just several years ago, and she left a family of about four. Her family name was Jonsen. Her oldest child, my nephew, entered the Jesuit order, became a Jesuit priest, and at this time is the president of the University of San Francisco, Father Albert Jonsen.

Fry: Did your mother go to college?

Sweigert: She graduated, I suppose, from what would be high school and spent probably a year or two of college at the Notre Dame convent.

Fry: What were her interest around home?

Sweigert: Well, I once was invited to make a graduating talk for the College of Notre Dame, which had moved from San Jose to Belmont on the San Francisco peninsula. I made a talk down there, which was really a short biography of my own mother, who was a graduate of the Notre Dame convent. In fact I have a copy of it here. [reads from speech]

"Eventually she married and had three babies," and so forth. "After a few years, it was necessary for her to leave her beloved San Jose and follow her husband to his work in San Francisco. There she settled, and in the course of time the blue skies of her girlhood was often grayed by adversity.

"On April 18, 1906, the sixth anniversary of her marriage, a sudden earthquake shook San Francisco, and a devastating fire left most of the city in ruins. The aftermath of this disaster was for her, as it was for many others, hardship and disappointment. But none of these external things, neither earthquake nor fire nor hardship nor disappointment, could darken the temple of her heart. She simply drew more heavily upon her treasures of faith and hope and love.

"Her husband, my father, was a kindly, scholarly man, not acquisitive enough to give her luxury or social position--but he loved her. Her children looked to her as to a heavenward glory, especially when she would recite to them the sad, stirring lines of the 'Wreck of the Hesperus,' which she had learned for an elocution contest at Notre Dame.

"Her friends were legion, and they always found hospitality and cheer in her home. The Little Sisters of the Holy Family called on her to talk to her and to receive the little alms she could always afford for other families in greater need than her own.

Sweigert: "She sent her children to the Sisters' school because she wanted them to have the approach to life that she had followed. She watched them go on to their own marriages, and she lived long enough to know the thrill of holding her first grandchild in her arms."

Fry: Was that your baby?

Sweigert: That was my first child.

"She never forgot her wonderful years at Notre Dame. She never forgot the violets or the lilac, nor did she ever forget the rosary beads I told you about. Those ruby red beads with the golden cross. She had received them from the hands of her mother and gave them over to her oldest son, and those beads are in my hands today."

(That's the day I was speaking at Notre Dame in 1952.)

"The Gay Nineties gave way to the Fantastic Fifties. The bicycle has given way to the roadster. The music box has given way to the juke box. The Gibson Girl has given way to the style and manner of your day.

"Courting has given way to dating. 'Love me and the world is mine' has given way to 'Look over your shoulder, I'm walking behind.' 'Tea for Two' has given way to 'Cocktails at Five,' and old Notre Dame in San Jose has given way to this splendid Notre Dame at Belmont," et cetera, et cetera, et cetera.

Fry: That gives a glimpse into the sort of woman she was--a great deal of religious integrity, apparently, that she instilled in her family.

Sweigert: As I had said about her:

"She knew something about beauty. There were violets in her garden so sweet that Ann could never afterwards resist violets, and there was a lilac tree behind the house so fragrant that ever afterwards lilacs would be found pressed between the pages of her favorite books.

"She had heard something about the hardships and disasters of life. She had often heard her father tell his friends about his childhood in Ireland, about the eviction of his poverty-stricken parents from their cottages; about the famine that

Sweigert:       drove him as a young man from his native Ireland; and about his struggle to survive in a new country torn by the strife of its long, bloody, civil war," et cetera, et cetera.

                  It brings things back, doesn't it?

Fry:             Both of your parents sound quite gentle.

Sweigert:       Oh yes, they were both very gentle, kindly people, and I'm very fortunate in having a background of the kind I've had. But, this is rather a digression, isn't it?

Fry:             No, it's not a digression. I wonder if it was your mother's interest in poetry, or was there something in your father, too, that led you to have this long-continuing interest in and ability for writing?

Sweigert:       Not so much for my mother--she might have been an inspiration for it--but my father always loved books, and he had accumulated a considerable library in our home. As I grew up, I was just surrounded by these books that were generally stacked in bookcases in what we used to call the attic of our home in San Francisco. So when I was even a very small youngster, probably not more than eleven or twelve years old, my father had given me a love for books and an interest in the good things that could be found in books. He taught me the elements of Latin before I really ever went to high school. I remember he would walk with me up and down Fell Street in San Francisco and teach me the Latin declensions.

Fry:             As you walked?

Sweigert:       Yes, and of course this library opened up a great vista to me. I guess before I was out of high school I had read nearly everything that Robert Louis Stevenson ever wrote. I'd read most of Sir Walter Scott's works. I had practically read everything that Dickens ever wrote. I filled myself full of Alexander Dumas, and I also read the historical biographies by Louisa Mulbach. I read nearly everything that Victor Hugo ever wrote. All of these on my own because of my father's encouragement and because of the availability of these fine books.

                  Many of these books I still have in my own home, books that were accumulated by my father. The rest of them went, perhaps, to my sister and my brother. And I think maybe some of them might have been sold in the days when maybe funds were a little short in the family, because my father was not much of a money-maker.

Fry: I guess you had to have a competitive spirit to make law pay off.

Sweigert: That's right, and he did not have that particular talent. Sometimes, therefore, in our family things were rather difficult for ready money.

#### Education and Part-Time Jobs

Fry: This was when you were still at home?

Sweigert: Yes, this was when I was growing up as a teenager, you know. I guess that's the reason why ever since I started high school, when I was about twelve years old, I--because of this particular situation resulting from my father's easygoing temperament, wonderfully kind, easygoing temperament--I had to go to work.

I think the first kind of work I ever had was when I was in high school. I would go down and help to fold the papers that came off the San Francisco Examiner press on Saturday night, work all Saturday night until Sunday morning folding the papers as they came off the press.

Then during my high school days I also would go down to the waterfront after school, arriving there around four o'clock, and wheel a handtruck along the loading platforms of the old Wells Fargo Express, loading things from the platform onto the trucks that would take them onto the waiting ships, or receiving things that had just come in from shipments.

I always used to like that because whenever a crate of eggs would break we would generally be able to take the ones that didn't break and go across the street to some restaurant (of doubtful sanitation in those days) and ask them to cook up up ham and eggs.

Fry: So you got at least one big meal in those days. [laughter]

Sweigert: Yes.

Fry: When you worked on the docks--

Sweigert: I was going to high school.

Fry: Did you get to know any of the dock workers or anyone like that?

Sweigert: No, not particularly; not particularly at that time. It was just a job so that I could make some money while I was going to high school. I had a number of jobs of that kind.

Fry: What were some of the others?

Sweigert: Well, I worked, of course, during the vacation period. I remember one of the first jobs I had during vacation period was working for William R. Davis, who was known as the "shirtwaist man." He had a store on Market Street. He was a great friend of my Uncle Charles, and through my Uncle Charles I got a job during the two or three months of the summertime, wrapping up and delivering shirtwaists in San Francisco.

Fry: Was that feminine apparel?

Sweigert: Yes.

Fry: We would call it a blouse?

Sweigert: A blouse, or a shirtwaist they called it in those days. So I would wrap them up, put them in packages, stack them away, and then deliver them in various places throughout town.

Then later on, when I was about seventeen or eighteen years of age, I was able to get jobs for vacation at the old Bethlehem shipbuilding works in San Francisco, which was then actively building destroyers.

Fry: This was during World War I, right?

Sweigert: Yes, that would be during the very early stages of World War I and during, I guess, the years of about 1917 and perhaps '18. Although that gets pretty close to my own story of going into the service. (I was actually in the service in World War I; that's a story in itself.)

Fry: Was this Bethlehem shipbuilding works employment a summer job?

Sweigert: That was a summer job. My family had been a great friend of the Fitzpatrick family, and Judge Fitzpatrick, a well-known superior court judge in San Francisco, got me this job over at the Bethlehem shipbuilding works. I remember very well going down to see Judge Fitzpatrick, whom I knew through his nephew, Ed Fitzpatrick, a life-long friend of mine who had been my schoolmate.

Sweigert: I went in and told him I just had to have a job, otherwise I couldn't keep going to school. I remember him picking up the phone and ringing up a captain of police by the name of Captain O'Day at the southern station in San Francisco. Judge Fitzpatrick told Captain O'Day that he had a young boy who needed a job very badly, and he wanted him to get me a job. And Captain O'Day said, "All right, send him out."

So I went out the next day about seven or eight o'clock. Captain O'Day walked me down to the Bethlehem Steel plant and told them that he'd appreciate it if they'd put me on, and they put me on as a sheetmetal worker's helper. I remember I was scared to death because as I walked down that morning to take up this job, immediately I could see nothing but these first-aid stations around. The work involved considerable danger, you know, working around ships, and they were throwing rivets around and all this sort of thing.

But anyhow, for two spells I worked at the shipbuilding plant there, and that helped out financially a great deal for me.

Fry: It's good if kids can pick up a skill like this, that otherwise they wouldn't have a chance to.

Sweigert: I don't know if I picked up a skill or not; all I learned was how to hold a dolly bar.

Fry: You didn't learn how to do sheetmetal work?

Sweigert: I wasn't there long enough to do much of that. But I remember working on these destroyers and holding the dolly bar up while the sheetmetal worker would drive rivets.

Fry: So you built some ships.

Sweigert: That was my shipbuilding contribution.

Fry: Meanwhile, back at high school, what sort of instruction did you get in those days?

Sweigert: In high school? I went through the old fashioned, Jesuit-type of high school. Our education was in Latin, in mathematics, in English, and history. It was the old Jesuit ratio studiorum.

Fry: Studies of the mind.

Sweigert: Yes, that's the definition that's given to the old type of Jesuit education, and they were masters at it. So I had four years of Jesuit education.

That gives me a cue to another peculiar part of my life. I started school, I guess, at what they call Sacred Heart convent in San Francisco. I can see it from my window here. It was out on Hayes Street near the Sacred Heart church. And I went there in what they called the "baby class" then. At that time we had just moved to a new location in San Francisco.

Fry: You mean your family?

Sweigert: Yes. And after spending a year in the so-called "baby class" at Sacred Heart convent, I was then sent to St. Agnes Academy, which was run by the Sisters of the Presentation in San Francisco. I spent what we called the first, second, third, and fourth grade with those Sisters of the Presentation.

It so happened that my teacher in the first grade, whose name was Sister Eulalia, took a special interest in myself and another boy by the name of Francis King. She gave us kind of extra tutoring after class, and she worked with us so much that when I finished the fourth grade I went over to the Jesuits, who were then conducting a St. Ignatius High School.

At that time they were also conducting the sixth, seventh, and eighth grades of grammar school. So in order to move from the Sisters over to the Jesuits--from St. Agnes convent over to St. Ignatius grammar school (with a view toward later going to St. Ignatius High School)--I had to skip the fifth grade, because the Jesuits had no fifth grade. They had only a sixth grade.

The sisters, main Sister Eulalia, had given us such extra training that when I transferred from the convent over to St. Ignatius Grammar School, I skipped not only the fifth grade but also the sixth grade. I skipped two years at one time and then went into the seventh grade of the Jesuit grammar school. After spending just one year in the seventh grade, the sisters had done such wonderful work with myself and young Francis King, I skipped the eighth grade. So I only spent five years in grammar school before starting high school.

I remember that after a half year of high school they wanted to promote me into the second year of high school. But my parents said, "No, he's skipped enough. Stay where you are." Which was a good thing.

Sweigert: I then spent four years of high school with the Jesuits, and that was the story of high school.

Fry: That's how you got into high school at such a young age. Did you look older then, or how did you manage?

Sweigert: Let's see. I graduated from high school when I was sixteen, which means that I started high school when I was twelve--

Fry: Yes, that's about two years ahead of schedule.

Sweigert: Probably I was a couple of years ahead. In those days children started school a little later than they do now. See, I didn't start school until I was six or seven years old. Now they start children about five years old. And so much for high school.

Fry: What sort of subjects appealed to you the most?

Sweigert: I think in high school my life was influenced mostly by one teacher we had, who was a Jesuit. His name was Father Arthur V. Coglin. He was one of the most remarkable teachers that I've ever come across or ever heard of. His specialty was the teaching of English. He had written some fine little handbooks, and he really made a contribution to my life.

I was tremendously interested in the English courses and also in the other required courses, which were Latin, mathematics, Roman history, Greek history--

##

Sweigert: I got along very well in high school, I think, really because of the headstart I got with Sister Eulalia. And by the way, that Sister Eulalia remained a close friend of mine and of the family all through the years until her death about seven or eight years ago. I was among two or three who were invited to come to the little services for her in the Presentation convent, which is presently out on Turk Street off Golden Gate Avenue in San Francisco. So she had a remarkable influence on my life.

Also, Father Arthur V. Coglin was another teacher that had a great influence on my life. He entered me into the debating society and into the oratorical society, and by the time I got out of high school I had won several of the prizes out there.

I still have them. They're on a golden belt that my present wife, Virginia, sometimes sports. On that belt she has four of the most beautiful gold medals that you ever saw in your life--gold

Sweigert: medals that they don't give any more today because they would cost too much. But in those days these prizes were given by people who would pay for the prize. The result is that I got beautifully engraved and polished gold medals.

Fry: Was this for your public speaking?

Sweigert: Oratory and for debating. And later on, when I went on to the college course, I received one of the gold medals for philosophy. I'll never forget that. I got that gold medal for writing a piece entitled, "The Social Value of the Gospels." I received another gold medal in my college days for another paper that I wrote on the history of the Carmel mission.

Fry: In a history course?

Sweigert: Yes, for supposedly the best paper in historical research. I wrote this piece on the history of the Carmel mission. In an old box that I have stored away somewhere I have both this treatise on the "Social Value of the Gospels" and also this research on the history of the Carmel mission.

It's a strange thing that that Carmel mission piece should have been put together by myself as a youngster, because for the last twenty-five years, I guess, we have seldom missed going down to Carmel between the Christmas time and the New Year's.

Fry: I'm glad to know that you still have those papers because they ought to be filed with your memoirs.

Sweigert: I'm sure that they wouldn't add to the total of human learning.

Fry: No, but they add to the picture of how young Bill Sweigert was directing his mind at that time.

### Social Life and Recreation

Fry: What about the other parts of your life during this period? Were you too busy to be with other kids, or did you have a social life?

Sweigert: Oh, yes. The Jesuit high school was a comparatively small school, and I made friendships there that have lasted all through my life. The boys that I went through high school with, many of them now gone, remained friends of mine throughout my life. Some of them even now I keep in touch with closely.

Fry: And I guess social life was centered around the school mostly--

Sweigert: Mostly. My high school days were mostly built around the school and the Jesuits and the friends that we made that way. I remember that in those days the Jesuits conducted a very, very strict school. There was no fooling. We were not allowed to have outside social activities under the school name.

For instance, we wanted to have a high school dance when we graduated. That was taboo in those days. We gave the dance, nevertheless. And I'll never forget. We gave this dance under the title of "The Seniors." We didn't say from where.

I remember that dance very well. It was given at the YMI building over on Grove Street. I can almost see it from my chambers today. That was about the first dance that St. Ignatius High School ever gave. Of course, they found out about it later. But the next year, I think, they allowed it, under proper assurances of guidance from the Jesuits. But that was a bit of pioneering, to be able to get away with a dance.

I remember that dance very well. I invited a little girl by the name of Adeline Carter. She lived just a block away from us. The parents, in those days, would come to the dance. It was sort of a chaperoned affair. I'll never forget. I was there, and I was down on my knees tying the ribbon on little Adeline Carter's-- what do you call it, little shoes, or slippers--

Fry: Dancing slippers?

Sweigert: Yes. While I was down doing this, my mother came along. I'll never forget how I blushed and how embarrassed I was to be found on my knees tying the ribbon on Adeline Carter's shoe. [laughter] Of course, this sounds rather funny in the light of things as they are today.

Fry: It doesn't sound funny to a mother of three boys. I think they'd still blush if I caught them doing something nice for a girl. [laughter]

What about taking part in some of the other life in San Francisco? At that time there was opera and plays and so forth. Were you able to take those in?

Sweigert: Not too much of that. I think during maybe the last two years in high school we would sneak downtown once in a while of a Saturday and try to get into the Orpheum Theater matinee, which was nothing more than vaudeville, you know. If you could get a few cents together you'd go down there and sit in the gallery and listen to the vaudeville.

But I assure you that in those days our lives were built around the school and the neighborhood--a little baseball, you know, in the neighborhood. In fact, I can look out of my window and see the haunts of my childhood right out of the western view here from this chamber. Out here you can see what is known as St. Ignatius Church. See it out there with those towers?

Fry: On the hill?

Sweigert: Yes. That is now the St. Ignatius Church and around that we have the establishment of the University of San Francisco. That is the establishment that came from the original St. Ignatius High School and St. Ignatius College, you see. I lived in that neighborhood out there around those hills.

Another thing is interesting, too. I am now in this federal building, 450 Golden Gate Avenue. It's between Larkin and Post Streets. Well, when my father and mother brought us here from San Jose as three young children, ranging from one and a half or two to three and four years old, we moved into a house located on the very block of Golden Gate Avenue on which this federal building stands today. So if that isn't like the salmon going back to the headwaters to spawn, I never heard anything like it. My life for the last eleven or twelve years has been in the block where it was when I was about four years old!

Fry: Does anything around here look familiar?

Sweigert: Nothing!

Fry: You can look up the hill and see St. Ignatius, and that's about it, isn't it?

Sweigert: That's right.

Fry: I had a theory that in those days kids were free to have more adventures than they do these days. But you sound like you lived a pretty well-regulated life.

- Sweigert: We had our own little adventures. For instance, in those days out on the hills here were the old cemeteries of San Francisco. They've all been removed since, but there was the Laurel Hill Cemetery, the Masonic Cemetery, and several other cemeteries--all out on those hills.
- Fry: Near St. Mary's?
- Sweigert: Yes. Where that church stands today, close by, was the Masonic Cemetery. I remember those days.
- Fry: What could kids do in cemeteries?
- Weigert: Well, [laughter] we used to go exploring. They were not very well kept, and we used to, I guess, go in and look through the tombs. Some of the caskets, I remember, had loose tops, and we used to peer in the caskets at the bones and the skeletons.
- Fry: That was pretty heady stuff, I guess.
- Sweigert: Pretty heady stuff in those days, you bet your life! You know, it's funny how things come back to you when you start thinking about them. Someday maybe I could put a little story together.
- Fry: Yes, on what it was like to be a boy right here. What about the bay, did you ever go out on boats or swim in it?
- Sweigert: Once in a while, yes. We used to have boat rides. Little groups from the school would, under supervision, go out on boat rides through the bay here. I remember those, and we'd go up into Paradise Cove, you know where that is.
- Fry: Yes.
- Sweigert: We went to Paradise Cove on boat rides and picnics and things of that kind.
- Fry: But not just getting a raft or something and paddling around in the inlets?
- Sweigert: Well, I'll tell you. St. Mary's Hospital was built out on Hayes Street here. That's a location you can almost see, and if you look out this window now, you can see a new building that's going up on the left of the towers of St. Ignatius Church. That is the new addition to St. Mary's Hospital. St. Mary's Hospital located out there in about 1912 or '13 and it's enlarging now.

Sweigert: I remember going into the construction site of St. Mary's Hospital out there, and they had some problem about water gathering, you know, on the land. We used to build rafts and steer ourselves in this water that collected on the site where they were trying to build St. Mary's Hospital. [laughter]

Fry: Did you get interested in music at all?

Sweigert: My musical career has been rather a strange one. When I went to the convent and I was about seven or eight years old, my parents gave me an opportunity to take music lessons. I took music lessons from a sister who was the music teacher at the convent. Her name was Sister Rupert. I'll never forget her. I lasted about two weeks.

Fry: [laughter] That was a long career.

Sweigert: Somehow or another I didn't like it. I stormed around and made such a fuss about it that my parents let me quit, which was a great mistake on their part and a great loss for me because, although I didn't miss the music as a kid, later on I felt a great loss. Gradually through the years--I suppose after I was married--we had a lovely piano in the house (that's another story as to how we got it). I then began to play by ear, and I got to the point where I could play anything--badly. I then regretted that I had not learned music.

Fry: And you obviously really did have an ear for music.

Sweigert: Yes. That's too bad. I should have acquired at least a base for it. But I got so that I could play a little bit, enough to amuse myself and disturb the family, I suppose. [laughter] But music is something that I learned to love, and I always regretted that I didn't have the foundation to build on.

Fry: Were you very close to your brother and sister? You were pretty close in age.

Sweigert: Oh yes, were one, two, three in age. Just one year apart, each of us. We were always very close. I'm still very close to my brother, Dr. Charles F. Sweigert. He's been a very successful internist in San Francisco.

College and Army, 1917; First Marriage, 1924

Fry: How did you get into the army?

Sweigert: That's a crazy thing. And then my first marriage, that's a story in itself.

You know, when I went to St. Agnes Presentation Convent in the first, second, third, and fourth grades, in those days we had both the girls and the boys--

Fry: You mean separated?

Sweigert: No, no, they sat on different sides of the room and all that sort of thing, but in the same class. There was a little girl whose name was Gertrude, and she was a sweet little girl. She caught my eye even in those days when I was in the fourth grade. And, oh my, my eyes were always centered on her. She fixed her hair up in a little way that bunched up on the side. Golly, she was wonderful. I used to watch her walk down the street, you know, and so forth. She was admired by quite a few of the kids in that class. I had a crush on her, there's no doubt about that--along with several others in that class.

When I left the convent to go over to the Jesuits and skipped into the seventh grade and then into high school, of course I lost contact with Gertrude, this lovely little girl that I had a crush on in the convent. But I never forgot her. I never forgot her. All the years that I was in high school I used to wonder, "Gee, I'd like to meet her again someday," and all of that sort of thing.

But I did not--not during the years I was in high school. That was why, even when I was a senior in high school and I brought a little girl to our graduation dance by the name of Adeline Carter, my memory was always of Gertrude in the second, third, and fourth grades.

After I went into the college classes--and the college was comparatively small in those days--let's see, this would be in 1918. World War I had begun, and I was then just about to enter the college class, the first year of college grades with the Jesuits, you see. The country was at war, and the war department sent out word to all colleges and universities of any kind that they had to prepare the country for what might be a long war. They wanted to set up training for all of the boys that were in college grades.





Sweigert: In order to start that college training, they wanted each college to select one or two from their school to go over for special training, army training--real army training. I was selected to go from St. Ignatius College in late 1917. I guess it was, to go over as the representative from that little college to what they called a Student's Army Training Camp over at the Presidio, and it was a two to three months training course. So over I went. I still hadn't reached my eighteenth birthday, I know that, at that time. In fact I had to do a little fibbing, I think, to get into that. If they ever wanted to indict me, I think I fudged a little in my age. I was not quite eighteen; I think I was seventeen but gave my age as eighteen.

So I went over there for those three months and ran around studying bayonetry, rifle, and marching and all this sort of thing, you know. Of course I was part of the United States Army (you had to be signed up with the United States Army) and I was in uniform.

Well, it so happened that a girlfriend of my sister's was giving a party on a weekend and invited me to come to the party, if I was given leave from the Presidio. Well, I was given leave, and I went to the party. It so happened that the girl who was giving the party was a cousin of this Gertrude that I had a case on during my years of the second, third, and fourth grades.

Four or five years have now elapsed, and I arrive at the party in my uniform (I'm really only seventeen years old). [laughter] And who is there, wearing a white dress, but my little Gertrude that I had never forgotten during all those years!

Fry: You didn't have any trouble recognizing each other?

Sweigert: Oh my, no! And from there on I renewed my romance with Gertrude. Let's see, that's in--by this time it's about 1918, I think--1917 or '18. We renewed our romance, and it went on for nearly seven years, and ultimately Gertrude and I were married. [laughter]

Fry: You didn't rush around, did you?

Sweigert: No. In 1924 we were married. That was a real little girl-boy romance with this interlude during which I went away and then renewed it at this party. It was a tremendously happy marriage, and we had three children.

Sweigert: To sort of preview the thing, we were married for fourteen years, and at the end of fourteen years we had a tragedy in our family: Our little Gertrude developed heart trouble. In September 1938 I took her up to Lake Tahoe; we didn't think anything was serious. We had left our three children at home and this was a chance for a little vacation alone for us. And she had a little attack up there. I'll never forget it. We came home and still didn't think there was anything too serious. By December she had taken sick, and within three or four days we lost her. She died and left me with three little children.

But that's the story of that wonderful, wonderful little Gertrude. Her name was Gertrude Kerner. Her father was a rather prominent real estate man in San Francisco, and that's a story in itself. That nearly wrecked my whole life.

So I was a widower for about four and a half to five years after her death, and then eventually married again. That's another story. We're still married, so I have been one of the most fortunate persons in the whole world to have lived almost two separate lives, both of them well-nigh perfect from the point of happiness. Pretty good, isn't it?

Fry: That's an unusual batting average. It sort of averages out all those on the other side.

Sweigert: Anyhow, that's the way it is.

Fry: Your judgment at the fourth grade level was unusually good. [laughter]

Sweigert: Absolutely wonderful, there's no question about it.

Fry: I think you should give up this judge business and go into marriage brokerage for those who need it.

Sweigert: Oh, I don't know. I claim it's largely luck.

Fry: You had seven years, too, to get acquainted with Gertrude.

Sweigert: Yes, but during those seven years we were not together all the time. In the first place, we couldn't afford it. During those years--I'll never forget--I didn't have an automobile. (The automobile was coming in then, and people who were better situated than our family, and better situated than I personally was, might have an automobile.) So when I went out courting we rode the streetcars and the cable cars.

Sweigert: I think Gertrude's family was better situated than mine was, and they had a family car. But that didn't do me any good, you know, and when I took Gertrude out we'd have to ride the streetcars, and so forth. But it didn't make any difference that she had much more in the way of advantage and comfort than I had in those days.

Fry: How long was your actual engagement?

Sweigert: Oh, I guess that actual engagement was--I think what we developed was an understanding, you know, like kids do. Then our engagement was about four years. Meanwhile I'd gone on to study law. I had nothing but what I could earn from extra jobs on the side, and I just wasn't in any position to marry at the time. I just didn't have a biscuit.

Fry: You felt you had to give her the life that she had been accustomed to. Is that correct?

Sweigert: That was, yes, part of the difficulty. But really, I didn't have enough to give her any kind of a life. I just didn't have enough to get married. In the first place I had to help out in our own home, you know.

Fry: That's right, you were the oldest.

Sweigert: I was the oldest, and I had to help out in our own home.

Fry: Were your brother and sister going to college?

Sweigert: They were coming along, and my brother eventually went down to Stanford and studied medicine. My sister went through the convent and took a commercial course. She worked as a secretary until she married. But there was always need to help out around the house. So I did.

Law School, 1919; State Bar Exam, 1922

Sweigert: I've already stated that I went to St. Ignatius College, which was a four-year course, you see. There again it was a continuation, more or less, of the Jesuit line: philosophy in all its phases and phases and tremendous training in the humanities. We always had, of course, a sketchy training in physics and chemistry and things

Sweigert: of that kind. But, in those days, when I reached the second year of college, I was entitled to enter the law school at the University of San Francisco. So I entered the law school in about 1919.

Fry: How did you know you wanted law?

Sweigert: I went into law for several reasons. First of all, my father had been a lawyer. My Uncle Charles was a lawyer, as I've already stated. Also, law training was available at that time because St. Ignatius College, as it was called in those days, was a college really only in name. It not only had a humanities course, but it had had a law school ever since 1914 or '15. Therefore, I could start my law course during my last two years of college. Then I would have two years left to finish it, because the law course was four years.

During this time I had my studies and was not in much of a position to marry, because while I was studying law I got myself another job as the athletic director for the San Francisco Recreation Department.

Fry: That sounds like a big job!

Sweigert: No. I was athletic director only in the sense that I was in charge of what was then called the Hamilton Playground at Geary and Steiner. It was a playground that was big enough to handle tennis tournaments, soccer tournaments, very minor baseball and things of that kind. I was in charge of this playground and then director of the athletic tournaments and playground activities that they'd have on there. I had to coach soccer and referee the soccer games, and conduct tennis and baseball tournaments for the youngsters.

That was a pretty good job. I think I earned about \$125 or \$130 a month doing that, and at the same time I was going to school and studying law, you see. So that's the way I got by in those days.

Fry: Did you ever sleep?

Sweigert: Oh yes, once in a while.

Fry: Law takes so much reading.

Sweigert: I know. Although it was a full-time job, things were light on the playground. I used to go down about twelve o'clock and work til five p.m. Most of my classes were in the morning, and then I had evening classes. It seemed to work pretty well, and I got about \$130 a month, which was pretty good money in those days. During the noon

Sweigert: hour it was active around there, and I had plenty of games going on. But between, oh, one o'clock and two-thirty p.m. things were light and I had a chance to study right on the job. I would bring my books along with me and if there wasn't much going on, I would study law. That's how I survived until I finished the law school.

And here comes another funny thing in my life. The law course was four years, but for many reasons I was anxious to get going. First of all I was in that period of young love and romance with my little Gertrude, and I also wanted to get going as soon as I could. So when I finished three years of law school and still had one to go, I took a chance and, unbeknown to the authorities at the law school, I presented myself for the bar examination.

I was only twenty-two years of age or thereabouts at the time. But I had studied not only the law courses for the three years that I had covered, but I had on my own studied, after a fashion, the courses that were given in the fourth year.

So I presented myself for the bar examinations. In those days, just as today, you had to have a three-day written examination. I submitted myself to that ordeal, and fortunately I passed the examinations. So I was entitled to be admitted to practice as a lawyer although I had not finished my four years of law school.

Fry: Was that when one could take the bar exam without having gone to law school but just tutoring or apprenticing under another lawyer?

Sweigert: Yes. Well, at any rate, I did not have to show graduation. How I did it, I don't recall [laughter] But I did it, and I took the bar examination in my third year of law school when I still had another year before I could graduate, you see. And I passed, and I was admitted to practice.

When I look back on it, it seems almost frightening to think that this kid, twenty-two years of age, having skinned through three years of law school--

Fry: And managing the playground--

Sweigert: --and managing the playground at the time, could be admitted to practice law. What I didn't know about law and about a lot of other things would fill volumes. [laughter]

Sweigert: And then starts another little phase in my life which is somewhat interesting, too. (I had another year of law school.) In other words, what did I do when I was attending night classes after I was admitted to practice? Now, what did I do?

Eustace Cullinan

Sweigert: I had come into contact with a lawyer in San Francisco by the name of Eustace Cullinan, who was a very able lawyer. I had originally come into contact with him when I was still in my third year, of law school, while I was still working on the playground.

Eustace Cullinan represented for many purposes the Pacific Gas and Electric Company. The Pacific Gas and Electric Company had become the object of a referendum on the ballot in California called the Water and Power Act of California. It would have gone a long way to transfer private gas and electric utilities into the public field, and to gradually eliminate PG&E, you see; at least that would be the effect of it on many private public utilities in California.

So Eustace Cullinan, representing the Pacific Gas and Electric Company, had an idea that he ought to organize a group of young people who could travel up and down the state of California arguing against this so-called water and power legislation that was on the ballot. He sent out to St. Ignatius, where we had the law school, to get five or six young people who could do this.

Among those who got wind of this proposal was myself. So I, together with about four or five other young men, went down to see Eustace Cullinan, and he then gave us our instructions on what we were to do. We were to distribute pamphlets throughout the state of California, north and central, that were, in effect, political propaganda against this water and power act.

So, I'll never forget it. He provided us with an automobile. It was a Buick. Up to that time, I'd never really owned an automobile and really didn't know how to drive one very well. But at any rate, I took it on and went out in a Buick automobile. I traveled through the northern part of the state of California delivering pamphlets and even making little speeches before Rotary Clubs, chambers of commerce, and farm picnics on the subject of this water and power act.

Sweigert: The two that went with me were Edward Kyle, who is now a very prominent attorney in San Francisco, and the other one is Preston Devine, who became a lawyer and is now the presiding judge of the division of the California District Court of Appeal, over here across the street.

##

Sweigert: It seems to be that this was (I'm trying to fix the year) in about I guess 1919 or '20,\* so you can see what kids we were when we were traveling around the state this way. We did this largely during the summer months. I think I gave up my job on the playground at that time because I was about to pass the bar examination and--

Fry: This was just before you passed the bar examination?

Sweigert: I'm not sure if it was just before I passed the bar or whether it was just after I passed the bar. It was very close--I'd have to check back on that. But at any rate, we went through northern California, the three of us, for this purpose, you see. And we were paid pretty well. Furthermore, I had to learn pretty quickly to drive that Buick automobile.

Fry: [laughter] How did you manage that?

Sweigert: Imagine a kid not really knowing how to drive an automobile until he's nineteen or twenty years of age! That would be unthinkable these days. They all can drive at fourteen or sixteen today. Well, at any rate, that's the way I did it.

So, we were paid to do that, and we needed the money. It was sort of a lark, also, to be able to drive an automobile all through northern California, to go around and distribute pamphlets, and to speak wherever they'd let you speak at some occasion, you know. We had our little set speech we could make on the subject. We did that for several months, and then, of course, that adventure was over.

---

\*The water and power initiative amendment was placed on the ballot and defeated in 1922. See Walton E. Bean, California, An Interpretive History, McGraw-Hill Book Company, New York, page 403.

## II START OF LAW CAREER

Assistant District Attorney, San Mateo County

Sweigert: At that time, or very shortly thereafter, although I'm still obligated for another year at my law school, I'm eligible to go into practice of some kind. So I naturally went down to see my friend Eustace Cullinan, the lawyer, to ask him how I could get a job in a law office.

At that time he didn't have any opportunities in his own office along that line. But one day when I was talking to him, he happened to make two remarks which I well remember. One was, "You know, Will," he said, "for a young lawyer starting out it's very, very difficult." And he said, "One way to make a good start is to marry a girl who's got considerable money." [laughter] He said that half facetiously--and half seriously. And there was a lot of truth in it, I guess.

He also said he had that day met a friend who was the district attorney of San Mateo County, just to the south of San Francisco. His friend, Franklin Swart, mentioned to him that he had lost his assistant district attorney--he only had one. The assistant had resigned to go into private practice in San Jose.

But the district attorney said that he was not going to fill the vacancy right away. He was going to wait a while because he was engaged in some particular trials and was busy. He didn't have a chance to go into the question of filling the job of assistant district attorney of San Mateo County.

So Eustace Cullinan happened to say, "That might be a place where you could go and apply for the job. But I wouldn't suggest that you go now, because Mr. Swart told me that he didn't want to get into this matter of hiring an assistant for another month or so."



First Sergeant William T. Sweigert,  
First Company, Student Army Training Corps, 1918.



The young attorney, William T. Sweigert, 1920s.



Sweigert: Well, that was enough for me. As soon as I heard that there was a job open down there, I made up my mind that I was going to take a chance. I wasn't going to wait another month for Mr. Swart to get his mind set on this subject. I figured out that I could go home and get together enough money to get on a Southern Pacific railroad train and ride down to Redwood City, so I did.

Fry: Right then?

Sweigert: Right then. I took a train and I went to Redwood City. I went down to the district attorney's office, which is in the old courthouse in Redwood City. I went into the district attorney's office, and I presented myself to his secretary, whose name was Miss Young. I'll never forget it. I told her that frankly I was there to see if I could apply for a job of assistant district attorney.

I am then about twenty-two years of age, a kid. Miss Young said, "Mr. Swart is very busy. In fact he's engaged now in this trial." That was the same courthouse, about twenty feet away, across the rotunda. She said, "He'll be pretty tired when he's finished." It was then about 3:30 in the afternoon.

I said, "I'll wait anyway."

So I waited. About 4:15 Mr. Swart comes into the district attorney's office from the court room, very tired, I guess, from a long day's trial. He walks into his office and--I'll never forget--Miss Young took the telephone and told him, "There's a young man who's interested in applying for the job of being your assistant, and he's been here for an hour already."

There was a long pause on there, and I could almost hear Mr. Swart saying in there, "What on earth am I bothered with this sort of thing now for?"

But at any rate, Miss Young said to me, "As long as you've waited so long, Mr. Swart has said he might see you for a minute or two."

So it then got to be around five o'clock before I got the word to go in and see the great district attorney, Mr. Franklin Swart. At about five o'clock I enter his office, and he is obviously tired and gives me not a very warm greeting. He sits back in his chair, puts his feet up on the desk, and says, "I understand you're down here about this vacancy that I have in the assistantship."

Sweigert: I said, "Yes, sir, that's why I'm down here."

He said, "How did you find out about it?" [laughter]

I said, "Your friend Mr. Eustace Cullinan, who met you on the street in San Francisco, told me about it. And," I said, "he also told me that you didn't want to be bothered about this for a while. But," I said, "this is very important for me." [laughter] "It's probably more important for me than it is for you."

He sat back and kind of laughed when I told him that, and he entered into kind of a discussion with me between five and five-thirty, and it went on to around six o'clock. We have this discussion. He's just asking me a few questions and talking generally about the weather and everything else. Finally he looked at his watch and said, "Heavens," he said, "I'm late for dinner! I must go!"

So he grabbed his hat and started out the door, leaving me sitting in his office. I thought that was rather unceremonious, and I thought the jig was up with me. But just as he was going out the door he turned around and he said, "All right, Sweigert," he said, "Come down next Monday and I'll swear you in."

I was hired! I went down the next Monday, and I was hired at a salary of \$125 a month, which was pretty good in those days. So I was still able to keep body and soul together. I did go down, and I was sworn in as assistant district attorney of San Mateo County. And, believe me, in those days he only had one assistant, and I was it. So I then entered into this little office next to his and became his assistant district attorney.

When I think back on it, what gall I had! I was so completely and abysmally ignorant in the field of law and anything connected with it that I'm amazed I would ever have had the nerve to do what I did. At any rate, his was the decision, and he made it.

So I got this job, but I had a problem. I didn't want to tell Mr. Swart that I still had a year of law school to complete. I could honestly tell him that I was admitted to practice, and I think correctly told him my age, which was about twenty-two, but I didn't tell him that I had to finish this year of law school. So I had to figure out how I'd work this.

I was living in San Francisco; so every evening when I finished my work down there as assistant district attorney I had to get on a train, come back to San Francisco, go out to finish my evening course

Sweigert: in law school, and go home. I could live in San Francisco, but early the next morning I had to get down there into the office again. I did this for about a year and a half, keeping it away from Swart all the time that I was moonlighting by going to school to finish my law school while trying to help him as assistant district attorney.

Part of the time I did take a room down there in order to make myself a decent citizen of San Mateo County. I took a room in a little house that was a little way out of town, and I paid so much a month for this room. When I didn't have to come up to law school, I could stay down there overnight.

Another thing that I did at that time was to borrow \$150 from an uncle of mine, my mother's brother, to enable me to acquire a little Model T Ford. I could make this trip back and forth from Redwood City to San Francisco every day a little bit more rapidly and conveniently, instead of having to go down to Third and Townsend and take a train all the time. So I had myself a Model T Ford to help out on this rapid commute that I had to make--back to the assistant district attorneyship of San Mateo County and up to law school to finish my school. I did that for a whole year.

Fry: I can see why you didn't get to see your fiancée very often.

Sweigert: No, didn't see her very often, but I managed to keep the thing going as best I could. I was down there for a year and a half, or a year and a quarter. Meanwhile my salary had been raised from \$125 a month to \$175 a month, which was big money in those days.

Fry: Yes, it was.

#### Joins Cullinan and Hickey Law Firm, 1923

Sweigert: So I am down there getting \$175 a month, and one day a phone call comes to me down there. And who is it from? It's from my friend, Eustace Cullinan of the firm of Cullinan and Hickey in San Francisco. He said over the phone to me, "Will, how are you getting along down there?"

And I said, "Fine."

He said, "How much are they paying you?"

Sweigert: And I said, "\$175 a month." Which was good money.

He said, "Will, would you like to come up with us? We have a place now where I think you could start."

I said, "Would I? I'd love it!"

In those days I considered I was in a hick town, and I was away from all the boyhood friends I knew in San Francisco. I couldn't get back to San Francisco soon enough to get myself established with a steady job, enough to keep body and soul together and to pave the way toward the day when I could be married to my little Gertrude. So I was in the seventh heaven of delight.

I told Mr. Swart that I had this offer, and I resigned my \$175 a month job to go into the office of Eustace Cullinan and Thomas Hickey, then in the Phelan Building in San Francisco. They were very able lawyers, and they had a fine, active practice at that time. So I came back to San Francisco and started in the practice of the law with Cullinan and Hickey, who paid me \$175 a month.

Well, that's about 1923 or '24, and around 1924 I get myself married.

Fry: That must have been a great day for you.

Sweigert: Well, the grass was awfully short, I'll tell you. But in the year I was married, or in the year before, I was asked by the people in the law school from which I had almost freshly emerged if I wanted to come out and teach subjects in commercial law. For that I would be paid \$90 a month. So I had \$175 a month salary plus \$90 a month for teaching in the night school, and I was really on the road to Easy Street.

So here I am in the practice of the law and also started teaching; I taught law for nearly seven years in combination with my work in the practice. And in that way I got started in my marriage and everything else.

Fry: Had you had a business course?

Sweigert: No, I had no business. I taught business law, like commercial law and things of that kind. After a year doing that I was transferred into the law school proper--the regular law school and taught there for six or seven years. They were night courses for most of that time. But eventually, when the law school advanced to the point

Sweigert: where they were having the day law school, too, I taught for the last two or three years in the mornings. I had a class at eight o'clock in the morning--between eight and nine in the morning I would teach--along with teaching one hour a week at night. So I was able to make a start this way. I was a pretty busy bird in those days.

Fry: Yes, you were. But at least you were getting your life together at that point.

Sweigert: I was getting things together, yes.

PG&E

Fry: I want to go back for a question on your campaign for PG&E for Mr. Cullinan: At that time did you give any thought to the comparative values in issues of public or private power?

Sweigert: Not too much at that time, except that it was just the practicality of the situation that I was in. I was doing that because I needed the money. I did it, and it was honorable, and that was the way it was. By the way, that water and power act was defeated. It had called for a \$5,000,000 bond issue or something like that, and it was eventually defeated.

Of course, later on when I went into the Cullinan office, the office was still representing in many matters the Pacific Gas and Electric Company. I did do a lot of work in the office during those early days for Pacific Gas and Electric Company. A lot of that was looking up the law concerning the device of issuing public revenue bonds to start public power systems, which would naturally interfere with the growth and development of the private utility of Pacific Gas and Electric Company. But they were the client of the office, and it was honorable work that we did.

At that time (and it's almost another story) in those early days or a few years later, A.P. Giannini, the founder of the Bank of America, was a great personal friend of Eustace Cullinan and did look to him for counsel and advice on many matters.

He used to come up to our office in the Phelan Building at about 5:30 once or twice a week and would closet himself with Eustace Cullinan, who became one of the chief advisors of A.P. Giannini.

Sweigert: Eventually a lot of my work in the office began to concern itself with the problems of the early Bank of America, or Bank of Italy, as it was called in those days.

A lot of my work in the office as a young lawyer involved doing a lot of work with PG&E problems and for Bank of Italy.

Fry: PG&E at that time was concerned with this public power question, is that right? Some of your work had to do with that?

Sweigert: Some of my work was along that line; but there were many other problems that came up, too, that we would work on for the Pacific Gas and Electric Company for legal purposes.

A.P. Giannini

Sweigert: The more interesting thing was the Bank of America connection, because eventually, in about 1927 and '28 and '29, the Bank of Italy had become the Bank of America. They developed a holding company called Transamerica, which owned a lot of the stock of the Bank of America, and we did a lot of that legal work. Eustace Cullinan was extremely closely associated with A.P. Giannini, who constructed this banking empire which we presently know as the Bank of America, the largest bank in the world.

I remember that one of my jobs in the office was to handle all the legal work for what I recall as the first branch established by the Bank of America. It was called the Liberty Branch Bank, and it was on Mason and Market Streets in San Francisco. I did a lot of the banking legal work that came out of that branch.

We were particularly active during the years about 1926, '27 and '28. In '29 came the Depression and that collapse of the stock market. It's a long story. Even afterwards we continued to do a lot of legal work for the Bank of America, although there's a story of how meanwhile Eustace Cullinan and A.P. Giannini had become just a little bit estranged.

Fry: You mean after the crash?

Sweigert: Before the crash, as I recall it, A.P. Giannini had, in fact, almost sold out his controlling interest in the Bank of America and had taken a trip to Europe. The Elisha Walker interests of New York had become the dominant interests in the bank.

Sweigert: It developed that A.P. Giannini, while in Europe, began to hear that the policies of the Elisha Walker interests in conducting the affairs of the Bank of America were not such as he had expected or would agree with. So, he came back and launched a proxy fight to regain control of the Bank of America. That developed into a great proxy battle between the two interests.

Meanwhile, having represented the Bank of America in their early days while A.P. Giannini was in there, our office continued to handle a great deal of the legal advisory work, even under the new management. When the proxy fight started, Eustace Cullinan couldn't serve two masters. He felt his obligation was to continue on with his client, the existing management. So he cast his lot with the Elisha Walker interests.

Meanwhile the proxy fight went on, and it was a remarkable victory for A.P. Giannini. He regained control of the Bank of America by getting a lot of people who owned Bank of Italy stock, many of them Italian families, to give their proxies to him instead of to the Elisha Walker controlling interests. And he eventually won the proxy fight.

Of course, considerable estrangement followed because it was a bitter battle between A.P. Giannini and the Elisha Walker interests, to which he had originally almost turned over the control, you see.

But even after the proxy fight, A.P. Giannini allowed the general resident counsel for the Bank of America to retain our office for certain purposes connected with the Bank of America. Although the close personal relations between Eustace Cullinan and A.P. Giannini had been broken, we still did a lot of legal work for them.

Fry: Can you describe Mr. Giannini and tell us anything about him as a person?

Sweigert: Yes, I can. I remember him very well. A great, big, strapping man coming up to our office, opening our door, and saying to our secretary, "Is Eustace in?"

"Yes, Mr. Giannini, Eustace is in. Go right down and see Mr. Cullinan."

They were closeted down there. They were really doing a lot of the brain work that eventually became the Bank of America, and expanding branch banking interest in California.

Sweigert: I was just the young man in the office, and of course of very little importance to A.P. Giannini except to say, "Yes, Mr. Giannini," or "No, Mr. Giannini," or "How do you do, Mr. Giannini." But I remember him.

That comes back--if we can skip a little time in here--in this way. Later on, when I had gone up to Sacramento with Earl Warren into the governorship, A.P. Giannini would phone once in a while. When he wanted a little information, or he wanted us to send a little word to the governor, he would phone and ask for Will Sweigert, who was the governor's executive secretary. And if he had a little problem of some kind--generally they weren't of any great importance--I'd pass it on to the governor and say, "I talked to Mr. Giannini today, and he's interested in this, or he wanted to tell you this," or something of that kind, you see. I resumed a little phone acquaintanceship with Mr. A.P. Giannini.

Fry: Did he know that you had been the young man in the office?

Sweigert: Yes, I think he recalled that. Although I was of very little importance in his life, I think he realized that this was the same young man that had been in with Eustace in the practice.

I also remember that when I first was appointed to the bench by Governor Warren to the Sacramento municipal court for six months, Mr. Giannini phone one day (I was municipal judge, and as municipal judge would be subject to running for office and having to conduct a campaign, perhaps). He said, "Is this Will Sweigert?"

I said, "Yes, Mr. Giannini, this is he."

He said, "I just wanted you to know, Judge (he called me that), if there's any way I can, I would be glad to help you."

I said, "Mr. Giannini, I'm getting along all right. I'm on here, and the governor says he's going to put me on the superior court at the next vacancy. I think I'm going to get along all right, but I do appreciate your phone call."

He said, "You were very nice to me when you were up at Sacramento," and so forth.

He's a big man by this time--A.P. Giannini!

Fry: Gosh, yes!

Sweigert: And I said, "I appreciate that so much." And do you know that within six months I was appointed to the superior court. There was a vacancy occurring. Judge [James G.] Conlin had passed away and created a vacancy. The governor phoned me and said, "Bill, I guess this is what you'd like to do, go up to the superior court. There's a vacancy there, and I don't think I have to ask if you want it."

"Well, Governor," I said, "I would like to go up to the higher court."

He said, "Well, that was the understanding. Here it is, and you go ahead. I'll appoint you to the superior court."

And I was appointed to the superior court.

I think that I can show you a San Francisco Call-Bulletin that came out with the news that Sweigert had been appointed to the superior court. I was a little bit more newsworthy than the ordinary fellow because I had been with the governor (and he was still governor of California), and I had been known as Governor Warren's executive secretary. I had been serving for six months on the municipal court, and here I am promoted within six months to the superior court by the governor of California. So it, I guess, made a little bigger splash in the papers than it would ordinarily have made.

So there was quite a headline, "Sweigert Promoted," or something of that kind. I think on the same headline, "A.P. Giannini Dies." I have that paper at home--bringing home those two little threads in the one newspaper. So that's what happened there.

#### Arrangement for Successor to San Mateo Position

Fry: The threads of continuity in your life are most unusual.

Sweigert: They are, and there are many threads between my life and the lives of others. I could tell you about a boy in law school with me and how a chance meeting on Market Street with him changed his whole life.

Fry: Who was this?

Sweigert: Well, after I resigned as assistant district attorney to join Cullinan and Hickey, I happened to be walking down Market Street one day. I ran into a friend of mine who had been in law school with me.

He said to me, "What are you doing up here? I thought you had a big job down there in San Mateo County, assistant district attorney."

I said, "I did, but I resigned."

He said, "What, you resigned? How much were you getting?"

I said, "\$175 a month."

Well, I thought this friend of mine would faint (physically, actually, and fall to the sidewalk), because he said to me, "You resigned a job at \$175 a month?"

I said, "Yes."

"Why," he said, "What did you do that for? I am working (and he pointed up to the old Chronicle building you could see from Third and Market) for a lawyer up there whose name is Percy Town, and I'm only getting \$25 a month!" [laughter] Almost tears were in his eyes.

I said, "Ed, would you like to have the job I just resigned from?"

He said, "Would I!"

I said, "I'll tell you what I'll do, Ed. I'll go back to my new office, and I'll phone Mr. Swart, the district attorney, and tell him I have a young man I'd like to take my place down there." (I had lots of gall in those days.)

And I did. I phoned Mr. Swart and he said, "Well, I'm not going to fill the place for some time--"

Fry: [laughter] Not again!

Sweigert: Mr. Swart was really a Stanford man, and I could never understand how he had appointed me in the first place. In the second place, he was a Kansas, stiff-necked Protestant. One time he told me how he's been raised in Kansas City to think that Catholics had ammunition in their basements and were going to blow up all Protestants and bring the Pope over. So he had nothing in common with me.

Sweigert: He said, "I'm not going to do anything about filling your job, Will. But all right, I'll take his name and maybe someday I'll consider him." About a month later I got a call from Mr. Swart, and he said, "About that young man you told me would like to take your job down here."

I said, "Yes, Mr. Swart."

He said, "You gave me his name, but I've lost it. What was his name?"

I said, "His name was Scott, Ed Scott."

He said, "Well, send him down to see me."

I was surprised, myself. I got in touch with my friend, little Eddie Scott, and I told him to see Mr. Swart. He did, and Mr. Swart made him the assistant district attorney of San Mateo County, my old job. Eddie Scott later, when Mr. Swart went on the bench down there, became district attorney of San Mateo County and served as district attorney of San Mateo County until he resigned, himself, to go into private practice in Redwood City.

Years later, when I'm with Governor Warren up in Sacramento, I again phone Ed Scott, who is then practicing law in Redwood City, and say, "Ed, do you want to go on the bench and become a judge of the superior court?"

He said, "Well, I'm doing pretty well down here, but I'll talk it over with my wife."

I said, "Do it right away, because the governor likes to get action on these things. He remembers you because he met you when you were district attorney, through the District Attorneys' Association. I told him that you went to school with me and I'd like to see you on the bench down there. Governor Warren said he would be glad to consider you for the bench."

So the next day Ed Scott phoned me and said, "My wife said these things only come once in a while, and maybe I should go on the bench." Although he said he was doing pretty well in his practice, making pretty good money, he went on the superior court (that must have been somewhere around 1946 or 7, somewhere in there). He remained on the San Mateo Superior Court and was the senior judge until he died about a year ago. I went to his funeral.

Sweigert: I'm convinced that Eddie Scott, who had been raised in Oakland, studied with me in San Francisco, started his little law work in San Francisco, hardly knew where Redwood City was, had his whole life changed by that chance meeting on the street. He became practically "Mr. San Mateo County." So those are little things that show how the threads do fall together.

Then there are so many stories I could tell you about judges around here with whose appointment I was very familiar. During the days I was with the governor, he almost left the San Francisco area to me. So there's a lot of that in my life, too.

Fry: But it's all held together because the material is related to those first twenty-four or so years of your life.

## III EARLY POLITICAL ACTIVITIES

Meeting Earl Warren

Sweigert: Then, you see, I can tell you about first meeting Earl Warren. It might have been 1930 or '31. I was with Cullinan and Hickey, having started with them in the Phelan Building; we eventually moved into the Mills Tower. It was Cullinan and Hickey and became ultimately Cullinan, Hickey and Sweigert.

My first sight of Earl Warren came about in this way: Once in a while, not constantly but once in a while, Earl Warren (who was then active in Republican politics, as was Eustace Cullinan) used to come up to the office, and I would meet him--I would see him, rather. He was a fine, big, hulking man, you know, young and a full head of light hair in those days.

Those were the days when Earl Warren was active and a member of the Republican County Central Committee of Alameda County. He was active in the Republican State Central Committee in the days of Herbert Hoover. So he was what you called a Hoover Republican in those days. He used to come up once in a while to visit with Eustace Cullinan and talk about Republican politics.

I never really became acquainted with him in those days except that I would see him come in and perhaps would say hello to him once in a while. Of course, I meant very little in his life at that time. But that's the first time I ever saw him. That would be during the thirties.

Fry: During the Hoover administration?

Sweigert: Yes, that early. Hoover was in office until 1932, really 1933. Hoover had been elected in 1928, and was in office during those years.

Sweigert: Those were the days when Earl Warren was interested in, for instance, Hoover's election in 1928. And during those years he would probably have come into our office to talk over Republican politics, because he was very active on the Hoover side in those days. He was very much opposed politically to the Franklin Delano Roosevelt regime, both in the beginning and even later. At any rate, that's another thread.

Democratic Party Activities, 1928

Fry: What were your own politics?

Sweigert: My father and uncle were both Democrats, so when I first registered, when I became twenty-one years old, I registered as a Democrat. I think I first was able to vote in 1924; that's when [John W.] Davis was the Democratic candidate, if I recall correctly.

I could tell you more about being a Democrat. I was a registered Democrat, but frankly I never did get much into the organizational side of Democratic politics except in a very small way. Although Eustace Cullinan was a Republican, Thomas W. Hickey of our office was an old time Democrat, a great friend of Jim Farley of New York and, therefore, a real Democrat. So I tended to go along with Mr. Hickey politically, in Democratic politics. As a matter of fact, Mr. Hickey went down to (I think it was Houston, Texas) the Democratic national convention to second the nomination of Al Smith in 1928. I remember very well working with Mr. Hickey on--

##

Fry: You had said that you worked with Hickey on--

Sweigert: I worked with Mr. Hickey on the text of the speech that he was to make to second the nomination of Al Smith at the Democratic national convention of 1928. Afterward, Al Smith and Herbert Hoover were locked as presidential candidates, and Al Smith, you remember, was defeated. That opens up another vista that comes back to me.

I worked with Hickey on the Democratic side of this thing even though Eustace Cullinan always threw his lot in with the Republican side. You could say the firm was playing both sides of the street politically. That's the way it was. In 1928, when Hickey goes down to second the nomination of Al Smith, I get a little interested there. I began to hear about men like Jim Farley, and I met a few of the local people who were interested in Democratic politics.

Sweigert: Up until that time everything had been Republican. They'd never had a Democratic governor in California, and it had been a long time since they had ever had a Democratic president. So those were lean years for the Democrats. They just finished up with Hoover and Coolidge, you see?

Fry: [laughter] Yes, and Harding.

Sweigert: Harding, and you have to go way back to Woodrow Wilson to get a Democrat. They never had a Democratic governor in California during this century until Culbert Olson was elected in 1938.

Fry: So in 1930 a Democratic governor was unheard of for people your age.

Sweigert: And also a Democratic president. No, there wasn't much Democratic politics in those days. There was nothing much to work with. But in 1932, if you'll recall, Al Smith wanted to be a candidate again. But many of the Democrats felt that Al Smith had had his chance. He ran, and he made a good fight. He was defeated. There was some question of the religious--Catholic--issue in there, and so forth.

Meanwhile, Franklin D. Roosevelt ran for governor of New York at the special request of Al Smith. When Al Smith ran for president he wanted to leave New York in Democratic hands. Al Smith got in touch with Franklin D. Roosevelt, who at that time was having his troubles. He was recovering, or trying to recover, from infantile paralysis and was down in Georgia taking the baths at Warm Springs--practically crippled.

But Al Smith begged him to come up and run for governor of New York, and Roosevelt did--because of the urging of Al Smith. So he had done Al Smith a great favor--taking over New York to give Smith a chance to run for the presidency.

During the years between '28 and '32, the question came up as to who would be the candidate for the presidency in 1932. Hickey of our office, along with Jim Farley, felt, I think, that it would be better if they nominated Franklin D. Roosevelt for the presidency. But Al Smith only grudgingly would give way. He felt that he should run again. There's a long story, of course, to be told.

If you remember, there was a very important primary election out here in California at which (and I'll have to refresh my memory on this, maybe for some other time) William Gibbs McAdoo was running

Sweigert: for Senator. Who was it that was William Randolph Hearst's candidate for the presidency? He was a member of Congress at that time. He became first vice-president under Roosevelt. He's from Texas. Garner!

Garner came into California in the primaries, and there was a big question as to what would happen in California if Al Smith came out and put his name in the primaries. I think he did come out against the organization's wishes, and insisted on putting his name in here. I think he lost in California; I'll have to refresh on that. In those days there was a lot of telephoning back and forth between Hickey of our office and Jim Farley in New York.

Although I wasn't really active locally in any Democratic political way, I was an admirer of FDR from those days on. I still have my little receipts from contributions of \$25 to the Democratic cause signed in the green ink signature of Jim Farley.

And so my background there led me to be quite understanding and sympathetic with Franklin D. Roosevelt. As we'll find out later, that was the direction in which my loyalties fell even during the days in which I became acquainted with, and first associated with, Earl Warren. An admirer of Franklin D. Roosevelt on the one hand becoming very closely associated with what you might call an admirer of Herbert Hoover, one who in those days did not side at all very closely to Franklin D. Roosevelt.

#### Political Discussions with Earl Warren

Sweigert: I remember quite a few conversations between myself and Earl Warren. In those days we'd talk about it, you know. Of course that leads into another era of my life. These conversations with Earl Warren took place mostly after I had joined him in the attorney general's office, which would be about 1940 sometime.

In those days I'd go to lunch with him once in a while, and I remember when we'd go to a place (I think it was called Foster's Cafeteria) down on the corner of Market and Van Ness. We'd go in there, and we had many little discussions about the politics of the day when FDR was the president of the United States. Earl Warren was the attorney general of California and not very fond of Franklin D. Roosevelt. In fact, Warren was not very fond of Culbert Olson, who was the Democratic New Deal governor of California. We used to talk about these things, and I would stand up for FDR considerably.

Sweigert: Earl Warren, in those days, was a great believer in states' rights, you see, rather than a strong federal government. That was one of the things that he used to differ with the policies of the New Deal on. He was also of the feeling that there was an unholy tie between the Democratic party of the North with the reactionary, narrow minded Democrats of the southern states. He felt that that was an unholy combination, and it might have been. We used to get into long discussions about this, mainly the subject of whether we should have a strong central government in Washington or whether we should have more of a loose tie, with the states doing most of the job.

I used to say, "Well, the states have abandoned their responsibilities. They don't do the things that the people want and need. Therefore, since nature abhors a vacuum, the federal government must take a hand in these things if the welfare of the people is to be met." And things along that line would be the subject of discussion, you see.

But Earl Warren always remained true in those days to his traditional Republican principles. Of course there's another whole story opening here.

Fry: Yes, we might start there next time.

Sweigert: Yes, I think so. Maybe that's enough.

## IV EARL WARREN CAMPAIGN FOR ATTORNEY GENERAL, 1938

[Interview 2: February 25, 1972]##

Warren's Reputation as District Attorney, Alameda County

Fry: You already knew Earl Warren, then, by the time that his campaign in 1938 came around.

Sweigert: Only vaguely, from just a casual word or two with him when he'd come up to say hello to Eustace Cullinan. I did not really know him except by reputation and except, in that limited respect, that he used to come up to our office in the Mills Tower to talk Republican politics with Eustace Cullinan, my associate.

Fry: As a Democrat, how did you make the leap into his campaign?  
[laughter]

Sweigert: As I recall it, Helen MacGregor, who was then his secretary in the office of the district attorney of Alameda County, called me one day. She said that my name had been suggested to her, as I recall, by Jesse Steinhart, a very well-respected and prominent San Francisco attorney, as one who might be willing to lend a hand in helping out on Earl Warren's campaign for the attorney generalship. This was in 1938.

I explained that I could not give all of my time to helping out, but that I would be willing to go up to the campaign headquarters most afternoons about four-thirty--to get out some letters or make some phone calls, or do whatever I could to help out. I told Miss MacGregor I had met Earl Warren but I did not know him well. Of course, I knew his reputation as a fine, outstanding district attorney in Alameda. This was pretty generally known among the lawyers in San Francisco at that time.

Fry: How did his reputation compare with other district attorneys in the Bay Area?

Sweigert: Much more favorably--even than the San Francisco situation at that time. He had the reputation then of running an outstanding district attorney's office. It was also a district attorney's office that was not limited entirely to criminal matters. As district attorney, he discharged all of the legal services, even in civil matters, for the County of Alameda.

I have often told people who expressed amazement that Earl Warren had been appointed Chief Justice of the United States--commenting that he had only been a criminal lawyer--I explain to people that, in my opinion, he had a broader and a more rounded experience in the field of law than any person ever appointed to the Supreme Court. He had wide experience, not only in criminal matters, but a very broad experience in law, because his services as district attorney involved everything that could happen in a big county like Alameda County. Everything that could result in a legal problem was handled by Earl Warren.

So, really, the range of his experience in law was much wider than the experience that a lawyer who landed on the Supreme Court would ordinarily have. Generally that lawyer would have been one who was probably a corporation lawyer--you know, merely attending to more or less specialized phases of corporate law. Or he might have been a professor in some law school, teaching and specializing in certain areas of the law from an academic point of view.

So really, Earl Warren was, contrary to the popular belief, very broadly equipped, more broadly equipped, as I say, than most lawyers would have been.

Fry: You're saying it was only in those four years when he was attorney general that he was limited to criminal matters?

Sweigert: No, that's another mistake. When he became attorney general, that didn't mean that he only went into criminal matters. Contrary to what people realize, the attorney general of California represents the state of California in every kind of a problem that could probably arise involving the interests of the state: civil matters, all kinds of problems that would arise in connection with the interpretation of the law in various fields. All the litigation carried on by or against the state was handled by Earl Warren.

Sweigert: Civil litigation--in fact the great bulk of the work in the attorney general's office does involve the widest possible range of civil matters you could ever imagine. Much more so than even the average big firm, and certainly much more than the average ordinary law office.

Fry: One more question to ask you before you proceed with the campaign: How do you think Jesse Steinhart knew you?

Sweigert: I do not really know, because at that time I did not know Jesse Steinhart very well. It may have been that he had gotten my name from a list he put together--suggestions for help to Earl Warren. I never did ask how he happened to send my name.

#### Sweigert's Campaign Participation

Sweigert: At any rate, I did agree to go up to the headquarters and do some work. And I did. In the afternoons I would go up there and write letters or prepare letters to friends in and outside the Bay Area in the state, reminding them of my interest in Earl Warren's campaign for attorney general. That's what I did during the campaign.

In addition to going to the headquarters for that purpose, I was asked, as I recall it, if I would be one of the speakers at a luncheon given in honor of Earl Warren--a political luncheon at the Palace Hotel.

The motif of the luncheon was to have members of the bar and judges who knew Earl Warren attest to his fitness and urge that an attorney general be selected on a more or less nonpartisan basis because the nature of the office was such that the legal affairs had to be handled professionally and on a non-partisan basis.

Therefore, they selected Republicans and Democrats, and I think I was selected because I happened to be a registered Democrat at that time. So I went over there and made my little speech about Earl Warren and the nonpartisan nature of his candidacy.

In that and other ways I did what I could to help out a little bit. Well, of course, we all know that he was elected.

At the time, I was typed as a Roosevelt Democrat. I don't know whether I was a leading Roosevelt Democrat, but I had been, as I already explained, as closely associated with Republican

Sweigert: Eustace Cullinan as with prominent Democrat Thomas W. Hickey. He had, as I stated before, seconded the nomination of Al Smith and was more or less active in the FDR campaign.

Fry: What did Mr. Hickey think about your helping Earl Warren's campaign. Was he in favor of it or against?

Sweigert: Oh, no, he was quite happy to see me do it because he also shared my view of Earl Warren--acquired through his reputation. Of course, Eustace Cullinan knew him better than either one of us as a very high-class public official.

Fry: Did Hickey help with the campaign?

Sweigert: Not particularly. Not particularly. I'm sure he would have done anything he could in a personal way to help out.

#### Campaign Opponents and Campaign Theme

Fry: Would you remember any of the issues in the campaign that are mentioned here in the middle of the page [hands list to Judge Sweigert], or the Democratic candidates whom he was running against?

Sweigert: The Democratic candidates, apparently, were William Moseley Jones, a former assemblyman; speaker William Moseley Jones, and it says here, former assemblyman James F. Brennan.

Fry: Yes.

Sweigert: I didn't know that James F. Brennan was a former assemblyman. I knew that he was a lawyer in San Francisco who was mainly known for his criminal law practice.

Fry: It had been years before.

Sweigert: If he had been an assemblyman it was many years before 1938, because I don't even recall his being an assemblyman.

Fry: Maybe we should check in the California Blue Book for him.\*

---

\*James F. Brennan served in the fifty-first session of the California Assembly (1935).

Sweigert: Maurice Norcop, an assistant U.S. attorney in the south. I did not even know him. Carl Kegley I did not know. Patrick J. Cooney I knew, but not well. He was a Los Angeles lawyer at the time.

None of those candidates, however, seemed to have the stature that Earl Warren had at that time. Earl Warren was well-known, not only as a district attorney but well known and highly regarded among the alumni of the University of California, as I recall.

Fry: The amazing thing is that while Kegley wasn't much of a threat, he was the \$30-every-Thursday candidate and his supporters staged a write-in campaign for him that was surprisingly strong.

Sweigert: The \$30-every-Thursday group, which was pretty active at that time. This was in 1938, still Depression times, you see, and many of the people in the state were screaming for radical plans and programs. Warren did, as I understand it, show pretty well in the election under difficulties.

Fry: He did. It was kind of unusual, but Warren got all three nominations.

Sweigert: Warren captured all the nominations, Republican and Democratic-- [and Progressive].

Fry: It is interesting that Warren made some statements about civil liberties. He spoke out for tolerance and warned that "usurping of civil rights" might be attempted, according to an article in the San Francisco Examiner on August 23, 1938. I don't know what brought that on.

Sweigert: That may be, but I think the campaign for the most part was carried around the theme that Earl Warren was the best qualified by experience to handle the attorney generalship because of his acknowledged competent handling of the district attorney's office in Alameda County.

Fry: And as a crime-buster figure, too. I want to ask you about this interesting little thing that came out in the Chronicle: The southern California gambling and slot machine interests had begun collecting a half-a-million-dollar slush fund to defeat Earl Warren. They figured they'd have to back one of the Democratic candidates. This was on the 6th of June in 1938.

Sweigert: I wouldn't doubt that the gambling interests would have been wary of Earl Warren, because his reputation in Alameda was such that he was regarded as a strict law enforcement man. Indeed, shortly after he became attorney general he showed again that he had not changed in that respect when he ordered the closing of all the illegal dog tracks. And they closed. He often told the story of how they closed. You have that story?\*

Fry: Yes.

Sweigert: Then, after the election, I well remember that Earl Warren first of all wrote me a letter (as he probably wrote to many others who had helped him) to thank me for assisting and lending a hand in the campaign. He also called me by phone one day and asked me if I would go to lunch with him.

---

\*Earl Warren, Conversations with Earl Warren on California Government, an oral history interview conducted 1971-1972, Regional Oral History Office, The Bancroft Library, University of California, Berkeley, 1982.

## V THE ATTORNEY GENERAL OFFICE, 1938

Unable to Join Staff, Sweigert Suggests Herbert Wenig

Sweigert: I said yes, and we met at the Fly Trap on Sutter Street, just around the corner from Montgomery, and had luncheon together. At that luncheon he told me that he had great plans for the attorney general's office, and he wanted to know if I would be interested in going into the attorney general's office.

I would have been interested enough, at the time, in an opportunity to gain some experience on the side of public law. But at that particular time, the salaries that they paid in the attorney general's office were so low I would not have been able to afford it. I had my wife and my three little children, and I was living across the Bay, getting along nicely. I couldn't afford to go there for what they paid at that time.

Earl Warren felt, I think, that the office had been long neglected in that respect--that the pay was very, very poor. I think it was kept so low because under U.S. Webb (who had been attorney for many, many years in California) his staff was permitted to take private cases or perform private law services in addition to their official work for the state, for which they were paid these low salaries.

I think Earl Warren had a mind that that was no way to conduct the state's law office. By having a staff that was permitted to carry on outside work, there was always the possibility that motivation would be to take care of the outside work in preference to the state's work. I think he had in mind to change that, but at that particular time no changes had been made and obviously could not be made for some time.

Sweigert: So I said, no, I couldn't go out at that time and for that reason. He then asked me if I knew anyone whom he might consider as a prospect for the attorney general's office.

Fry: This was not for any particular job within the office?

Sweigert: No, no. I did make a suggestion to him at that time. We had in our office a fine young fellow, a graduate of Stanford Law School by the name of Herbert Wenig. Herbert Wenig had met one of the Cullinan boys while at Stanford and landed in our office to help out, but only on a more or less minimal basis and with not too much compensation. So I suggested to Earl Warren that Herbert Wenig might be interested in a move of that kind, and I remember that Earl Warren said, "Have him get in touch with me."

So I did discuss it with Herbert, and Herbert got in touch with Earl Warren. When the office opened in January 1939 Herbert Wenig went into the office.

At this point it's interesting to note that Herb Wenig is still in the attorney general's office and, if I am not mistaken, he is probably the senior, or at least second to the senior, in the attorney general's office. He is still my very, very close friend.

Herbert Wenig went into the office of the attorney general, and, of course, during '39 and '40 there was no war. The attorney general's office was carried on more or less routinely. It was only after Pearl Harbor in December 1941 that the emphasis began to change from ordinary civil and criminal work in the attorney general's office to war-related matters.

Fry: At what point did you enter the office?

Sweigert: I'll get around to that?

At this luncheon at the Fly Trap, I remember (and this should be interesting--at least it's interesting to me, looking back through the years) I said to Earl Warren that someday I would like to go on the bench. Of course at that time it was merely conversation, because Earl Warren was becoming only the attorney general. We were not thinking in terms (certainly I was not) then of his becoming governor of the state of California. But I remember talking along those lines, saying that I practiced law and I taught law. I forget whether I was teaching at that time or whether I had finished teaching--lecturing--at the University of San Francisco. At any rate, I had the experience of practice, the experience of teaching,

Sweigert: and I thought some day I would like to end up on the bench. I guess this is an idea that many lawyers entertain at some time or another. However, that was merely conversation.

So that's the way matters stood in 1939 and during the greater part of 1940. It seems to me that sometime in mid 1940, about a year and a half later (I may be mistaken on the exact time), I had another call, as I remember, from Earl Warren. He told me that during the time that had elapsed since his election, he had not made any radical changes in the attorney general's office. He had inherited a staff, and (being kindly disposed) he did not immediately start to fire people. He carried them along and only made such additions of personnel as was necessary to fill ordinary vacancies occurring, or perhaps a few that might have been authorized in the meantime.

He said, however, he had been doing a lot of thinking about the office. He had confirmed his view that the office was being carried on in a very old-fashioned and loosely organized way. The attorneys in the office, busy not only with the state work but also with their private work, were acting more or less on their own. He couldn't find out at any given time just what was the state of the matters they were supposed to be handling, especially in the litigation carried on by the state.

Earl Warren wanted to know whether I would be interested in coming out there to take over what he described as a department of litigation, an office in charge of all litigation in which the state of California was involved (suits against the state or suits by the state, either in Sacramento or San Francisco or in Los Angeles) so that he could get some organization into the office.

He told me also that he had plans to obtain legislative changes that would accomplish two things. These changes would abolish the practice of allowing the deputy attorney generals to handle their private work in addition to their state work.

As a quid pro quo for that change, the salaries for the attorney general's office would be substantially changed so they could attract qualified people, enabling them to do a good professional job without the need to carry a private practice. He told me those plans were well on the way, as I recall.

At that time my situation had changed considerably, because in the fall of 1938 I had that tragedy in my family.

Illness and Death of Wife, 1939

Sweigert: Without thinking of impending trouble, I began to realize that my wife, Gertrude, had a heart condition. In September we went up to Lake Tahoe, and she fainted up there, and I became quite concerned. As I related before, in December she felt suddenly very sick, and she died in our house in Winship Park, Marin County. It's located just off San Anselmo, a beautiful place. I had moved there about two years, or a little more before that time, to provide a change for Gertrude.

We had been living in San Francisco--we owned some flats. We occupied an upper flat, and there were stairs, so I went searching in Marin County. Through some cousins of mine in Marin County, I was able to at first rent this very beautiful place in Winship Park. It was all on one floor, and it had an entranceway with a little road that went all around the house. It was just a harmony of flowers and trees.

So she had come over there and it was otherwise one of the most happy times of my life--both for me and for her and for the children.

After this sudden loss, I was very much affected, and for a while I sort of lost interest in things.

Fry: It must have been a deep, deep shock.

Sweigert: I recall I developed a bad habit. I would get up, walk out of the office, and walk around the block and smoke cigarettes.

Therefore, when Earl Warren opened up this possibility of a change that would be interesting and bring some little prestige, I was pretty receptive to the idea. I did go. I don't remember exactly what month it was, but I went there, it seems to me, sometime in 1940.

Fry: Did you move to Sacramento?

Sweigert: No, no, right to the San Francisco office. So did Herb Wenig. That was by far the main office at the time. So that's how I happened to go there.

Sweigert Reorganizes Attorney General's Office, 1940

Sweigert: When I went there, Earl Warren, pursuant to our previous discussion, asked me to just take a good look around the office with a view to reorganizing the litigation of the office and to also broaden my knowledge of litigation handling in the larger private law offices in San Francisco. I think I visited a number of them, among them Pillsbury, Madison and Sutro, to find out a little about the method of litigation in those offices. I began to form plans to centralize the supervision of all litigation in Sacramento, San Francisco, and Los Angeles.

As I've said before, it was very difficult under the existing practices in the office to find out where anything was. So the first thing we had to do was require everybody to submit a complete report of what litigation he was handling, what pending cases he was handling, the condition of them, and so forth.

We made a little headway on that, and finally I began the first steps of instituting a reporting pattern under which all attorneys handling litigation in the office would report by brief memo at regular times to me concerning the status of that litigation. It was rather a delicate job, because the staff was, for the most part, made up of attorneys that had been long in the office under old U.S. Webb. They were much older than I, and they had become rather used to the old way of doing things. There was some little resentment, I guess, to having this fellow come into the office and ask them for information and ask them to report on the condition of things.

However, we began to make headway on it, and, as I recall it, that's what my main concern was up to December 7, 1941.

Fry: Had you been able to get some of the organization centralized?

Sweigert: Oh yes, we had the first stages of a reorganization set up. We had a reporting system set up, and that was to be the first step, because without that I could not go any further.

Fry: I was wondering about appellate procedures. Was this in any way speeded up?

Sweigert: I didn't get around much to appellate procedure by that time, although it was included in what I was doing. Any deputy handling litigation would be handling it from start to finish. That's the the way things were handled. They had a few deputies who customarily

Sweigert: handled one type of litigation--agricultural litigation. They had other deputies who customarily handled insurance-type litigation. And once these deputies had these cases, they would carry them and handle them right through--whether it was in the trial court or in the appellate court--so that my reorganization applied to the whole procedure.

Fry: Prior to this, Warren had been emphatic about keeping cases moving and not letting them pile up in the district attorney's office. Was this the whole object of your reorganization?

Sweigert: Certainly. He found that these things were going on interminably--some of them for good reason and some of them not for good reason.

I suppose all the deputies were doing the very best that they could, in the light of the more or less leisurely and loose practices under U.S. Webb. He was of the old school, and the state was a lot smaller when he started out. But things were changing. The state was getting to be a big state--it was approaching, I guess, six or seven million in population about that time.

Fry: [Secretary] Marguerite Gallagher tells me that when Warren came in as attorney general there was a dramatic change in the office. The office personnel were much busier all the time, once he took over.

#### Personnel and Responsibilities

Sweigert: Yes, the tempo changed very much, because he made it quite clear in his whole approach to things that he expected to conduct what he had stated in his campaign should be "the best law office in the state of California." That was his ambition, and he was taking steps to do just that.

I think he brought in at that time some new people along with Herb Wenig. There was Adrian Kragen, whom he brought in for tax purposes. I think Adrian Kragen had been trained by Roger Traynor in tax work. He brought in some of his own people from the district attorney's office, including Jim Oakley and--

Fry: Helen MacGregor, of course.

Sweigert: Helen MacGregor came along as his personal secretary, just as she had been over in the district attorney's office.

Fry: Warren Olney.

Sweigert: Warren Olney came in to handle the criminal side of the office, which was not any concern of mine at the time. Warren Olney was brought in as chief criminal--

Fry: You were handling civil litigation?

Sweigert: On the civil side of it, yes.

Fry: And Jim Oakley was also involved in civil affairs, is that right?

Sweigert: Yes, Jim Oakley was working on civil matters, but at that time I think the chief deputy in the office was Bob Harrison, Robert Harrison.

Fry: I wish you'd tell us something about him.

Sweigert: Bob Harrison had been chief deputy attorney general under U.S. Webb, and he had served in that capacity for many years. Bob Harrison was a good lawyer, very sound lawyer. He was responsible, as chief assistant, for really everything in the office but mainly for all the opinions issued by the attorney general. Bob Harrison was very sound, and in addition to his duties at the attorney general's office, he had been an instructor at the Hastings Law School. He was a very sound, very competent lawyer, especially skilled in connection with problems of the state involving elections and voting.

I had no title except deputy attorney general at that time. Bob Harrison was chief deputy attorney general, or (I think they called it at that time) chief assistant attorney general. As I recall it, there was the attorney general and the chief assistant. Bob Harrison remained chief assistant and handled mainly the approval and issuance of the opinions prepared in the course of the attorney general's duties.

I had no particular title except that I was designated in charge of the civil litigation in the office. Warren Olney was in charge of criminal matters. There was also a special set-up for tax litigation and tax problems in the office.

Fry: Out from under the civil?

Sweigert: Yes. That's the way things went along. In addition to trying to organize the litigation in an administrative way, I also did actively engage in considerable litigation itself.

Fry: You appeared in court?

Sweigert: Yes. For example, in a series of cases that we brought down in Los Angeles for the purpose of putting out of business what were called "Chapter 9" insurance companies at that time, some of which were not following sound practices.

Fry: This was in reference to Chapter 9 in the state statutes?

Sweigert: Yes, Chapter 9 meant that they were insurance companies of a certain type, many of them a smaller type, organized under Chapter 9 of the existing insurance laws.

Fry: Were these health insurance companies?

Sweigert: I don't recall whether they were health insurance companies or not. I don't think so. Some of them might have been, but they were mainly small-type insurance companies that were not following sound business practices. The state had to act to bring them under control and to eliminate some of them.

I remember going down to Los Angeles and spending considerable time in court on those cases.

Fry: I wanted to ask you something about the context of all this. Today it's possible for a defendant--

##

Fry: --to do a number of things to delay litigation in court proceeding, such as we've seen Angela Davis do. I wondered if this was a recent development, or if this was something that was also a factor in the delay of cases at that time?

Sweigert: I think you'll have to bear in mind that ever since the time of Charles Dickens, and before him,, litigation has been conducted at a slow and generally expensive pace. It's still a problem, in my opinion, to this day. A great deal should be done, and can be done, to render the litigation process more serviceable to the public that has to engage in it once in a while. Litigation, for many years and even up to today, is looked upon with fright by anyone who gets involved in it.

Fry: Because you know it's going to be long and expensive, even if you win.

Sweigert: That's right. I remember a story that I used to tell at the time, when we were talking about this in connection with reorganizing litigation. I used to tell the story about Voltaire, who said that he was only ruined twice in his life: once when he lost a law suit and the second time when he won one.

Fry: And that was back in Voltaire's days, so I guess some things are always with us.

Sweigert: That's right. But that's a whole different story, and I have a great interest in it. Later on I tried in some small ways to help out in this matter. But there still remains an awful lot to be done, and I guess it'll remain long after I'm gone.

Fry: Are there any specific cases that you remember as being particularly--?

Sweigert: Other than those insurance cases? Those are the ones that are mainly in my mind at this time.

Fry: I'm so sad that we didn't get to Jim Oakley in time. We taped only one short interview with him, and we didn't get into the attorney general period. So anything you could tell about his work would be a contribution, too.

Sweigert: Jim Oakley, as I recall it, worked mainly on answering requests for opinions. He would prepare opinions, and they would be submitted to Bob Harrison for approval. Jim Oakley was a very careful and studious lawyer. That was his work, mainly on opinions.

I wish I had before me a personnel roll of the office as it existed at that time, but I haven't got one handy.

#### Role of Attorney General

Fry: I wish you, or someone we talk to, could explain the new attorney general's office set-up as passed by constitutional amendment in 1934. I have received conflicting views on the power of the attorney general's opinions. One student at law school, who was going into this historically, told us that California is about the only state in which the attorney general's opinion has the power of legislation until such legislation is either passed or not passed.

Sweigert: Well, I don't know whether that's the fact or not. I don't think it is. I don't think the attorney general's opinion changed the law in Earl Warren's time. I think, however, it carried great weight, because the attorney general is the lawyer for the state of California. If he gives his opinion to its officials in the performance of their duties, I think the effectiveness of the opinion arises from the relationship that's involved there.

I don't think, technically speaking, his opinion stays the law. It probably has the effect of changing it in practice until some more definitive ruling comes from a court.

Fry: Yes, that could be. The whole concept of the new role of the attorney general in this state was that of the chief law enforcement office or the chief law officer. I get different interpretations of that role. Does the "chief law enforcement officer" mean he really does have the power to see that local law enforcement is carried out in a satisfactory manner?

Sweigert: Yes. Well, I think the enlargement of the powers of the attorney general you speak of arose out of amendments made largely at the urging of Earl Warren to give the attorney general more power to intervene in local criminal law enforcement matters where a need appeared. It was often said that Earl Warren was interested in that enlargement of the powers of the attorney general because he always had entertained an idea that he would one day run for the office.

Fry: Sure, if it was going to be an effective office.

Sweigert: That well may be. That well may be. However, as the story goes, he had indicated he would not run against U.S. Webb. But when U.S. Webb indicated he would not run again, the office was open, and 1938 was the year for Earl Warren.

All right, what's next?

Fry: To pursue that line a bit, California did have what was called a comprehensive office of the attorney general, but I thought that Earl Warren put in a Department of Justice, similar to the U.S. Department of Justice. Was that later under Bob Kenny when Earl Warren was governor?\*

Sweigert: I do not recall just exactly when it was set up as a Department of Justice. I think that was more nominal than anything else, to call it a Department of Justice.

---

\*California's Department of Justice came into being on May 1, 1944.

Fry: Why?

Sweigert: In addition to the attorney general's office, Warren ran the Bureau of Criminal Identification, which was more or less an adjunct of the office. I think he also had supervision of the Narcotics Division, do you see? I can't recall just exactly when the name Department of Justice came into effect. But at any rate, he was then in charge of not only the three offices of the attorney general--Sacramento, San Francisco, and Los Angeles--but he was also in charge of the Bureau of Criminal Identification and the Narcotics Bureau. I can't think of anything else that he was in charge of, except he had, as I indicated, supervisory power over law enforcement in the various counties and among the district attorneys in those counties.

Fry: Yes, and power to step in.

Sweigert: Power to move in if necessary, right.

Fry: That seems to be quite an increase in the powers of the attorney general.

Sweigert: I don't know when that came about. It was either 1934 or maybe around 1936.

Fry: Yes, it took it a while to be effective.

Were you in on any of the rulings in civil cases such as the "hot cargo" ruling in 1941? The legislature had requested a ruling.

Sweigert: I do not think that I had anything directly to do with the opinion, except that I was probably in on the general discussions about it.

Fry: It had to be done very fast. I think Warren only had twenty-four hours in which to rule for the legislature.

Sweigert: At that time my concern was mainly with trying to organize the handling of the civil litigation in the office. There was a tremendous amount of it, and a lot had been pending too long.

Fry: So far we've been talking about pre-Pearl Harbor, and I'm through with any questions on that period.

## VI PEARL HARBOR AND CIVIL DEFENSE

Office of Civil Defense

Sweigert: As you know, immediately after Pearl Harbor, the center of interest changed in California. In those days there was a great fear that the Japanese, having bombed and destroyed Pearl Harbor, would somehow be able to reach the Pacific Coast--either by plane or by submarine or by destroyer or battleship, or even by dropping flammable materials from balloons. All of those things were possibilities.

Of course, the main concern of law enforcement officers, both state and local, was (and should have been) to set up the state to meet any situation that might arise. Out of that arose the familiar story of the approaches of Governor Olson, who was governor at the time, and Earl Warren, who was attorney general, with considerable law enforcement power. You have plenty of material on that.

Fry: On the civil defense battle between Warren and Olson? Yes, we more or less relied on Bob Burke's book\* to put that together for us.

But there was a time when you must have felt pretty insecure in Warren's office, [laughter] because Olson vetoed the appropriation for the whole office at one point.

Sweigert: Yes, it was not a pleasant experience. But the main thing is that at that time emphasis in the office shifted from the ordinary litigation, civil litigation and related routine matters to the urgent question of "What are we supposed to be doing to prepare the state for possible emergencies?" And of course Warren reacted very

---

\*Robert E. Burke, "Olson's New Deal for California," University of California Press, 1953.

Sweigert: quickly to it. My attention in the office was suddenly diverted from the mere dull question of handling civil litigation to these other questions. And I participated in many of the emergency discussions as to what, if anything, should be done by our office.

I remember one of the things that we had to get busy on was to prepare some kind of a uniform local ordinance--that could be put into effect in all the counties of the state--concerning civilian defense and related rules in that field. I remember one time--

Fry: Such as black-out laws?

Sweigert: Yes, black-out ordinances and things of that kind. I remember one time remaining in discussion with a group of district attorneys, lawyers in our office, local officials, and representatives of the League of California Cities, the District Attorney's Association, and the Sheriff's Association all one day and all one night without break in order to get these ordinances set up so we'd have uniformity in the various localities in these matters. We did set up what was called the "local black-out ordinance," because that was one of its main provisions.

Fry: Do I understand correctly that this was supposed to be enacted locally in each community, or would it be solely a state law?

Sweigert: At first we worked out an ordinance that was recommended to local boards of supervisors and city councils to adopt for immediate use in their locality, you see. It was a uniform thing.

And then along came the question of the removal of the Japanese. I remember this well, although it occurred a little bit later.

#### Herb Wenig Liaison with Adjutant General

Sweigert: As I told you, Herb Wenig had come into the office in January 1939, when Warren went in as attorney general. When the war came along in December '41, of course Herb, being a young fellow, was anxious to get into the armed forces. I think he had some previous connection with the national guard or with the ROTC that got him into the army as a second lieutenant. He was assigned to some artillery work, as I remember it, in one of the camps in California.

Sweigert: During 1942, early 1942, our office became greatly involved in matters military. There was General DeWitt\* over at the Presidio, and there was a lot of collaboration between the army and General DeWitt's adjutant general's office over there on the one hand, and the attorney general's office.

We had no one in the office who was particularly knowledgeable in the field of military matters. I got the idea--or Warren got the idea and we discussed it--of getting Herb Wenig to perform this kind of a specialized service for the state instead of, as we put it, wasting his time down there shooting guns at the sides of hills.

I took some part in suggesting this to General DeWitt and arranging with him to get Herb Wenig assigned to the adjutant general's section of the army, do you see?

Fry: Yes.

Sweigert: With a liaison attachment to the attorney general's office. That made it possible for Herb Wenig to make a very positive and specialized study of military law matters, do you see, so we could have someone available to us who was really both in the army and in our office. Herb Wenig did go into that--went into it very thoroughly--and carried on for a long time, even with the litigation and law suits brought against General DeWitt arising from the Japanese sequestration proceedings.

That's why I say that Herb Wenig would be the one to consult concerning matters that involved Earl Warren, the attorney general's office, on the one hand, and the army, General DeWitt, on the other--or that involved the attorney general's office and the military activities of the day in connection with the so-called state guard.

Fry: So he would know about state guard operations?

Sweigert: Yes, I think Herb would know considerable about that and also about the Japanese removal proceedings.

Fry: I was going to ask you, since you were handling civil litigation, if you were aware of the investigations going on for infractions of the Alien Land Law by the Japanese? At that time it was illegal for

---

\*Lieutenant General John L. DeWitt, head of the Western Defense Command.

Fry: aliens to hold land, and I think Warren had made a speech to all the district attorneys and so forth, asking them to look into all the Japanese-held land in each county to see if some prosecutions couldn't be--

Sweigert: Yes, that was in connection with apprehension that Japanese holding land here might be up to something we didn't know about.

Fry: Having farms in militarily sensitive areas?

Sweigert: Yes, and Earl Warren did go into that matter with General DeWitt, in order to see whether the Japanese in California were going to be a problem or a threat of any kind.

It's all well and good to look back over the years and to say, "Oh, wasn't that a terrible thing to do, to sequester these Japanese in concentration camps!" That's fine to look at by after-sight. The office boy's hindsight is as good or better than the president's foresight.

#### Pre-Pearl Harbor Defense Preparations

Fry: And at that time, too, I guess that the defense--

Sweigert: Yes. Oh, we didn't have any coastal defenses, either. I remember in October 28, 1942 (Earl Warren by that time was running for governor), I made this radio talk in which I recounted that way back in August 1940, more than a year before Pearl Harbor, Earl Warren was in Washington participating in a federal-state conference on national defense. I said that when he returned he clearly foresaw that war could engulf this country, and he immediately began the fight for adequate preparation. He carried on that fight during a period of wide spread indifference, largely induced by the failure of most responsible authorities to see the future and plan for an emergency.

I said that I remembered watching Earl Warren call together, in the fall and winter of 1940, the district attorneys, chiefs of police, sheriffs, and other public officers from all parts of California, telling them of the seriousness of the situation and asking them for cooperation and training. Within a few months-- by January of 1941--Earl Warren had completed a statewide regional organization designed as the groundwork for civilian defense in California.

Sweigert: Now this is January 1941--

Fry: Before Pearl Harbor in December.

Sweigert: Yes. Then Warren did the same thing with the fire marshals of the state. And well before the outbreak of the war, he had completed a comprehensive fire disaster plan for the state; a plan that eventually demonstrated its effectiveness.

Fry: This was also at the time of the height of his battle with Olson. No, this was the beginning of it.

Sweigert: This was really before that.

Fry: Yes, because at the height of it he decided to run for governor.

Sweigert: That's right, yes. And during 1941 he secured the cooperation of the FBI and the army and navy representatives. And he brought in eyewitnesses who had come from war-torn Europe. Why? So he could make available every source of information to some two thousand public officers in attendance at the civilian defense training courses he sponsored throughout the state.

The interesting part about this is that this is prior to Pearl Harbor--this is anticipatory. I remember at his suggestion going up to a convent in San Francisco where, according to information, there was a nun who had come out here from Belgium, a nun who had gone through the Nazi invasion of Belgium and France. I arranged a discussion between her and Earl Warren during this 1941 period--in order to give him a good briefing on just what happens when an enemy comes into your land.

And I said in this speech in October 1942, during this pre-Pearl Harbor period, nothing of planning and nothing of action came out of the state administration at Sacramento to prepare California against catastrophe. In other words, the only realistic approach and the only anticipation of what might happen was what Earl Warren was doing out of foresight.

#### Council of Civil Defense

Fry: When he came back from Washington, as I understand it, he had tried to set up the state Civil Defense Council along the lines recommended by Washington. I think this was where he ran into some trouble with Olson, because Olson didn't want Warren to be in charge of it.

Sweigert: Yes, that was Olson's failing. He was very uncooperative.

Fry: According to my notes, California was one of the first to organize a Civil Defense Council on June 24, 1940. Professor Sam May was vice-chairman of the council (Olson had to be the chairman, apparently), and Major J.D. Donovan was executive secretary.

To run down the chronology--in August of 1940 it was reorganized to become the Council of Civil Defense advisory board with six committees. They needed fifty thousand dollars but the legislature wouldn't fund it. There were two bills introduced, and one of them had Earl Warren as the head of it.

So it was kind of deadlocked in the legislature for a while. Finally, in the 1941 regular session, the act was passed but by only ten votes. So the battle lines were drawn at that point.

Was there a great deal of tension in the office all during this fight with Olson? How much did that pervade the life of the office of the attorney general?

Sweigert: I think it did involve those of us who were thinking in terms beyond the usual routine of the office, yes.

## VII GUBERNATORIAL CAMPAIGN, 1942

Earl Warren Throws Hat in Ring

Sweigert: I think it was in April 1942 that Earl Warren announced that he was going to go for governor. Does that jibe with your notes?

Fry: I don't have the date; I have that six weeks after Olson vetoed the \$245,000 appropriated for the attorney general's office, Warren announced his candidacy for governor.

Governor Olson's Conflict with Warren and with State Legislature

Sweigert: I remember discussions with Earl Warren in which he indicated that although this was his first term as attorney general, and he always had the ambition of being attorney general of the state of California, in his view it was futile to serve as attorney general with a governor who, like Olson, was thoroughly uncooperative. Whether this lack of cooperation arose from the fact that Olson was a dyed-in-the-wool Democrat and Warren was a known Hoover Republican, one will never know. But a feud did develop between them. I have always felt if Governor Olson had been more cooperative with Earl Warren, regardless of their different politics, Earl Warren would not have run for governor at that time, because he had not yet completed a full term as attorney general.

Fry: He just had.

Sweigert: He just about had. But he hadn't completed it when he announced he was going to run for governor. And if he had lost his campaign for governor, he would have been out of office, you see. He couldn't run for both.

Fry: Which is what happened to Robert Kenny in 1946.

Sweigert: Yes. I always felt that Warren wouldn't have run at that time. But he did, and it was that lack of cooperation, and what Warren interpreted as overt moves against him, that led him to run against Olson.

Fry: Had you voted for Olson in 1938, and what were your feelings about him as an administrator at that time?

Sweigert: Well, I hadn't taken too much interest in what was going on in Sacramento in those years. I was practicing law and busy. And you asked me--

Fry: I should have thought in your discussions with Mr. Hickey you two might have discussed the governorship.

Sweigert: We weren't involved with that particular administration, politically.

Fry: Olson comes over as a paper figure to me.

Sweigert: No one knew him very well. He had come from another state--what was it? He was a newcomer to California, not too well known, and had come into office in 1938. Let's see, that was off-year, two years after FDR had started on his second term. Olson was, I suppose, endeavoring to build up an image as California's New Dealer, you see? But he didn't have the political acumen of FDR. He got into trouble, as you know, with the legislature--they had a terrible fight up there.

But I wasn't connected with that. As I told you before, while I was interested in politics and used to lend a hand one way or another, I was never part of a county committee, never part of any active, inside, political group. My attention was given more to the law practice, you see. That's how I met Earl Warren.

I remember very well, as I told you before, going to lunch with him at Foster's Cafeteria ( I think it was Foster's down on the corner of Van Ness and Market Streets), and talking over things in general.

It was around--when was it? I'm just looking to find the date on which I sent that memorandum to him, during the days after he announced he was going to run for governor. Between the date of his announcement and his election, you see, we got discussing what kind of an administration he would conduct.

Sweigert: All right, where are we now?

Fry: You just mentioned the memorandum to Earl Warren. Would you like to start with the memorandum\* next time?

The only other topic regarding Warren as attorney general was whether any watchdogging in the legislature went on. Warren had always been terribly interested in legislative bills concerning administration of justice or criminal procedure, and I wondered if--

Sweigert: I know I didn't go up to Sacramento and didn't follow the legislative activities very carefully.

Fry: Later on in the governor's office, you probably had to do some of that.

Sweigert: That was different.

Fry: I thought maybe you cut your teeth on it in the attorney general's office.

Sweigert: No, to be very frank with you, [laughter] when I went up to Sacramento, I knew very little about the governor's office--its operations--or about the legislature and its operations, you see.

Fry: [laughter] You learned fast.

Sweigert: I don't think I ever did fully learn anything very much about it.

Fry: You have high standards.

Sweigert: All right. Maybe some other time--

---

\*See Appendix A

VIII WARREN SPONSORS PUBLIC HEALTH INSURANCE BILL, A JOINT  
INTERVIEW WITH JUDGE ALBERT C. WOLLENBERG

[Interview 3: July 2, 1973]##

Public Health Included in Message to Legislature, 1945

- Sweigert: Once when Warren and I were taking one of our walks, it was when he was going to go to the legislature with a mental health plan--you know to get out of the asylum age into the hospital age, and all that sort of thing--I remember telling him that I had just read about this report made by Foote Cone & Belding concerning health problems in California. The physicians were rather incensed about the fact that Foote Cone & Belding put this out, because it discussed what the profession had and hadn't been doing in the past. It discussed how they had at one time, as I recall it, even introduced a bill during the Olson administration, their own bill, and so forth--
- Wollenberg: Yes, I remember.
- Sweigert: And then the profession practically boycotted their own plan, you see.
- Wollenberg: Yes, that was the plan I was trying to think of when you--
- Sweigert: And I told Warren about this story. I said, "Do you want to go any further than mental health? How about public health?" I remember he thought for a long time, and he began to discuss his own personal experiences with so-called health insurance policies, which were mostly these accident policies, you know, and terminable after you got sick.

Sweigert: He ruminated on it for quite a while, and then he said, "You know, by golly, maybe this is the time to do something about it." From there on we tried to play it almost by ear, because we had really nobody that we could depend on who could give us the technical advice we needed. We didn't want to use the director of public health that we had to be our main spokesman for health insurance plan. What was his name?

Wollenberg: Dr. Wilton L. Halverson.

Sweigert: Halverson. To use him in a thing of this kind would almost destroy his usefulness as director of public health, because of the probable ire of the doctors, and so forth. And from there on in, it became a project, and it went into Warren's address to the legislature.

We had very little help even in setting up a draft bill. I remember we got one of the boys in the attorney general's office to come in and help us a little. Who was that young fellow over there in the attorney general's office? Oh, his name was Haas, Harold Haas. And he helped us structure a little bill. We put in the elements of it anyhow.

It was later on that we got a hold of Nathan Sinai to give us some of the technical information because he really had it. He knew as much about medical economics as anybody in the country at the time. The trouble is, he wasn't a doctor; he had started out as a veterinarian, and that of course got us into some embarrassing situations later.

Fry: On the floor of the assembly?

Both: Yes.

Fry: Did John Marshall also serve as a consultant?

Sweigert: Who's John Marshall?

Wollenberg: I never heard the name.

Fry: I have his name in my notes here as one of the consultants. Was he?

Sweigert: Maybe, but I don't recall.

Previous Health Insurance Bills Supported by Doctors  
(SB454, 1935 and AB2172, 1939)

- Wollenberg: There were lots of people who wanted to be consultants who were volunteering, but you could never trust what they were talking about. Do you remember?
- Sweigert: That's right. Yes, there were some people down at the University of California who wanted to help us. Who was that little short professor down there, and then some woman down there too?
- Wollenberg: Oh, the woman was Barbara Armstrong.
- Sweigert: Barbara Armstrong. But they were so involved in [in the New Deal] that they were regarded practically as radicals in those days, you know. And they would be the kiss of death to anything that you tried to put through.
- Wollenberg: There was no compromise with Barbara Armstrong. It had to be just the one thing alone and that's it--the English system. She kept talking the English system, and nothing but the English system would do. Even Nathan Sinai's ideas--she had an answer to all those.
- Sweigert: That's right.
- Fry: A health insurance bill had been introduced by Senator Ed Tickle [SB454] in 1935. He was still in the legislature at this time. Was he one of the persons called in to help plan your bill?
- Sweigert: No. He was a very conservative person, and I imagine if he had a bill in there in 1935 it was a bill that was quite agreeable to the doctors.
- Wollenberg: Was there a Dr. Henshaw over here who was--?
- Sweigert: No, Dr. Alex Keenan helped us a little bit because he was heading up the San Francisco employees' health project. I can tell you what happened to that. I mentioned that in the pamphlet I put together to help us distribute what the governor's suggestion was all about. The doctors read part of it and noted in there that I had mentioned this San Francisco employees' plan as a miniature of what might be done, you see. And the result of it was that after I mentioned it as a model or a pre-form of what could be done on a larger scale in the state, the doctors all got mad and boycotted the whole project down there in San Francisco. [laughing]

- Wollenberg: That's right, they wrecked the plan. In about six months.
- Sweigert: Practically boycotted it. They didn't want any models floating around free.
- Fry: So you had a lot of spinoff from this, and on innocent people.
- Sweigert: That's right.
- Fry: I was wondering if that small, short professor you were thinking of was Milton Chernin, who was dean of the School of Social Welfare?
- Sweigert: No, he died. It was that little fellow who was the head of the--
- Wollenberg: No, it was [Charles] Schottland.
- Sweigert: No, he was later. This little fellow was in the university there, and he had quite a bit to do with--a little German fellow. You see, that's why I have to do my homework to get this thing together.
- Fry: Were you aware of any opposition from the Christian Scientists?
- Sweigert: Christian Scientists? Oh, as I recall it there was something done about that, but it wasn't a great problem because we weren't forcing any medicine on anybody.
- Wollenberg: Wasn't Ed Tickle a very active Christian Scientist?
- Sweigert: Dr. Halverson was a Seventh Day Adventist.
- Wollenberg: I'm not sure about Tickle. I don't want to make this as a flat statement. But Tickle's bill was not an honest, on the up-and-up health bill.
- Sweigert: That bill, you know, in the Olson administration, was the doctors' bill; they went for it.
- Fry: AB2172--in 1939?
- Sweigert: Thirty-nine, that's the one.
- Fry: [to Wollenberg] And you're on record voting against it. Why did you vote against it?
- Sweigert: Well, he was the Republican conservative bloc against Olson. Weren't you part of that?

Wollenberg: Yes. I don't know, I don't know the details of the bill. I think it was a bill offered from an entirely different viewpoint from this. I've never seen that bill laid out section by section since that time, and I have a feeling that there was a great deal of difference in the whole philosophy of the thing. I don't know that that bill was wholly and truly a health insurance bill.

Meeting with Doctors Prior to 1945 Legislative Session

Sweigert: At any rate, I remember talking to Warren just prior to the 1945 legislature, I think, about whether or not he was going to bring up this question before the legislature. Right after that, we made arrangements to talk it over with some of the doctors of the California Medical Association. They called a special little group together in late December, 1944. I came down with them to San Francisco and met with a group of prominent doctors. John Cline was there and Ray Lyman Wilbur was there, and we went to lunch at the Family club down on Bush and Powell Street. Then he broached the subject to them about--

Wollenberg: Gilman,\* was he there?

Sweigert: Gilman might have been there. I don't know whether he was at this luncheon or not.

Wollenberg: He'd just come out of the navy--

Sweigert: Yes, Gilman was a little help to us, more than anybody else.

Wollenberg: Yes, because he'd been a navy doctor most of his life.

Sweigert: But anyway, we met at the Family club at a luncheon, and Ray Lyman Wilbur was there. It was a very nice luncheon. Warren just told them he was thinking of doing something about this problem, and so forth, and said he wanted to talk with them first. And I remember he got a nice reception. Stanford University President Ray Lyman Wilbur himself had previously done a lot of work in this

---

\*Dr. Philip K. Gilman, Sr., member of the executive committee of the California Medical Association. See 1970 interview with Dr. John Cline in "Earl Warren and Health Insurance, 1943-1949," Regional Oral History Office, University of California, Berkeley, 1971.

Sweigert: field and came to the conclusion that you'd have to solve this medical problem some way on an insurance principle.\* So he had at least established that as a landmark idea of his own.

There was a good reception at that meeting. But I remember a little discussion came up as to whether or not, if a program like that was set up, it would be under the exclusive control of the doctors. And I remember Warren saying to them, "Well, gentlemen, doctors should certainly be represented in the administration of any program of this kind. But the public also has a stake in this matter and would have to have some representation on it." And from that point on the resentment grew. In other words, the doctors probably would have gone along with something if they were sure they would have been in absolute control of it, but the minute they found out--

Wollenberg: This, I think, is the reason I voted against that other bill.

Warren Program Rejected by CMA House of Delegates, January 1945

Sweigert: There would be nonprofessional representation in the handling of it, so the doctors tightened up, and they called a special meeting of the California Medical Association House of Delegates down at Los Angeles for January 1945, and they blew the whole thing up.

Wollenberg: Bill, now you've jumped one thing that I thought of the other day and in a hazy way talked about. Just before the meeting of the house of delegates in Los Angeles, didn't a group of doctors, not more than four or five at the most, come to Sacramento for a final conference with the governor; and wasn't that the first time, for some reason, I was there? Why, I can't tell you. It was just before the house of delegates meeting, and that's before you had anything drafted.

Sweigert: We didn't have anything drafted at that time.

Wollenberg: No, that's when Haas was just starting to work.

---

\*As secretary of the Interior to President Herbert Hoover, Lyman headed a five-year study of the costs of medical care that in 1932 suggested tax-supported health insurance.

- Sweigert: There might have been a group that came up to Sacramento before they had their meeting down there, and after this San Francisco luncheon that I speak of, to tell him that they didn't want to have any part of it.
- Wollenberg: That's right. Well, that Sacramento meeting was friendly for a while. When they left, they were going to present something. They came up, as I remember, to sort of leave the impression they would present his views to the house of delegates and that this was not an answer, that he shouldn't feel that what happened at the Family club blew the whole thing up, but there was still going to be--
- Sweigert: Nothing blew up at the Family club.
- Wollenberg: No, but the coldness set in then.
- Sweigert: There was a discussion there about representation of the public interest--
- Wollenberg: But it seemed to me they came to Sacramento having felt that their discussion and their position at the Family club had left him with a feeling of--"Well, they're not going to do anything anyway." They came up to tell him, "Now, don't be too sure, because we'll discuss this thoroughly at the house of delegates. Everything might be all right." And it was the house of delegates resolution that called him a Communist.
- Sweigert: That was the final blow-up
- Wollenberg: That was right there in the house of delegates.
- Sweigert: When that happened to him he got his feathers up, you know, and he said, "Well, all right, that's fine. But if that's the way they feel about it, we'll just have to go ahead with it anyhow."
- Wollenberg: That's right.
- Sweigert: Against all odds. We didn't have a chance.
- Fry: Do you remember any discussion at the Family club meeting about when a public announcement would be made? Dr. Cline has stated the CMA council became very upset because Warren made a public announcement about the proposed legislation on December 30, releasing it to the press prior to the house of delegates meeting.

Sweigert: I don't recall the detail. I think something may have come out before the actual message to the legislature.

Wollenberg: Oh, yes, it did.

Sweigert: It was included in his message to the legislature. He may have said something to the press, and they may have printed it prior to the house of delegates--namely that he was thinking of this problem, or something of that kind.

Wollenberg: Well, do you remember, did he ever commit himself to the doctors that he would not give it to the press until after the house of delegates meeting?

Sweigert: Oh, not that I remember.

Wollenberg: It's unlike him that he would ever make a commitment like that.

Sweigert: I don't recall the detail.

Wollenberg: Mrs. Fry asked me last week whether I remembered a detail like that, and of course I didn't. I'd never heard of it.

Sweigert: No, I don't remember that myself.

Fry: It would seem logical for the governor to want to inform the public that this idea was brewing, in order to start support for it.

Sweigert: But it was very shortly before the legislative session [in January] that the idea was finally decided upon. It was in the fall there.

Fry: Do you remember if you and the governor felt that the doctors were not going to support this, before they started meeting?

Sweigert: I don't remember what the day-to-day view of it was at that time. All I remember is that we got a good reception at the Family club luncheon. Dr. Ray Lyman was the distinguished man in the California Medical Association at the time and also a man who had laid out, at least in principle, that something on an insurance basis would have to be done.

Fry: Did he stick with you all through this?

Sweigert: We quoted him--

Wollenberg: From his early statement.

- Sweigert: But I don't think he was a part of any attack on it, or anything of that kind.
- Fry: But you couldn't get his support--is that what you're saying?
- Sweigert: I don't think we had any support from him; in fact I don't remember any doctors that gave us their support--
- Wollenberg: No, I don't remember any that really stayed to support us.
- Sweigert: --except three or four or five of them.
- Wollenberg: Oh yes, like Halverson, who always worked on it. He became right out in front then, after that.
- Sweigert: Well, I don't know--
- Wollenberg: Don't you remember they had a meeting of the deans of all the medical schools?
- Sweigert: I don't know, maybe they did.
- Wollenberg: Then Halverson, because he was a very influential man in Loma Linda, down south, brought the dean from Loma Linda and the dean from USC--I'm not sure--and then Cal and Stanford deans.
- Sweigert: You can see how hard it is to pull all this out of our memories.
- Wollenberg: Chandler was dean at Stanford and Smythe at Cal, I think.
- Fry: You've given so much more than I ever thought anybody could after all these years.
- Sweigert: Gee whiz, '43-'73. It's over thirty years ago. It's hard to believe.
- ##
- Fry: Did you deal with the press very much? Pete [Herbert] Phillips was covering the capitol for the Sacramento Bee then.
- Sweigert: Pete Phillips would come to the governor's office and talk--he could talk for a long time, and it used to drive me kind of nuts. You know, he'd come in and really sit down and take up a lot of time.
- Wollenberg: Oh yes, spend the afternoon.

Ethics of Warren's Administration

Sweigert: And I was busy. He was always trying to stir up something, you know. He was telling me how Hiram Johnson would have done it, and how somebody else would have done it, and why didn't we retaliate on legislators that wouldn't go for our program, and all that. Why did we sign their bills, why didn't we hold things over their heads? Which Warren wouldn't do; you'd think he was maybe politically an Alice in Wonderland, but that was his feeling about it.

I remember Pete Phillips saying, "You know this administration is just too placid, too good. What you need around here is a good scandal. Why don't you and [press secretary] Verne Scoggins go out on the town some night and get good and drunk and get caught with a couple of gals or something? Then we'd have something going here, and we'd make something out of this administration." [laughter] I'll never forget that. We were too good [laughing], and Pete wasn't sure whether it was naiveté, or lack of understanding of politics, or whether it was a real new principle of politics. It was hard for Pete to understand that.

But it was a new principle in politics, where Warren, as you know, he wouldn't have any official spokesman in the legislature. He wouldn't retaliate against fellows who were out of line on voting for his bills. Do you remember that, Al?

Wollenberg: Right.

Fry: This trait of Warren's is going to be difficult for future scholars to understand, because Watergate is going to leave a great deal of skepticism.

Sweigert: Another thing he did up there: He got together a little ad hoc organization, as loose as anything you could ever find--about six months before campaign time, you know.\* He started getting some people to form a few committees and then to go around the state a little bit.

He got a finance chairman up in northern California and a finance chairman in southern California that he had confidence in, and he would always tell them that he didn't want any money from any questionable sources or any of that kind, and he didn't want any big contributions. He then would just get enough money, if they could, to pay a few expenses and to buy some of these placards and advertising--

---

\*See appendix for 1946 campaign memos dated July 23, 1945; October 10, 1945; October 20, 1945; March 25, 1946; written by Mr. Sweigert.

Wollenberg: And radio time, no television.

Sweigert: A few things like that. And then as soon as the election was over he'd disband the whole organization, if there was an organization at all, because he didn't want it around. He didn't want to have a permanent political campaign build-up--just directly the opposite to what is happening now in Washington, where they built up a campaign organization and had it right in the White House. Warren wouldn't have any politics done within the office.

Wollenberg: Oh, no.

Fry: Would you relate how you managed to put out nongovernmental office material; how you had that little pamphlet printed up with Bill Reichel's money: I think that's a good example.

Sweigert: Yes, Bill Reichel was very helpful. He'd pass the hat and get a little money for us, never more than five hundred or a couple of thousand dollars at the most, to meet little odds and ends that we didn't want to use any state money on or state stationery on, anything of that kind, you see. Bill would just help us out a little bit, and we had a little bit of a fund there. It was almost as ludicrous as a little stamp fund or a petty cash fund. That's the only thing I remember.

Fry: You used this for things like printing up the health insurance pamphlet?\*

Sweigert: Well, we did use it for that.

Fry: Where you wanted to go to the people with the battle.

Sweigert: Well, we wanted to get a pamphlet out that was explanatory of it; nobody else would get anything out. So, I just had to write this thing and get somebody to print it and circulate it around. I think we put it out under the name of--well, there were two printings of it. There was one the first time and one the second time. The second time we had the name of the senators on that senate bill--Salsman, I remember, and a few others.\*\*

Wollenberg: That was a few years later, though.

Sweigert: Yes, that looked like they had put it out, but they hadn't really put it out at all. We put it out. I remember the first time it was pretty cheap paper. You can take a look at it. It didn't really look very impressive.

---

\*"Why Prepaid Medical Insurance!" an analysis of Governor Earl Warren's Recommendations for California, prepared by a group of citizens in support of Assembly Bill 800 and Senate Bill 500 [1945].

\*\*"Prepaid Hospital and Medical Insurance for California," an explanation of legislation recommended by Governor Earl Warren, published at private expense at the request of authors of SB 788 and AB 1500 [1947]. Copies of both pamphlets are in supporting documents to this oral history in The Bancroft Library.

- Wollenberg: Oh yes, it was awful. Terrible printing on it.
- Sweigert: I still have one.
- Fry: You didn't give me one of those, so save one for us.
- Sweigert: I have one tucked away somewhere.
- Wollenberg: There weren't many of them printed, I'll guarantee you. They had a very modest idea of numbers to print. Always ran out of material--anything you ever did, it didn't last very long.
- Fry: Judge Sweigert, how would you use a printing like that? Did you have a mailing list of people to send it to, like doctors or general public? What did you do with the pamphlet?
- Sweigert: Gee, I forget what we did with it.
- Fry: Was it for legislators?
- Wollenberg: I don't think so.
- Sweigert: I think we distributed it around to the legislators--
- Wollenberg: I don't think they meant the legislators.
- Sweigert: They got them.
- Wollenberg: That would have been in the form of an official message or something to the legislators.
- Sweigert: Oh, well, of course, there was the official message in 1945.
- Wollenberg: You see, you never even had, as I recall, a statewide committee interested in health insurance from Warren's point of view. The CIO had a plan that didn't make it, and Barbara Armstrong had something.
- Fry: There was a Governor's Conference on Old Age Problems, and a Governor's Conference on Juvenile Delinquency, and a Governor's Conference on Mental Health. Why wasn't there a Governor's Conference on Health Insurance? This was a wonderful technique of Warren's, I understand.
- Sweigert: I don't know. Wasn't there?
- Wollenberg: No.

- Sweigert: You know, he initiated those, more or less. He got this idea of, in between legislative sessions, getting people to form a group and meet at Sacramento and go through a workshop--
- Wollenberg: He never had any on health insurance.
- Sweigert: I forget whether there was one on that or not. He had them on all kinds of subjects.
- Fry: I don't believe there is one in the papers.
- Wollenberg: I would say he didn't have one on that because we had nobody to work with. After that bill went in, and it went in under my name alone, if you remember--I didn't have anybody. Nobody else had put their name on it. And you were the only contact I had, and Earl Warren. [laughter]
- Sweigert: You were pretty lonely--
- Wollenberg: Nathan Sinai was around for a couple of weeks, but he couldn't afford to stay any longer.
- Sweigert: No, he was back at Ann Arbor.

Legislative Hearings, Opposition and Lobbying by CMA

- Wollenberg: And that was it. I don't remember anybody else. When we had that hearing in the legislature on the bill, besides Nathan Sinai and you speaking, who else did I have? I explained the bill and called on you, and you said something of a background nature. We put Nathan Sinai on, and that was the bill. They spent a half a day cross-examining and examining Sinai, asking him whether he'd ever treated a horse. He was a veterinarian, and they asked, "Did you ever treat a horse?"
- Sweigert: It was very embarrassing.
- Wollenberg: Things like that.
- Fry: I wish while I have you both here that you could tell me about the bill, when it was in process. To identify it, it was AB800, prepared by deputy attorney general Harold Haas. In 1945 this bill went before the Assembly Public Health Committee and was held in the committee by a vote of seven to six. From then on, what happened?

Sweigert: It stayed there more or less.

Wollenberg: I tried to move it with a motion, you know, to put it on the floor by a vote of the house, notwithstanding the action of the committee. And that's when they gave me this Assembly Committee of the Whole hearing, and this is when we called these witnesses that I've been speaking about.

Fry: You called up the witnesses?

Wollenberg: Yes, again, we did it.

Sweigert: To show you how starved we were for support, I remember sitting with Warren one day and he said, "Bill, they're going to have a meeting over there in the house. Who'll we get to present this thing to the legislature?" I think we had Sinai by that time, but he said we'd have to have somebody else, too. I started to think of who we could get, and I couldn't come up with anything much, and then he said, "Bill, I think you're it; [laughter] you've got to do it." So I was stuck.

Wollenberg: This is absolutely what happened. There was no true organizational support or anything else. Do you have the vote from the Assembly Committee of the Whole, the vote whether to bring the bill out notwithstanding the action of the committee? They voted it down.

Fry: I don't have a record of the exact vote.

Wollenberg: That would be interesting. Because that wasn't much, we didn't have much of an edge. Little Raup Miller, he was a one-term assemblyman from Palo Alto. And I think he never came back after that.

Sweigert: Did he vote with us?

Wollenberg: Yes. After that, he took a civil service examination, and I'd see him from time to time when I'd cross the border. He was a guard--one of these bug inspectors--after that.

Fry: Of fruits and vegetables?

Wollenberg: Fruits and vegetables, while they still had that. I think Raup still works with the department.

Fry: He was on the committee, and this was a vote to bring the bill out on the floor as the committee of the whole?

- Wollenberg: He was about the only one I could get that really would do any real work on it. There was nobody else. There wasn't much Raup could do, because he didn't have any clout. But I did pick up a few votes to bring it out. We had a few votes. I think ultimately all those people like--Elmo--what was his name? A few of these ex ham-n Eggers, you know, that had been up there before, over the years. They voted along with us. They didn't stay much after that.
- Sweigert: Yes, they had a few--the fellows that worked with the CIO, although they had a special bill.
- Wollenberg: Paul Richie--San Diego.\*
- Fry: Did the CIO faction support you?
- Wollenberg: Not actively, but I think all those who were interested in the CIO bill voted for our bill as it came in.
- Sweigert: They voted for it if they couldn't get anything else.
- Wollenberg: They couldn't get their own. Their own never got out of committee, and they never got any steam up at all. We at least got a seven-to-six vote, you see. That was pretty good.
- Sweigert: Then we had--two years later the senate committee went for it.
- Wollenberg: We had some press reports. Oh, yes, two years later the senate voted it out, and it was killed on the floor.
- Sweigert: That was a little progress, but it couldn't get by the floor.
- Wollenberg: We put another little hearing on in the assembly two years later. I remember putting it on but getting nowhere.
- Fry: Who presented it for you then?
- Wollenberg: Well, I don't think anyone else spoke either--if Bill Sweigert didn't, I think I did it alone.
- Sweigert: You may have at that. But Byrl Salsman was taking it--
- Wollenberg: Yes, Byrl worked very hard and conscientiously.

---

\*Richie represented San Diego from 1935-1942.

Fry: What about that Salsman study committee?\* Was the appointment of the study committee at the end of this '45 session to relegate the bill to a slow death?

Wollenberg: Yes, nothing ever happened. I don't remember that committee ever doing anything.

Fry: They went on to the catastrophic-illness approach.

Well, some of the accounts we have of that day in the assembly bring out a debate between you and Charlie Lyon. Is that right?

Wollenberg: Right.

Fry: Was that quite a hot exchange?

Wollenberg: Yes, yes. He was the Speaker of the Assembly. He started pushing me around, and I snapped back on the microphone that I had the floor. And we got into a parliamentary ruling proposition, and he ultimately gave me the floor.

Fry: Who brought up the final ace about Nathan Sinai being a veterinarian?

Wollenberg: Oh, it was this guy--

Sweigert: That little fellow, the Samish man from down in Los Angeles. Remember that little fellow who was always in trouble? Use to attack him?

Wollenberg: Johnny Evans?

Sweigert: Johnny Evans. He was the one. They had Johnny ask some questions about the veterinary--

Wollenberg: It very well could have been Johnny Evans.

Fry: Was this after the debate had rolled on for a while?

Wollenberg: Oh, yes, a lot of people had spoken. This was during the committee of the whole, you see, with our one expert at the time. This was on the debate on AB800, and Nathan Sinai was our expert.

---

\*See interview with State Senator Salsman in this series.

Wollenberg: After letting him first make a statement and then asking him some direct questions, we turned him over for questioning to anybody who wanted to question him from the floor. And they spent a whole day on him, at least a whole afternoon and evening, asking him all kinds of things. He had a lot of material, but they never let him bring this material out. They never let him get into the nitty-gritty of the thing. And it may have been during that time that I had the fight with the speaker, when I was demanding that Sinai be allowed to answer the questions and not be treated in the way he was being treated, and so on. And the place went into delight and peals of laughter over the veterinarian angle, the horse doctor.

Sweigert: It wasn't very helpful to us.

Fry: I wonder if it seriously lost you votes.

Sweigert: Well, it didn't lose many. We didn't have many. [laughter]

Wollenberg: We didn't have votes there we could have gotten. It was pretty well sewed up. And you see, this was after intensive lobbying and intensive entertainment by the doctors, by Ben Read, who was their lobbyist--intensive lobbying.

As you well know, Bill, everything was being done in a big way to get all the votes. They wanted to kill it, they wanted to snow it under. In that way they thought they'd kill it forever. And by doing it, they thought they'd also step over Warren and settle him as far as ever sticking his nose up again about medical insurance.

It was that spirit in which they went after him, and he turned, of course, immediately, and put it in the next year. And that was less of an effort than the first effort.

Sweigert: I remember, too, an experience I had. I went down to Los Angeles and addressed a whole group of doctors at the Biltmore Hotel. I'll never forget that. I have a copy of the speech I made. It was a pretty good speech.

Fry: Was that this same year, 1945?

Sweigert: I don't remember whether this was the first or the second time around. I think maybe it was the second time, because we didn't even have time to catch our breath the first time.

- Fry: What was the response to your speech?\*
- Wollenberg: The second time around they sort of were playing with us. They knew what they had, and they knew we had nothing.
- Fry: And they had [Clem] Whitaker?
- Wollenberg: They had Whitaker.
- Sweigert: And after that, they not only had Whitaker out here helping them, but they sent him back to Chicago to handle this whole thing nationally.
- Wollenberg: That's right, they put an assessment, the AMA did, on every doctor in the United States, whether he liked it or not. Something like \$100 he had to send in to keep his membership.
- Sweigert: Clem went back to Chicago and had offices back there on a national public relations deal to knock down this idea.
- Wollenberg: We had to raise \$200 to put out a pamphlet, and they assessed every doctor in the country \$100!
- Sweigert: It's almost laughable when you look at the thing now.
- Wollenberg: It is, it is.
- Sweigert: Health insurance has come in through labor unions, through the veterans' departments, even physicians themselves now have expanded and popularized the Blue Shield and all that.
- Wollenberg: Well, within four to six years, it was in, Bill. Before [Governor] Goody Knight left Sacramento, all of this stuff was in, in separate little chunks. It had all become law.
- Fry: Here and there under different state codes.
- Wollenberg: Sure, spread around. As you pointed out, some in workmen's compensation, some in the social security-unemployment insurance sick benefits, and things of that kind.

---

\*This question was inserted on the edited transcript. In March 1979, Judge Wollenberg wrote to the effect that the doctors' response was always negative.

- Fry: But you still had to belong to a union to have the benefits?
- Wollenberg: Not the sick benefits.
- Sweigert: That was our big fight with the doctors, that if they didn't do something about it it would come in through the labor unions and the veterans' administration, and so forth, and ultimately through the national channels instead of state channels where the doctors would have at least some chance of influencing policy.
- Wollenberg: Oh, yes. Around this time on the national scene you had Senator [Robert] Taft with his plan, which was probably the inception of the first steps toward any medical relief that was put through. And of course, he was beaten on that. That was what Whitaker was working against, too; Taft's.
- Fry: As well as Truman's.
- Wollenberg: As well as Truman's.
- Fry: In this first year, '45, there was a second bill put in in May for hospitalization only. (This is shown in the records.) When it came up it was defeated in committee eight to five. Do you remember that one?
- Sweigert: I remember there was one put up for hospitalization.
- Wollenberg: Hospitalization only.
- Sweigert: In other words, everything was tried.
- Fry: Who were the big people behind defeating the hospital bill? Did the hospital administrators join the doctors?
- Wollenberg: Yes, but I think it was the same thing. They didn't want a foot in the door anywhere. I think it was the same thing.
- Sweigert: They didn't want any bills for hospitals or anything else.
- Wollenberg: Because it seemed to me Ben Read used to speak for hospital administrators up there, too.\* In the first place there weren't so many. You know, they hadn't gotten into government funds to build private hospitals--

---

\*Read represented the Public Health League, whose membership included a variety of health care provider groups.

- Fry: Yes, Hill-Burton federal funding hadn't started.
- Wollenberg: Hill-Burton hadn't even been conceived yet, or any of these things. And I think that--
- Fry: The other issue in this that was especially hot (in addition to whether doctors control the board) seems to be the question of whether capitation of fee-for-service would be written into Warren's bill. There's someone at Yale University researching a history of health insurance, and he thinks that the bill originally was designed to include a capitation provision.
- Sweigert: Warren's bill?
- Fry: Warren's bill, but that it was changed to fee-for-service when it reached the committee.
- Sweigert: I never heard of entertaining the idea of capitation. That was in the CIO bill.
- Wollenberg: That was Barbara Armstrong's great plea. Unless you took capitation, she wasn't interested in it or helping it at all.
- Sweigert: Yes, because Warren's great pitch was that he wanted to retain freedom of choice between the doctor and patient. I think that's an idea that's going out the window fast, too, now.
- Wollenberg: That was the big pitch.
- Fry: But it was a very sensitive issue then.
- Sweigert: At that time it was the distinction between insurance to protect people on the one hand, and bureaucratizing it completely.
- Wollenberg: That's right. That was the big issue that Warren stood for. That, I think, was the thing that in the beginning sort of appealed to the doctors. In other words, "If we're going to have to get something, Warren's on the right track there." But then they threw the whole thing out.
- Fry: It interests me that an insurance man like Reichel would give you some money for this.
- Sweigert: [laughing] He was just a personal friend. That's the answer to it. He was an old friend of ours down in Oakland, and he was a good fellow. I don't think Bill's heart was much in it, to tell you the truth.

- Wollenberg: Oh no. He used to cuss under his breath about it all the time.
- Sweigert: But if we wanted a few bucks to put in the penny box or something, he'd help us out. I don't think he was for it.
- Wollenberg: No, he wasn't for it, I'm sure. He was a very close intimate of the Knowland family--Bill Knowland, Joe Knowland.
- Sweigert: That's right, yes, he was a great friend of--
- Wollenberg: He was a protégé, for some reason or other, of old Joe Knowland.
- Sweigert: I saw Bill Knowland about three weeks, a month ago. I met his new wife too.
- Fry: Do you remember anything else about this that might help us get a straight story? I think all of my specific questions have been answered.
- Sweigert: A funny thing happened over there: I was talking to Bill [Knowland] at this affair, and the conversation was general--how he'd been, and so forth. I said, "Well, Bill, I guess you're happy now to be back here in Oakland and your own boss running the paper instead of back there in Washington, especially now in view of all the uproar in Washington."

And he said--in his own big, sonorous way, he said, [imitating] "Yes," he said, "A lot of water's gone under the bridge since those days."

And I said, "Could it be Watergate?" and he broke out laughing; he never even intended it as a pun. [laughter] Even Bill had to laugh.

#### Warren's Relationship with William Knowland

- Fry: You know, we're still trying to get a handle on the relationship between Bill Knowland and Earl Warren, how it changed and evolved through the years.
- Sweigert: I remember going down to Los Angeles with Warren. It was in the forties--'45, somewhere in there--when the vacancy came up in the United States Senate by the death of Hiram Johnson. And the question was who would be appointed by Warren to this vacancy.

Sweigert: He had, before we went down there, discussed the matter. I did a little thinking, you know, as you do once in a while. I came up with a couple of names, so that if he were talking I'd have something to say anyhow. And one of them was Bob Sproul. And the other one was Bill Knowland, because I kind of sensed that Bill Knowland might measure up. He was then in Europe in the army. This was the wind-up of the war, you know, and by golly, everybody was interested in men who'd won the war and all that, and youth and all that sort of thing; and there was also the legislative experience that Bill had in the California legislature. It answered all of the little checklist questions that you could put on it. Plus the fact that the family was very close to Warren, and they had great respect for one another, and so forth.

And, by God, he had his mind pretty well made up that he was going to tag Bill for that seat--get him out of the army; he was in uniform, still in uniform--and put him into the United States Senate.

I often thought that Bob Sproul would have made a good appointment, but--

Wollenberg: It would have saved a lot on telephone bills. If he'd just opened the window, he could talk from Berkeley if he wanted to. [laughter]

Sweigert: She knows the old story about Bob and Dr. Campbell over at the university? Don't you remember that?

Fry: No.

Sweigert: Dr. Campbell was president of the university, and Bob Sproul was sort of a public relations man for them.

Wollenberg: He was comptroller.

Sweigert: And Dr. Campbell, the president said to his secretary one day, "What's all that loud talking going on down the corridor there?"

And his secretary said, after looking out the door, "That's Mr. Sproul."

"What is he doing?"

She said, "I think he's talking to Sacramento."

He said, "Well, next time tell him to please use the telephone." [laughter]

Fry: That must be true because one of his secretaries told us that he was the one president who never suffered from lack of public address systems when he gave speeches. He'd fill the whole Greek Theater.

More on Warren's Health Insurance Bills

Fry: When we first started talking about the health insurance bill a little while ago, I wanted you to tell me if you could remember the approximate date or time that you discussed this with Warren-- on that walk that you took.

Sweigert: Well, I'll tell you, it was when he he was laid up. He was just recuperating from a little spell in the hospital in 1944. He'd had a kidney infection.

I remember when I first found out about it. I was at the Sutter Club having lunch with him one day, just the two of us. He got up and excused himself and left the table and went into the men's room. He came back and he was kind of white. He sat down and he said, "You know, I just passed some blood." So, he went to the doctor. Who was that red-headed doctor he had up there?

Wollenberg: Harris.

Sweigert: Red Harris--a fine man and a great friend of Warren's.

Wollenberg: And later an ardent medical man on the opposite side.

Sweigert: Yes, I don't think he went along on our health insurance.

Wollenberg: No, no.

Sweigert: But he was a great personal friend of Warren's, and they never lost their personal friendship on it.

Anyhow, he was in the hospital for a while with this infection, and then he went home. And it was getting around the time when we had to be, you know, churning something up for the legislative session of '45 that was coming up. So I went out there to visit him at the house. I think at that time he was able to get up and around, and we took a walk. And I had a little notebook pad to make notes of things that maybe we should draft into a message to

Sweigert: the legislature. That's what I was interested in. That was the time when he wanted to get some things done about mental health; and I remember distinctly asking him if he was going to stop there. I thought maybe something should be done in the broader field of public health.

Wollenberg: Because at that time he was very upset about the conditions of the state mental institutions in their rundown, miserable condition and poorly staffed. And he was terrifically upset.

Sweigert: I don't think he was going to go further. I don't think he had thought of it at that time, until I told him about this Foote Cone & Belding report that I had been reading. It kind of lighted it up with him, and then he began to think about it. And he said, "Maybe this is the time to do something about it."

Wollenberg: I don't know what he knew about it, but Fairfax Cone, of Foote Cone & Belding, resides in the Carmel area. I've been to his home. It's on the edge of Carmel as you go in the gate to Del Monte properties in that lower entrance. way. I don't know what he'd know, whether he had anything to do with it or not, but he was a Californian, a University of California man--

Sweigert: I don't know whether I have a copy of that report. I don't know how I got it, to tell you the truth. But it struck me, you know, that the doctors--

Wollenberg: Whether he has any more recollections today would be interesting to find out.

Sweigert: Now, whenever that was, it would be very closely related to the time that Warren had the kidney infection and went in the hospital for a time. So it was in the fall. Because, you know, we had to be thinking up things; you have to keep turning the crank around in a place like that, and the thing was--you had to be ready. You know, "What are we going to tell the legislature?" You had to kind of sound him out on these things and see what--

Maybe it was a great mistake to bring that thing up at that time. It could have been, you know. Maybe that's what got us into all the trouble. On the other hand, although it created trouble, it created another image of him that wasn't very well known at that time.

The Liberal Image of Earl Warren

Sweigert: When Warren went into the governor's office, I think he was pretty well and widely regarded as a good district attorney, but as a Hoover Republican, and a conservative, and a man who'd been active in the Republican party, its organization.

Wollenberg: And an antilabor factor.

Sweigert: Yes, and by that token, impliedly antilabor. I think that the first time that the Warren image began to come through as an independent, and as probably more liberal than his conservative image had been in the public eye, was in the very first session of the legislature, when Gardiner Johnson led the fight to knock Neil [Cornelius] Haggerty around. Neil Haggerty at that time was the executive director of the California Federation of Labor. And there was one bill up in the legislature, as I recall, that would have repealed the eight-hour law for women. They wanted to knock that out, the conservative groups did.

Wollenberg: And still do.

Sweigert: --and they thought they could do this as a war measure, you see. "You can't have eight-hour limitations on labor. Everybody's got to be working, so we'll repeal the eight-hour law for women." There were some other legislative pieces along that line, but this is the one I remember.

Neil Haggerty came in the office one day to see me, and he said, "Bill, they're really giving me a runaround up there, Gardiner Johnson and these fellows. I think they've got me." And the specific thing he mentioned, I think, was this little bill to repeal the eight-hour law for women. Haggerty was against any repeal of that law, you know--a labor man and all that.

I'll never forget, I said, "Well, let's go in and talk to the governor about it. I don't think he'll go for an outright repeal on that."

So we went in and talked to the governor, and he said, "I'm not going to sign any bill that repeals the eight-hour law for women. If it's anything that's necessary for war purposes, maybe we can modify it or suspend it, and so forth, but I would never sign an outright repeal." That gave poor Neil a little help. "And if you want," Warren said, "we'll call those fellows down and tell them that I won't sign any such bill."

- Sweigert: And what they did, they had Gardiner Johnson and the fellows come down to the governor's office, and Warren just told them he wouldn't go for an outright repeal on that thing. It saved poor old Haggerty from being bloodied more than he already was upstairs [in the legislature], do you see.
- Wollenberg: Another one that meant so much to Haggerty at that time was when Earl Desmond had a redefinition of the food processing so as to define the cannery workers as agricultural workers and thereby take them out of the benefits of the labor--
- Sweigert: Yes, there were some similar, related bills of that type that they tried to knock out.
- Wollenberg: --and I remember this fellow Willis Sargent, an assemblyman from down south, came back upstairs and said he was speaking for Earl Warren, on the floor, that he'd talked to the governor, and that this bill would--how did he put it? It caused a big sensation; it was a misquote, a direct misquote.
- Fry: Misquote of Earl Warren?
- Wollenberg: I think so, yes--I couldn't give you the quote. But I checked up afterwards, you know. What he was supposed to say in retort, and it wasn't that way at all. And of course, this would have made Earl Warren hit the ceiling to have anybody stand on the floor and say, "Earl Warren just told me to come up here and tell you fellows, if he did such a thing, we were going to do this and that and the other thing to him."
- Sweigert: [to Wollenberg] The only one we'd trust up there was yourself--
- Wollenberg: You never heard me talk like that.
- Sweigert: No, not that way. [to Fry] But Al was the one we had confidence in up there, you see.
- Wollenberg: [facetiously] That was because I had so much on you! [laughter]
- Sweigert: I didn't really know Al Wollenberg very well in those days.
- Wollenberg: I don't know, you used to--
- Sweigert: But I got to know him and admire him through the years.
- Wollenberg: Thank you, sir.

Sweigert: I did indeed.

Wollenberg: It's mutual.

Sweigert: But I think that was the first real break in the image of Earl Warren. Haggerty saw that the governor wasn't going along with these fellows just to go along with them because they were mostly a Republican, conservative group, and that he would stand up on these things when he saw that they were doing some hatchet work, do you see; even though there were many disagreements after that perhaps with Haggerty on some of the things like the secondary boycott. But you'll get some of that in that manuscript that he turned in to you.

Fry: Yes, he has some of that in there.

It's hard to understand, looking at it from where we are today, why Warren would appoint someone as conservative as Bill Knowland to the U.S. Senate.

Wollenberg: Well, Bill wasn't, at that time.

Sweigert: I don't think there was--he wasn't looking for people who were liberal or conservative. Bill Knowland at that time hadn't established himself one way or the other. And I don't think Warren was even thinking about it. All he wanted to do was to pick somebody--and this was typical of Warren--somebody he knew, he thought he could trust, someone who was clean, do you see, and that would be--

Wollenberg: Bill Knowland had a fairly liberal record in the legislature [1934-35]. He voted right on labor bills; he had a good labor record in the legislature. And was he a prime mover for the state income tax legislation?

Fry: I think Knowland supported it very strongly, which was quite a liberal measure. But Ford Chatters was the author.

Wollenberg: Very liberal--

Sweigert: And boy, did he start something, because that income tax is sure swelling up now. Boy!

Wollenberg: There are several things. I can't hit them all, but Bill Knowland had an unusually liberal record as a very young man.

Sweigert: I don't think he had established himself as being rock-ribbed conservative at the time.

Fry: Well, I guess some of our image of Bill Knowland as a conservative comes from his record in the Senate on foreign policy in the fifties.

Sweigert: Oh, yes, he was anti-China and all that.

Wollenberg: You mean, he was called the Senator from Formosa.

Sweigert: Warren was regarded, when he went in to the governor's office, as pretty much a fine, rock-ribbed Republican. And that was largely due to the fact that Warren was very outspoken against the New Deal and FDR. He never turned into a New Dealer. I remember even when he was down here in this building across the street as attorney general, and we used to walk up the street and go down Van Ness Avenue. We'd go into that cafeteria on Market and Van Ness--

Wollenberg: Foster's.

Sweigert: It wasn't Foster's, it was one just like it.

Wollenberg: Compton's?

Sweigert: Something like that. We'd go in there and have lunch, and I remember I used to discuss with him FDR and the New Deal, because I was a kind of an admirer in those days of FDR. I was very much taken by the way he took over in 1932, when he made his speech that all we have to fear is fear itself. Things were all at a standstill, and the banks were closing, and all that sort of thing. And we had the fireside chats, and so forth. I was really taken with that, as must of the young people were at the time, just as they are now taken with anybody that sounds a new type of drum, you know.

I was a registered Democrat (didn't mean anything, because I didn't do anything about the Democratic party at that time. I'd never been mixed up in the organization or anything of that kind).

We used to go down there, and I used to try to put in my little two bits worth about, "Well, you know, FDR has to take over, and he has to get something done in Washington because the states have abandoned their responsibility." And, "Nature abhors a vacuum, and something's got to be done in Washington," and so forth. Warren used to react to that a little bit. But then he'd generally come around to what always griped him about FDR, and that was FDR's political connection with that southern group, those southern Senators--

Wollenberg: Yes, that always bothered him.

Sweigert: --and the bosses in Chicago, New Jersey, and New York, you see. He didn't like that political company that FDR really rode to fame on, you see. He never could cotton to FDR. He was still a Republican, and you couldn't convert him to FDR.

## IX CAMPAIGN TECHNIQUES

[Interview 4: April 9, 1975]##

Minority Group Support, 1938 and 1942

Fry: I have some questions from the second interview. One is on the 1938 campaign.

Warren was running for attorney general, and there are some indications in his opened papers of an effort to have a minority group organization (of different minority groups working for him) come out for him in the campaign. We are interested in that, particularly the Japanese. Do you know anything about that?

Sweigert: Well, I don't remember that that was featured in any way in 1938.

Fry: No it wasn't, in the press at least.

Sweigert: But normally in conducting a campaign one goes about getting representative groups from all elements in the community. In 1942 for the first gubernatorial race, I wouldn't be surprised if there were records that we had a Japanese and, probably a Negro group. The Negro question was not emphasized so greatly at that time, however. Probably there were some Japanese who might have been induced to express their support for him, because of the internment program of the Japanese that had taken place during the war while Earl Warren was attorney general.

As you know, General John DeWitt issued those orders as a military matter during the war, and there was nothing for any civilian to do but to cooperate with the military. Warren did that to the best of his ability, although he disliked the idea at the time.

Fry: Oh, he did.

Sweigert: Yes. I suppose he did communicate very well with the Italian groups. Some of them were questioned during the war about Fascist connections and things of that kind, but he called groups of them into the office when he was still attorney general and talked with them and explained things. And similarly with some of the Japanese. And I think we probably did get together a group of Japanese to help out and lend their names to him during the campaign.

Fry: You're talking about the '42 campaign?

Sweigert: I'm talking about the '42 campaign.

In the attorney general campaign, I don't remember distinctly anything of racial groups in that organization--there might have been some committees formed. I remember that the headquarters, so far as northern California was concerned, were in the old Crocker Bank Building on Montgomery and Market Streets. Tom Coakley was active at that time. I used to go up to the headquarters in the afternoon about four o'clock and make some notes, write some letters, make some phone calls, in an attempt to get some support for him. I couldn't go up full time because I was in the practice of the law at the time. But I did go up there, customarily, in the afternoon.

Fry: You don't remember anything, then, about minority groups?

Sweigert: I don't remember particularly about minority groups.

Fry: It's a small detail that we were trying to fill in.

I would like to move into the '42 campaign. Did Murray Chotiner work in that campaign?

Sweigert: If he did, his activity was down in southern California, and I didn't have much connection with it. Murray Chotiner came into the picture, seems to me, a little later, when Nixon was running for Congress and then for United States Senate.

Fry: Yes, he was in on that, but I think he was in and out of other political campaigns.

Sweigert: That may be.

Gubernatorial Campaign, 1946

Fry: We found an interoffice memorandum from you to Governor Warren on May 25, 1946, which says: "I suggest that a meeting be called at once by the San Francisco Steering Committee, and that all members of the Steering Committee, together with Mr. Draper, Mr. Wollenberg, and Mr. O'Connor, be present. At this meeting the following matters should be considered: the activation of northern California headquarters; consideration of Northern California Headquarters Budget; activation of San Francisco Campaign Organization."

Then you suggest a number of people to talk to. That must have been the opening gun of the campaign in which he won both primaries. [shows Sweigert the memorandum]

Sweigert: This is quite a document, [laughter] isn't it?

Fry: Yes, it's fascinating to see how you approach something as complicated as a gubernatorial election.

Sweigert: Well, this is a natural thing to do to get things started, to get things going. That was my primary function--to get things going and to see that they didn't lag so long that there would be a lot of commotion later on in the year.

I notice this is early in the year, March 25, 1946. That's the year that he ran against Bob Kenny, and we were simply getting things lined up early, because, as you know, Warren didn't have any particular permanent or inter-campaign organization. It was necessary to establish some kind of a volunteer, ad hoc organization for each campaign. To do that we always had to start with something, so I would generally get half a dozen people to sit down together and start thinking and planning, and then keep prodding them to do more and more planning. This was an initiation of the northern California campaign of '46.

Fry: Could you give us some background on how you arrived at the names of all the people that you suggest here?

Sweigert: Well, I would just pull them out of my hat to tell you the truth. I knew that we wanted a clean-cut organization. We didn't want to get in the regular, professional politician type. I had no limitations upon me in that respect.

Sweigert: I notice I named Theodore Roche to be a state vice-chairman for San Francisco. Well, I named Theodore Roche because he was an able, well-known lawyer in San Francisco against whom there had never been a breath of scandal. He had been connected with the fine firm of Sullivan, Sullivan, and Roche, with which Hiram Johnson had been connected. I thought that would be a good name to inspire confidence and to sort of give an image of the kind of campaign we were running.

Fry: Are there any Democrats?

Sweigert: Oh, yes. Let's see. [looks at memorandum] Well, I don't know whether they're here or not. I don't recognize them offhand, but I know Tom Coakley at that time was a Democrat. I see his name on here. I was, of course. Bill O'Brien I mention in here; he was a clean-cut fellow. I think he was a Republican though.

Fry: I believe Joe O'Connor was your northern California pro.

Sweigert: Well, Joe O'Connor was a more or less professional organizer in San Francisco who would handle various kinds of events of a promotional nature, including campaigns around campaign time. He had no big firm; he operated out of his hat, had a one-room office. He was not an organization--he was Joe O'Connor. I had a great deal of confidence in Joe because he was a clean-cut fellow; I knew him very well, and he knew San Francisco's byways and alleyways very well. He was in contact with many, many groups because that was his livelihood.

His livelihood was rather meager. He charged fees for doing things for Irish organizations, Italian organizations, or Swedish organizations, and things of that kind. He would help them put on various affairs, from picnics to campaigns. So he was rather a resourceful fellow. He would get out press releases and make it look like there was action, sometimes even when there wasn't very much action.

I remember one time when Warren was running for governor in 1942, I told Joe O'Connor that we didn't have much support from union labor, and we did not--hardly anybody. I think there was one fellow from the painter's union, and we used him until his name was thin. But nevertheless, Joe organized what he called a Warren-for-governor labor meeting out on Valencia Street in San Francisco. I held my fingers crossed because, frankly, we didn't have any support; it was all lined up with Olson. We only had half a dozen out there, but Joe had it filled with signs. [laughter] "Labor

Sweigert: Supports Warren." [laughter] And he had one or two labor people there including this painter--I remember the painter's union, but I can't think of his name.

Then there was a labor man over in Alameda County that we could always rely on to help Warren a little bit because he was a personal friend of Earl Warren. His name will be in the records some place.

Fry: Yes, I think those are in some of these press releases here. There was one labor man who was mentioned [laughs] very frequently here.

Sweigert: Yes, in Alameda County.

Fry: Oh, let's see. Charles W. Real, vice president of California State Federation of Labor?

Sweigert: Charley Real of Oakland, yes. That's right. He was one of their vice presidents, and he could generally be counted on to give us a little labor imagery in Alameda County. Then we had another one.

Fry: Why was he different from all the others?

Sweigert: Well, I think he was a personal friend of Warren in Alameda County, and he probably just departed a little bit to help Warren in these affairs. [laughs] Charley Real. And then--I can't think of the name of the fellow from the painter's union that we had--that was about all. [laughs] We didn't have any labor support.

But the meeting was held out there, I'll never forget. I went out to attend it with my fingers crossed and looked in, and Joe had the place filled with his friends from various organizations. [laughter] So Joe at least was able to publish the fact that "Earl Warren's campaign was furthered last night by a well-attended meeting of labor supporters." [laughter] So it sounded pretty good. It was enough wood to nail an argument on, at least.

Fry: He sounds very different from Clem Whitaker's organization.

Sweigert: Oh well, the Whitaker and Baxter organization was really an organization. Joe O'Connor was really small potatoes compared to Whitaker. Joe O'Connor at that time, I'm pretty sure, did work for Whitaker in connection with the '42 campaign, because he knew Joe O'Connor. And he was helpful in many ways in local San Francisco area matters with which he was familiar on an almost personal basis. He would undoubtedly have worked for Whitaker and have been paid something by him--maybe through my suggestion, because I had known Joe.

Fry: Then in '46 he seems to have all northern California by himself.

Sweigert: Well, by '46 there was no more Whitaker because, as you well know, Earl Warren lost confidence in Whitaker during the 1942 campaign. The reason for it was that Earl Warren was an independent and you couldn't just do things for him and use his name and so forth.

I remember one time in '42 Whitaker, who used to sit at his typewriter and dash off these wonderful speeches, issued one, and there was something in it that displeased Warren very much. It had to do with the pension issue. I remember riding up to Sacramento in the car with Earl Warren, and it wasn't a very pleasant ride because it was something that I had missed and he was very unhappy with it. That made me rather embarrassed about the whole thing.

Warren couldn't be handled. It just was impossible to take Warren and mold him into an image by having other people write his speeches, and to have this, that, and that done, and so forth. Unless, as Warren often put it, it was a part of him. Do you see?

So it wasn't long after that campaign that there were no more dealings of any consequence with Whitaker. And by the time the next campaign came along in 1946, there was no Whitaker and Baxter. And, matter of fact, Whitaker and Baxter, who maintained their lines with wealthy interests, had tied in with other groups that were not even favorable to Earl Warren at the time. As you know, Whitaker and Baxter drifted into the management of the California Medical Association and, eventually through that, into handling their propaganda from Chicago for the American Medical Association. So Whitaker and Baxter were at arm's length with us all during the governorship.

Fry: Do you know whether Warren actually fired Whitaker and cancelled his contract, or whatever you had with him, in the '42 campaign?

Sweigert: I don't remember that there was any formal firing.

Fry: Well, his press releases go up to November 1 and the election was November third that year.

Sweigert: I don't remember any firing.

Fry: Press releases are on file, from late in the campaign with Whitaker's name on them.

Sweigert: No, no, the campaign had been set up that way by the original group of people that started to set things up in San Francisco, and it stayed that way. It was thought to be a normal thing to hire Whitaker and Baxter. It was their business to get things going.

Fry: It seems to me that those press releases were a lot more strident than the news stories released in other Warren campaigns. In one he has Warren referring to the "pinkness" of Olson. I don't know whether that was ever used or not; I haven't picked it up anywhere.

Sweigert: Well, that was typical Clem Whitaker, and those are some of the things that did not sit well with Warren when he would see things in the press. Most of them, however, were ascribed to alleged supporters of Warren. You'll see most of the press releases are in the form of announcements by individuals, such as Charley Real or Frank Belgrano, who was very active among the American Legion groups. Whitaker would write these releases and put words in their mouths, and sometimes they went beyond the homely manner of Earl Warren. That situation persisted all through Earl Warren's career--this matter of speechmaking.

I think you'll recall that the speeches he made during his early days as governor were put together in the governor's office. Many of them were non-political speeches. They were speeches that he'd be called upon to give as governor on various occasions, speeches to the United Nations gathering in San Francisco. Not the Charter Day affair, but, for example, they had a meeting of all the legal people connected with the United Nations in San Francisco, and he was scheduled to make one of the addresses.

Those addresses would be prepared in the office. Either Verne Scoggins or myself would draft something, sit down with him, if we were lucky enough to get a few minutes with him, and cut and fill and try to put together something that at least he could live with. And that's the way speechwriting went.

#### Vice Presidential Campaign, 1948

Sweigert: I think that the story's been often told (at least I've mentioned it a number of times) when he and [Thomas E.] Dewey were running for the presidency and the vice presidency, and Warren was to make a trip around the country by train. you see.

Fry: Oh, with you?

Sweigert: Yes. And they did. I remember one of them was named Sidney--I became rather friendly with him. They were supposed to help out on writing speeches for Earl Warren. Well, that just collapsed!

I wasn't supposed to go on that train; in fact I was a Democrat, had never changed registration, and this was a Republican affair. It was only a day or two before the train was to leave that Earl Warren called me in and importuned me to go with him. He said, "They've sent me a lot of these," he called them "gag-writers." And he said, "I just can't live with them. I've got to have somebody along here that can interpret me and help me in this matter of speechwriting."

I remember [laughs] Senator Everett Dirksen got on the train someplace in the East, maybe around Chicago, and he had written a speech he thought Warren ought to give. Well, I took it down to Earl Warren and he looked at it and he turned to me and he said, "You know better than that, Bill." [laughter]

And so my life was a life of misery on that train, trying to construct the basis of a speech every day to give every night. And then it was like pulling teeth to get it down there to Warren, to have him go over it and pull it to pieces. The process would wind up with him giving me an idea here and there and my drafting it, and sometimes with him writing on a yellow sheet a paragraph or two that he'd like to put in. Then finally I'd go back and put the hodgepodge together, and that was the speech for that night.

Dewey, on the other hand, had his speeches all prepared by professionals before his train ever left.

Fry: That's what I understand.

Sweigert: Yes, and he had a speech for each city all prepared before he ever left on the train. We never had a speech prepared until [laughter] about two hours before the meetings were held in various cities as we went around the country. That was an unhappy experience for me.

Fry: Can you think of any other campaign in which a candidate could write all of his speeches even before anything started, regardless of what issues might crop up?

Sweigert: Never heard of it, but Dewey at that time had a tremendously fine organization. They were very confident, they had a lot of money, they worked in an organized way, and speechwriting was just one of those things. It was far different from [laughter] Warren's train, I'll tell you that.

Fry: What directives did you get, if any, from the Dewey staff?

Sweigert: Very few, very few, because during that 1948 campaign Warren was more or less left to his own devices. I think that only on a few occasions during a whole period of three weeks there did he ever get in touch with Dewey.

There was always the feeling that you were not to say anything unless it meshed in with what Dewey was saying. There was this constant hazard of saying the wrong thing. So the job that I had, and that Earl Warren had, was to make speeches without saying too much or being too definite about anything. It was a very unhappy situation to be in.

Fry: Dewey wasn't really saying very much then either.

Sweigert: No. [laughter] No, Dewey wasn't saying very much, and what he did say was stereotyped, well thought out in advance. And during that campaign, he invariably refused to depart from the texts of these speeches. He would say, "Well, I dealt with that in my speech of so-and-so and so-and-so, and if you read that you'll have all my views on that subject," you see. And that was an evidence of the confidence they had in their organized attempt to beat what they thought was a foredoomed Harry Truman.

Fry: Did you have any contact with Dewey in which you or Warren tried to convince him that you needed to come out on some of the issues in a more concrete way?

Sweigert: Yes. I remember--I think it was Detroit--I got together a speech [laughter] that was supposed to speak about labor. I don't know where it would be now. I'd like to see some of those speeches. Have you got the speeches that were given during the 1948 campaign?

Fry: I've got some of that labor speech. Mary Ellen Leary remembered one speech that got the press all excited. The press had a terrible time writing stories on the campaign train [laughter] because there wasn't any news--

Sweigert: I guess there wasn't much to write about.

Fry: Finally Warren came out for something (she thought it was Detroit, or Cleveland, or somewhere). We thought it probably was the Detroit speech, because in that one Warren came out stronger on Taft-Hartley. Here's a quote from it, and you can see if this is the one you're thinking about: "If I thought the Taft-Hartley law, or any other law, struck at the fundamental rights of workers to organize, or to bargain collectively, or to use their full economic strength to improve their lot, I would fight it with every fiber in my body." And then later he adds, "The Republican platform pledges us to this, and I know Tom Dewey will do it."

Do you think that's the one?

Sweigert: Well, it's been so long ago that I've forgotten. But I have something in my mind to the effect that it was a labor speech that I labored on, and that it probably was at Detroit.

Fry: Well, that must have been the one, then.

Sweigert: I have no copies of any of those speeches.

Fry: Well, what happened when he gave that speech? Did he check with Dewey, or did you, on that speech beforehand?

Sweigert: Not that I remember. But we just had to say something on this tour, and, as it developed, the limitations on us were such that what was said had to be put in the form of what we call generalities.

Fry: There were a couple of interesting speeches in the '42 campaign. Let me show you, in the front of this pile. [shows him] They don't look like Whitaker did them. There's one called "A Statement Regarding World Organization," and here's one, "An Address on Education." I thought maybe you had helped him with those. That world organization speech, for 1942, is really astonishing, to me.

Sweigert: In the 1942 campaign for governor, in which Clem Whitaker was the campaign director, the campaign started out with Clem Whitaker doing most of the scripting of statements for political purposes. Warren, I remember, wrote his own announcement of candidacy for governor. I remember talking to him about it in his own office in the State Building in San Francisco when he decided to run for governor.

He did much writing by taking the opportunity at various times to jot down on yellow sheets certain things that he would like to bring out and say. Sometimes I would go over those, edit them, add to them, and they would eventually get into speeches. I checked a

Sweigert: little bit on what was going on down at the headquarters, but I was a deputy attorney general then and doing law work, so I wasn't allowed to take an active part in the campaign. But I did try to keep my eye on things.

Fry: So those two speeches that don't have the Whitaker stamp on them could have been something that Warren drew up?

Sweigert: They could have been, I just can't recall.

## X MEMO TO EARL WARREN, 1942: SOCIAL CONSCIOUSNESS IN GOVERNMENT

- Sweigert: Did I ever give you a copy of the memorandum I wrote, I think I did, for Earl Warren?
- Fry: You did give it to me, and you mentioned that in our last interview [see Appendix].
- Sweigert: But you have a copy of that? I remember he came to me and simply said, "Bill, I'd like you to sit down and just write what you conceive to be the things that are important to mention and to thereafter follow up in a campaign for the governorship." I wrote a memorandum to him, and [laughter] I think in there, without any pre-conversation with him at all, I even mentioned the importance of some way taking care of health.
- Fry: Yes, it put government in a fairly responsible and active role in filling social needs.
- Sweigert: It did. On the whole it was a rather progressive and rather liberal approach.
- Fry: Did he ever talk that over with you?
- Sweigert: Yes, after I presented it to him. I remember I turned it in to him, and it was a long time before I heard from him because things were busy in those days, and he didn't get around to it. Finally he did come around, and he called me in, and we discussed the thing in his office. Then at luncheon we'd go into these things. I think he would use me as a sort of a feedback.
- Fry: A kind of sounding board, then, for his ideas?
- Sweigert: Back and forth, yes.

Fry: Did he argue with any of those points?

Sweigert: Oh, there would be a little argument once in a while. I was, in those days, pretty fond of Franklin D. Roosevelt and Warren was not. (I think we went into this before.) I used to argue with him once in a while because, after all, he had that Republican background--you know, Herbert Hoover background--of conservatism.

FDR, of course, in those days was on quite the opposite pole. I was more of an activist and tended toward the Roosevelt approach, and [laughter] eventually Earl Warren wound up that way himself, you see.

Fry: In that memo you didn't come out for New Deal measures, per se.

Sweigert: I don't think I mentioned New Deal measures, per se.

Fry: No, but you did lay a premise for government which a New Dealer would have found familiar.

Sweigert: That's right, yes. It was something that was reflected in Warren's career, I think, largely.

Fry: Later on there was a speech that he gave--let me find it here--to the Western Governors Conference in Wyoming. In that speech he talks about the need for government in the postwar world to lay the groundwork for free enterprise by seeing that water resources are organized and--

Sweigert: Doing things that people couldn't do by themselves.

Fry: Yes, including schools and training. And his point to the other governors was that this, in football terms, clears the way for the man with the ball--the free enterprise person.

Sweigert: There was generally no basic argument about things like that in those days.

Fry: However, this did put government in a much more active role than Warren would have wanted earlier.

Sweigert: That's right. Some of the conservatives of those days regarded anything that government did as a tendency toward socialism. Those things were decried often by conservatives.

Fry: He came out in that speech for farm produce price support, for minimum wages, and so forth. This was November 19, 1945.\*

---

\*November 19, 1945. Copy in supporting documents to this oral history in The Bancroft Library.

- Sweigert: Well, '45, that's during his first term, yes.
- Fry: I can still see similarities in that speech and what your '42 memo had brought out as a basis for government philosophy.
- Sweigert: I think, strangely enough, it did reflect the approach that was to be taken.
- Fry: Could you give us some idea of how often you and Warren had philosophic discussions on the role of government in society?
- Sweigert: Oh, an off-and-on thing, generally at lunch.
- Fry: All through your service in his office?
- Sweigert: Yes. It started, really, in the attorney general's office. During the campaign we'd have discussions on a plane that was a level above the ordinary, vote-getting mechanics of the thing. That continued during the years I was with him.

## XI DEMOCRATS FOR WARREN IN 1942

- Fry: Were you able in 1942 to bring any Democrats into Warren's campaign, since you were a Democrat?
- Sweigert: Yes, I did. I tried to reach out to get a few people whom I happened to know to come into the fold.
- Fry: Tom Hickey?
- Sweigert: Well, Tom Hickey was my associate, you see. His name was very prominent in Democratic affairs. He'd been a supporter of Al Smith and later FDR.
- Fry: He made the nominating speech for Al Smith, didn't he?
- Sweigert: No, it was a seconding speech, I think, down in Houston, Texas.
- Fry: Clem Whitaker once wrote that he nominated Al Smith.
- Sweigert: I don't think he nominated him, but he made a seconding speech down there. But he was well known as a Democratic name in San Francisco. Of course it was very easy for me to get Tom Hickey's name to use in there; that was one of the names that I would get. I'm sure that I got quite a few others.
- Fry: Clyde Sherwood, manager of FDR's campaign in Alameda County?
- Sweigert: No, I didn't do much in Alameda County.
- Fry: Let's see, Assemblyman Henry P. Meehan, George Creel.
- Sweigert: Well, George Creel--I don't know how we got George Creel's name. Did we have his name as early as 1942?

- Fry: Yes, in those press releases there's a lot about his coming out for Warren.
- Sweigert: Yes, I know he was friendly to us because I remember, in the early days of the governorship, having lunch with George Creel at the Sutter Club on one occasion when he came up there. I think Warren was away, and I took on the chore of entertaining him--having him to lunch over at the Sutter Club.
- Fry: The other Democrat whom I gleaned from looking through all those press releases was Assembly Speaker Gordon Garland.
- Sweigert: Well, Gordon Garland was in the legislature, and he was very active in connection with the so-called rebellion in the legislature against Olson.
- Fry: The so-called Economy Bloc?
- Sweigert: The Economy Bloc. And when Warren was elected, he appointed Gordon Garland as director of the Department of Motor Vehicles.
- Fry: Someone told me, it was either Pop Small or Helen MacGregor, that was one of Warren's few political appointments.
- Sweigert: It was a token appointment to acknowledge the support of (or rather to possibly ingratiate a little bit) the members of the anti-Olson Economy Bloc, do you see?
- Fry: I see. They were still there in the legislature, weren't they?
- Sweigert: I don't think Gordon Garland lasted very long as director of the Department of Motor Vehicles. I think he resigned eventually.
- Fry: Yes, he did. Someone told me that Warren himself didn't promise Gordon that job. Someone else promised it for him, and he felt he had to fulfill--
- Sweigert: I think it was done, with all due respect to Gordon Garland, reluctantly. I'm sure that Gordon was not recommended for the Department of Motor Vehicles directorship, but was, I think, recommended for something more vital, and Warren put him over at the Department of Motor Vehicles instead.
- ##
- Sweigert: [reading] Oh, this is your synopsis of Warren's address to the legislature.
- Fry: That's right, in 1943.

Sweigert: Oh, yes. As a matter of fact you're talking to me here in Carmel on April 1975 and in December 1942, when Virginia and I were just married, we came down here for a brief honeymoon at Pebble Beach Lodge, where we are now in the Carmel area. Virginia remembers [laughter] that I spent some time down there at that beautiful lodge on the oceanside going over the intermediate drafts and the final draft of the governor's inauguration speech. I know we left Carmel in time to get to San Francisco, stay there at the Palace Hotel, and the next morning go up to Sacramento in time for the inauguration.

Fry: [laughter] That was a time of double beginning for you, wasn't it-- the governor's office and your marriage.

Sweigert: Yes. Yes, that's true.

## XII EARL WARREN'S FIRST TERM AS GOVERNOR, 1943

Social Welfare Reforms and Governmental Reorganization

- Fry: Is there a direct line between your memo and what he suggests in his inauguration address and the legislation later proposed?
- Sweigert: I don't think specifically it's in there, except in general form. The health bill I think we discussed once before. That came up later, in 1945. He was mainly, at the beginning, concerned with the mental health program. The decision to come out for a system of health insurance came in 1945. I remember that very well. And I think I told you something about how health insurance happened to pop up apart from and over and above the mental hospital thing.
- Fry: [reading] In his address to the legislature he has a lot on women who, with the war, were under new strains. There is a plug for penal reform. About local government he says there has to be a new coordination between the efforts of cities and counties and state agencies. He mentions the problem of manpower utilization in wartime. He called for something to replace the wholly political Highway Commission, a "division of highways" to be set up.
- Sweigert: Yes, well, he more or less did that when he put Charley Purcell in as director of highways during his first term. He named Charley Purcell, who was a career man in the department and one whose name would never occur to anybody as being the possible director of the division. But Warren appointed Purcell because he knew that he was a fine career man, and he didn't want any more of the pushing and hauling that had gone on for many years in connection with highway matters.
- Fry: And he called for a study of pensions that he wanted to be based on--

Sweigert: Well, the study of pensions was a subject that was ripe at that time. California, for several years before Warren ever became governor, was a hotbed of arguments pro and con about pensions, you know--going back not only to Culbert Olson but to the "Ham 'n Eggs" of Upton Sinclair when he ran for governor against [Frank] Merriam. Later on the pensioners more or less organized under the name of a great professional pension leader, George H. McLain.

Fry: Warren makes the statement here that the pension system should not be based upon the requirement of pauperism. He wants it to be based upon a social right, and he thinks the ultimate solution will be federal.

Sweigert: And it turned out to be that way, too. That's the Social Security system.

Fry: And he said in the meantime we need it in the state.

Sweigert: Yes. In other words, it was generally along the line of his approach to the health problem, too. In fact the first suggestion, I think, for the health plan in California was that the system be built into the Social Security system, you see, because it involved contributions by the workers on an insurance principle.

Fry: Then he called for reorganization of civilian defense, and--

Sweigert: Well, that was a very hot thing at that time. As you know, Earl Warren ran for governor in 1942 as the result of a confrontation between himself and then-Governor Olson on the subject of civilian defense--the so-called state guard issue.

Fry: Yes, they had quite a battle there. Once Olson tried to keep Warren's civil defense organization from getting its appropriation. That was quite a story.

Sweigert: Olson also was bypassing the attorney general, and that's what initially made Warren very angry. I think I mentioned once before there was some lawsuit brought in connection with the state guard, in which some plaintiffs sued the governor, among other people. The governor, instead of sending it to the attorney general, sent the complaint [laughter] to some private law firm down in Los Angeles to represent it.

Of course Warren hit the ceiling because, after all, Earl Warren was the legally elected attorney general of the State of California and should normally have represented the governor whenever he was sued in his capacity as governor.

Sweigert: I think that's what really, really, turned the tide on Earl Warren. Because, remember he was attorney general in his first term and that had been a long time ambition of his. He was quite happy in there and wanted to make a career out of the attorney generalship. I'm sure he would have completed his term as attorney general and probably gone for a second term if he had found the functioning of the attorney general's office compatible with the state operations as a whole. But, as you possibly have found out in your questioning, Olson was, I believe, a good man and a humanitarian and quite a liberal. He wanted to make himself the New Dealer of California.

But Warren was a very stubborn man. Olson's tactics didn't work with Warren at all because Warren was an independent too and wouldn't take affronts.

Fry: I'd like to go into the events just prior to your wedding--and between Warren's election and the inauguration. There are some things which aren't quite clear in the newspapers and press releases of that period. For instance, what does it mean when it says "Olson's lame-duck appointments were withdrawn"? Do you know what Warren did with those lame-duck appointments?

Sweigert: Yes, I think there were a few pending appointments up there that hadn't been acted on by the time Warren was inaugurated, and possibly a few of them were withdrawn.

Fry: Were they withdrawn at Warren's request?

Sweigert: I don't recall exactly how that was handled, but I remember vaguely that there were some nominations that were withdrawn.

Fry: Was it customary for people in appointive positions above civil service to turn in their resignations to an incoming governor?

Sweigert: Well, I think that would have been true with respect to heads of departments, but sometimes members of boards and commissions--of which there were many--might not have been in that category.

Fry: You may remember Warren announcing, early in January, that he had asked all department heads to clear through his office legislation that pertained to their departments. He didn't want any high-pressure lobbying by his own state officials, I guess.

Sweigert: That is exactly the policy that he followed.

Fry: Did he ever have to rap anyone's knuckles for making an end run around him to the legislature?

Sweigert: I don't think so, because we had a pretty fixed policy in the office of starting in early to consult with the heads of the departments. We asked them for their ideas concerning what needed to be done, in the public interest, to improve the public service of their departments. We would then go over those suggestions and try to digest them, put them into shape so that the governor would be aware of them, and so forth. Those things generally culminated in the general and special addresses to the legislature.

But Warren did take the position that he did not want the heads of departments going off on their own. He wanted their suggestions and their help, and sometimes, when a policy was agreed upon, he'd want them to do what they could to advance it in the legislature--but as part of a general scheme. Well, that's a normal thing because otherwise things get pretty confused.

We didn't have much of a problem, that I recall, in that respect. The directors of the departments--after they were appointed by Warren and indoctrinated by him and knew what his approach was--were very cooperative. I don't remember any difficulties.

#### Organization of Governor's Office and Personnel

Fry: When he took office as governor you were faced with the job of organizing his office.

Sweigert: Yes, and that wasn't an easy thing to do because, I remember, when we went into the office it was like Old Mother Hubbard's cupboard--it was bare.

Fry: Oh, really?

Sweigert: Yes, the office was bare, as I recall it. Except upstairs there were files which contained these extradition papers [laughter] with their beautiful, colorful seals of the various states. [laughter] They were up there. But the files were all empty, nothing left in the office. We had nothing but chairs and tables when we entered the governor's office. I don't think that's ever happened since. Everything was cleared out.

Fry: That would be a particular disadvantage, wouldn't it, when you didn't have anything at all to start with!

Sweigert: Nothing.

Fry: What did you do to recoup the immediate history of the various departments?

Sweigert: Nothing much that we could do, except as we eventually got new directors in, some of the former ones held on to be cooperative. I think that George Killion, who was director of Finance, stayed on merely for the purpose of helping until Warren got another director of Finance. A few of them were very helpful, but most of them left, and we saw neither hide nor tide of them.

And it made it very difficult because here's a new governor taking over. At the same time the legislature is meeting, convening. And at the same time there is the usual surge of people who want to see the newly elected governor and who are interested in appointments for themselves or appointments for others. And the mail was enormous--we were not even clerically equipped to handle it.

It was largely my fault, I should have been up there getting this thing together instead of getting married to my darling Virginia.

Fry: Virginia, did you hear that? [laughter]

Virginia: I heard it.

Fry: Who was the department secretary or liaison person?

Sweigert: Well, it's a very simple story. Helen MacGregor had been his personal secretary, both as district attorney and in the attorney general's office. And she naturally went up there and still performed as his personal secretary. I went up there to become the executive secretary in charge of the whole shebang. Verne Scoggins, who had been a political reporter on the Stockton Record, came up to be the press secretary.

Fry: So you three set up the governor's office.

Sweigert: It started with the three of us. In fact, I had to get Margaret Gallagher to come over from the attorney general's office and cast her lot with the governor's office as my secretary so that I could get a few things done.

Verne Scoggins brought in a woman that he knew, and in whom he had confidence, to be his secretary. Helen MacGregor brought somebody in to help her, Margaret McGee, I believe.

Sweigert: There was nobody in the office that had any experience, so I inquired around concerning who actually had been doing the nitty-gritty of the governor's office there, and I found out that it was a woman named Alice S. Anderson. She lived up in Loomis, I think, and of course she was out of a job. But I inquired around and found out that everybody regarded her very highly, and she was just a fine woman with her job. And so I got in touch with her. I asked her to come down and stay on with us and start to build up the office so it could function. And she did. She stayed with the office for many years; she was a wonderful woman. She was more or less in charge of what we called Upstairs--you know, where the files were kept.

Fry: What about the episode of the microphones that were found?

Sweigert: Well, when Warren went into the office either he or Oscar Jahnsen, who had been a sort of an aide to Warren both in the district attorney's office and in the attorney's general's office, discovered that there was a bug hidden in one of the telephone stands in the governor's office. Of course this was a real shocker. I remember Oscar Jahnsen looked around upstairs, and he found the recording devices to this bug upstairs in an office.

Fry: This was like a dictaphone?

Sweigert: Yes. The point was that everything that was said in the governor's office was recorded. This has some Watergate anticipations, hasn't it? Warren, of course, had them torn out. I think--yes--it was made public at the time, because he didn't want it ever to look as if bugs, which had been in the place at one time, were kept in the office during his administration. So, for his own protection, he had to make the matter public and to have them torn out.

Fry: Was there any chance that those could have been used simply for secretarial dictation, or was it really for conversation?

Sweigert: I don't know the answer to that. All I know is that they discovered that conversations were either recorded upstairs or could be recorded upstairs.

Fry: When you say upstairs, you mean a secretarial pool?

Sweigert: Some place upstairs, I forget where they found the connection, but it definitely was coupled up with the governor's personal office.

Fry: I'm interested in how you organized the governor's office and how you related to others. You might want to look at these office memos from 1945. One is about political correspondence, and one relates to county organization.\*

Sweigert: Well, this is later on, these are '45.

Fry: Which shows that you were evolving your files.

Sweigert: Oh, we were constantly working with the thing. But I remember that I had a chart made of the initial organization of the office, which never was completed until, certainly, late in 1943, or maybe as late as 1944. It was physically impossible to do much during 1942 for the very simple reason that it was difficult to try and fix a machine while it was going. There was just too much going on. So we had to play it more or less by ear.

But after the legislature left, and after things began to quiet down and we had the basic skeleton of a staff, then we could begin to really create what I envisioned to be a service agency for the government. In other words, an agency whose function it would be to conserve the governor's limited time, and at the same time funnel to him everything that he should be aware of. And that's exactly what we tried to do.

I remember there's a chart someplace--I know that my original chart is not there, but I think after I left in 1948 a chart was made by Jim Oakley.

Fry: I have a chart of 1950.

Sweigert: Just the way it was set up and organized?

Fry: Right, and I sent you a copy [see next page].

Sweigert: Oh, I see. Well, the chart that you sent me was not the one I prepared originally, but it was basically the same thing. Oakley was the one who took my job when I left. Naturally his name was in there as executive secretary, and it shows all the breakdowns into the departmental contacts and liaisons and things of that kind. But that's basically what was set up by myself, in either late 1943 or sometime in 1944.

Fry: That's interesting, because the chart is dated 1950. But it remained basically the same all those years?

---

\*See Appendix.





Sweigert: Well, there might have been some development of it, and there might have been some minor changes made when Oakley had a new chart made. That would be natural because his name had to be inserted in place of mine, so a new chart was made. But it was an outgrowth of what had been the organization of the office.

Fry: Who was the departmental secretary before Pop [Merrell F.] Small? Were you handling that with your left hand?

Sweigert: Well, at first we were all handling everything. I'm just trying to think--did we have what we called a departmental secretary until we got Pop Snall into the office?

Fry: You may not have.

Sweigert: I'm trying to think of some of the people we had. I think we had Lawrence Carr in the office for a while. He was the young attorney up in the--

Fry: Oh yes, he is listed as the legislative secretary.

Sweigert: I think he served for a while as our legislative secretary to keep touch with the legislature. He left, went on to the veteran's board, served there for a while for us, and practiced law back in Redding. Fine person. Then Beach Vasey, from Los Angeles, took that place.

I'm just a little unsure about whether we had what we called a departmental secretary set up until we got Pop Snall to come in and do that.

Fry: Did you handle the Governor's Council meetings, which were made up of all your department heads, right from the first?

Sweigert: Well, we set them up and, of course, notified the heads of departments of the meetings, and so forth. We would attempt to have them send to us, in advance, matters that they thought should be discussed at the Governor's Council. We called it council--not cabinet. We would try to see that was set up so matters of public importance could be discussed. Then Verne Scoggins might get out a press release on some of them.

Fry: How was Warren briefed on these ahead of time? Was there any effort made to condense department reports and present them to the governor beforehand?

Sweigert: Yes, we did that by a system of memoranda. In other words, we got files set up on his desk for certain types of memoranda, which would circulate from me, or to me, from the other secretaries. There would be one of those memos always on one of the files in the governor's office. However, the governor is a busy man and hasn't got much time to be sitting down going over memoranda. So, in sum and substance, during the last hours preceding any particular event there had to be some briefing based on the memoranda.

Fry: Were you the one who gave him that?

Sweigert: Yes, or if there was some public relations aspect of it, it would be Verne Scoggins. If it would be something that had come to Miss MacGregor's attention, she would be the one.

We would try to meet with the governor in his office each day.

Fry: Who is we?

Sweigert: That is the secretaries. We would hold our own meeting in my office.

Fry: That's you and Helen MacGregor and Verne--

Sweigert: Verne Scoggins and, as things went along, others. For instance, I remember we got little Jimmy Welsh, who had just graduated from Stanford. I couldn't handle the detail about legal extradition and things of that kind, I was too busy.

Fry: And pardons, and--

Sweigert: So we got Jimmy Welsh up, and he started to take over that chore. He stayed on and took on a number of other chores. He was very helpful. As a matter of fact, he became so familiar with the governor's office and its relations with the legislature that after Earl Warren left to go to Washington and Goodwin Knight took over, he then sent for Jimmy Welsh to come back and help him in the office.

Warren had put Jimmy Welsh on the, I think it was, Industrial Accident Commission. Then Goodwin Knight sent for him and told him to come back. I think he told him that if he'd come back and help him, for a reasonable period, he'd put him on the bench. And he did thereafter appoint Jimmy to the municipal court in San Francisco.

Fry: Did James Welsh get along all right with Earl Warren? I thought there was some problem toward the last.

Sweigert: Well, of course he got along all right, and he was very helpful in that office. He had his eyes open all the time, and he was a good observer, and he was very helpful. But to Earl Warren he was always a kid, or a child, do you see? And Warren looked upon him that way. I think that that was the trouble. We wanted Earl Warren to take care of Jimmy before he left the office, maybe put him on the municipal court or something of that kind, and Warren would remark, "Oh, he's just a kid, we can't have him on there." But Jimmy Welsh was a person who was very conscientious and who did mature rather rapidly, but he was a peculiar temperament. He stayed on after I left and worked with the governor; and he has told me that he did have difficulties in getting along with the governor. But the difficulty didn't have to do with lack of loyalty, because Jimmy was very loyal, very helpful. But he was a little brusque in his suggestions, you know.

So he went onto the Industrial Accident Commission, I believe. He then went back and served Goodwin Knight for a while and then went on the bench and last year [1974] retired from the bench. Shows you how time goes by. But he was very loyal.

Fry: Were there ever larger staff meetings involving more than just the three or four secretaries?

Sweigert: Well, sometimes we would have Miss Anderson, when it involved office routine, sit in when we were trying to set up mechanical things. But normally it would be myself, Helen MacGregor, Verne Scoggins, and then later Beach Vasey, and later Pop Small, and whoever else was part of our staff.

We tried to set up regular office meetings with the governor, but it was very difficult to establish a rigid pattern of that kind. The office is too busy.

Fry: Could you explain how your functions related to Helen MacGregor's? Were you two parallel, or did you shuffle things back and forth?

Sweigert: Well, she was truly his personal secretary and handled things that were very close to him, his family matters, and she also--I think you'll find if you look at the chart--was the one who was set up to keep track of the invitations coming to the governor to speak or to be present at certain places. All of that thing was made part of her chores there--she kept track of those things.

Fry: Did she work on appointments?

- Sweigert: No, not primarily. After Jimmy Welsh was with us for a while, he took over that chore, handling the so-called file concerning appointments. No, there was no parallel or duplication between myself and Helen MacGregor. She was given certain functions, and she followed them out wonderfully.
- Fry: Did she ever have any special projects given to her?
- Sweigert: Oh, I think from time to time. I don't remember of any specifically now.
- Fry: Why was the troubleshooter in the office?
- Sweigert: [laughter] I guess I would be, or Verne Scoggins would be if it was a hassle with the press of some kind. We'd just have to handle many things ad hoc that would come to our attention. We'd have to move rapidly in order to get the one in the office nearest to the problem to follow through, to find out, report back, so that we'd be on top of it before the thing was possibly a matter for the governor to be aware of.

#### Warren as Boss; Relations with Press

- Fry: When you were interviewed by the national educational network for their special program on Earl Warren, a few years ago, you said, "Warren was a hard man to work with." I wondered if you would explain that.
- Sweigert: Well, I think I've said that many times. He was a hard man to work with because of the fact that he was so extremely able.
- Fry: He was very demanding, then, of other people?
- Sweigert: He demanded perfection. He demanded that people know what they were talking about, and he was a man who you couldn't fool, not even in a decent way, to bide time. And in that way he was-- because he caught on to things very quickly [snaps fingers], mind worked rapidly, and he would be impatient with what we might call sloppiness or laziness or anything of that kind. It kept everybody on their toes. In that sense he was hard to work with. I don't mean he was mean or anything of that kind.

He could mildly blow up on occasions. But he was always fair, he was always fair.

- Fry: In the case of human error, when somebody let something slip and it became an embarrassment to the governor's office, what would his human reaction be?
- Sweigert: Well, he'd row. But as I say, he was fair and understanding. The only thing that he would never forgive was anything that was done selfishly or fraudulently or anything of that kind. But if it was just human error, or maybe a judgment that was not quite his at that time, he would grunt and growl about it. But I can only say that he was fair about it.
- Fry: Is there any other thing that you could tell us about the atmosphere of his office?
- Sweigert: We had a good atmosphere in the office. There was no internecine warring among the people that were with him. That was one thing that he wanted, and that I always insisted upon: we maintained a fairly genial atmosphere. We had none of the sniping that goes on sometimes in organizations of that kind where somebody is attempting to o'erleap somebody else. We just knew that that wasn't what we were there for, that's not what he wanted. So we had no great problems along those lines, which was a good thing.
- Fry: Yes, and remarkable, too.
- Sweigert: A good thing.
- Fry: Verne Scoggins was the press man for almost Warren's whole governorship.
- Sweigert: Yes, almost the whole term, yes.
- Fry: How would you evaluate Scoggins as a press man?
- Sweigert: I always thought that Verne was very, very good. The press would holler at him, as they'll holler at any press man. In fact they'd come to me, saying, "Why didn't we get this, and why don't we get that?" Well, I would generally pour a little balm on troubled waters, you know, and get things straightened out.
- But Verne was very faithful, very loyal, had pretty good insights. He knew what the governor wanted and did a pretty good job, I thought.
- Fry: He could judge when to give them the hard information and when to tell them a lot but not really say much?

- Sweigert: That's right, yes. Well, that drives any press man crazy, you see. But I would sometimes give the press a little background on things, you know. I was never short-circuited by it.
- Fry: You mean from Verne Scoggins?
- Sweigert: No, I mean by the press. I'd give them a little bit more background than Verne maybe would give them sometimes, but--
- Fry: Who in the press corps were the most difficult to deal with?
- Sweigert: Well, the digger up there was Pete [Herbert L.] Phillips of the Bee. You've undoubtedly talked to Pete. Pete was a digger who'd drive you crazy, take up your time. But he was a specialist for the Bee, which was important because that was the paper that went up and down the whole Valley. And I see that Jack Welter is still up there for the [San Francisco] Examiner. He's been up there for years.
- Fry: Was he there when you were in Sacramento?
- Sweigert: Yes. Have you ever talked to Jack Welter?
- Fry: No, I haven't.
- Sweigert: Get a hold of him some day. Jack was a wonderful, outgoing fellow and tough reporter. He'd be able to give you some insights.
- In fact, I just saw an article in the Examiner the other day, it was end of the week, I guess, about Jack Welter. I was surprised to see that he's still on the job up there for the Examiner's Sacramento Bureau.
- Fry: What about the L.A. Times and Kyle Palmer? Kyle Palmer seems a little bigger than life--important as a creator of political news, too.
- Sweigert: That's right. Kyle Palmer was a fellow that was of some prestige because he was with the Los Angeles Times, do you see?
- Fry: And that was the key to southern California, wasn't it?
- Sweigert: That's right. Kyle Palmer, I think, was a person that the governor could talk to, even on matters on which southern California policy didn't jibe with the governor's.
- Fry: Like water?

Sweigert: I remember the big discussion, the big event, occurred after I left. That was when Warren took a part in the loyalty oath squabble at the University of California. The Times was taking the view that they wanted to have everybody take an oath and Warren very--

##

Sweigert: --and Squire [Earl] Behrens was there.

Fry: Excuse me. To finish up on Palmer, did Warren talk to Palmer about the loyalty oath and get support from--?

Sweigert: I think that Warren, through Kyle Palmer, eventually had a conference with [Otis] Chandler, publisher, of the Times. And the Times, apparently, changed their mind about a very strong editorial that they had planned to write against Warren on the issue.

Fry: That's interesting.

You were about to say Squire Behrens of the San Francisco Chronicle--

Sweigert: Well, I'm just remarking that Squire was there [laughs] from all eternity, you know, on the Chronicle.

Fry: Was he also the sort of reporter who stepped out of his role of the inquirer and--?

Sweigert: I don't think so, he was pretty much at his desk, you know, and reported, reported, reported.

Fry: What about Mary Ellen Leary, who worked for the San Francisco News

Sweigert: Yes, Mary Ellen Leary, it seems to me, was with the San Francisco News, which was then being published. She was a digger. She would attempt to ferret out things and was constantly asking questions and so forth. But we had a good relationship with her.

Fry: She's given her papers, too, to the Bancroft Library.

Sweigert: There was only one up there that used to give us a little trouble once in a while. I think it was a representative of southern California--forget who it was, I can't recall now.

Fry: Manchester Boddy of the Los Angeles Daily News? He ran against Helen Gahagan Douglas in the primary in 1950.

Sweigert: Yes, I think that may have been it. Anyhow, that was the liberal paper down there in Los Angeles.

Fry: But that's not the one who gave you the trouble?

Sweigert: No, I don't think so. Verne Scoggins would have a clearer recollection of the relationship with the press.

Fry: Have we covered your duties for Warren, or are we leaving out something that--?

Sweigert: Well, it seems to me that I did about everything that would be known to man. At one time up there (during the first several years of years of Warren's administration) he, along with the rest of us, went over to the Sacramento Trade Club, in accordance with a tradition of theirs to have the governor and his staff come over as guests at one of their meetings.

I remember distinctly that he introduced everyone of the staff, and he started off with, as he said, Bill Sweigert. And he said, "Now, Bill Sweigert is my executive secretary. Now you might want to know," said the governor, "what an executive secretary does." And the governor said, "Well, I'll tell you. Bill Sweigert was my chief assistant in the attorney general's office, and in that capacity he did everything but empty the wastebaskets." He said, "Now he even empties the wastebaskets."

Fry: [laughter] That's good. Then I can ask you everything that we've always wanted to know about Warren but hadn't been able to ask.

Sweigert: Well, that's a good way to answer it, isn't it?

#### Reorganization of Civil Defense

Fry: [laughter] Yes, it is. Concerning the reorganization of civilian defense which was announced on December 5, 1942 and which had been created as an administrative function by the legislature two years before: Warren stated that it would be stripped of its administrative functions and be advisory only, that a war cabinet would take its place, with the existing departments of state government under it. Would you explain what the war cabinet was? [pause] The term might not have lasted very long. Was it a group of people with whom you had regular meetings?

Sweigert: I'm trying to retroject myself back to that time. The war was on.

Fry: Yes, it'd been on about a year.

Sweigert: Forty-two and '43 and '44. We did set up our office liaison with all the agencies of government and all federal defense agencies, as I recall it, through Burton Washburn. Does that name ever come in?

Fry: Yes, there was a Washburn who was the executive of the State Disaster Council.

Sweigert: That's it. He's to be distinguished from Earl Washburn who was associated with Colonel Alexander R. Heron on the Reconstruction and Re-employment Commission, on which I served as a member representing the governor.

Fry: So this Washburn was different?

Sweigert: Yes, Burton Washburn was our liaison with the defense agencies. That is, he worked out of our office as a liaison with all the defense agencies, federal and state agencies and everything else. I guess it was called what? Disaster Council, yes, that was it.

Fry: How did Warren relate this to his attorney general's office-- the whole problem of civilian defense, the war, and preparedness? When he became governor, was he able to handle that with his attorney general better than Olson had handled it with Warren? [laughter]

Sweigert: Well, yes, he got along fairly well with Bob Kenny in the attorney general's office, except that Kenny turned out to run for governor in 1946. But, by that time, the federal government had things pretty well in hand, and it was just a matter of cooperation with the federal agencies.

Fry: Oh, I see, it was a different picture altogether in the war.

Sweigert: Yes, the war broke out in--let's see--'41, wasn't it?

Fry: Yes, late '41.

Sweigert: Yes, Pearl Harbor, '41. Warren was in the attorney general's office until the end of 1942 and then went into the governor's office.

Sweigert: I'd have to refresh myself on some of the messages to the legislature at the time in order to recall just exactly what, in detail, happened with respect to the handling of the so-called civilian defense and things of that kind.

There was a disaster council set up, and I think that's the way it operated.

Fry: I have another question on an appointment that I've been wanting to ask somebody. Warren's appointments were usually the result of extensive searching, testing, and interviews. Yet when the Superintendent of Public Instruction, Walter Dexter, died in office in November of 1945, Roy E. Simpson was quickly appointed without any such big survey. Don't you think so?

Sweigert: I think he was just--well, I don't know. Was he appointed or he was elected? Because that's an elective office.

Fry: He was appointed first because Dexter had died.

Sweigert: Yes. Well, Warren just apparently looked for somebody who was well recommended and found the man, that's all. He thereafter ran and was elected, I think.

Fry: Yes, he was re-elected many times.

Sweigert: Yes, Roy Simpson was a familiar name on the ballot.

Fry: Well, it seems like it had been an unusually simple appointment with a simplified procedure, compared to Warren's other key appointments.

Sweigert: Well, there was no great procedure in selecting Dr. Wilton L. Halverson. It was just Warren's knowledge that Halverson seemed to be always mentioned as the ablest man in the state on public health matters that led Warren to almost insist [laughter] that he come up to Sacramento (and give up his better position in Los Angeles) to straighten out the Department of Public Health.

Relations with Legislature and Department Heads

Fry: Concerning the legislature and legislative relations, I gather that although there were successive legislative secretaries like Lawrence Carr, Dick Chamberlain, Burdette Daniels, and Beach Vasey, the impression is that you carried a lot of this responsibility too-- along with emptying wastebaskets.

Sweigert: That was true, that was true.

Fry: For instance, did you help him write each of his legislative addresses?

Sweigert: I did, yes. I would start a process to have the department heads fill me in on things that needed legislation. We had a regular program worked out for that. At a certain time, we'd call on the department heads to send to us what they thought needed improvement, as I told you before, and to suggest to us the type of legislation that they believed was in the public interest. We didn't want anybody pulling oars for any particular group, or anything of that kind. That's why we wanted to keep an eye on even these departments. They become kind of bureaucratic some times, and, without knowing it, you find them pulling oars for a special interest. Then we would digest these suggestions and subject matters that would come in from the various departments and bring them down almost to a list of subjects.

Then the next question was to find out whether or not somebody in the legislature would handle bills on these subjects. If not, we would sometimes get somebody in the legislature and ask him if he would introduce a bill along this line. Sometimes they were very glad to do it. And that's it.

However, as you know, the policy of Earl Warren was, in the main, to keep his hands out of the organization of the legislature. He rejected invitations to name committeemen in the legislature, feeling that if he did so, that in the event of confrontation they would always say, "Well, you had a hand in this yourself." He believed that was their business. His relationship with the legislature was always straightforward and open but at arm length.

And another thing, when the session was in, you couldn't get Earl Warren to start what they call logrolling, making deals with the legislature--"Well, I'll promise to sign your pet bill for some special interest, if you'll assure me your vote on a bill that I'm

Sweigert: interested in"--he wouldn't do that. And that used to drive the oldtimers crazy because they were used to seeing that sort of logrolling going on between the corner office and the legislature all the time. Warren just wouldn't do it.

Fellows like Pete Phillips used to come in to the office and say, "Bill, why don't you do like Hiram Johnson did? He'd say, 'Strike fear and damnation among these fellows. Tell 'em that they won't get their bills signed if they don't come along.' Why don't you run the legislature?"

And I said, "Well, Pete, it's just a difference of approach. This governor won't do it."

Fry: Warren wanted separation of the branches.

Sweigert: Well, he did, not merely in an abstract or legalistic sense. He thought it made for better public service, too--not to get involved in logrolling with legislators, because you get yourself into a position then where you have to sign bills that shouldn't be signed. So he wanted to retain his right to do just as he pleased with bills when they came to him. And he did.

He would sign bills for people who were constant enemies of ours--or opponents, rather, of ours--in the legislature, if he thought it was a good bill. But he just wouldn't entangle himself in dealing.

Fry: How did you keep him informed about the hundreds of bills that were in the hopper at any given time?

Sweigert: Well, the mechanics of it would be handled by a legislative secretary. It's up to him to keep track of what is going on. In fact, his job was to try and find out where bills were at given times that we were interested in.

Fry: So he had the nuts and bolts job of charting the progress of bills.

Sweigert: That's right. Then at meetings and so forth, we'd report to the governor that this bill is tied up, or that bill is tied up, and try to figure out what they were doing up there. Because the legislature is full of tricks, full of tricks.

Fry: Speaking of persons on whom he could depend regularly in the legislature, one, I believe, was Al Wollenberg, head of the Assembly Ways and Means Committee, a key position. I've gotten

Fry: conflicting information that his appointment as head of Ways and Means was formally okayed by Warren. Others have said he didn't. What do you think?

Sweigert: Oh, I don't think that Warren demanded that anyone be chairman of Ways and Means. On the other hand, I think he was very happy when Al Wollenberg was, because Al Wollenberg was a very, very conscientious and clean-cut person with whom you could have confidence. We always did have a great deal of confidence in Al Wollenberg up there. He's my colleague on the bench now, and he's a wonderful person.

Fry: Well, Charley Lyon, on the other hand, who was Speaker of the assembly--

Sweigert: Oh, well, there was Sam Collins and Charley Lyon up there. Those fellows were known to be fairly responsive to the lobby.

Fry: Any particular lobby?

Sweigert: Oh, [laughter] I don't know, the Speaker has to do with all of them.

Fry: Senator Frank Mixter was Chairman of the Senate Finance Committee, and I'm under the impression he was not a very good Warren man.

Sweigert: Yes, I remember. I'm trying to recall, I don't recall too much now. It's not very vivid to me about Senator Mixter.

But they had some able fellows up there. There was George Hatfield--gee, that's some years ago now.

Fry: Oliver Carter.

Sweigert: Yes, Oliver Carter was always a very fine, careful, conscientious person.

#### Preparation of Budget; Travel and Research Secretaries

Fry: I gather you were also in charge of preparation of the budget.

Sweigert: Well, in a way, but how could I prepare the budget? Jimmy Dean, for the most part, when he was finance director, would go through that for the governor's office. I had to know what was going on, but I couldn't prepare the budget. I didn't have time to prepare the budget, in the first place.

- Fry: Did you and Warren sketch out the main things you wanted in the budget and feed this in to the director of Finance?
- Sweigert: For the most part, that was worked out between the governor and the director of Finance. While we would be aware of what's going on in the development of it and all of that sort of thing, it wasn't for us to prepare the budget. However we'd have certain information that would come to us through the department heads when we would seek their comments and suggestions concerning the governor's program, the governor's address to the legislature, and all that. There would always be mention in there of the budget, generally telling you why they needed some more money. But the figures and things of that kind were worked out mainly through the Department of Finance and the governor.
- Fry: When the budget went to the legislature, to the legislative analyst's office, was there any communication between your office and the legislative analyst?
- Sweigert: I'm trying to think of the name of the legislative analyst who was up there at that time.
- Fry: Yes, Alan Post's predecessor--
- Sweigert: Rolland A. Vandegrift was the immediate predecessor. I remember him in there. Of course he worked for the legislature.
- Fry: Were there any procedures or hearings so you could defend an item if you wanted to?
- Sweigert: Oh, I think mainly Jimmy Dean, to a certain extent, had working arrangements with him. And it would be worked out largely with Finance until it got to something that was a big issue.
- Fry: Yes, like the reserve fund after the war when there was so much pressure to spend it.
- Sweigert: Oh, yes, yes. The Rainy Day Fund, you mean and all that stuff?
- Fry: Yes, that's right.
- Sweigert: The \$75 million Rainy Day Fund.
- Fry: Yes. The cities wanted some of that spent in their behalf.
- Sweigert: Yes, that was the so-called Christmas Tree bill.

Fry: Yes, in 1945. Do you remember in any concrete way how that pressure was brought to bear on the governor's office?

Sweigert: What pressure do you mean?

Fry: The pressure from cities and counties for expending the reserve.

Sweigert: Well, it would be brought by their going to the legislature and trying to get the legislature to see their way. And it was up to the governor to do it, either in his messages to the legislature or by going to the people as he did on some occasions--talking on the radio, making speeches, and things of that kind. He would do that once in a while.

Fry: Did he make radio speeches about this problem of the Christmas Tree bill, do you know?

Sweigert: Oh, I think generally, during that period, that the governor would make, more or less regularly, a report to the people on this thing. He did that during the gasoline tax increase fight, and so forth; he went on the radio.

And that's one way that you can deal with the legislature. If they're stubborn, and they want to jam things up on you, you just go over their heads. You go to the people and attempt to bring some heat on them. And that was done; that's the way Warren liked to do it. He'd rather do it that way than sign a lot of phony bills that are not good for the public interest--as the price for getting legislation, even needed legislation, through the legislature.

[break taken]

Sweigert: We generally had what came to be called a travel secretary, whose job it would be to literally travel whenever the governor went out of the office, and his duties were obviously miscellaneous. I think Bill Mailliard went up there for a while and served as travel secretary. Then Pop Small did it for a while. And then later on he had several others who served in that capacity.

Then, as we developed the office, and as things got more complex, we did set up a research secretary spot. His job was to really aid the rest of us by literally looking up things and gathering specific information on subjects that we wouldn't have time to get. We had to have somebody to do this work. I see the name here [see chart, p. 122a] is Roger Deas, but that was after my time. During my time we had a young fellow that we just hired because he was a career man with the federal government. His name was John French, young fellow, very good at that kind of work.

Sweigert: James Welsh still bears the mark of "Executive Clemency and Appointments to Public Office." "Reception and Governor's Personal"-- in other words, Miss MacGregor acted as liaison with the receptionist of the office. Do you remember that lovely lady?

Well, this gives you a general idea of the way that office functioned. This is called a flow chart. We had in addition to that the usual, standard operating procedures, which were memos to these people on what their functions were and how, generally, to do it, and so forth. In other words, to put this flow chart into action.

Fry: Did you ever have an office manual that set out the duties of all these people?

Sweigert: Yes, we did have an office manual up there.

Fry: So that must be in the file somewhere, too, in the state archives?

Sweigert: I'm sure that, in some form or another, may be in the files.



William T. Sweigert, with other members of Governor Earl Warren's staff, welcoming the Stockmen's Association to Sacramento, ca. 1946. *Left to right:* William T. Sweigert, Helen MacGregor, Vera Fowler Royce, James Welsh, Verne Scoggins, rodeo official, Beach Vasey.

*Hodson Photographers,  
Sacramento*



William T. Sweigert, after being sworn in as municipal judge in San Francisco in 1948, with (*left to right*) children Philip K., Jane M., William T., Jr. and with Mrs. Virginia Sweigert.

*Graphic Photos,  
San Francisco*



Louis Lurie's and Maurice Chevalier's birthday party at the Mark Hopkins Hotel. *Left to right:* Louis Lurie, "Gypsy" Rose Lee, Mrs. Davis (?), William and Virginia Sweigert.

*George Shimmon,  
photographer,  
Palace Hotel*



## XIII WARREN'S POLITICAL ETHICS

Public Office is a Public Trust

Sweigert: But I think that on the subject of Earl Warren (after a great deal of thought and viewing his career from the time he was district attorney, then attorney general, then governor, and chief justice since 1953) I think that if I were called upon to say what was Earl Warren's chief contribution to American life, I would say you would be better advised to look to his whole career rather than to simply stress his chief justiceship. I expressed what really is a summation of my own view in that respect in these remarks that I made at Grace Cathedral.\*

I think that his great contribution was that Earl Warren accepted the appellation of politician and strove to make it a title of honor, instead of a term of derision. Every day of his long career as an elected public official--and I stress elected: four terms as district attorney for Alameda County, a four year term as attorney general of California, and an unprecedented three term governorship of the state--he practiced his deeply held belief that public office is indeed a public trust.

He had the will and the strength to steer clear of anything that might conflict in any way or in any degree with what he conceived to be the human needs, the political expectations, and the constitutional rights of the people he was elected to serve. Foreign

---

\*A paraphrase of remarks made at the Honorable Earl Warren Memorial Services, Grace Cathedral, San Francisco, July 12, 1974. See appendix for full speech.

Sweigert: to his nature was the belief, cynically held by many that something less is inherent, inevitable and permissible in public affairs.

This simple code, meticulously followed in matters great and small, sometimes lost him friends and support, and I could give you book and page on that. But it proved in the long run to be the secret of the phenomenal record of which he was so proud-- thirty years of elective office, unblemished by any charge of self-seeking insincerity, partisanship, favoritism, or impropriety. No charges of that, even from those who disagreed with him and opposed him. Nor was there any scandal among those he painstakingly selected to serve in his administration or help in his campaigns.

For this reason I suggest that Earl Warren be remembered not merely for the landmark decisions rendered during his eventual chief justiceship but, more importantly, for the even greater contribution made to his country by his life-long example of what a politician can be in measures of faithful, conscientious, impeccable public service.

And I think today it can be said, as I did there, and with deliberation, that in this respect Earl Warren's career shines most brightly and most encouragingly in a disheartening time of shoddy behavior and moral aberration in electoral and governmental affairs. Let us hope that his splendid example will inspire a national resolve to so refine and elevate the ethics of the democratic process, at every level, that confidence in government will be restored.

I think that, in my opinion, is the proper niche in which Earl Warren should eventually fall.

#### Appointees and Conflict of Interest

Fry: I have two questions. First of all you said you could give us page and number on people who had turned against him. I'd like to have that.

Sweigert: Well, yes, I think you'll find how careful he was in the selection of the people that he appointed to public office. For example, you don't find Earl Warren looking into the insurance business for somebody to become insurance commissioner.

Fry: No foxes guarding the chicken house?

Seeigert: You don't find him appointing bankers to be superintendent of banks. In other words, he was very careful where the state had set out to reasonably regulate some profession, or some group, or some public interest, or some private interest in which the public had an interest, that he always went outside of the group that was regulated--in order to get someone who could fairly regulate the group in the public interest, not merely in the interest of the group being regulated. That's something that's not often done.

Oftentime it's a rule of thumb. "Well, get a banker--he'll go in there." And you make him superintendent of banks. Generally you'll find that there's an ace in the hole. Somebody's putting a name forward because they know that person is not going to disturb anybody's nice little nests. Warren was foxy enough to realize that and always avoided it. If you'll run through his appointments you'll find that, except in those cases where by law a person had to represent a certain profession or something, he generally stepped outside and got someone with a breadth of experience who would be able to comprehend the problems of the private interests but at the same time regulate them in the public interest. Very careful about that.

And he was very careful, too, to make sure that he would not be obligated to any pressure groups. For instance, when he would have such men as Ward Mailliard gather some money for him (so that he'd have enough money to hire an automobile and get out some posters and buy a little radio time or a little television time) he gave him instructions at the very outset that he didn't want him to accept any notably large contributions. And further, he wanted it made clear to anyone who was willing to contribute that there were no strings attached--none at all.

And there were several occasions in which he was tested out on whether he meant business in this kind of an approach to public life. I think you're acquainted with the story that he has told over the years about Charlie Blyth.

Fry: Yes, that had to do with the utilities.

Sweigert: Charlie Blyth had been named (that was before the Ward Mailliard days) as a treasurer to get some money together so that Earl Warren, who had no campaign organization, could set up a little ad hoc organization and have money enough to meet the ordinary expenses of a campaign. As I say, it was made clear to Charlie Blyth that this was done without any strings attached, and so forth. And Warren meant business.

Sweigert: But it turned out that when Warren was to make one of his first appointments, I think to the Public Utilities Commission of California, he gave a great deal of thought to it and realized that there was no one on the Public Utilities Commission who understood the public side of the business. And he reached out and he found Pete Anderson, who was in charge of the Palo Alto public power system, do you see? He thought that would be the kind of a person to give balance to the Public Utilities Commission.

He did appoint Pete, but he'd no sooner announced the appointment then he got a phone call from Charlie Blyth complaining, saying, "Now, Governor, I was your chairman, and I helped you in this campaign, and I have an interest in who's going to be on the Public Utilities Commission."

The governor told him he didn't realize that. He said, "Didn't I appoint a good man?"

"Well, yes, you did, but you should have consulted me." And so it went along.

Then the next episode in that connection came when the PG&E [Pacific Gas & Electric Co.] was to issue a bond issue. Traditionally, through the years the Public Utilities Commission, without any objection, would okay that the issuance be through a syndicate run by Charlie Blyth, who was in the investment business. However, at this time some requests were made to the Public Utilities Commission, which included Pete Anderson, to the effect that why not call for bids on the acquisition of these PG&E bonds for redistribution in the retail trade, do you see?

Pete Anderson came to the governor, I remember it very well, and he said that he had this problem. And the governor said, "Do what you think is right. If you think that asking for bids would be in the public interest," he said, "I shouldn't have to be the one to tell you to do it. But I don't care whether you do it or not."

So Pete, who was arranging to call for public bids, began to get some comeback from people complaining that Charlie Blyth had been entitled to this over the years.

And he came up to the governor's office again, I remember. He said, "Well, I'm told that he was your treasurer for northern California in your campaign."

Sweigert: And the governor said, "Well, what has that got to do with it?" He said, "I told you when I appointed you that I wanted you to do what was in the public interest, regardless of anything else."

And Pete Anderson went back and called for public bids. It turned out there was some substantial saving to the public in the cost of these bonds and the ultimate rating and things of that kind.

Fry: And then what did--?

Sweigert: Charlie Blyth never spoke to Earl Warren again except to accuse him of all kinds of things--ingratitude and everything else--and became, really, an enemy of Earl Warren.

Fry: Did Blyth continue to be a person with a certain amount of political clout?

Sweigert: Yes, he was always available, you know, to raise money for candidates--just as he had done for Earl Warren. The only difference was that when the question came up as to whether that meant anything in terms of special preference, Warren just said, "No, that's not the way the thing runs."

He had the same experience, you'll find out, with Lee Battson down in Los Angeles.

Fry: Oh, really, what was that?

Sweigert: Well, Lee Battson was a well-respected person--as was Charlie Blyth--but Battson was in Los Angeles.

Fry: Wasn't he a fund raiser too?

Sweigert: He raised some funds for one of Warren's campaigns down there and with the same understanding with Warren when he took over, that it was to be on a public interest basis and no strings attached in any way at all.

Well, Earl Warren, I remember, got a call from Lee Battson eventually, and he said he wanted a certain person appointed to the Horse Racing Board. The person he was putting forward was a person who was, really, a representative for Dr. Strube, who owned several of the horse racing tracks in southern California. He wanted to put his man on the Horse Racing Board. Well, Lee Battson was innocent enough, I guess, but Warren said "No, I can't do it." He said, "I can't have the owner of the race tracks naming who's going

Sweigert: to be on the racing commission that's supposed by law to regulate them." And there was another broken friendship; he never had any dealing at all with Lee Battson after that. They turned against him. They felt, as they put it, that he was "ungrateful." That's a nice way of putting it. But that's normal in the political field, you know. If you help the person you expect to get a little--not to be handed money or anything--but to get the inside track.

Warren said no. But you have to have strength of character in politics to do those things because you lose the support of people who are important as politics becomes more difficult for individual candidates to pursue because of the high costs. You see, you have to have some money.

So those are two stories that really show this man's approach to public office.

##

Sweigert: I suppose it is proper to be relating these stories. This is a matter of public domain now, anyhow.

Fry: Well, that's it, now that his papers are open. Now, when you do mention names, it will help researchers to better understand the records and letters.

Sweigert: And to get the other side of it.

Fry: Yes, and also, letters can be very enigmatic. When I read a letter written in 1943 about some problem with the PUC, I don't know what they're talking about unless we have your explanation here to back it up.

Sweigert: Yes. I just use these as examples.

But he took this careful, painstaking approach to everything he did in public office.

#### High Office Qualifications: Experience and Ethics

Sweigert: I think he would have made a great president of the United States. He was fitted to be a great executive, even more so than he was fitted to be chief justice. Even though, on that score, I've had occasion to rebuke many who made the statement that he should never have been chief justice because he didn't have the type of legal experience needed for the chief justiceship.

Sweigert: I was able to demonstrate to them very quickly that he was probably the best, most widely experienced man in the field of the law that you could possibly select for the Supreme Court--far more experienced in terms of breadth than most of the people who sit on the Supreme Court whose legal experience was generally in some speciality, or something of that kind.

Warren had as broad an experience as you could have in the practice of the law. He represented the third largest county in California in all of their litigation. People think that he represented them only as a district attorney prosecuting criminal cases. He didn't do any such thing. He did the legal business for the whole county of Alameda for years--for many, many years. He handled all of their law suits, all of their contract work. Everything that could possibly happen, happens to a county.

Fry: Yes, that's a good point.

Sweigert: And then he was attorney general for the state of California during which he was responsible for, and had to oversee, legal opinions and litigation in a broad spectrum of California life. Who could have a better or wider experience than that? Some corporation lawyer who did nothing but pass on bond issues? Or some professor teaching contracts and torts in a university?

He had the best background that you could possibly select for the chief justiceship. Now many people don't stop to think of that. They say, "Oh, he was just a district attorney and a governor of California."

Fry: He had never been a judge before.

Sweigert: He'd never been a judge before, but he'd been involved in a broader spectrum of the law than most people who land on the bench. I don't know how we got off on this, but--

Fry: How do you think Warren became so intrigued with making government work within authentic ethical procedures?

Sweigert: Well, because he realized what many people don't realize. Now, I'm going to tell you--I'm going to read this if you don't mind.

Fry: All right.

Sweigert: Because these are my remarks: they represent my considered thought about Earl Warren's place.

Sweigert: "As a young man he dedicated himself to what he conceived to be, and called, a career of public service, with all its political risks, exhausting demands, and relatively limited financial rewards. I say dedicated because his choice stemmed from a realization that democracy, government by the people, is for practical purposes an impossibility unless coupled with the device of representational government; that is, law-making and public administration by elected officials who become automatically, for better or for worse but necessarily, politicians."\*

And as I said before, he accepted that role.

Fry: In your talks with him over the years you must have gotten some insight into the background of this man and the influences that worked on him before you knew him. What made him choose public service for that reason, instead of for the typical reason of wanting fame, or hoping to make contacts that would enable one to have more money later in life, or the usual motivations?

Sweigert: Well, I quoted in here something that he said: "As he was later to remark about his early days as district attorney of Alameda County, 'I decided to stay in public service the minute the pressures were applied against me.'"

Now remember, he's a great big man, and he's of that stalwart, stolid, Nordic type. "Pressures applied to me by bail bondsmen, gamblers, petty thieves, swindlers, and politicians. I then realized for the first time what public service could mean. That is when I decided to stay with it."

So he made his commitment early in life on this score. Maybe his Nordic background, his sort of stubbornness that's in him, had something to contribute. In other words, when you put the pressure on him he just became firmer and firmer. He would not do anything that seemed to militate against the responsibilities that he had assumed.

And here's another thing that I want to repeat, because there's meaning in it. You know, you may say, "Oh, well, any reasonably decent man in public life would do this." That isn't always so. It's not enough to have a good man in public life would do this." That isn't always so. It's not enough to have a good man in public office; you have to have a firm man. A man that as Harry Truman said, "If you can't take the heat, get out of the kitchen."

---

\*Ibid.

Sweigert: There are many people in this country today, from common citizens up to politicians, who seem to think, rather cynically, that in public affairs a certain amount of backscratching, dealing, favoritism is to be expected. These are the people who start out running down to a friend to get their traffic tag fixed. You know that? These are the people who, when they are in a little difficulty and they want to get a lawyer, want to know not whether he's a good lawyer but, "Can he get this thing fixed up? Has he got pull?"

That has become woven into the democratic process, and many people, almost innocently, just take it for granted. But that's what Warren meant, "In great things or in small." When you begin to do this you begin to pervert the whole process. And that's where he took a stand; never departed from it, day after day. And I could go on for hours giving examples, concrete examples, of how he kept this commitment.

It was part of his life: he believed it and he was stubborn enough to stand for it. As I said, he had the will and the strength to do it. It's very easy to succumb in public affairs to what many people rather cynically take for granted. But no, he wouldn't do that.

For instance, he'd never appoint a relative of his to any public office. Never.

Fry: That's unusual.

Sweigert: That's just a little thing, but-- And in his relations with the legislature: no pulling and hauling and under-the-table deals about legislation. It was out in the open. You're free to vote the way you want; I'm free to advocate what I think ought to be done. I'll reserve my right to veto if I see fit to do so; you reserve your right to vote. But there'll be no deals. You see what I mean? Am I getting this over?

Fry: Yes you are, and it reminds me of something that happened about a month ago when I had to talk about this Earl Warren project to a group of scholars on California. It came down to the question: "How do you explain the fact that two people grew up in California society, one Richard Nixon and the other Earl Warren, and they became so different in their public service?"

Sweigert: Good question. How can we answer that? What makes people different?

Fry: That's why I was asking you what clues you have about Warren's background that would make him choose as he did.

Sweigert: I don't know, I think that he came from a father and mother who were of foreign birth; they were thrifty, they were hard-working, and had to take care of themselves. And I guess that had something to do with it. The Nordic background has a great deal of strength to it sometimes. They say "as stubborn as a Swede," and he could be stubborn--stubborn for what he believed in. In other words, he wasn't simply bowing around to everybody and agreeing with everybody. He was pleasant to everybody, but in matters of principle the lines were drawn clearly.

Fry: Did organized religion influence Warren?

Sweigert: I don't think Warren was--I think he was of the Lincolnian stripe. I don't think he ever fancied any particular religion. He had a respect for it in a sort of a deistic way. He was a member of the Masonic Lodge and he was--what was he called?--Master of California Masonry, at one time. They are what has been sometimes called, not atheistic but deistic. A belief in God because you have to believe in some ultimate cause of things. But without attempting to say, "I have him in my pocket." He just fell into that sort of a groove, sort of a generalized Christian groove, which means tell the truth, be decent, do the best you can.

But if you start wondering why people are different, you'll never get the answer to that. It probably has something to do with the genes. It has also something to do with the environment. It has to do, sometimes, with deliberately created circumstance and at other times with purely accidental happenstance. But all those things go into the production of an individual. He just happened to be that kind of an individual.

He became a strong, independent individual who simply decided the best thing to do was to do the right thing. If you're elected to represent people, represent all of them. Don't give special pipelines and favors to anybody.

Fry: I'm sure his biographers for many years to come will be trying to figure out what ingredients--

Sweigert: Well, they'll never figure it out. They'll never figure it out. I have somewhat a kinship with him on it. I have, because of what was inculcated into me by my father and my uncle Charles, who in a small way was in San Francisco politics--always on the reformist side. I had a contempt for such things as special favors, getting ahead of the other guy just because you have an "in" that he hasn't got--shortcuts, graft of any kind.

Sweigert: You know, graft doesn't have to be taking a ten thousand dollar bill, it can be done under various forms. The most common form of bribery and grafting in our public life is special favors, special pipelines, special interests, seeing that Joe gets who he wants on a commission that's going to regulate him, see. Conflicts of interests.

Now Warren was always careful about those things. But it's a high level. It's politics, but it's as politics is supposed to be if you're going to maintain a so-called representational democracy. Corruption has meant the end of virtually every society that ever tried to be a democracy, do you realize that?

Fry: Yes.

Sweigert: Invariably it's turned into an authoritarian dictatorship. And that may well be the wind-up of what we have here in America, whether you like it or not.

So that's why I think that Earl Warren--if I were writing anything about him, I would pursue the line of thought that I'm pursuing now, rather than waste my time going over the decisions written in the Supreme Court and so forth. That's another story.

## XIV KEY POSITIONS ON ISSUES WHEN GOVERNOR AND AS CHIEF JUSTICE

Sweigert: It wasn't surprising that he would take the direct approach, the high approach, on the Supreme Court that he'd always taken in dealing with the public affairs: independent, trying to do what's decent, and (I think he put it many times) "what's fair." No surprise there. Some of the seeming contradictions in Earl Warren's life will not seem contradictions at all if you understand the man's background before he ever came to the Supreme Court, what kind of a man was he.

.

Reapportionment

Fry: Well, take reapportionment--one man, one vote--

Sweigert: Oh, yes. On those things they'd say, "Well, he decided for reapportionment on the Supreme Court but he was against reapportionment when he was governor of California. And I think he was at that time.

Fry: Yes, in '48 he came out against it.

Sweigert: Yes, and I think that on some matters the man, when he sat in a place of different kind of responsibility, could amend his views, or sublimate them, or something. That may be one example: as governor, he was speaking about the set-up of the senate vis-a-vis the assembly in California. One man, one vote, like a unicameral legislature, and all of that sort of thing. But when he came to the decision on the Supreme Court, I'm sure he did what he thought he ought to do. A lot of water had gone under the dam since the simpler days, even of the forties.

Fry: Well, maybe you could throw some light on something that he said when we asked him about this. He said that one reason that he was against it in 1948 was that he didn't want to see the senate changed, that the senate was very different from the assembly, and that it was more--

Sweigert: It was. Agricultural, practically.

Fry: He said it was more of a "gentlemen's club."

Sweigert: That's right.

Fry: I wondered if he meant it was more predictable and a little bit easier to work with, or--What do you think he meant?

Sweigert: I can't understand his statement on that; I can't understand it. Seemingly there is a difference between the approach he took locally in 1948 and the Supreme Court decision. And strangely enough, although knowing that he took a different stand when it pertains to a local situation, if asked what decision on the Supreme Court he thought of greatest importance, I think he would have mentioned that very case.

### Labor

Fry: One man, one vote--yes, he did. He flew in the face of labor, too, when he took that position in 1948. He was actually risking losing his labor support.

Sweigert: The jurisdictional strike issue?

Fry: Right now I'm referring to the reapportionment decision because that was a labor battle, and his position was against labor's.

Sweigert: Oh, yes, that's right. That was a labor battle because they didn't want that agriculturally dominated senate.

Fry: Because their people were not in the farms; they were in the city.

Sweigert: That's right. But he took on labor when he signed the jurisdictional strike bill in 1947, allowing jurisdictional strikes to be broken by injunction.

- Fry: He let a bill banning secondary boycotts become law without his signature that same year.
- Sweigert: But I think he signed the jurisdictional strike bill and then later spoke before the California Federation of Labor conference and told them frankly why he signed it. And through the years he had more support from labor--no, I couldn't say more support from labor than he ever had, because when he started out he didn't have any.
- Fry: [laughter] Yes. He didn't get the formal support of the California Federation of Labor in 1950 when he ran for governor, but then the election returns showed that he had a lot of labor votes.
- Sweigert: He got good votes. That was a good vote, yes.
- Fry: Was Neal Haggerty, the federation of labor lobbyist, someone--
- Sweigert: Neal Haggerty was a fine person; he became a very, very dear and close friend of mine. He was a secretary-treasurer, really running the California Federation of Labor.

When Warren first went in as governor, Neal Haggerty was, as most of the labor people were, rather doubtful and suspicious about Earl Warren. I remember, we hadn't been up there three months but that that fight started in the legislature by the conservative business gang. I've already told you that they were going to repeal all the laws that were pro-labor and seemed to hamper business a little bit. The guys said, "Well, this is war, we can't be bothered with all these things"--such as the eight-hour law for women, and things of that kind.

Neal Haggerty came in to see me, and he told me what they were doing to him up there on the floor of the legislature, and Warren told Haggerty, "I wasn't elected to come up and repeal every piece of progressive legislation on the books, and I don't proposed to do it. If that kind of legislation comes down to me, I'll veto it."

The next thing he did was to call them down--the leadership, you know. I was present when he simply told them, "No, you're not going to run roughshod over progressive, decent, protective legislation." He said, "If there's to be something done that has to meet war conditions temporarily, we might work something out on that. But you're not going to use this as the means of undoing everything that labor has been able to accomplish over a long period of years."

Well, I'm going to tell you--it was like a clap of thunder.

Fry: I'll bet they were shocked and not expecting that from Warren.

Sweigert: No. And some of these fellows were saying, "Well, what's the matter with this guy? Ingrate! What's he trying to do here?" Do you see?

But after that, Neal Haggerty, who was very active up there on the labor side of things, ever after that he knew that he was not on a chopping block, that as long as Warren was in there he'd get a fair deal. And that's all he asked.

Fry: I talked to Haggerty before he died, and he told me about the big businessmen--lobbyists and legislators--who regularly had a meeting every Tuesday at noon and simply plotted out the legislation and the action coming up.

Sweigert: Sure, the lobby.

Fry: He said it was really difficult to deal with that; labor was so outnumbered.

Sweigert: Sure, he had to fight them all the time because there was money up there being passed out. The labor lobby now, twenty-five to thirty years later, is as big as the rest of them. But in those days, they couldn't compete with the big interests that were able to spread lots of money and lots of favors around, and take care of assemblymen's and senators' campaigns and all of this business, you know. Labor wasn't able to do it in those days. Since then, they've become very muscular.

But they weren't at that time. The thing was really loaded against them, and that's the significance of Warren coming in there and not simply going along with these fellows because they happened to be of the party that he was in, most of them, representing the lobby and all that sort of thing.

No. He was willing to stand up and say, "No, there's got to be a line drawn. I won't stand for it." So, he proved to the labor people that he would deal fairly with them. He had no commitments with them, as he had no commitments with anybody else. But they could have a fair consideration from him.

And yet, when the chips were down, he signed the secondary boycott bill, or, as you say, maybe he let it become law without his signature. I think there was some question raised about its constitutionality or something.

Fry: Yes, the bill banning "hot cargo."

Sweigert: That's what I'm talking about.

Fry: According to our records, in May of '47, it landed on his desk, and he had to make a decision. It was SB 342, outlawing hot cargo tactics [secondary boycott], and the question was, would he let it pass without his signature, which he finally decided to do.

Sweigert: Well, maybe that was it, I've forgotten.

Fry: It had been passed by the people four years earlier as an initiative, and it was now before the supreme court in the state. Several different cases relating to it were before the supreme court.

Sweigert: Yes, that's right. There was a question of constitutionality on it.

Fry: Yes, a question of constitutionality. And, as attorney general in '41, you may remember, Warren had to return an opinion very quickly to the legislature, which was about to pass it over the veto of Olson. And at that time, he wrote something questioning its constitutionality, because you can't outlaw picketing.

But the opinion is written in general terms, and when I handed it to Earl Warren himself and asked him, "Were you saying this was unconstitutional or not?" he read it over and laughed and said something like, "Well, I can't really tell exactly what that opinion is saying, but I just knew that people had to have the right to picket." [laughter] So, it wasn't a definite point of view, on his part about hot cargo. He was simply trying to preserve that right to picket.

Sweigert: Yes. Well--

Fry: Along with labor and this hot cargo, I understand from some labor historians that organized labor really didn't favor hot cargo as an allowable tactic either, because if you belong to one union, suddenly you would discover you couldn't go to work the next morning--not because your union was on strike but because another one, totally irrelevant to you, had struck.

Sweigert: There're two sides to that thing, sure.

Fry: Did you get any feedback like that at the governor's office at that time--that some in organized labor would just as soon not have this?

Sweigert: No, I don't recall distinctly what the situation was. I'd have to refresh myself, but I know I have some notes somewhere. [looks]

Fry: The other thing is about Joseph Di Giorgio. There was about a year and a half farm-labor strike just before you left Warren's office.

Sweigert: Before I left?

Fry: Yes, about 1947. It was a prolonged strike against the Di Giorgio Corporation.

Sweigert: Oh, yes.

Fry: Nixon intervened on behalf of the Associated Farmers, and I wondered if Neal Haggerty appealed to Earl Warren to do something.

Sweigert: I can't distinctly remember that situation.

Fry: All right.

Sweigert: Let me see here. There are some notes here someplace.

Fry: Do you have something that you want to bring out?

Sweigert: No.

## XV POST-WAR PLANNING; ELECTION EFFORTS

Reconstruction and Reemployment Commission

Fry: We don't have any good information about the Reconstruction and Reemployment Commission, which you were a member of--I have a list of the members here.

Sweigert: Well, we had Alec Heron; we got Alec Heron out of the army. He was in Washington. I remember I sent the telegram to the Secretary of the Army to ask if we could get ahold of Alec Heron to perform this function, which was important for California. And we got him out of the army.

Fry: Why did you select Alexander Heron?

Sweigert: I think because after casting around we found that he was a thoughtful person who knew how to do a job like this organizationally. He had been with the Zellerbach [Paper Co.] people--he was one of their vice presidents and handled their personnel problems I think--and I can't remember anything more than that.

I know we latched on to the name of Alec Heron and decided that he'd be a good person to take this one because he was energetic and imaginative and a good organizer and would be able to do this without turning it into a big, bureaucratic thing. And the next thing I remember is that we were trying to get him out of the army, and we did.

Then the governor appointed me to work with him on the thing in addition to what I was doing. So I was cleaning another wastebasket. But that's it.

Sweigert: Well, the background of it was just very simple. Here was Warren up there in 1943 in the middle of a war, and the question was: what is going to happen in the state after this war suddenly comes to a close, as it will and has to some day? We just have to know something about what has gone on and what the trends are, in order to steer the state.

Fry: These were population trends and economic trends?

Sweigert: Population trends, changes of population, changes of industry, influx of other people, all of those things were bound to have a tremendous effect on California. And any governor worth his salt, unless he's just a simple, day-to-day politician, would have to bestir himself to look into the future.

That was exactly what happened. I remember that Alec Heron set it up, and we got in touch with groups in all of the communities in California and collected a lot of information and screened it out and so forth. We then prepared a series of pamphlets which would be very interesting. I remember--I don't think I have them.

Fry: I read them--

Sweigert: But there were some pamphlets put out by the Reconstruction and Reemployment Commission, and two things were very, very interesting in there. One is interesting because I was born in San Jose, and I remember that we came to the conclusion over there that one of the greatest changes in any community in California was going to be in the San Jose area--and we were right.

Fry: Yes, the whole Santa Clara Valley area. There was a pamphlet put out on Richmond, too, that must have had a terrible impact from Warren's--

Sweigert: Oh, yes, Richmond. Oh, yes, there's no question about it. But those pamphlets would be invaluable to look back on, because they represent a lot of information concerning what trends were in the communities of the state.

Fry: Some of them are summarized in the 1945 report of the commission, which I happened to see.

Sweigert: Could be, could be. I just haven't got any of that literature.

Fry: The problems that were projected by the commission at that time didn't all come to pass.

- Fry: Unemployment was projected at a much higher rate than actually occurred after the war.
- Sweigert: Yes, and it turned out that there was a better return than we expected to normal employment, and so forth.
- Fry: You thought all your war industries would fold their tents and go away at the end of the war, right? But there were still jobs here.
- Sweigert: Well, they did fold their tents, most of them. But they were turned over to other purposes. [laughter] They were using army buildings for hospitals and for housing projects and for everything else.
- When I was up there in Sacramento the population of California was only six point something million. Now you have, what, twenty-two million?
- Fry: Yes, something like that. It doubled while Warren was in office.
- Sweigert: Oh, yes, it doubled; more than doubled, I guess.
- Fry: I wondered if you had any broad conclusions on why the terrible unemployment and joblessness didn't quite materialize in California.
- Sweigert: Well, I guess it was pent-up need; things that couldn't be done during the war. There was a transfer over to business to get going and produce a lot of the things that you couldn't get during the war.
- Fry: And a lot of construction?
- Sweigert: Look at the money that Warren saved during his administrations because there was no way to spend it--except if you let the legislatures get away with it, they would have spent it. But there were things you couldn't do during the war period because of shortages of materials and labor, and there was a pent-up need after the war. Business responded to it, is the only thing I can say.
- Fry: There were some interesting recommendations made in that report. One was to encourage the cotton farmers in Kern County and the Central Valley, and also encourage textile manufacturing, which makes sense.
- Sweigert: Well, they did get cotton going down there. And Kaiser's plants all over the place. He started in with war, and he ended up with Riverside and his cement place right over here--you can see it as you go down Highway 280.

Fry: In that report I didn't see any recommendations for the state to be ready with more jobs, such as CCC-type jobs or state construction. This was not proposed.

Sweigert: I forget now just exactly what the final recommendations were. I'd have to refresh myself on that.

Fry: I'm trying to understand why, later, this became so controversial.

Sweigert: Why what become so controversial?

Fry: I think the Reconstruction and Reemployment Commission did, because on June 18, 1945, Herb Phillips wrote in the Bee that the legislature, after a battle, had continued it but only because it was a Republican administration agency which weathered its attacks from the Democrats. Why did the Democrats attack it, do you remember?

Sweigert: Oh, I don't know. Unless they figured that it had served its purpose and shouldn't be continued and should be lopped off. I'm not clear on that.

Fry: Was there any anxiety on the part of some that this was going to become a state planning agency and interfere with free enterprise?

Sweigert: That it could be sort of a Rooseveltian NRA? Oh, I suppose there could be some of that involved.

Fry: As a state planning agency, it's interesting to historians because it existed at all. In 1949, after you left, Warren came out for a Department of State Physical Planning and Economic Research.

Sweigert: Well, that was more or less in line with what was being done even in the national government. They were appointing economic advisors, you know, and they still have them. And that, more or less, made sense at that time. But there was generally opposition to it even from business interests and labor interests. They were all scared of that. They think that the government is going to go in there and take something away from them, do you see. So that always generates a political conflict.

Fry: --and tell them what to do.

Sweigert: That's right. But a planning department made a lot of sense because, God knows, look what we got ourselves into in 1929, you see. The crash came along and nobody knew why it came.

Sweigert: The president of the United States was telling us everything is in good order, do you see; and instead of being in good order, it fell to pieces. The clamor at that time was for the government to do something to keep track of trends. And there's much more of it done now than ever was done before. In fact, little of it was done at all--either in the state or the federal government--before the war. But now a great deal of this is being done.

I know that in the Reconstruction and Reemployment Commission we realized how valuable it was to have statistics kept currently so that you could see what trends were. We used the Department of Industrial Relations and all the state departments to gather information. Things like that were never done before. People were more or less demanding it. There was a public sense that it should be done because they said, "Why is government so oblivious to these trends when they're on the way? And why does government, which is in the position to find out, not take some action to either advise the public of what to expect or to do something about it?" That made sense at the time. But they were looked upon also skeptically. A certain amount of politics got into it and conflict of interest and all that sort of thing.

Fry: Politics did get into it?

Sweigert: Sure. Whenever you recommend things like that they're always leary. Business, as you said, is leary; labor's leary. They say, "Oh, this is just another bureau," and all of this business.

But it does make sense to have government know what's going on in the community that's liable to affect the lives of people.

Fry: One of the more interesting effects of this was that research coming in from all the state agencies was coordinated.

Sweigert: Yes, that was right. We did a little of it in our own office first in a small way, and then the Reconstruction and Reemployment Commission used all those resources to get information also.

Fry: I did notice that you had recommendations to extend unemployment compensation to new groups and broaden insurance for sick workers, which goes back to the battle for the health insurance--

Sweigert: That was an aftermath of the health battle. We finally got that legislation through.

Fry: With unemployment.

Sweigert: To give sickness benefits, and hospital benefits, eventually, to workers, because it was found that they were paying an unnecessary share at that time.

Fry: Did you go to the 1944 Republican convention? That was when Warren turned Dewey down for vice president. But he did address the convention.

Sweigert: Didn't he make the keynote? Yes, he made the keynote address in '44.

Fry: Did you help him with that?

Sweigert: I probably did work on it. Verne and I probably worked with him on it.

Yes, I had some notes here on some of these conventions. Let's see if I--[looks]

Fry: Oh, do you?

#### 1944 and 1946 Campaigns##

Sweigert: --and that's the convention at which he was in his first term, and he made it clear to everybody that, although there was some talk of him becoming available as the vice presidential candidate, he would not accept a vice presidential nomination. And it went to, as I understand it, John W. Bricker, who ran with Dewey in that year.

Fry: He did some campaigning for Dewey in that year. Did you go with him that time?

Sweigert: No, no. I don't think that there was much outside of the state, because he was pretty careful. He didn't go campaigning. He didn't overdo national Republican politics. He maintained his interest in it at the conventions and all that sort of thing. But he didn't do much campaigning outside the state.

Fry: I need to ask you a question. You said you had written something called "Sixty Reasons for Earl Warren Becoming Governor." What campaign was that for? Was it written with an eye toward Warren running for president?

Sweigert: No, those were written for the state campaigns. I wrote a thing called--oh, I started it out with ten reasons, and then got to twelve reasons and then to twenty reasons--I finally had it up to sixty reasons.

I wrote it as a campaign piece that could be used not only in itself, but also it would be usable by other people that wanted to help us and speak for us. It would be a ready source of information, and they could pick anything they wanted to say out of it, see. But it virtually [laughter] said everything that was to be said. I remember writing it. You must run across those things in the--

Fry: I hope that's in the state archives in Sacramento. If not, you've got to bequeath all your papers to the Bancroft Library so we'll be sure we have these things that we're talking about.

Sweigert: Yes, I remember that paper very well. I started, I think, to write ten reasons why Earl Warren would be elected and I got involved [laughter]. It turned out to be at least twenty reasons, forty reasons, and then sixty reasons. And I think after I left they added on a couple.

Fry: In the 1946 campaign, do you remember if there were any real issues?

Sweigert: That's versus Kenny.

Fry: That's versus Kenny and Warren won both Democratic and Republican primaries. There were some issues that one can pick out of the newspapers and so forth. But I'd like to have your general appraisal of that campaign. Were issues really important?

Sweigert: I don't remember the issues. Governor Warren was making a campaign on the theory that, "I'm not making any promises, I'm just running on my record. If there's anything in my record that is to be questioned or attacked, I'd like to know it."

He would [laughter] call on Kenny to make some statements and then, as soon as Kenny would make a statement, we'd be ready with the answers. Do you see? And then, boom--quick answers.

Fry: I've collected a few issues that Kenny raised that I can put before you now. Kenny had said that the PG&E should be kicked out of politics. He was coming up with something as a desperate measure at that point, I guess.

Sweigert: Yes.

Fry: Kenny also said that Warren had done nothing to streamline state government along the lines of the Keesling report, and that the Keesling report was still moldering in Warren's office, or somewhere. Do you remember that?

Sweigert: Oh, I don't remember. Yes, well, I must have forgotten about it. I remember the Keesling report, but I'd have to bestir myself to get the detail of it.

Fry: Then Warren said that Kenny had failed to do anything to control the black market in California.

It doesn't seem to have been a very exciting campaign.

Sweigert: [laughter] Poor old Kenny. I remember he made a charge against Warren that he hadn't done something in connection with water resources.

Fry: That he had hindered federal development of the Central Valley Project.

Sweigert: Yes. And within twenty-four hours Warren came out and said, "We just checked the minutes of the Water Resources Board, of which Kenny was an ex officio member, and he never [laughter] attended any of the meetings."

There were two or three instances of that type that rather rocked Bob. Bob told me personally that he was only half-hearted in that campaign. Secretly he thought Warren was doing a very decent job.

Fry: Do you have any idea why Bob Kenny ran?

Sweigert: I think he was nudged into running by the CIO, which was kind of especially active at that time. There was a kind of a split in those days between the AFL and the CIO which hadn't been cleared up yet. And I think that the far-outists, or in those days they started as far-outists--

Fry: The more radical--

Sweigert: The industrial union type people, and so forth, nudged him into that. Bob was, for a time, their favorite boy, you know. And he ran.

Fry: Why did they want Bob Kenny to run? Didn't they realize he was going to be a sacrificial lamb?

Sweigert: Well, I don't know.

Fry: He was the most promising Democrat in the state and look what happened to him--he went to political oblivion.

Sweigert: Yes, he was. Yes, he got walloped.

Fry: So why did the CIO want him to run?

Sweigert: Well, I don't know. They wanted to have a spokesman. Why does anybody run? Hindsight says, "Sure, you were going to lose, you shouldn't have run." But he ran.

## XVI WARREN'S 1948 VICE PRESIDENTIAL CANDIDACY

Biographical Sketches by William Sweigert

Sweigert: You never did get my poem, did you?

Fry: Yes, I did. Your epic poem on the "Earl of Warren"? Yes, I have that. [laughter]

Sweigert: Have you got the enlarged edition of it? The one that I added verses on up to Eisenhower's time?\*

Fry: That's right, I have the one with the recent addition on it.

Sweigert: I call that the first biography ever written about Earl Warren. I have his letters, too, telling me he wants more copies of that.

Fry: You do? He must have been sending that around a bit.

Sweigert: Hi letter says something to that effect that Mrs. Warren is still laughing, or something, and she wants more copies of it. I don't know--it's funny [searches].

Fry: If you find the letter of his response, that would be good to put in with the poem.

Sweigert: It was a pretty good piece.

Fry: It is. It made sense and is a real rib-tickler.

Sweigert: He laughed. He thought that was the greatest thing. He said, "It takes my whole career up in less lines than a biography of me."

---

\*"The Legend of the Earl of Warren," by W.T.S., 1951, supplemented 1971. See Appendix.

Fry: Not only that, but the mirror was right.

Sweigert: Yes. I did one of those for Tom Coakley, too, one time. I have a volume of my own poems--some of it poetry and some of it just light verse like that. That's in San Francisco.

Fry: Is it a printed book?

Sweigert: Oh, no, just my own pieces. Some of them were published here and there but--

Fry: When did you start writing serious poetry?

Sweigert: Oh, all along the line I dabbled in it a little bit, you know.

[finds letter and quotes] "The dinner you and Virginia gave Monday night was one of the most enjoyable occasions Nina and I have ever attended. We're still laughing about the ballad. Marguerite Gallagher typed a copy of it, and your old friends in the office are enjoying it. Such evenings make us realize how much we miss, because we have so little time to spend with our personal friends. P.S. Your manuscript and a typed copy are enclosed herewith." [laughter]

Fry: That's February 27, 1953.

Sweigert: Before he went to the Supreme Court, you see. This is in February.

I was gone, yes. That's right. I had been gone then since late '48, I think.

Fry: You haven't told me about the biography written for Warren's 1948 campaign.

Sweigert: Oh, that's this one [searches]. I have it here. I showed you this, didn't I?

Fry: Yes.

Sweigert: This is the first biography of Earl Warren; I claim it is, anyhow. This is Biography and Record, 1948.

Fry: That is a precious document. Was that used by Irving Stone?

Sweigert: Yes. That's what I brought down to Irving Stone, and it was around that that he built his book.\* Here's an autographed copy of it from Irving Stone, '48. He said, "For William and Virginia Sweigert," and so forth and, "Warmest thanks for the great help with this book." Well, the help for the book was the biography.

It was twisted a little bit here and there, but many parts of it are just the same. But this was all done very quickly, you know.

Fry: You have 141 pages here. Could you tell me why you started doing this?

Sweigert: I started to do this because there was really nothing known about Earl Warren at the time, in 1948. And he was becoming quite a public figure then. In fact, he was running for vice president in that year with Governor Dewey. Being a little foresighted about it, I chatted with him and told him we ought to have something put together. So I started to put this together, and over a period of, oh, just a few months I guess, I "emptied out other wastebaskets," among them this. I wrote this little biography.

And then when the time came for the election, it was thought, well, to put out a pamphlet, a biography about Earl Warren. So some friends asked Irving Stone if he would be willing to do that as a gesture of friendship. And he said he would.

So he came up to Sacramento, and I met him. He went around and looked through some of the newspaper files, and he had one or two long interviews with Warren. Then he left and that was all he had about Earl Warren.

Fry: Did his wife work with Mrs. Warren?

Sweigert: No. Oh, she may have visited with her and got some family background and things of that kind, yes. And of course, I made this available to him. And when he went down south, he sent for me. I remember I went down to Los Angeles and my wife Virginia went with me. I would go out to his house (like we are now) each day for about a week and a half to two weeks. Using this stuff I had as a base, and filling it in and changing it around a little here and there, that book was put together, I'm sure, inside of thirty days.

Fry: It was a most rapidly-written book [laughter].

---

\*Irving Stone, Earl Warren, Prentice Hall, Inc., New York, 1948.

Sweigert: Oh, sure. It had to be, because we didn't have any time. I was busy, I couldn't get into the detail of it. I was lucky to get as much as I did together, see. It made it easy for anyone to sit down and at least (using this as a point of departure) start in to do something with it.

Fry: Did Warren look over the manuscript and work on it at all?

Sweigert: I don't think he ever worked on it, no, but I would talk to him. When I'd get a chance, I'd sit down and say, "Tell me about something," and so forth and so forth, especially on events that I wasn't familiar with. I'd get the best I could from him and just put it together as sort of a rag-tail thing. But we had to make a start, and that was the start.

Fry: I think you let me look at that once, and I compared it with the Irving Stone book. It follows rather faithfully.

Sweigert: Oh, yes, this was the base of it. Oh, I've only got this copy. That's all I have. Do you have that memorandum I wrote?

Fry: We ought to get a zerox of that. There should be more than one copy.

Sweigert: That's the only one I have. In fact, this was lost for some period of time, and it was Mr. Weaver [John D.] that dug this up down in southern California and sent it up to me. He found it in the archives in UCLA, or something.

Fry: I see this is a photocopy.

Sweigert: It's just a typewritten copy. I had lost mine. You see, I was busy in those days, and I wasn't thinking in terms of saving this and saving that. I wrote the thing and brought it down to Stone and probably left it down there. And he apparently picked it up around the house and brought it over to UCLA and put it in with his other papers.

Mr. Weaver years later is the one who resurrected it. I think I have the letter in which he says that he's discovered it. I told him about it because he had seen it. And when he wrote his book\* he referred to it in his bibliography. Then he said he was surprised

---

\*John D. Weaver, Warren, The Man, The Court, The Era, Little, Brown and Company, Boston and Toronto, 1967.

Sweigert: when I found I didn't even have a copy of it. He said he would get it for me, and he did go and get it. Either that's the way he found it or he had it typed for me.

Fry: It looks like a photocopy, so I assume it's still ensconced in the UCLA library.

Sweigert: Some place down there, yes.

### Nomination and Campaign

Fry: I wondered if you could tell me anything about Warren and his aspirations in 1948. Was he thinking about the vice presidency before the convention?

Sweigert: No, in '48 he had a delegation pledged to him, and he was actually very surprised when Dewey rang him up at 2:30 one morning (after Dewey had been nominated) and told him he wanted to have him run as vice president with him.

Warren told him he hadn't been very enamored of being a vice president because all the vice president had to do was to preside over the Senate--had nothing to do and even the salary was very meager. He wasn't interested. And that's when Dewey told him that if he was elected, if he would run with him, Dewey would see to it that the vice presidency was transformed into an important organ of federal government. And it was in a belief that Dewey would do that that led Warren to accept it. That's the way I recall it.

Mrs. Warren was opposed to it, I know that, and Earl Warren wasn't very excited about it, either, because it meant moving to Washington. The Warrens didn't have any money. All his career, he lived on his monthly salary. He never had any outside income, and, to my knowledge, he never took any gratuities of any kind for speeches or anything else. They always say, "Well, he had money in the family." He didn't have money in the family. I think that his father, who was a very thrifty man, had saved a little bit of money, and his mother had that. But it was under ten thousand dollars at that time, if it was that much, I'm sure.

Fry: His father had the Kern County Savings and Loan down there.

Sweigert: Yes.

- Fry: After his father was killed apparently his sister was the one who handled all of those affairs.
- Sweigert: Well, this is in connection with his expenses. The kids were going to school, I think, then.
- Fry: Yes, they were all just beginning to go to college.
- Sweigert: Yes, and he couldn't handle it. It's true the salary wasn't great for the governorship either, but it did have a lot of perquisites. He had his own home, and he had services and all of these things, which made quite a difference. And a thousand dollars a month, I think he got from the state, to take care of entertainment and all of that sort of thing.

So, he wasn't enamored of the vice presidency. But he shocked Mrs. Warren. I was there, I was there. I wasn't supposed to really be at the Republican convention, because I generally was supposed to keep my nose out of those things [laughter] because they'd raise this question about Warren's party regularity. "You don't care whether you're a Republican or not," you know. And it was bad enough to have that thrown at him around San Francisco and Sacramento without having it become a petty national comment, you see.

So I went there, but I didn't know about it until the following morning. This all occurred during the night when he and Dewey got together. Mrs. Warren didn't learn about it until the next morning, and that's when I learned about it. I didn't even hear it from Warren. It was James Duff, the governor of Pennsylvania, I think--or was he Senator at that time--who came by and knocked on my door, because I knew him. He said, "Did you hear what happened?"

And I said, "No, what are you talking about?" And he told me what had happened during the night. Nobody else knew anything about it. And there it was. And so runs the campaign of 1948.

- Fry: Wasn't he hoping for a deadlock in that convention, maybe between Dewey and a coalition of Taft and Vandenberg forces? Then he could emerge as a dark horse.
- Sweigert: Well, yes. He had sought no delegates, but he had himself receptive in case of a deadlock.
- Fry: He hadn't been in any primaries.
- Sweigert: He hadn't been in any primaries at all that time.

Fry: It was '52, I think, that he was in the Wisconsin primary.

Sweigert: It was in '52 when he went to Oregon and Wisconsin, in '52. But he didn't do anything in '48.

In fact, all he had back there were some friends like Al Wollenberg and Murray Draper, I think, a few of the fellows who went back East to kind of help him around there. He had no delegates at all except this little delegation from California, and he hadn't solicited any delegation from any other states.

I always joshed him about it. I said, "All you've got here [laughter] is about twenty gallons of California orange juice." They had that up in the suite there and if any delegate would come in, he'd hand him some orange juice. [laughter] That's all he had.

So he was a candidate only in a sense. So the presidential nomination didn't come to him, and he didn't know anything about the vice presidency. He wasn't interested in it until Dewey sold him on it by telling him that he'd make it an important organ in the federal system. So that's what got him into it.

And then the campaign went on from there. But as it turned out, Dewey ran the campaign with tight professionalism, as I've indicated to you before, and wrote all his speeches ahead of time. We worried along, not knowing what to do.

Then when Warren went out of California on his national tour, we'd get back to that so-called speech-making ordeal. With all the talent on the train, Earl Warren wouldn't use any of it. He insisted on me, every day, pounding out some darn thing. Then after getting it to him, he'd snort about it and go over it and amend it and see if we could get a speech together for eight o'clock that evening in some city. As I told you, that was one of the most miserable experiences I ever had in my life. [laughter]

And, well, that was it. I told him, I said, after that I didn't want to continue. I said, "Governor, I'm through, I'm going out." I was going to go into law practice with Tom Coakley.

Fry: Oh, really?

XVII JUDGE SWEIGERT ON THE BENCH: MUNICIPAL COURT, 1948;  
SUPERIOR COURT, 1949; U.S. DISTRICT COURT, 1959

Sweigert: Yes. And Warren said, "I know. But," he said, "I thought you wanted to go on the bench."

And I said, "Well--"

And he said, "There aren't any vacancies."

And then I got thinking and I said, "You know, there is one. There's one on the municipal court." I'd toyed with the idea of going in with Tom Coakley; he was doing very well. He was in six figures then, and he wanted to make me a complete partner and go on from there. But I always had an inkling that temperamentally I'd be better off on the bench. And so I said, "Yes, there is a vacancy; it's on the municipal court."

And he said, "Do you want to go on the municipal court?" He said, "I wanted you to go on the superior court."

And I said, "Well, you can do that as soon as there's a vacancy."

And he said, "That we will do, if you still want it that way."

And I said, "Yes, I do. I'm tired. I just have to get out from under this." [laughter] And I said, "I've stayed too long."

Two or three times before I'd tried to get loose, and I couldn't. But this time I did it. I wasn't on the municipal court six months when Judge [James G.] Conlin died, and I was appointed to the superior court, and then things went on.



Reception honoring the new chief justice of the United States Supreme Court, Earl Warren, in San Francisco, ca. 1954.

*Left to right:*

Mrs. Virginia Sweigert, Superior Court Judges William T. Sweigert and Edward Molkenbuhr, and Chief Justice Earl Warren.

*George Shimon,  
photographer,  
Palace Hotel*



Chief Judge George Harris swearing in William T. Sweigert as a district court judge, United States District Court for the Northern District of California, 1959.

*Joe Rosenthal,  
photographer*



William T. Sweigert receiving the St. Thomas More award in recognition of his achievements in law and public service, from the University of San Francisco, June 4, 1967.

*Left to right:*

Rev. Charles W. Dullea, S.J.; District Court Judge Sweigert, Ernest J. Loebbecke, recipient of another award, and Archbishop Joseph T. McGucken of San Francisco.

*Tom Moulin,  
photographer*



Fry: I wanted to ask you about that. Some of the things you've done in your career on the bench remind me of Earl Warren when he was district attorney and also later when he was on the Supreme Court.

For instance, in 1955 you reorganized domestic relations and conciliation procedures as adopted by the judges of the superior court. Then you were chairman of a statewide committee on superior courts of the Conference of California Judges. That committee called for extensive and progressive improvement in court organization and procedure. Then when you became presiding judge of the San Francisco Superior Court in 1947, you reduced the calendar backlog by a net of 20 percent, according to my notes.

Sweigert: I really went to work on that calendar, yes.

Fry: And shortened the waiting period from twenty-one months to fourteen months.

Sweigert: Yes, we cut it way down at the end of one year.

Fry: One of the things that Warren was just adamant about when he was district attorney was getting the calendar more up-to-date.

Sweigert: Yes, that's right.

Fry: In 1959 you were appointed to the United States District Court for the Northern District of California. When you became the chairman of the rules committee, you revised and modernized its local rules.

Sweigert: Well, their local rules were a joke; they didn't have any to amount to anything.

Fry: I don't understand this one. It says that you changed it from the "master calendar system" to the "single assignment system" in 1969. Could you explain what that is?

Sweigert: Well, that wouldn't be of much importance to you. It's just a way of assigning cases among the judges. Under the master calendar system, as they call it, the cases, when they're ready for trial, all come up on a single calendar, then the judge assigns them from day to day to the various judges and they get them for the trial-- which is perfectly stupid. How can you walk in and take a case over and start to try it when you know nothing about it.

Sweigert: So I changed that whole system and said that the cases will be assigned from the very beginning to the judge that's going to sit all through that case. Then I set up pre-trial procedures so that the judge could be with that case, direct it, expedite it, and clarify the litigation as it goes on. Then when he tries the case he knows all about it, do you see--it just makes sense. So that's the way we operate now.

But their rules were very meager. They didn't have much of anything. But we have a good set of rules now, and I've always intended to use my time down here at Carmel to revise the rules. I've got another box, like this one here, which has to do with the court work and revision of the rules of the court.

Fry: So you're still at this? [laughter]

Sweigert: I never get time enough to do these things, and even down here I still have my court work to do. I get envelopes every day down here from my chambers up there.

If I could put my mind on it, if I had a clear period of isolation for about three weeks to a month, I think I could do the job of revising those rules. And, with a little fussing around with them, they'd have a very modern set of rules.

I'm interested in this because one of my detestations--put it that way--has been the lackadaisical, disorderly way in which the judiciary allows litigation to go on. It is a disgrace. You read in the paper all the time about people arrested for crimes--big crimes, sometimes--then you don't hear anything about it for years. After a year or two years, in some cases three years, you'll find it coming up for trial. Look at those fellows that shot [school superintendent Marcus] Foster over in Oakland.

Fry: Yes, it's just now coming up for trial.

Sweigert: He was shot somewhere near two years ago. And after all this wrangling and fussing around, for no reason at all, it's just coming to trial up in Sacramento. That Ruchel McGee over there at San Quentin [Prison] who was implicated with the shooting of Judge Harold J. Hayley--three or four years after the shooting, he goes on trial. Angela Davis, whether she was guilty or not, should have been tried earlier; it took nearly two years to bring that case to trial.

Sweigert: It's disgraceful, disgraceful. The public suffers. The public has a right to have these cases dealt with within a reasonable time. Even now Chief Justice [Warren] Burger of the Supreme Court, is making great speeches about "Try criminal cases within ninety days," do you see. Well, that's no mystery. If the local courts will organize themselves, you can try these cases within ninety days. But do you know that the judges are the most muddleheaded people when it comes to organization that you ever saw.

In the state courts they fall over backwards trying to please the lawyers; they let the lawyers run the court. In the federal court, it's better; but still, even now, it needs a great deal of improvement. In my opinion, criminal cases should be brought to trial within ninety days instead of, to exaggerate it a bit, ninety years.

Fry: If you could get this reorganization worked out, do you think that it might be something all local district courts could use?

Sweigert: Well, when I set about establishing some rules for our court I found a little pamphlet called "Rules for the District Court." Meaningless. Of no real use at all. Just to have something printed apparently. It had no mechanics in it, no machinery in it to make it work. In connection with that job, I did look over the rules of the district courts all over the United States--not all of them, but enough to get an idea what they were. I found that they were in the same condition. Many of the courts had very poor, poor rules. They were really rules only in name. I think there's been progress in the last ten years, but I think the judiciary badly needs house cleaning.

Fry: What do you think about the proposal Earl Warren was fighting against at the time of his death--to put in an intermediary court to screen all cases that now go to the Supreme Court? There were two reforms that were suggested, you know, and that was one that he was really fighting against.

Sweigert: Yes, I know. He phoned me about that, and he also phoned me about splitting the Ninth Circuit, too.

Fry: Oh, he didn't want that split?

Sweigert: He was against that, yes. We don't know how that's going to come out.

Sweigert: But I got a call, and he wanted to talk to me about those two matters about a year and a half ago, I suppose, somewhere in there--two years ago. This is very important, but judges are very, very slow to act; they've been doing a lot of talking recently, but they don't seem to get down to the juice of the thing, to set up operating procedures.

Our clerk's office was a miserably run thing, you know. Our United States District Court clerk's office was running just the same way it was set up in the 1850s. Well, you can't do that. In the 1850s they had nothing to do except maybe to show up once a month to collect their pay check and maybe try a little case or something. It didn't mean anything. But the federal courts in the last ten, fifteen, twenty years have become inundated with business simply because of legislation and upper-court decisions expanding the federal jurisdiction. Well, today you can't operate courts like you did in the horse and buggy days. When I looked at the rules of ten years ago in our own court, they were the same old rules that you'd read in 1850. "The clerk's office will be open from eight to five," or something of that kind. "Whenever a non-resident files a suit he must put up a cost bond in the sum of \$250." Junk like that, with no mechanical setup or flow stating how things would move through the court, do you see. The result of it is that neither the judges nor the lawyers knew how things moved through the court [laughter].

Fry: Did you ever talk with Earl Warren about this when he was Chief Justice?

Sweigert: Oh, yes, I did talk to him, and he was tickled to death. He said, "Bill, you're absolutely right." He sat in my chambers one time when I was working on it, and I told him what I was trying to do. He said, "Bill, if you do nothing else, that's the thing to do."

Fry: Yes, it would seem to be very important.

Sweigert: Oh, yes. He was tremendously interested in it, because he realized that too. He wanted me to serve on the Administrative Committee on the Courts when he went on the bench back there. He phoned, and you know, you feel a little complimented when he's asked you to do a thing like that, and I accepted. And then I got thinking that, no, Virginia has a little problem in getting about, and I can't be running back there every two weeks to attend meetings and then flying back, and I wasn't going to drag her along with me because that's tiring.

Sweigert: I finally got the courage to pick up the phone and I telephoned him and I said, "Earl, I've changed my mind." I told him the reason and he said, "Bill, you're absolutely right, you do that." He was having a little problem of the same kind then with his daughter Dorothy. She wasn't very well at the time, so he knew what we were talking about. So that's the reason I've never gone on any of these national committees. All our judges are jumping off half the time, running back there.

But then I became a bit cynical, too, because I've attended so many judges' meetings and so forth. I've often said, "I don't mind the judges saying the same thing over and over again on the same subjects at the meetings, but the thing that disturbs me is that they don't even change the words."

I told that to the judges. They stick up their noses a little bit at me, but when they think it through they have to admit that it's right. In other words, they're not a progressive outfit at all.

Fry: I have one last question to ask you, which seems very timely today since we seem finally to be getting out of Vietnam. On September 11, 1970, the Chronicle ran a story on your denial of a government motion to dismiss the suit of three men who were challenging the legality of the Vietnam war. The story says that you went on to chide the U.S. Supreme Court for dodging the issue. I wondered what finally became of that.

Sweigert: Well, that was an interpretation, and that's exactly what they did do.

Fry: The Supreme Court went ahead and dodged it, anyway?

Sweigert: Well, sure, they dodged that issue all during the war. And so did the Ninth Circuit court. I knew it, but I wasn't going to sit there and go along with it. I said, "This is a shame. This is a shame."

I talked to Earl Warren about it, I think at one of our last conferences when he was down at Pasadena, and he wouldn't quite agree with me on it. I just talked to him privately, you know. He said that he thought it was a, what they call, non-justiciable issue, that the courts shouldn't rule. And I said they should rule on it.

I said, "It's as clear as the nose on your face. In the middle of the Constitution it states that Congress has the power to declare war." And I wrote a long and very careful opinion on it. I got

Sweigert: letters from all over the United States on that from other judges and from law professors and everything else. It's just unanswerable.

But that's why the newspapers interpreted it as chiding the United States Supreme Court and many of the other courts.

In fact, some years later, I made the same kind of a ruling. The Ninth Circuit Court again reversed me.

Fry: Well, it's a quarter 'til six.

Sweigert: Quarter to six; now is the time when we have a cocktail.

Fry: All right, that sounds good.

[End of interview]

Transcriber: Gretchen Wolfe  
Final Typist: Keiko Sugimoto

## TAPE GUIDE -- William T. Sweigert, Sr.

Interview 1: February 18, 1972	1
tape 1, side A	1
tape 1, side B	12
tape 2, side A	25
tape 2, side B	40
Interview 2: February 25, 1972	44
tape 3, side A	44
tape 3, side B	57
Interview 3: July 2, 1973	70
tape 4, side A (These two tapes are copies of tapes recorded	70
tape 4, side B with Judge Wollenberg)	
tape 5, side A [side B not recorded]	78
Interview 4: April 9, 1975	99
tape 6, side A [side B not recorded]	99
tape 7, side A	114
tape 7, side B	129
tape 8, side A	144
tape 8, side B	161

## APPENDIX

Written as a Memorandum of the Basic Philosophy upon which Earl Warren should Base his campaign for the Governorship of California and his conduct of that office.

There is no place today for the so-called reactionary - the person who still thinks that government exists only to protect the power of a successful few against the demands of plain people for a greater measure of health, comfort and security in their daily lives.

That day has gone by when small, influential groups, thoroughly satisfied with things as they were, considered themselves the self-appointed guardians of government and used their power to keep government "safe" from every proposal for change of law or policy in the interests of thousands of ordinary families with whose needs, worries and problems they were entirely familiar.

That is not my idea of the purpose of government, nor do I think it is the idea of most of the enlightened business managers today.

More and more we have come to realize that the place of individuals and families in our society has changed.

With the rapid introduction of machines in our factories and on our farms, mass production and distribution of the useful things of life, quick transportation and communication, and the development of public works on a vast scale, our individuals and families have become increasingly less self-sufficient for their livelihood and ever more dependent, one upon the other,

for their ability to obtain the goods and services that they need.

Conditions in industry, in agriculture and in transportation, that formerly affected individuals and families only in a more or less remote way, now vitally touch their lives.

Under modern conditions everything that happens in the community - a price rise, a plant shut-down or change-over, a crop failure, new taxation, a strike, a local disaster, inefficiency or dishonesty in a government agency, an age limit for employment, installation of a new system for an office, factory or farm, - all these things affect not only those directly concerned on the spot but thousands of others toward whom the results of the original incident travel like the waves from a rock thrown in a pond.

With this transformation of our economic and social system, the concern of government has broadened far beyond the conventional limits of its responsibility in years gone by.

Furthermore, the tremendous national effort now being made to speed up our production for national defense, and for the prosecution of a victorious war, will further complicate our economic and social structure and will correspondingly enlarge the scope of governmental concern, not only during the war emergency, but during the equally challenging peace emergency that will inevitably follow victory and continue on during the difficult days of post-victory adjustment.

The questions that disturb men and women everywhere are: In what kind of a society will we find ourselves in the years to come? Under what kind of a government will we live in the new society?

Those who are called upon for leadership today must ponder these questions and must understand the hopes of our common folk for answers that will satisfy what is in their hearts.

Our people do not fear conquest by foreign enemies. As a matter of fact, they are far ahead of their own government today in their determination, work and fight against that, and in their willingness to sacrifice and pay for victory.

They are deeply concerned, however, with the possible turn of events within their own country in the aftermath of war.

They wonder whether their leaders will have become so accustomed to the emergency action of war as to follow the easy path and allow our people to drift into an era of dictatorship by decree in a society of <sup>virtual</sup> slavery - the very thing our people refuse to accept from the hands of their foreign enemies.

They wonder whether their leaders will have the vision, the unselfishness and the firmness to seek and follow the more difficult path of policy that will preserve for them that degree of freedom of hand and heart and conscience so dear to Americans.

The aspirations of our people today are not extravagant. Few of us today still want to be millionaires or tycoons. This is going to be the century of little people, little homes and little

pleasures. This, in my opinion, is quite consistent with the utmost development of our country through the medium of large scale organizations and the marvelous methods of mass production. Our people recognize that this kind of "bigness" in many fields of production and construction is the thing that makes possible an abundance of useful things at prices the people can pay, and that such ventures, whether carried on by government or private industry, require more and more of the administrative organizing and technical ability that has been so plentiful in America and that is now serving us so magnificently in the war of production. All of this is part of our American life and progress, provided its purpose is directed to, and its benefits are received by, the people, the families, of our country. In other words, our big country, our big projects, are, and always must be, the servants of our little people, our little families.

Our people want an opportunity to work, they want decent working conditions, they want their own homes and gardens, they want available education and vocational training for their children, they want available hospitalization and medical attention for their families, they want a few of the basic machines that make for comfort in and about the home in keeping with our modern age, they want a little time for leisure and a chance to enjoy a bit of their countryside - not by government decree, not on a government ticket, not according to a government schedule, not under the guidance of a government agent - but by their own efforts, on their own time, and by their own choice.

Whether our leadership can keep faith with our people depends upon the extent to which that leadership can rise above partisanship.

above the political spoils idea, above narrow prejudice, above petty line-ups with one group against another, above wrangling and scheming in the approach to the problems of government.

Assuming a leadership that attains the requisite level of personal and political integrity and that brings to government, not only a sympathetic understanding of the problems of plain people, but a broad and firm grasp of the governmental problems of the day, I believe that we can, and that we will, keep faith with our people if we adhere constantly to certain fundamental and practical propositions.

In the first place, we must never forget that government is the instrument set up by the people to preserve their security and their freedom and that, therefore, it must never neglect the one nor destroy the other.

The primary obligation of government is to develop policies that will advance the welfare of the people as a whole in their efforts to live decently under modern conditions.

Therefore, government has a positive duty to interfere whenever the projects of the smart and the swift so selfishly develop in size or purpose as to endanger the welfare of the community as a whole.

In the last analysis, government must always remain above and beyond mere partisanship and keep itself free of alliance for mere political purposes with any one party, group or clique. By that I mean that government must keep its house clean - cast out

the bosses, the racketeers and the political hangers-on, especially in state and local government in which intelligence, integrity and nonpartisan efficiency are needed more than ever before in the administration of the multitude of state and local agencies designed to meet the needs of thousands whom they affect.

Let me say also, and this I consider of utmost importance, voluntary organization of merchants, of farmers, of business managers, of professional people and of workers, according to their respective avocations, should be encouraged so that the problems of their daily relationships may be solved as much as possible upon the spot and by those who know those problems best - rather than by government blue print of every detail.

It will be the role of leadership in government during future years to maintain itself in such fashion as to command the confidence of all such groups, to draw them all together toward a policy consistent with the well-being of the community as a whole. In this way government can avail itself of the technical knowledge and practical understanding of each group with respect to its own problems and at the same time exercise that degree of control so necessary to harmonize the interests of all groups with the greater problem of the general welfare.

It is the duty of government to see that such voluntary associations are kept democratic, thoroughly representative, and free of dominance by the racketeer or the selfish manipulator.

Leadership in government should never be afraid, must never be subservient. It must be willing to look upon things as they

are, and ever anxious to envision the future as it should be.

It is my firm belief that faithful application of these fundamental principles in the administration of governmental affairs will enable us to preserve all that is good in what we are fighting for and obtain for our people all that is good in what they are hoping for.

For myself, I am thankful that I am young enough to have strength and vision, and that I am old enough to have learned by experience the prudent and the practical approach.

I am willing to predict that the people of California in these trying times want, not an "employers' Governor," not a "labor Governor," not a "farmers' Governor," but a governor of the State of California who will dedicate himself to the task of bringing about that unity of effort so necessary for the solution of our war and post-war problems and for the realization of the hopes of all our people.

--oOo--

WARREN-FOR-GOVERNOR  
Non-Partisan Committee  
111 Sutter Street, San Francisco

1962

3-7-8-9-15

SAN FRANCISCO, Oct. 29.--The story of Earl Warren's relentless fight to establish an adequate civilian defense in California was related to a statewide radio audience last night by the man perhaps most familiar with this campaign.

The speaker was William G. Sweigert, Assistant Attorney General and one of Warren's chief lieutenants. Sweigert told how Warren first launched his efforts for a strong, trained civilian defense organization in California as early as August, 1940.

"During that month Warren returned from a Federal conference in Washington," said Sweigert. "He foresaw that war would engulf our country and he immediately began his fight for adequate preparation during a period of general apathy induced largely by the failure of responsible authorities to sense the future and plan for emergency.

"He called together several conferences of District Attorneys, sheriffs, chiefs of police and other public officers from all parts of California, pointing out the seriousness of the situation and asking them for action, training and organization. By January, 1941, Earl Warren had completed a statewide regional organization of these public officials, which became the groundwork for civilian defense in California. During 1941 Earl Warren sponsored no less than four distinct series of technical training courses for the purpose of educating more than 2,000 public officers in California in problems of subversive activities, espionage, sabotage, disaster planning, communication for defense and movement of military troops and equipment, and civilian population on the highways.

"As for Earl Warren the man, from my close association I know

there is nothing bitter or narrow about him. He is consumed with his devotion to the public service. No man could be more worthy of the governorship of California."

#####

July 30, 1971  
 Arthur Wollenberg, Jr.  
 Yale School of Medicine

July 30, 1971 Conversation on the telephone with Mr. Harold Haas in the District Attorney's Office, San Francisco. Nice old guy. Quite surprised that anybody was interested in his role in the health insurance story. Wondered how I got his name. I told him that Sweigert mentioned it to me the other day on ~~the~~ the telephone.

Haas definitely drafted AB 800 at the request of the governor himself.

Haas' resume as follows: lawyer, 1927-28 worked as an adjuster and investigator for the Fidelity and X Casualty Company of New York in San Francisco office. In 1930 appointed to the California Code Commission Staff and until 1935 worked as a draftsman for the State Insurance Code which was passed in 1935. Between 1935 and 1944 he was attorney in the Office of the Insurance Commissioner. In 1944 appointed Deputy Attorney General and in 1945 asked by Warren to draft the bill. The legislative counsel, Fred Wood (Haas' old instructor in law school) was Legislative Counsel.

Haas didn't have much time to draft the bill. Said it was a rush job. But he did study other bills and other drafts that were being circulated at the time, including the labor bills (Huntington and Armstrong). The way he remembers it, Warren had strong feelings about health insurance. He used the phrase "pet project". Warren: "I feel this is good and I'll do my best to get it through the Legislature. It's the right thing to do!" Sweigert didn't help in the drafting at all, says Haas. The way Haas wrote the bill was to sit up in the attic of the state capitol and dictate into a machine. The machine was one of the old kinds--a cylinder! He ~~was~~ worked on the bills from noon to midnight. Each night he would bring the cylinders down to the secretary pool (worked twenty-four hours a day) and they'd have the MS ready for him the next day. He did the work in five days. Sent the first draft to Warren, who had many suggestions. Haas ~~then~~ prepared the second draft and showed it to <sup>(Fazel)</sup> Pierce Fritel of the Bureau of Management (Dept of Finance) for administrative recommendations and to Barney Cesla (Attorney working in the Unemployment Insurance Office -- check on this). Cesla helped him with the revenue aspects of the bill. That is, the tax aspects.

When I asked him about the capitation features, or about other specifics he was very fuzzy. I think that the capitation features ~~xxxxxx~~ was added by Warren or ~~or~~ Sweigert, perhaps by Wollenberg himself. For this we'll have to ask Warren.

## GOVERNOR'S OFFICE

INTER-OFFICE MEMORANDUM

SACRAMENTO

TO GOVERNOR WARREN  
 FROM W. T. SWRIGERT

DATE July 23, 1945  
 SUBJECT Completion and Use of  
 the County Files

Mr. Welsh will supervise the completion and use of the County Files. The following details should be attended to.

The material should be arranged in the file in the following order:

1. Economic survey of the County.
2. Supplemental population figures.
3. Roster of County and City officials in the County. This should be checked with latest available Roster. This data should be corrected on its face to show changes to date.
4. Governor's appointees in the County. This should be checked to give complete and up-to-date information regarding appointments.
5. Gubernatorial Campaign of 1942--results in the County, General and Primary Elections.
6. Earl Warren Campaign Chairmen, County workers, etc., 1942 campaign. This should include names of Republican and Democratic sponsors in Los Angeles, San Francisco, Alameda and Sacramento Counties. WTS has this last-mentioned material.
7. Republican and Democratic County Committee Chairmen.
8. Digest and comment on County Newspapers. Mr. Scoggins is completing this data for placement in the files.
9. Departmental reports on the County. These should be separately bound together for convenient and ready use, under the list of checked departments reporting, and should contain a one-page statement of highlights. This latter can be best done by Miss MacGregor, who could glance over the reports and note briefly anything worthy of highlight notice.
10. 1943 and 1945 legislation of particular interest to the County. Mr. Vasey is reviewing both 1943 and 1945 legislation and will prepare the County statements on this subject for placement in the file.

*Verne*  
 ←

## GOVERNOR'S OFFICE

INTER-OFFICE MEMORANDUM

SACRAMENTO

TO GOVERNOR WARTEN  
 FROM V.T.E.

DATE July 23, 1945  
 SUBJECT County Files--Continued

Page 2

11. Names of United States Veterans' Administration Hospitals and any Army, Navy or Marine Corps Hospitals in the County. We already have a list of these hospitals. Miss Foot has this material at hand and will break it down for the County files.

Anything else in the file, other than the above mentioned, should be bound together under a sheet marked "Miscellaneous." It is necessary to do this in order to standardize the material in all county files.

In connection with departmental reports, Miss Gallagher has forwarded a request to the Reconstruction and Reemployment Commission for a brief statement of particular post-war problems, etc., in each county, and as this material is received, it should be inserted in the departmental data (#9) and the report noted on the list.

The counties which should be prepared and completed immediately are the 9 Southern counties: San Diego, Orange, Los Angeles, Santa Barbara, Ventura, Imperial, and San Bernardino, Riverside and Kern.

The Governor wishes these to be ready at the Los Angeles office whenever he desires to go into these counties. These 9 files, therefore, should be at the Los Angeles Office as close as possible to August 1. The remaining counties of the State should be worked up so that they will be in readiness by September 1.

For later development and subsequent placement in the County Files, I think that we should begin now to collect the following material:

- (a) Women's clubs and organizations in the county, with names and addresses of their principal officers.
- (b) Veterans' organizations in the county, with names and addresses of their principal officers.
- (c) Labor unions and councils in the county, with names and addresses of principal officers.
- (d) Chamber of Commerce, and other business, trade and professional groups in the various counties with names and addresses of their principal officers.

## GOVERNOR'S OFFICE

INTER-OFFICE MEMORANDUM

SACRAMENTO

TO GOVERNOR WARRENDATE July 23, 1945FROM W. T. S.

Page 3

SUBJECT County Files--Continued

- (e) Farm organizations in the county with names and addresses of their principal officers.
- (f) Names of negro newspapers, churches, etc., in Los Angeles, Alameda and San Francisco, for insertion in those County files. Mr. Scoggins can best assemble this data.
- (g) The principal church dignitaries in each county, with names and addresses of Bishops, pastors, leaders, etc. Mr. Welsh will probably be able to find some way to assemble this data.
- (h) Preparation of complete list of all Republican and Democratic County Committeemen, and members of the State Central Committee in the county.
- (i) Mr. Bill Reichel, Tribune Tower, Oakland, promised W.T.S. that he would arrange to get lists of all chairmen, committees and workers in all counties in the 1944 presidential campaign (Dewey's). This should be obtained for later placement in the file.
- (j) Obtain particular list of physicians and surgeons and hospitals for each county, with names and addresses, together with medical association officers and hospital heads. Also obtain from W.T.S. files names of doctors who wrote Governor in support of hospital bill, and note their names in connection with this data.
- (k) Prepare list of all Notary Publics appointed by the Governor in San Francisco County and place in the file.
- (l) Mr. Welsh should check digest of applications for appointments and gradually break down to a County bases the names and addresses of applicants and their sponsors, with notation of their special interests.

**GOVERNOR'S OFFICE**  
 INTER-OFFICE MEMORANDUM  
 SACRAMENTO

TO GOVERNOR WARRENDATE October 10, 1945FROM W.T.S.SUBJECT MASTER NAME PROJECT-Gen.  
Names Sources in Office.Special Attention Mrs. Clayton.

1. Governor's personal card file - (Miss Magee)
2. County files - Special and Regular. (Files) (including name files)
3. Political 1946 files. Also Political (Bewey, etc.) (Files) *Walsh*
4. Regular - general - alphabetical cross file. (Files)
5. Digest book of Applications and Recommendations for appointment to various offices - Welsh (Files)
6. Administrative files for various offices for congratulatory letters, etc. (Files) *State Official File*
7. Notaries appointed by Governor throughout state (Byron)
8. San Francisco notary appointments by Earl Warren (Byron)
9. W.T.S. personal card file - (W.T.S.)
10. Governor's appointees to all offices - (Welsh)
11. Request for appointment files - (Dorothy Pearce - Files)
12. Invitation files - (Marguerite Magee - Files)
13. Persons granted duell bill pardons by Governor - (Walsh)
14. Receptionist caller file. (Mrs. Doty)
15. Legislative bill files, for congratulations, etc. (Trimmer - Files)
16. Congratulations re 1942 elections (Files)
17. Political 1942 campaign - sponsors on ballot and all others. (WTS & HRI)
18. Governor's county chairmen and committees in various counties (1942) (WTS & HRI)
19. Newspaper publications and comment. - (Small and files)
20. Pensions - congratulatory and approving - (Files)
21. Critical - General. - (Files)
22. Daylight savings and child care files. - (Files)
23. Race relations. - (Files)

**GOVERNOR'S OFFICE**  
 INTER-OFFICE MEMORANDUM  
 SACRAMENTO

TO OFFICE SUPERVISOR  
 CC-All Secretaries  
 FROM F.T.S.

DATE 10-20-45  
 SUBJECT Office Organization

New forms have been prepared for the Governor's signature, to answer certain types of political correspondence that comes into the office.

The mail routing instructions should be changed as follows:

Letters addressed to the Governor expressing or clearly implying good will in matters of the Governor's administration or political activity, and also letters addressed to the Governor taking critical issue with the Governor's administration will be routed to Verne Scoggins, via Mrs. Clayton. They should be delivered first to Mrs. Clayton who will, after making note of the correspondence for her purposes, indicate the form number to be used for reply, and sent to the form department, where the form replies will be typed and returned to Mrs. Clayton for initialling, and then delivered to Verne Scoggins for final initialling prior to placement in the Governor's office for Governor's signature.

All mail of this description will be filed in Political-1946.  
 \_\_\_\_\_ County.

Forms are also being prepared for the Governor's signature as correspondence originating from the Governor's office, as distinguished from replies to incoming mail.

These forms when approved should be placed in the form book under, I suggest, a new series "O" (meaning correspondence originating from the Governor).

These forms will be used by the correspondence unit on instructions from Mrs. Clayton, who will supply names and addresses and indicate on any such list the form number to be used.

When letters have been prepared by the correspondence unit in this manner, the letters will be routed to Verne Scoggins via Mrs. Clayton, delivered to Mrs. Clayton for her initialling, and then delivered to Verne Scoggins for final initialling prior to placement in the Governor's office for his signature.

Correspondence of this kind should be filed under instructions from Mrs. Clayton.

CONFIDENTIALMEMORANDUM RE SAN FRANCISCO ORGANIZATION

W. T. SWEIGERT  
March 25, 1946.

I suggest that a meeting be called at once by the San Francisco Steering Committee, and that all members of the Steering Committee, together with Mr. Draper, Mr. Wollenberg and Mr. O'Connor, be present.

At this meeting the following matters should be considered:

1. The enclosed memorandum, and any necessary modifications, noted for attention of W.T.Sweigert.
2. Activation of Northern California Headquarters.
3. Consideration of Northern California Headquarters Budget.
4. Activation of San Francisco Campaign Organization, through servicing by Northern California Headquarters.
5. Regarding San Francisco campaign organization, I suggest that Theodore Roche should be requested by Governor to serve as a State Vice-Chairman (for San Francisco), and that he be asked, as such, to serve as General Chairman of the San Francisco campaign, with vice-chairmen representing women, labor, Democrats, etc.; also that a suitable Executive Chairman for San Francisco be selected, for example, Bill O'Brien, etc., etc. (labors will be largely reduced if the Northern California Headquarters will service the San Francisco campaign, although latter will actually operate as a separate unit); also that an Executive Committee be selected to work with the Executive Chairman, the Executive Committee to be made up of key advisors from various groups - San Francisco sections, labor, women, etc. (Mr. Scharrenberg has agreed to serve on such committee himself and will provide two other labor advisors). Also, someone should be selected to act as a San Francisco Finance Chairman for supplemental local financing.
6. Selection of San Francisco Headquarters. Joe O'Connor has under consideration for such headquarters the

following locations:

(a) Palace Hotel street corner, New Montgomery and Market, now occupied by Marines, who are moving out.

(b) Possible second floor accommodations at Palace Hotel.

(c) Loft of H. S. Crocker Building, 555 Market Street, now empty.

Mr. O'Connor will need assistance of Northern California staff and Steering Committee in completing arrangements for Headquarters.

7. W.T.S. will be glad to check in by 'phone, but other matters here, heavy and pressing, are such that cooperation as herein suggested will be much appreciated and effective.

I will follow this memorandum with other suggestions concerning names of persons who should be asked to help in key positions. For the present, suggestions for San Francisco Executive Committee are:

Chester McPhee, Jim Sullivan, John Molinari, Colonel Keesling, Jr., Roland Tognazzini, John Sullivan, Ed Barron, etc., etc.

Also John Fahey, Daly City attorney and justice-of-the-peace, has stated to WTS he would be available to assist in Northern California Headquarters, or San Francisco organization, on part-time basis.

8. Selection of Northern California Publicity man. Names under consideration - George Lynn, Dick Prosser. Mr. Verne Scoggins, of Governor's office, will 'phone Mr. O'Connor and Mr. Coakley to advise on this.
9. Selection Northern California Advertising Specialist. Consider Carl C. Wakefield Agency, referred to in enclosed memorandum.

Copies of this memorandum to

Mr. Steinhart

Mr. Coakley

Mr. Mailliard

Mr. O'Connor

Mr. Wollenberg

Mr. Draper

Mr. Scoggins

Mr. Sweigert

Miss MacGregor

Mr. Vasey

Mr. Small

Mrs. Clayton

Mr. Welsh

Copies of this memorandum to:

Governor Earl Warren

Mr. Murray Draper  
220 Santa Paula  
San Francisco, California.

Mr. Thomas Cunningham  
Room 628 Kowan Building  
452 So. Spring Street  
Los Angeles 13, California

Mr. J. W. Mailliard, Jr.,  
230 California Street  
San Francisco 11, California.

Mr. Leigh Eattson  
714 West Olympic Boulevard,  
Los Angeles, California.

Honorable Albert C. Follenberg  
Flood Building  
San Francisco, California.

Mr. Joseph O'Connor  
c/o Joseph O'Connor Organization,  
Hobart Building,  
San Francisco, California

Mr. Bernard Brennan  
Title Guaranty Building  
411 West 5th Street,  
Los Angeles 13, California.

Mr. Thomas Coakley  
111 Sutter Street,  
San Francisco, California.

Mrs. Vera Clayton  
Governor's Political Headquarters at Sacramento.

Mr. M. F. Small           ditto

Miss Helen R. MacGregor, Governor's Private Secretary

Mr. Vernon Scoggins, Governor's Press Secretary

Mr. Beach Vasey, Governor's Legislative Secretary

Mr. James Welsh, Governor's Assistant Secretary.

Mr. Jesse Steinhart  
111 Sutter Street  
San Francisco, California.

CAMPAIGN ORGANIZATION

C. T. SWEIGERT  
3-25-46

Strictly Confidential except  
as to parties to whom sent,  
hereinafter noted.

I am submitting this memorandum for the information of persons concerned and also for the purpose of obtaining any helpful suggestions for modification.

NORTHERN CALIFORNIA

The Northern California campaign is being organized as follows:

(a) A Northern California Chairman (MR. IRVING MARTIN, of Stockton - to be contacted by Governor), with Vice-Chairmen selected for each of eight (8) Northern California regions, and chosen both for their prestige and ability to counsel concerning their respective region; also other members representative of Democrats, labor, women, etc. This committee is honorary, except for individual contact with Chairman, and the respective Vice-Chairmen.

(b) Northern California Finance Chairman, J.W. MAILLIARD, Jr., (Office: 230 California Street, San Francisco 11, Phone Douglas 3760. Residence: 3375 Jackson Street, San Francisco, Phone, Fillmore 2653).

(c) A Northern California Executive Chairman will be located at the Northern California Headquarters at San Francisco - MR. MURRAY DRAPER, (volunteer), of San Francisco, (Residence: 220 Santa Paula, San Francisco, Phone Overland 2282; Office: (Attorney) at present 220 - 3rd Avenue, San Mateo, Phone San Mateo 3-1874. Note: Until Headquarters established, may be contacted through Joseph O'Connor Organization, Hobart Building, San Francisco, Phone Sutter 6343).

(d) Assistant Executive Chairman, ASSEMBLYMAN ALBERT C. WOLLENBERG, (volunteer), (Residence: 2748 Steiner Street, San Francisco, Phone Fillmore 8449; Office (Attorney) Flood Building, San Francisco, Phone Exbrook 3509).

(e) Northern California Campaign Supervisor JOSEPH O'CONNOR (ORGANIZATION), (Office: Hobart Bldg., San Francisco, Phone Sutter 6343; Residence: 2857 Divisadero St., San Francisco, Phone Fillmore 4612).

- (f) Northern California Publicity Man (to be selected).
- (g) Northern California Advertising Man (or Agency) (radio, billboard, etc.) - (To be selected).
- (h) Other volunteer or paid staff as needed.

Mr. Draper, Mr. Wollenberg and Mr. O'Connor, and the publicity man, will be located at the Northern California Headquarters, San Francisco, now being selected, and address and phone to be supplied by supplemental memorandum.

The Northern California Headquarters and staff will have the responsibility for -

- (a) Conducting Northern California campaign in cooperation with separate Northern California County organizations. It should assume responsibility for providing all Northern California county organizations with billboard, state-wide or area radio, standard campaign literature, standard material on issues for local release, standard newspaper ads, speakers' bureau and general information service;
- (b) Setting up, but servicing, a separately functioning unit to conduct the San Francisco campaign, with separate Chairman and Vice-Chairmen (to be selected), separate Executive Chairman (to be selected), with a San Francisco Executive Committee chosen on representative basis and with ability to counsel concerning San Francisco, and a Chairman for supplementary San Francisco financing (to be selected).

An informal Steering Committee will be set up at San Francisco to advise with Northern California Headquarters and staff, consisting of MR. THOMAS COAKLEY (Office: 111 Sutter Street, San Francisco, Phone Exbrook 5188. Residence 805 Meinert Road, Concord, California, Phone Concord 22300), MR. JESSE STEINHAERT (Office: 111 Sutter Street, San Francisco, Phone Exbrook 6430. Residence: 2212 Vallejo Street, San Francisco, Phone West 0698), J. W. WILLIAMS, JR. (Address and Phone above), and such others as they may select.

The Northern California budget should cover all functions of the Northern California Headquarters, and should be prepared by Northern California Headquarters staff, submitted to the Steering Committee for approval, and presented to Mr. Mailliard as Chairman, Northern California Finance Committee.

Contact should be established at once between Northern California Executive Chairman, Mr. Murray Draper, and Southern California Executive Chairman, Mr. Thomas Cunningham, of Los Angeles (address and Phone listed hereinafter).

Contact should also be established between Mr. J. W. Mailliard, Northern California Finance Chairman, and Mr. Leigh Battson, of Los Angeles, Southern California Finance Chairman (address and Phone listed hereinafter).

GOVERNOR'S (POLITICAL) HEADQUARTERS AT SACRAMENTO

A Governor's (Political) Headquarters is now being established at Sacramento, completely divorced from Governor's official office, and must be financed from political funds. (Sacramento address and phone number to be supplied by supplemental memorandum).

This Governor's (Political) Headquarters, at Sacramento, will be staffed as follows:

MRS. VERA CLAYTON, Manager in Charge.

MR. M. F. SMALL, who will act as Governor's political aide.

This headquarters will assume responsibility for -

(a) Providing liaison between Southern California Headquarters and Northern California Headquarters and Governor's office;

(b) Stimulating and setting up all Northern California county organizations (except San Francisco), and also, as far as possible, Southern California county organizations (except Los Angeles County,) in cooperation with Southern California Headquarters.

(c) Supplying Northern California and Southern California Headquarters with factual data and material on issues for statements, speeches, press releases, etc.

This Governor's (Political) Headquarters is preparing a separate budget covering its functions, together with Governor's political expense (travel, etc.), and this budget will be presented to Mr. Mailliard, Northern California Finance Chairman, and Mr. Battson, Southern California Finance Chairman, for pro-rating between Northern and Southern California.

SOUTHERN CALIFORNIA

The Southern California campaign is organized as follows:

Executive Chairman THOMAS CUNNINGHAM (volunteer), (Private office, Room 628 Rowan Building, 458 So. Spring Street, Los Angeles 13. Phone Michigan 9838. Residence: 3139 Waverly Drive, Los Angeles 27. Phone Normandy 5294. Note: Private line to Mr. Cunningham's law office will be supplied by supplemental memorandum. Can be reached also through Southern California Headquarters - see below).

Mr. Cunningham will have several Executive Assistants, and also a Volunteer Executive Committee to take care of policy, finance and publicity.

Southern California Finance Chairman MR. LEIGH BAYBORN (Office: 714 West Olympic Boulevard, Los Angeles. Phone Prospect 7111).

Southern California Publicity Man, CHARLES BOWEN (Located at Southern California Headquarters - see below)

Elwood J. Robinson Agency (541 South Spring Street, Los Angeles. Phone Mutual 1142) - (to handle radio, newspaper ads and any additional billboards necessary).

Los Angeles County Chairman BERNARD BRENNAN (to be located at Southern California Headquarters - see below)

A Volunteer Women's Group Coordinator (to be selected) and a paid assistant (to be selected)

Southern California Headquarters is located

at:

Title Guaranty Building,  
411 West 5th Street,  
Los Angeles 13, California. Phone Michigan 2360.

COUNTY ORGANIZATIONS

All county organizations should be encouraged to set up a responsible Chairman - preferably Republican - with Woman Vice-Chairman and Democratic Vice-Chairman, an appropriate Committee, and a Finance Chairman for supplemental local financing.

This information should be forwarded directly, or through the Southern or Northern California Headquarters, to Governor's (Political) Headquarters at Sacramento (or Governor's office until address supplied).

MISCELLANEOUS NOTES

1. The Southern California Headquarters has already made arrangements for 543 billboards throughout California - 250 for Southern California and the balance for Northern California; also arrangements for 1,000,000 Earl Warren for Governor lapel buttons, 30% to be allocated to Northern California; also for Governor's state-wide radio hook-ups now in effect. These items will be subject to equitable pro-rating between Northern and Southern California Finance Chairmen.
2. I am informed that the San Francisco correspondent for Elwood J. Robinson Agency (Los Angeles) is Carl E. Wakefield Agency, Kohl Building, San Francisco, and Northern California Headquarters should consider using that service for Northern California.
3. Southern California Headquarters has also printed for its own use a pamphlet (the Governor's announcement of candidacy) for immediate distribution in Southern California, and can enlarge order for Northern California Headquarters on request.
4. Mr. M. F. Esell (can be located through Governor's (Political) Headquarters, Sacramento, or presently through Governor's Office, Sacramento) is preparing Governor's itinerary for months of April and May, and information concerning important invitations or events during those months should be forwarded immediately for clearance and working into Governor's itinerary if possible.
5. Memoranda or correspondence of political nature can be forwarded from the various headquarters to Governor's (Political) Headquarters at Sacramento (as soon as address supplied), and arrangements will be made to give these matters orderly and prompt clearance. Forward to W. T. Sweigert, Governor's Office, Sacramento. Attention Mrs. Vera Clayton, until other address supplied, and Phone W.T.S. (or Mrs. Clayton) at Governor's office, until other Phone number supplied.

This, of course, applies to the more or less routine matters and naturally does not exclude necessary calls to Governor, Mr. Sweigert or Mr. Scoggins (Press Secretary), or Miss Helen MacGregor (Governor's Private Secretary) or Mr. Beach Vrsey (Governor's Legislative Secretary).

"THE LEGEND OF THE EARL OF WARREN"

(By W.T.S. 1951 - Supplemented 1971)

---

Now listen to my story  
About a man of fame,  
The mighty Earl of Warren  
Who well enriched that name.

Upon the shores of Oakland,  
Bedecked in blue and gold,  
He vowed he'd ring the welkin  
As ne'er in days of old.

His tasks of early manhood  
Were never known to fail;  
He chased all lawless villains  
And locked them up in jail.

And when his neighbors bade him  
Their pirate foes to vex,  
Forthwith he cracked the masthead  
Of the gambling Schooner "Rex".

Now deeds like this were many;  
Great Warren stood alone.  
And soon he sought to tumble  
King Cuthbert from his throne.

King Cuthbert of Olsen's army  
Was scattered hither and hence  
When the Earl of Warren surrounded  
His weakened civilian defense.

Then came young Robert of Kenny  
To test great Warren's steel.  
He marched in new formation,  
Called it the "Package Deal."

But Earl had a trusted weapon  
 Just suited to his style,  
 And brandished it with gusto,  
 'Tis called the great Cross File.

And with it mighty Warren  
 Made all the yokels swoon;  
 Not waiting for November,  
 He slew young Bob in June.

He made one ill-starred venture  
 With Dewey, Prince of York,  
 Who thought he'd teach the Demos  
 To eat with knife and fork.

Forth sailed their good ship Unity  
 And everything went well  
 'Til near the Isle of Truman -  
 The eightieth parallel.

Prince Dewey, although Captain,  
 Did not have much to say.  
 So Truman did the shouting  
 And dunked them in the bay.

The Prince of York was drowned under  
 Beneath the deep blue sea,  
 But Earl returned in safety -  
 Just how's a mystery.

Some said the gods had saved him,  
 For raft the Earl had none.  
 But others simply whispered -  
 "This guy's non-partison."

He nursed his strength that winter,  
 By spring was quite all right,  
 But summer brought a relapse -  
 'Twas almost "Goodie Night!"

The Earl of Warren rallied  
 'Til one night in the dark,  
 He saw a figure moving -  
 The ghost of old Hyde Park.

"I know that voice," said Warren,  
 "But not that baldish head."  
 And then cried out in horror -  
 "Is Franklin really dead?"

And soon a mighty battle  
 Was raging wide and far  
 'Twixt mighty Earl of Warren  
 And Junior F.D.R.

The scion of great Franklin,  
 With phrases wondrous bland,  
 Made California's valleys  
 Look like the Promised Land.

The Earl at first protested  
 That this was pretty low;  
 Then raised his mighty "record"  
 And hove it at the foe.

He missed Sir James by inches,  
 But many heard him say:  
 "I'll get him in November -  
 Just practicing in May."

And, keeping well his promise,  
 One mighty blow he dealt,  
 And thereby brought to ruin  
 The House of Roosevelt.

In Nineteen Hundred Fifty-three  
When Ike had stormed the fort,  
He made the Earl Chief Justice  
Of the U. S. Supreme Court.

Then Warren had a change of heart  
"Miranda!" he did shout;  
Instead of putting felons in,  
He let them all get out.

In other ways the Earl did change  
And climbed judicial heights;  
Instead of leading Civil Defense  
He called for Civil Rights.

And now the Happy Warrior  
Returneth from the fray,  
Wearing laurels never matched  
By Marshall, Holmes or Jay.

And so tonight let's raise a toast  
From Cal. to Carolina  
"It's great to gather once again  
With wondrous Earl and Nina."

---

# Superior Judge William Sweigert Urges New Rules of Court to Speed Trial Cases

**D**URING the last few decades, metropolitan court calendars have continued to increase until calendar congestion has come to be recognized as a real problem. There are many proposals for solution. Some say that we need more judges. Some say that we need, not more judges, but more work from the judges we already have. Some assume that pre-trial is the answer. Others propose even more drastic procedural reform, including possible fundamental change in our method for determining personal injury claims.



JUDGE WILLIAM T. SWEIGERT

It seems to me that, although there is considerable merit in many of the proposals, no one of them, nor all of them put together, will ever be really effective without some attention to fundamentals. By this I mean that we will never realize the full potential of our courts unless and until we apply sound, business-like principles of organization and administration to court operations.

Most constructive has been the approval by the San Francisco Superior Court judges of the new calendar rules under which the calendar has been administered since the beginning of 1957.

For the "trailing" calendar we substituted, on January 7, 1957, a calendar system designed to be, not a "trailing" calendar, but a "Trial" calendar, under rules requiring that all cases, once set, shall remain on an open, published calendar kept by the county clerk under the presiding judge according to their priority, with the alternatives of trial, settlement or off calendar, subject only to limited holding on the trial calendar for such temporary, emergency conditions as require reasonable flexibility. From the very day the change was made, the upward trend of the backlog was reversed to a steady reduction.

I asked and received from our judges authorization for the appointment of a committee of judges on the Revision of the Rules of the Court. I have recom-

mended to this new Rules Committee, the consideration of suitable rules designed to achieve, among other things, the following objectives:

1. Assurance of continuity of the calendar system, policy and rules followed this year as one means of guarding against increase of the case backlog.

2. Adequate accounting and regular reporting on the condition of the calendar.

3. Adjustment, increase and standardization of daily trial session hours to provide the equivalent of one or more additional judges, together with standardization of recesses.

4. Release of trial judges from uncontested matter hearings. Handle the uncontested calendar under the presiding judge with the aid of the new court commissioner, and with provision for standardization and adequate documentation in such matters to expedite their disposition.

5. With each jury case assigned for trial to a department, a second jury case be assigned in advance to the same department as the next for trial therein, with requirement for a second, final pre-trial conference with the trial judge prior to actual call of the case.

6. Reduction of waste of court and jury time by requiring that negotiations for settlement be conducted by counsel at times other than actual trial session hours.

7. Improved system for reporting by judges on the availability of their departments.

8. Establishment of a court policy concerning the vacation period.

9. Impanelment of additional jurors in the lower trials in order to reduce the duplication and waste of mistrials.

10. Greater assumption of the judges' responsibility for impanelment of juries as recommended by the Committee on Superior Courts, Conference of California Judges.

11. Simplification and standardization of jury instructions as recommended by the Committee on Superior Courts, to the end that they can be rendered into form that can be usefully taken to the jury room.

12. Implementation of C.C.P. Sec. 1871 (appointment by the court of impartial medical or other experts) for use at the pre-trial stage of litigation, as recommended by the Committee on Superior Courts.

13. Encouragement arrangements at the pre-trial stage of litigation for separate trial of the issue of liability in advance of the issue of amount of damages. This will tend to save the time and expense involved in those 42 per cent of the cases in which verdicts are ultimately rendered for the defendants.

14. Establishment of a suspense panel to which

\*1957 Presiding Judge of the Superior Court. (Condensed by Henry R. Binson.)

## JUDGE WILLIAM SWEIGERT

*(Continued from page 13)*

the pre-trial judge could transfer, for a limited period, cases in which it appears that bona fide negotiations for settlement are necessary.

15. Establishment of a Master Calendar for the Criminal Division and closer tie-in of the three criminal departments with the presiding judge to the end that they can be utilized for the trial of civil cases when not otherwise engaged.

16. Broadening of the Law and Motion department to include all initial applications for writs and pendent lite relief, including ex parte restraining orders and receivership. Written presentation of points and authorities in advance in connection with law and motion matters, to better assist the court and to make it possible for that court to handle the additional burden of problems that will arise out of the new discovery statutes.

17. A rule specifically requiring that all agencies and attaches under the jurisdiction of this court (adult probation, youth guidance, domestic relations staff, commissioners, bailiffs, clerks, etc.) follow standard operating procedures as approved and directed by the court.

---

San Francisco Chronicle, September 11, 1970

## Judge Here Takes On War Case

*By William Cooney*

United States District Court Judge William Sweigert defended yesterday the right of three young men to challenge the legality of the Vietnam war and went on to chide the U.S. Supreme Court for dodging the issue.

The Federal jurist denied a Government motion to dismiss the suit in the course of a wide-ranging opinion which indicated Sweigert himself tends to regard the war as unconstitutional—because it has not been declared by Congress.

He said he will not make a final ruling until the Government attorneys have filed an answer in the suit of three Berkeley law students, all of them military reservists.

In his 28-page discussion of the legal issues, Judge Sweigert said: "Whatever the ultimate decision . . . we are of the opinion that the courts . . . should discharge their traditional responsibility for interpreting the Constitution of the United States."

"It has already been charged that the failure of the courts to decide the constitutional question one way or the other, has contributed to the controversy and the consequent unprecedented disunity of our country on the Vietnam war issue."

He said he has taken "judi-

---

cial notice of the armed forces of the States are now and have been for years, to a full scale Vietnam; that the never been declared by Congress and that the president of the United States through the incumbent predecessor in office, his predecessor in office, never continued, nevertheless, to conduct the war without receiving or even requesting congressional declaration.

Judge Sweigert then set forth the reasons continuing the fighting are continuing by the Government.

*See Back Page*

# Judge Takes Case on Legality of the War

From Page 1

them all down with this reasoning:

"It will be noted that none of the foregoing arguments make any pretense that Article I, Section 8 (11) ("Congress shall have power . . . to declare war . . .") has been complied to explain why, for various reasons of expediency, the Constitution has NOT been complied with.

"They are, therefore, of doubtful relevance in a court whose duty it is to see that the Constitution IS complied with."

## TONKIN

The Tonkin Gulf Resolution, since repealed by the Senate, does not comply with Congress' duty to affirmatively declare a war if it wants one, the judge said.

Why, asked the judge, has not the legality of the war been decided by the Supreme Court?

Because, he said, lower Federal courts have avoided ruling on the main issue, preferring instead to dispose of cases "on technical, jurisdictional, procedural grounds"



JUDGE SWEIGERT  
Court responsibility

instead, such as: that the issue is "political" and should not be decided by courts; that the Government has not "consented" to be sued; or that the person challenging the war has not "standing" to sue.

And the Supreme Court, he noted, has denied petitions seeking review of the question.

On the "political" question,

Judge Sweigert noted that the Supreme Court stepped into the case of Congressman Adam Clayton Powell being barred from taking his seat in the House of Representatives, and also ruled against President Truman who had ordered the seizure of strike-bound steel mills during a national emergency.

"It seems to this court," said Judge Sweigert emphatically, "that to strike down as unconstitutional a President's wartime seizure of a few private steel mills but to shy away on "political question" grounds from interfering with a presidential war, itself, would be to strain at a gnat and swallow a camel."

He went to the issues in the case before him:

## REAL

"To say that these three plaintiffs must wait until they are called up, perhaps suddenly, and ordered to the Vietnam area, perhaps quickly, and then file a court suit, perhaps with too little time to properly do so, borders we think, on the absurd.

"These three enlistees have a real, and not too remote, stake in the outcome, perhaps their lives . . ."

Federal attorneys must reply to the suit within 15 days, and after that will come arguments on the constitutionality of the war.

His discussion in his order yesterday, he wrote, is "designed to further, so far as a District Court can appropriately do so, an ultimate ruling in our Ninth Circuit and, hopefully, by the Supreme Court, upon all the important issues here considered."

But he also strongly indicated he leans toward the view the war is unconstitu-

event he rules in favor of the reservists — that the war is unconstitutional. — "the effect of any such judgement will be stayed pending any appeal by" the Government.

He concluded with a strong presentation of the Constitutional question involved.

## CASE

"A strong case can be made," he wrote, "for the proposition that compliance with the Constitution and its plain provision that the power to declare war lies, not in the President, but in the Congress, should be made to rest upon something better than the ambivalences of congressional inaction or mere defense legislation, appropriations and questionable resolutions.

"That such compliance calls for nothing, less than what the Constitution plainly says — a declaration of war by the Congress or at least an equally explicit congressional expression, either general or limited, but in any event such as to clearly indicate a congressional intent to meet its responsibilities . . . by consenting to (or refusing to consent to), the initiation or continuance of war by the President: that unless the President receives, upon his request or otherwise, such a declaratory consent, either general or limited, as soon as reasonably possible, any undeclared war becomes a usurpation by the President or an abdication by the Congress — or, perhaps — both."

Hon. Earl Warren          Memorial Services          Grace Cathedral          July 12,  
(W. T. Swigert, Speaker)

---

YES, DURING THOSE YEARS I WAS PRIVILEGED TO HAVE A UNIQUE OPPORTUNITY FOR GAINING AN INSIGHT INTO THE PRINCIPLES, THE MOTIVES, THE STANDARDS, THE IDEALS, AND, YES, THE MANNERISMS THAT MADE EARL WARREN A GREAT AMERICAN.

AT AN EARLY AGE, HE DEDICATED HIMSELF BY DELIBERATE CHOICE - TO WHAT HE CONCEIVED TO BE - AND CALLED - A CAREER OF PUBLIC SERVICE - WITH ALL ITS POLITICAL RISKS, ITS WIDE EXPOSURE, ITS EXHAUSTING DEMANDS AND ITS RELATIVELY LIMITED FINANCIAL REWARD.

I SAY DEDICATED BECAUSE HIS CHOICE STEMMED FROM A REALIZATION THAT DEMOCRACY - GOVERNMENT BY THE PEOPLE - IS FOR PRACTICAL PURPOSES AN IMPOSSIBILITY - AN ILLUSION - EXCEPT ONLY INSOFAR AS IT IS COUPLED WITH THE POLITICAL DEVICE OF REPRESENTATIONAL GOVERNMENT - LAW MAKING AND PUBLIC ADMINISTRATION BY ELECTED OFFICIALS - WHO BECOME - FOR BETTER OR FOR WORSE - BUT NECESSARILY - POLITICIANS.

EARL WARREN ACCEPTED BOTH THE ROLE AND APPELLATION.

BUT, DURING EVERY DAY OF HIS NEARLY 30 YEARS AS AN ELECTED OFFICIAL - AS DISTRICT ATTORNEY, AS ATTORNEY GENERAL, AND AS GOVERNOR - HE METICULOUSLY PRACTICED HIS DEEPLY-HELD BELIEF THAT HIS PUBLIC OFFICE WAS INDEED A PUBLIC TRUST - A TRUST THAT COULD BE FAITHFULLY KEPT ONLY IF DIVORCED FROM SELFISH, PETTY CONFLICT, IN ANY FORM, WITH THE PUBLIC INTEREST.

HE HAD THE WILL AND THE STRENGTH TO BREAK EVERY SHABBY RUBRIC, AND TO REJECT EVERY SHADY PRACTICE WHICH MANY OTHERS CYNICALLY ACCEPTED AS INHERENT AND INEVITABLE IN POLITICAL LIFE.

AT TIMES THIS CODE WORKED TO HIS SHORT RANGE POLITICAL DISADVANTAGE, BUT IN THE LONG RUN IT PROVED TO BE THE SOLID BASE OF THE PHENOMENAL POLITICAL ACHIEVEMENT OF WHICH HE WAS MOST PROUD - - UNBLEMISHED YEARS DURING WHICH NO CHARGE OF WRONG-DOING, FALSITY OR DUPLICITY WAS EVER MADE EVEN BY CRITICS WHO DISAGREED WITH AND OPPOSED HIM - - NOR ANY INSTANCE OF SCANDAL AMONG THOSE HE PAINSTAKINGLY APPOINTED IN HIS ADMINISTRATIONS, OR CAREFULLY SELECTED TO HELP IN HIS CAMPAIGNS.

SO, MAY I SUGGEST THAT EARL WARREN BE JUDGED AND REMEMBERED - NOT BY ANY SINGLE CASE HANDLED DURING HIS DISTRICT ATTORNEYSHIP, NOT BY ANY PARTICULAR PROGRAM ADVANCED DURING HIS GOVERNORSHIP, NOR EVEN BY ANY LANDMARK DECISION RENDERED DURING HIS CHIEF JUSTICESHIP - (ALTHOUGH HIS ACCOMPLISHMENTS IN THOSE FIELDS CAN BE DOCUMENTED AS MAGNIFICENT) - BUT, RATHER, AND MORE IMPORTANTLY, FOR THE EVEN GREATER CONTRIBUTION HE MADE TO HIS COUNTRY AND TO EACH AND EVERY AMERICAN BY HIS LIFELONG EXAMPLE OF WHAT - YES - OF WHAT A POLITICIAN CAN BE AND CAN DO IN MEASURES OF ABLE, HONORABLE, FAITHFUL, IMPECCABLE PUBLIC SERVICE.



Page (6)  
Earl Warren

IF I WERE SEEKING TO BEST DESCRIBE THE STATURE AND QUALITY OF EARL WARREN AS I WILL REMEMBER HIM - AND AS I THINK HE WILL BE DESERVEDLY REMEMBERED IN HISTORY, I WOULD CHOOSE, AS STRIKINGLY APPROPRIATE, LINES WRITTEN TO MEMORIALIZE ANOTHER GREAT AMERICAN:

"THE COLOR OF THE GROUND WAS IN HIM, THE RED EARTH;  
THE SMACK AND TANG OF ELEMENTAL THINGS -  
THE RECTITUDE AND PATIENCE OF THE CLIFF;  
THE JUSTICE OF THE RAIN THAT LOVES ALL LEAVES;  
THE FRIENDLY WELCOME OF THE WAYSIDE WELL;  
THE GLADNESS OF THE WIND THAT SHAKES THE CORN;  
THE COURAGE OF THE BIRD THAT DARES THE SEA;  
THE PITY OF THE SNOW THAT HIDES ALL SCARS;  
THE TOLERANCE AND EQUITY OF LIGHT  
THAT GIVES AS FREELY TO THE SHRINKING WEED  
AS TO THE GREAT OAK -  
AND WHEN HE FELL, HE WENT DOWN  
AS WHEN A LORDLY CEDAR, GREEN WITH BOUGHS,  
GOES DOWN WITH A GREAT CRASH UPON THE HILLS,  
AND LEAVES A LONESOME PLACE AGAINST THE SKY."

## PEGGY WAYBURN

ON JULY 16, 1975, U.S. District Court Judge William T. Sweigert ruled in a case brought by the Sierra Club that the U.S. Department of the Interior had "unreasonably and arbitrarily . . . refused and neglected" to perform its duties in protecting the Redwood National Park in California from damage caused by logging on lands adjacent to the park. Sweigert ordered the department to take "reasonable" action by December 15th to gain protection for the park under terms of the National Park System Act, and especially the Redwood National Park Act, and to turn to Congress for additional funding if necessary. This decision was a vindication for conservationists, a major victory for the Sierra Club Legal Defense Fund, and a landmark in the field of environmental law as well, defining a trust concept which may set a highly useful precedent for public-lands management.

Judge Sweigert's decision also wrote another chapter in the sad, curious history of the Redwood National Park. Whether or not it will alter the course of that history, however, is another question, considering what has happened to this park in the seven years of its existence.

Here are the highlights of the sorry record:

## 1968

Having given away California's coastal redwoods (along with the other public lands of the West) a century earlier, Congress decides at long last to "save" them. After decades of logging, there are only fragments — totaling about 200,000 acres — left of the once great two-million-acre primeval forest. Caught between enormous public pressure to establish a Redwood National Park and an outraged timber industry, which must sell back some of its remaining forests for such a park, Congress compromises. "To preserve significant examples of the primeval coastal redwood (*Sequoia sempervirens*) forests and the streams and seashore with which they are associated for purposes of public inspiration, enjoyment, and scientific study," Congress puts together a park which is a hodgepodge of diverse areas totaling 56,205 acres in all. It includes three of California's finest state parks — Prairie Creek, Jedediah Smith, and Del Norte Redwoods — whose 28,000 acres are not included in the record \$92,000,000 purchase price authorized. It takes in a thirty-three-mile strip of beach and coast, with the Redwood Highway running through it. It contains about two-thirds of the small, superb Lost Man Creek watershed, part of the larger Redwood Creek watershed in Humboldt

County. The park's most controversial feature, however, is a seven-mile long, one-half-mile wide "worm" of primeval forest snaking up Redwood Creek to form an exceptionally vulnerable appendage to a meager, sprawling body. The reason for this curious corridor, which lies in the middle of extensive and active logging operations, is simple: it includes the little river flat where grows the tallest tree on earth, 367 feet high.

The Congress is aware, at least in part, of the precarious nature of this park design. Taking cognizance of the threat posed by logging adjacent to the park, the park act directs the Secretary of the Interior to take action "with particular attention to minimizing the siltation of the streams, damage to the timber, and assuring the preservation of the scenery within the boundaries of the National Park." Furthermore, the Congress states its intent "that clearcutting will not occur immediately around the Park." The Secretary of the Interior is therefore authorized to: (1) enlarge the boundaries of the park by adding approximately 2,000 acres at strategic places; (2) acquire a scenic corridor along specified sections of the Redwood Highway to screen unsightly, devastated, logged areas from park visitors' eyes; and (3) enter into management agreements with the timber companies logging adjacent to the park boundaries and to acquire less-than-fee interests — or an in-fee interest, if necessary — in buffer areas essential to "protect the timber, soil and streams" inside the park.

While not ideal, the powers accorded to the secretary are significant: using them, he can round out the park's 11,000 acres of previously unprotected old-growth forest to 13,000 acres, an increase of nearly twenty percent. He can also negotiate effectively with the timber industry — which intends to log right up to every park boundary — to establish adequate buffer zones. He can, in short, hold damage to the park to a minimum while new efforts are mounted to gain a more rational Redwood National Park. Conservationists who have fought long and hard for a "Pyrrhic victory" are not entirely discouraged. As soon as President Lyndon Johnson signs the Redwood National Park Act in early October, 1968, the Sierra Club importunes Interior Secretary Stewart Udall to exercise his authority promptly to enlarge the new park and give it maximum protection. . . . Mr. Udall fails to act.

## 1969

Endless studies of the Redwood National Park commence. A twelve-man Redwood National Park Master Planning Team is appointed to consider the park's problems and make recommendations for development: two of the team members are from the Save the Redwoods League, another from the Sierra Club.

Dr. Edward Stone of the University of California, Berkeley, heads an official study which documents what everyone already knows: the new park has major problems. It lacks watershed protection. It is situated in highly erosive and unstable terrain. ". . . the fate of critical portions of the Park lies in the hands of private landowners in the watersheds tributary to the Park." Stone recommends a substantial buffer zone and controlled cutting around the park. The next decade, he notes, will be critical to its future.

While the Park Service is studying the situation, the Bureau of Outdoor Recreation is negotiating with timber companies, Georgia Pacific (later Louisiana Pacific), Simpson, and Arcata, to acquire the lands authorized for park purchase. The Bureau of Land Management (BLM) is surveying the park boundaries. The Forest Service is evaluating its forest holdings which will be used in exchange. The industry is clearcutting the slopes of Redwood Creek.

Gordon Robinson, Sierra Club forester, responds to the Stone report by proposing specific, stringent regulations for logging in areas adjacent to the park. He declares that "clearcutting the Redwood Creek slopes is intolerable." National Park Service forester Ted Hatzimanolis rebuts Robinson: clearcutting of Redwood Creek is not intolerable, he states, if clearcut areas are no larger than fifteen acres.

In November, the National Park Service produces a new "study." Called a "Concept Paper for Proposed Buffer and Watershed Management," it rejects the Stone report, the Robinson rebuttal, the Hatzimanolis surrebuttal, and industry's practices. It proposes instead to "Continue and Expand Coordinated Management and Research Objectives Heading Toward Elimination or Control of All Potentially Destructive Inputs Within the Entire Watershed of Redwood Creek."

The Sierra Club writes Undersecretary of the Interior Russell Train that "Time is running out quickly [for the Redwood National Park] . . . once again we face legislation by chainsaw . . . the logging companies are moving in to define the character of the land before park boundary surveys are even completed." Mr. Train takes no action.

## 1970

Minority members of the Redwood National Park Master Plan Team urge action, but get none. The studies continue.

The Sierra Club urges the new Secretary of the Interior, Rogers Morton, to intercede for the Redwood Park. Mr. Morton does not act.

The National Park Service makes a first feeble attempt to set up a buffer management plan with one timber company, Georgia Pacific. The proposed agreement gets nowhere. Another set of

EARL WARREN ORAL HISTORY PROJECT

The Earl Warren Oral History Project, a special project of the Regional Oral History Office, was inaugurated in 1969 to produce tape-recorded interviews with persons prominent in the arenas of politics, governmental administration, and criminal justice during the Warren Era in California. Focusing on the years 1925-1953, the interviews were designed not only to document the life of Chief Justice Warren but to gain new information on the social and political changes of a state in the throes of a depression, then a war, then a postwar boom.

An effort was made to document the most significant events and trends by interviews with key participants who spoke from diverse vantage points. Most were queried on the one or two topics in which they were primarily involved; a few interviewees with special continuity and breadth of experience were asked to discuss a multiplicity of subjects. While the cut-off date of the period studied was October 1953, Earl Warren's departure for the United States Supreme Court, there was no attempt to end an interview perfunctorily when the narrator's account had to go beyond that date in order to complete the topic.

The interviews have stimulated the deposit of Warreniana in the form of papers from friends, aides, and the opposition; government documents; old movie newsreels; video tapes; and photographs. This Earl Warren collection is being added to The Bancroft Library's extensive holdings on twentieth century California politics and history.

The project has been financed by four outright grants from the National Endowment for the Humanities, a one year grant from the California State Legislature through the California Heritage Preservation Commission, and by gifts from local donors which were matched by the Endowment. Contributors include the former law clerks of Chief Justice Earl Warren, the Cortez Society, many long-time supporters of "the Chief," and friends and colleagues of some of the major memoirists in the project. The Roscoe and Margaret Oakes Foundation and the San Francisco Foundation have jointly sponsored the Northern California Negro Political History Series, a unit of the Earl Warren Project.

Particular thanks are due the Friends of The Bancroft Library who were instrumental in raising local funds for matching, who served as custodian for all such funds, and who then supplemented from their own treasury all local contributions on a one-dollar-for-every-three dollars basis.

The Regional Oral History Office was established to tape record autobiographical interviews with persons prominent in the history of California and the West. The Office is under the administrative supervision of James D. Hart, Director of The Bancroft Library.

Amelia R. Fry, Director  
Earl Warren Oral History Project

Willa K. Baum,  
Regional Oral History Office

30 June 1976  
Regional Oral History Office  
486 The Bancroft Library  
University of California at Berkeley

## EARL WARREN ORAL HISTORY PROJECT

Principal Investigators

Lawrence A. Harper  
 Ira M. Heyman  
 Arthur H. Sherry

Advisory Council

Barbara Nachtrieb Armstrong\*  
 Walton E. Bean\*  
 Richard M. Buxbaum  
 William R. Dennes  
 Joseph P. Harris  
 James D. Hart  
 John D. Hicks\*  
 William J. Hill  
 Robert Kenny\*  
 Adrian A. Kragen  
 Thomas Kuchel  
 Eugene C. Lee  
 Mary Ellen Leary

James R. Leiby  
 Helen McGregor\*  
 Dean E. McHenry  
 Sheldon H. Messinger  
 Frank C. Newman  
 Allan Nevins\*  
 Warren Olney III\*  
 Bruce Poyer  
 Sho Sato  
 Mortimer Schwartz  
 Merrell F. Small  
 John D. Weaver

Project Interviewers

Miriam Feingold  
 Amelia R. Fry  
 Joyce A. Henderson  
 Rosemary Levenson  
 Gabrielle Morris

Special Interviewers

Orville Armstrong  
 Willa K. Baum  
 Malca Chall  
 June Hogan  
 Frank Jones  
 Alice G. King  
 Elizabeth Kirby  
 Harriet Nathan  
 Suzanne Riess  
 Ruth Teiser

\*Deceased during the term of the project.

EARL WARREN ORAL HISTORY PROJECT  
(California, 1926-1953)

Single Interview Volumes

- Amerson, A. Wayne, *Northern California and Its Challenges to a Negro in the Mid-1900s*, with an introduction by Henry Ziesenhenné. 1974, 103 p.
- Breed, Arthur, Jr., *Alameda County and the California Legislature: 1935-1958*. 1977, 65 p.
- Burger, Warren. In process.
- Carter, Oliver J., *A Leader in the California Senate and the Democratic Party, 1940-1950*. 1979, 200 p.
- Carty, Edwin L., *Hunting, Politics, and the Fish and Game Commission*. 1975, 104 p.
- Chatters, Ford, *View from the Central Valley: The California Legislature, Water, Politics, and The State Personnel Board*, with an introduction by Harold Schutt. 1976, 197 p.
- Dellums, C. L., *International President of the Brotherhood of Sleeping Car Porters and Civil Rights Leader*, with an introduction by Tarea Pittman. 1973, 159 p.
- Faries, McIntyre, *California Republicans, 1934-1953*. 1973, 155 p.
- Graves, Richard, *Theoretician, Advocate, and Candidate in California State Government*. 1973, 219 p.
- Huntington, Emily H., *A Career in Consumer Economics and Social Insurance*, with an introduction by Charles A. Gulick. 1971, 111 p.
- Jahnsen, Oscar J., *Enforcing the Law Against Gambling, Bootlegging, Graft, Fraud, and Subversion, 1922-1942*. 1976, 212 p.
- Johnson, Gardiner. In process.
- MacGregor, Helen S., *A Career in Public Service with Earl Warren*, with an introduction by Earl Warren. 1973, 249 p.
- McGee, Richard Allen, *Participant in the Evolution of American Corrections: 1931-1973*. 1976, 223 p.
- McLaughlin, Donald, *Careers in Mining Geology and Management, University Governance and Teaching*, with an introduction by Charles Meyer. 1975, 318 p.
- Olney, Warren III, *Law Enforcement and Judicial Administration in the Earl Warren Era*. 1981, 523 p.

- Patterson, Edgar James, *Governor's Mansion Aide to Prison Counselor*, with an introduction by Merrell F. Small. 1975, 79 p.
- Pittman, Tarea, *NAACP Official and Civil Rights Worker*, with an introduction by C. L. Dellums. 1974, 159 p.
- Powers, Robert B., *Law Enforcement, Race Relations: 1930-1960*, with an introduction by Robert W. Kenny. 1971, 180 p.
- Rumford, William Byron, *Legislator for Fair Employment, Fair Housing, and Public Health*, with an introduction by A. Wayne Amerson. 1973, 152 p.
- Shell, Joseph. In process.
- Sherry, Arthur H., *The Alameda County District Attorney's Office and the California Crime Commission*. 1976, 146 p.
- Small, Merrell F., *The Office of the Governor Under Earl Warren*. 1972, 227 p.
- Sweigert, William T., Sr., *Administration and Ethics in the Governor's Office and the Courts, California, 1939-1975*, with an introduction by Robert F. Peckham. 1987, 236 p.
- Taylor, Paul Schuster, *CALIFORNIA SOCIAL SCIENTIST*, Three Volumes.  
 Volume I: *Education, Field Research, and Family*, with an introduction by Lawrence I. Hewes. 1973, 342 p.  
 Volume II and III: *California Water and Agricultural Labor*, with introductions by Paul W. Gates and George M. Foster. 1975, 519 p.
- Warren, Earl, *Conversations with Earl Warren on California Government*. 1981, 337 p.
- Wollenberg, Albert, *To Do the Job Well: A Life in Legislative, Judicial, and Community Service*. 1981, 396 p.

#### Multi-Interview Volumes

- PERSPECTIVES ON THE ALAMEDA COUNTY DISTRICT ATTORNEY'S OFFICE*, with an introduction by Arthur H. Sherry. Three volumes.  
 Volume I: 1972, 137 p.  
 Mullins, John F., *How Earl Warren Became District Attorney*.  
 Balaban, Edith, *Reminiscences about Nathan Harry Miller, Deputy District Attorney, Alameda County*.  
 Hamlin, Judge Oliver D., *Reminiscences about the Alameda County District Attorney's Office in the 1920s and 30s*.  
 Shaw, Mary, *Perspectives of a Newspaperwoman*.  
 Shea, Willard W., *Recollections of Alameda County's First Public Defender*.
- Volume II: 1973, 322 p.  
 Chamberlain, Richard H., *Reminiscences about the Alameda County District Attorney's Office*.  
 Jester, Lloyd, *Reminiscences of an Inspector in the District Attorney's Office*.

## Volume II (Continued)

- Heinrichs, Beverly, *Reminiscences of a Secretary in the District Attorney's Office.*  
 Severin, Clarence E., *Chief Clerk in the Alameda County District Attorney's Office*  
 Spence, Homer R., *Attorney, Legislator, and Judge.*  
 Daly, E. A., *Alameda County Political Leader and Journalist.*  
 Bruce, John, *A Reporter Remembers Earl Warren.*

## Volume III: 1974, 165 p.

- Coakley, J. Frank, *A Career in the Alameda County District Attorney's Office.*  
 Hederman, Albert E., Jr., *From Office Boy to Assistant District Attorney.*  
 Jensen, Lowell, *Reflections of the Alameda County District Attorney.*  
 Oakley, James H., *Early Life of a Warren Assistant.*

EARL WARREN'S BAKERSFIELD. 1971, 185 p.

- Ashe, Maryann, and Ruth Smith Henley, *Earl Warren's Bakersfield.*  
 Cavins, Omar, *Coming of Age in Bakersfield.*  
 Vaughan, Francis, *Schooldays in Bakersfield.*  
 Kreiser, Ralph, *A Reporter Recollects the Warren Case.*  
 Manford, Martin and Ernest McMillan, *On Methias Warren.*

BEE PERSPECTIVES OF THE WARREN ERA. 1976, 186 p.

- Rodda, Richard, *From the Capitol Press Room.*  
 Phillips, Herbert L., *Perspective of a Political Reporter.*  
 Jones, Walter P., *An Editor's Long Friendship with Earl Warren.*

EARL WARREN'S CAMPAIGNS. Three Volumes.

## Volume I: 1976, 324 p.

- Barnes, Stanley N., *Experiences in Grass Roots Organization.*  
 Cunningham, Thomas J., *Southern California Campaign Chairman for Earl Warren, 1946.*  
 Draper, Murray, *Warren's 1946 Campaign in Northern California.*  
 Mailliard, William S., *Earl Warren in the Governor's Office.*  
 Mull, Archibald M., Jr., *Warren Fund-Raiser; Bar Association Leader.*  
 McNitt, Rollin Lee, *A Democrat for Warren.*

## Volume II: 1977, 341 p.

- Knowland, William F., *California Republican Politics in the 1930s.*  
 Feigenbaum, B. Joseph, *Legislator, Partner of Jesse Steinhart, Aide to Earl Warren.*  
 Ladar, Samuel, *Jesse Steinhart, Race Relations, and Earl Warren.*  
 Steinhart, John, *Jesse and Amy Steinhart.*  
 Hansen, Victor, *West Coast Defense During World War II; The California Gubernatorial Campaign of 1950.*  
 Mellon, Thomas J., *Republican Campaigns of 1950 and 1952.*

## Volume III: 1978, 242 p.

- McCormac, Keith, *The Conservative Republicans of 1952.*

*CALIFORNIA DEMOCRATS IN THE EARL WARREN ERA.* 1976, 278 p.Clifton, Florence, *California Democrats, 1934-1950.*Clifton, Robert, *The Democratic Party, Culbert L. Olson, and the Legislature.*Kent, Roger, *A Democratic Leader Looks at the Warren Era.*Outland, George, *James Roosevelt's Primary Campaign, 1950.*Post, Langdon, *James Roosevelt's Northern California Campaign, 1950.*Roosevelt, James, *Campaigning for Governor Against Earl Warren, 1950.**THE GOVERNOR'S FAMILY.* 1980, 209 p.Warren, Earl, Jr., *California Politics.*Warren, James, *Recollections of the Eldest Warren Son.*Warren, Nina (Honeybear)[Mrs. Stuart Brien], *Growing Up in the Warren Family.*Warren, Robert, *Playing, Hunting, Talking.**EARL WARREN: FELLOW CONSTITUTIONAL OFFICERS.* 1979, 244 p.Brown, Edmund G., Sr., *The Governor's Lawyer.*Kenney, Robert, *Attorney General for California and the 1946 Gubernatorial Campaign.*Kuchel, Thomas H., *California State Controller.**CALIFORNIA STATE FINANCE IN THE 1940s*, with an introduction by Stanley Scott. 1974, 406 p.Links, Fred, *An Overview of the Department of Finance.*Groff, Ellis, *Some Details of Public Revenue and Expenditure in the 1940s.*Killion, George, *Observations on Culbert Olson, Earl Warren, and Money Matters in Public Affairs.*Post, A. Alan, *Watchdog on State Spending.*Leake, Paul, *Statement on the Board of Equalization.**THE WARRENS: FOUR PERSONAL VIEWS.* 1976, 137 p.Albright, Horace, *Earl Warren Job Hunting at the Legislature.*Stone, Irving and Jean, *Earl Warren's Friend and Biographer.*Henderson, Betty Foot, *Secretary to Two Warrens.*Swig, Benjamin H., *Shared Social Concerns.**EARL WARREN AND HEALTH INSURANCE: 1943-1949.* 1971, 216 p.Lee, Russel VanArsdale, M.D., *Pioneering in Prepaid Group Medicine.*Salsman, Byrl R., *Shepherding Health Insurance Bills Through the California Legislature.*Claycombe, Gordon, *The Making of a Legislative Committee Study.*Cline, John W., M.D., *California Medical Association Crusade Against Compulsory State Health Insurance.**HUNTING AND FISHING WITH EARL WARREN.* 1976, 186 p.Cavanaugh, Bartley, *A Mutual Interest in Government, Politics, and Sports.*Lynn, Wallace, *Hunting and Baseball Companion.*

*THE JAPANESE-AMERICAN RELOCATION REVIEWED*, with an introduction by Mike M. Masaoka. Two Volumes.

Volume I: *Decision and Exodus*. 1976, 196 p.

Rowe, James, *The Japanese Evacuation Decision*.

Heckendorf, Percy C., *Planning for the Japanese Evacuation: Reforming Regulatory Agency Procedures*.

Clark, Tom, *Comments on the Japanese-American Relocation*.

Ennis, Edward, *A Justice Department Attorney Comments on the Japanese-American Relocation*.

Wenig, Herbert, *The California Attorney General's Office, the Judge Advocate General Corps, and Japanese-American Relocation*.

Volume II: *The Internment*. 1974, 267 p.

Cozzens, Robert, *Assistant National Director of the War Relocation Authority*.

Myer, Dillon S., *War Relocation Authority: The Director's Account*.

Kingman, Ruth W., *The Fair Play Committee and Citizen Participation*.

Hibi, Hisako, painting of Tanforan and Topaz camps.

*EARL WARREN: THE CHIEF JUSTICESHIP*. 1977, 245 p.

Brownell, Herbert, *Earl Warren's Appointment to the Supreme Court*.

Finkelstein, Louis, *Earl Warren's Inquiry into Talmudic Law*.

Hagerty, James, *Campaigns Revisited: Earl Warren, Thomas Dewey, and Dwight Eisenhower*.

Oliver, William, *Inside the Warren Court, 1953-1954*.

Richman, Martin F., *Law Clerk for Chief Justice Warren, 1956-1957*.

Stassen, Harold, *Eisenhower, the 1952 Republican Convention, and Earl Warren*.

*LABOR LOOKS AT EARL WARREN*. 1970, 145 p.

Bulcke, Germain, *A Longshoreman's Observations*.

Chaudet, Joseph W., *A Printer's View*.

Heide, Paul, *A Warehouseman's Reminiscences*.

Simonds, U. S., *A Carpenter's Comments*.

Vernon, Ernest H., *A Machinist's Recollection*.

*LABOR LEADERS VIEW THE WARREN ERA*, with an introduction by George W. Johns. 1976, 126 p.

Ash, Robert S., *Alameda County Labor Council During the Warren Years*.

Haggerty, Cornelius J., *Labor, Los Angeles, and the Legislature*.

*EARL WARREN AND THE STATE DEPARTMENT OF MENTAL HYGIENE*. 1973, 223 p.

Tallman, Frank F., M.D., *Dynamics of Change in State Mental Institutions*.

Hume, Portia Bell, M.D., *Mother of Community Mental Health Services*.

*RICHARD M. NIXON IN THE WARREN ERA*. 1980,

Jorgensen, Frank E., *The Organization of Richard Nixon's Congressional Campaigns, 1946-1952*.

Day, Roy O., *Campaigning with Richard Nixon, 1946-1952*.

Dinkelspiel, John Walton, *Recollections of Richard Nixon's 1950 Senatorial Campaign in Northern California*.

Adams, Earl, *Financing Richard Nixon's Campaigns From 1946 to 1960*.

Crocker, Roy P., *Gathering Southern California Support for Richard Nixon in the 1950 Senate Race*.

- THE GOVERNOR AND THE PUBLIC, THE PRESS, AND THE LEGISLATURE.* 1973, 177 p.  
 Gallagher, Marguerite, *Administrative Procedures in Earl Warren's Office, 1938-53.*  
 Scoggins, Verne, *Observations on California Affairs by Governor Earl Warren's Press Secretary.*  
 Vasey, Beach, *Governor Warren and the Legislature.*
- EARL WARREN AND THE STATE DEPARTMENT OF PUBLIC HEALTH,* with an introduction by E. S. Rogers. 1973, 409 p.  
 Merrill, Malcolm H., M.D., M.P.H., *A Director Reminiscences.*  
 Stead, Frank M., *Environmental Pollution Control.*  
 Ongerth, Henry, *Recollections of the Bureau of Sanitary Engineering.*  
 Zimmerman, Kent A., M.D., *Mental Health Concepts.*  
 Arnstein, Lawrence, *Public Health Advocates and Issues.*
- THE SHIPBOARD MURDER CASE: LABOR, RADICALISM, AND EARL WARREN, 1936-1941.* 1976, 276 p.  
 Ramsay, Ernest G., *Reminiscences of a Defendant in the Shipboard Murder Case.*  
 Grossman, Aubrey, *A Defense Attorney Assesses the King, Ramsay, Conner Case.*  
 Harris, Myron, *A Defense Attorney Reminiscences.*  
 Resner, Herbert, *The Recollections of the Attorney for Frank Conner.*  
 Johnson, Miriam Dinkin, *The King-Ramsay-Conner Defense Committee: 1938-1941.*  
 Odeen, Peter, *Captain of the Point Lobos.*
- EARL WARREN AS EXECUTIVE: SOCIAL WELFARE AND STATE PARKS.* 1977, 147 p.  
 Drury, Newton, *A Conservative Comments on Earl Warren and Harold Ickes.*  
 Schottland, Charles I., *State Director of Social Welfare, 1950-54.*
- EARL WARREN: VIEWS AND EPISODES.* 1976, 250 p.  
 Hale, Mildred, *Schools, the PTA, and the State Board of Education.*  
 Kerr, Clark, *University of California Crises: Loyalty Oath and the Free Speech Movement.*  
 Kragen, Adrian, *State and Industry Interests in Taxation, and Observations of Earl Warren.*  
 McConnell, Geraldine, *Governor Warren, the Knowlands, and Columbia State Park.*  
 McWilliams, Carey, *California's Olson-Warren Era: Migrants and Social Welfare.*  
 Siems, Edward H., *Recollections of Masonic Brother Earl Warren.*
- EARL WARREN AND THE YOUTH AUTHORITY,* with an introduction by Allen F. Breed. 1972, 279 p.  
 Holton, Karl, *Development of Juvenile Correctional Practices.*  
 Scudder, Kenyon J., *Beginnings of Therapeutic Correctional Facilities.*  
 Stark, Heman G., *Juvenile Correctional Services and the Community.*  
 Beam, Kenneth S., *Clergyman and Community Coordinator.*

NORTHERN CALIFORNIA U.S. DISTRICT COURT SERIES

The Historical Society of the United States District Court for the Northern District of California is a non-profit organization established by federal practitioners and judges and is dedicated to preserve and develop the history of this court. The Society's goals are threefold: 1) to marshal the sources for historical study of the District; 2) to initiate and encourage comprehensive and scholarly study of the court; and 3) to develop interpretive programs and exhibits making the fruits of this research accessible and meaningful to the legal community and the general public.

In 1980 this series of oral histories conducted by The Bancroft Library was initiated as an important effort in the furtherance of the Society's objectives. By preserving the personal reminiscences of individuals whose experiences and memory can yield valuable "oral evidence" of the court's history, the Society hopes to enhance and amplify the written record.

In addition to historical study of the District, the Society hopes to promote greater public understanding and appreciation of the role of the federal judiciary. Except for those involved in the legal process, the operation, significance, and impact of federal trial courts remains largely a mystery to most Americans. By focusing on the history and activities of the Northern District, the Society hopes to bridge this gap between the legal and lay world and even encourage other District courts to initiate similar efforts. As the nation nears the 200th anniversary of the ratification of the United States Constitution, it is an appropriate time to raise the level of public understanding by placing the contemporary role of district courts in historical perspective.

Thanks are due to the foresight and generosity of the individuals and organizations whose support make this work possible.

Robert Peckham,  
Historical Society of the  
U.S. District Court,  
Northern District of California

San Francisco, California  
April, 1981

NORTHERN CALIFORNIA U.S. DISTRICT COURT SERIES

Interviews Completed by 1987

Harris, George B., *Memories of San Francisco Legal Practice and State and Federal Courts, 1920s-1960s*

Phleger, Herman, *Observations on the U.S. District Court for the Northern District of California, 1900-1940*

Sweigert, William T., Sr., *Administration and Ethics in the Governor's Office and the Courts, California, 1939-1975*

Wollenberg, Albert C., Sr., *To Do the Job Well: A Life in Legislative, Judicial, and Community Service*

Zirpoli, Alfonso J., *Faith in Justice: Alfonso J. Zirpoli and the United States District Court for the Northern District of California*



## INDEX -- William T. Sweigert, Sr.

- Alien Land Law, 63  
 Anderson, Alice S., 121, 125  
 Anderson, Pete, 142, 143  
 appointments, governor's, 114,  
     116, 118, 119, 120, 124,  
     126, 132, 140-143, 172  
 Armstrong, Barbara, 72, 81, 89  
 Attorney General's Office,  
     California, 54-59
- Bank of America, 31-33  
 Bank of Italy, 31-33  
 Battson, Lee, 143, 144  
 Behrens, Earl (Squire), 129  
 Belgrano, Frank, 105  
 Bethlehem Steel Co., S.F., 9-10  
 Blyth, Charlie, 141-143  
 Boddy, Manchester, 129  
 Brennan, James F., 47  
 Bricker, John W., 161  
 Budget preparation, 135-137
- California Federation of Labor,  
     152  
 California Medical Association,  
     75, 76, 82  
 Campbell, Dr. William Wallace, 91  
 Carr, Lawrence, 123, 133  
 Carter, Adeline, 14, 18  
 Carter, Oliver, 135  
 Central Valley Project, 163  
 Chamberlain, Dick, 133  
 Chandler, Otis, 129  
 Chatters, Ford, 96  
 Chernin, Milton, 73  
 Chotiner, Murray, 100  
 Civil Defense, World War II,  
     61, 62, 64, 117, 130-132  
     Council of Civil Defense, 65, 66  
     Disaster Council, 132  
     Office of Civil Defense, 61  
     Pre-Pearl Harbor, 64, 65
- Cline, John, 76  
 Coakley, Tom, 100, 166, 171, 172  
 Coglin, Arthur V., 12  
 Conlin, James G., 35, 172  
 College of Notre Dame, 5  
 Collins, Sam, 135  
 Cone, Fairfax, 93  
 Conference of California Judges,  
     173  
 Conservatives, 111  
 Cooney, Patrick J., 48  
 courts, 57-58  
     federal, 150-151, 173-178  
     municipal, 34, 172  
     superior, 37, 173  
 Creel, George, 113, 114  
 Cullinan and Hickey Law Firm, 29,  
     30, 39  
 Cullinan, Eustace, 24, 26, 28,  
     31-33, 40, 44, 47
- Daniels, Burdette, 133  
 Davis, John W., 40  
 Davis, William R., 9  
 Dean, Jimmy, 135, 136  
 Deas, Roger, 137  
 Democratic party, 40, 46  
 Democrats for Warren, 1943, 113  
 Desmond, Earl, 95  
 Devine, Preston, 25  
 Dewey, Thomas E., presidential  
     campaign, 105-107, 109, 161,  
     169, 170  
 DeWitt, John L., 63, 64, 99  
 Dexter, Walter, 132  
 Dirksen, Everett, 106  
 Donovan, J.D., 66  
 Douglas, Helen Gahagan, 129  
 Draper, Murray, 101, 177  
 Duff, James, 170

- Egan, Thomas, 1, 2, 4  
election campaign, 1942, 67, 68,  
102, 104, 108, 110, 112-114  
election campaign, 1944, 161  
election campaign, 1946, 101-105,  
162-164  
election campaign, 1948, 105, 165,  
167, 169-171  
election campaign, 1950, 152  
election campaigns, finance, 141-  
144, 153  
emergency services, 65  
Ethics, Warren administration, 79,  
80  
Eulalia, Sister, 11, 12  
Evans, Johnny, 85
- fire fighting, state plan, 65  
Fitzpatrick, Ed, 9  
Fitzpatrick, T.I., 9-10  
Foote Cone and Belding Co., 70,  
93  
French, John, 137
- Gallagher, Marquerite, 55, 120,  
166  
Garland, Gordon, 114  
Giannini, A.P., 31-35  
Gilman, Philip K., 74  
government reorganization, 116-117,  
163  
governor's council, 123  
governor's office (Earl Warren),  
119-126
- Haas, Harold, 71, 75, 82  
Haggerty, Cornelius, 94-96  
Haggerty, Neal, 152, 153, 155  
Halverson, William L., 71, 73, 78,  
132  
Ham 'n Eggs; pension plan, 117  
Harris, Red, 92  
Harrison, Robert, 56, 58  
Hatfield, George, 135
- Hatfield, George, 135  
Health insurance; state plans, 70-  
89, 92, 93, 116, 160-161  
Heney, Francis J., 3  
Heron, Alexander S., 131, 156  
Hickey, Thomas W., 40, 41, 47, 68,  
113  
Highway Commission, Calif., 116  
Hoover, Herbert, 39, 40, 42  
Horse Racing Board, Calif., 143
- Industrial Accident Commission,  
California, 124, 125  
Industrial Relations, California  
Department of, 160
- Jahnsen, Oscar, 121  
Japanese-American relocation  
(World War II), 62-64  
Johnson, Gardiner, 94, 95  
Johnson, Hiram W., 3, 102, 134  
Jones, William Moseley, 47  
Jonsen, Helen Catherine Sweigert, 4,  
5, 21  
Justice, California Department of,  
59-60
- Keenan, Alex, 72  
Keesling report: government  
reorganization, 163  
Kegley, Carl, 48  
Kenny, Bob, 101, 131, 162-164  
Kern County Savings and Loan, 169  
Killion, George, 120  
Knight, Goodwin, 87, 124, 125  
Knowland, Joe, 90  
Knowland, William, 90, 91, 96, 97  
Kragen, Adrian, 55  
Kyle, Edward, 25
- Labor issues, 151-155, 159, 163  
eight-hour law for women, 152  
hot cargo, 154  
jurisdictional strikes, 151  
right to picket, 154  
secondary boycott, 152, 154

- Langdon, William H., 4  
 Leary, Mary Ellen, 107, 129  
 legislature, Calif., 118, 123, 133-135, 137, 151, 152, 153  
 lobbying, 118, 137, 153  
 loyalty oath, University of California, 129  
 Lynch, Abbie, 4  
 Lyon, Charlie, 85, 135
- McAdoo, William Gibbs, 41  
 McGee, Margaret, 120  
 MacGregor, Helen, 44, 55, 114, 120, 124-126, 138  
 McLain, George H., 117  
 Mailliard, War, 141  
 Mailliard, William, 137  
 May, Samuel C., 66  
 media, 127-129  
 Meehan, Henry P., 113  
 Merriam, Frank, 117  
 Miller, Raup, 83, 84  
 minorities and elections, 99  
 Mixter, Frank, 135  
 Motor Vehicles, Calif. Department of, 114
- Norcop, Maurice, 48
- Oakley, Jim, 55, 56, 58, 122  
 O'Brien, Bill, 102  
 O'Connor, Joe, 101-103  
 Olney, Warren, 56  
 Olson, Culbert, 41, 42, 61, 65-68, 70, 72, 102, 114, 117, 118, 131, 154
- Pacific Gas & Electric Co., 24, 31, 32, 142, 162  
 Palmer, Kyle, 128, 129  
 Pearl Harbor, and civil defense, 61  
 pensions, 117  
 Phillips, Herbert (Pete), 78, 128, 134, 159
- Pillsbury, Madison and Sutro:  
   law firm, 54  
   planning, post-World War II, 156-160  
   press, 126-129  
 Public Utilities Commission, Calif., 142  
 Purcell, Charley, 116
- Read, Ben, 86, 88  
 Real, Charles W., 103, 105  
 reapportionment: Warren's position, 150, 151  
 Reconstruction and Re-employment Commission, Calif., 131, 156, 157, 159, 160  
 Reichel, Bill, 80, 89  
 Republican convention, 1944, 161  
 Richie, Paul, 84  
 Roche, Theodore, 102  
 Roosevelt, Franklin D., 40-42, 47, 97, 98, 111, 113  
 Ruef, Abe, 3  
 Rupert, Sister, 17
- Sacramento Municipal Court, 34, 172  
 Sacred Heart Convent, San Francisco, 11  
 St. Agnes Academy, San Francisco, 11, 18  
 St. Ignatius Church, 15, 16  
 St. Ignatius College, 15, 19, 21, 22, 24  
 St. Ignatius High School, San Francisco, 11, 14  
 St. Mary's Hospital, 16, 17  
 Salsman, Byrl, 80, 84, 85  
 San Francisco Recreation Department, 22  
 San Francisco Examiner, 8  
 San Mateo County, District Attorney's Office, 26-30, 36-37  
 Sargent, Willis, 95  
 Schmitz, Eugene E., 3, 4  
 Schottland, Charles, 73

- Scoggins, Verne, 79, 105, 120, 123-128, 130, 161
- Scott, Ed, 36-38
- Sherwood, Clyde, 113
- Simpson, Roy E., 132
- Sinai, Nathan, 71, 72, 82, 83, 85, 86
- Sinclair, Upton, 117
- Small, Merrell F. (Pop), 123, 125, 137
- Smith, Al, 40-42, 47, 113
- social consciousness in government, 1942, 110-112
- social welfare, reforms, 116
- special interests, 140-143, 149, 153
- Spreckels, Rudolph, 3
- Sproul, Robert Gordon, 91
- states' rights, 43
- Steinhart, Jesse, 44, 46
- Stone, Irving, 166-168
- Sullivan, Matthew I., 3
- Sullivan, Sullivan and Roche; law firm, 102
- Swart, Franklin, 26-30, 36, 37
- Sweigert, Ann Egan, 1, 4-7
- Sweigert, Charles A., 3, 4, 9, 22, 148
- Sweigert, Charles Francis, 4, 17, 21
- Sweigert, Jonathan, 2
- Sweigert, Virginia, 12, 20, 115, 120, 167, 176
- Sweigert, William Jonathan, 1-4, 7
- Sweigert, William T., Sr., 1-2, 7, 13-17, 18, 19, 29-30, 31, 39, 51
- in attorney general's office, 50, 53-55, 105
- education, 8, 10-13, 18, 19, 21, 23
- executive secretary to Governor Warren, 34, 110, 120, 130, 165
- family, 1-7, 17-22, 115, 120, 148, 167, 169, 170
- as judge, 34-35, 172-178
- political activities, 39-49
- in San Mateo County District Attorney's office, 26-30, 36
- Taft, Robert, 88, 170
- Taylor, Edward Robeson, 4
- Tickle, Ed, 72, 73
- Town, Percy, 36
- TransAmerica Corp., 32
- Truman, Harry, 107
- U.S. Adjutant General's Office, 62, 63
- U.S. District Court for Northern District of California, 1959, 173-178
- U.S. Internal Revenue Department, San Francisco, 4
- U.S. Supreme Court, 150-151, 175-177
- University of San Francisco, 15, 22
- See also St. Ignatius College
- Vandegrift, Rolland A., 136
- Vandenberg, Arthur, 170
- Vasey, Beach, 123, 133
- Walker, Elisha, 32, 33
- Warren, Earl, 39, 40, 42, 43
- as Alameda County district attorney, 44-45, 173
- as attorney general, 42, 44-46, 48-50, 52-56, 58, 61-62, 64-65, 117
- as candidate, 67-68, 99-105, 108, 112, 161, 165, 166, 169, 171
- ethics, 3, 79, 80, 139-149
- as governor, 35, 37, 70-89, 92-93, 116, 118, 119-130, 133-135, 140, 150-170
- liberal image, 94
- as Chief Justice, 150-151, 175-177
- Warren, Nina (Mrs. Earl), 169, 170
- Washburn, Burton, 131
- Water and Power Act, California, 24, 31
- Water Resources Board, California, 163
- Weaver, John D., 168, 169
- Wells Fargo Express, 8
- Welsh, James (Jimmy), 124-126, 138
- Welter, Jack, 128

Wenig, Herbert, 51, 53, 55, 62, 63  
Western Governors Conference, 1945,  
111  
Whitaker and Baxter, Inc., 105  
Whitaker, Clem, 87, 103-105, 108  
Wilbur, Ray Lyman, 74, 77  
Wollenberg, Albert C., 70-98, 101,  
134, 135, 171  
women, working conditions, 94  
Woodward's Garden, San Francisco, 2



Amelia R. Fry

Graduated from the University of Oklahoma, B.A. in psychology and English, M.A. in educational psychology and English, University of Illinois; additional work, University of Chicago, California State University at Hayward.

Instructor, freshman English at University of Illinois and at Hiram College. Reporter, suburban daily newspaper, 1966-67.

Interviewer, Regional Oral History Office, 1959--; conducted interview series on University history, woman suffrage, the history of conservation and forestry, public administration and politics. Director, Earl Warren Era Oral History Project, documenting governmental/political history of California 1925-1953; director, Goodwin Knight-Edmund G. Brown Era Project.

Author of articles in professional and popular journals; instructor, summer Oral History Institute, University of Vermont, 1975, 1976, and oral history workshops for Oral History Association and historical agencies; consultant to other oral history projects; oral history editor, Journal of Library History, 1969-1974; secretary, the Oral History Association, 1970-1973.





















