

PERCY C.  
HECKENDORF

PLANNING  
FOR THE  
JAPANESE  
EVACUATION  
AND  
REFORMING  
REGULATORY  
AGENCY  
PROCEDURES



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## INTERVIEW HISTORY

Date of Interview: May 22 and 23, 1972

Place of Interview: The study of Judge Heckendorf's home in Santa Barbara, California

Those Present: Judge Heckendorf and the interviewer.

Percy C. Heckendorf was selected as an interviewee because of his active role in three historic occurrences in the Warren Era in California: In 1941, months before the attack on Pearl Harbor, District Attorney Heckendorf organized state law enforcement district III (Santa Barbara and vicinity) for Attorney General Earl Warren's conference on civil preparedness. Afterwards, the district attorney assisted in the statewide program to prepare county-by-county maps of the pre-evacuation locations of Japanese Americans under the direction of Attorney General Warren.

It may be recalled that columnist Walter Lippmann came out with an article in favor of the evacuation February 12, 1942. Referring to a dinner in Santa Barbara in which Lippmann, Warren, and Heckendorf discussed the potential hazards of the strategic locations of the Japanese-Americans, Heckendorf says in a letter to Warren, "I have no doubt that the presidential order stems back to the article written by Lippmann following the talk with you."

In the following year, Heckendorf took an assignment from Warren which continued into Warren's first term as governor: to reform the licensing and discipline procedures in the state regulatory agencies. The latter efforts focused on Warren's desire to establish due process by patterning administrative procedures closely after judicial proceedings. Helen MacGregor, personal secretary to Earl Warren, had reminded us that this was during the time when there was dissatisfaction among the public and the licensees on the way hearings were being conducted by such boards as the medical examiners, dry cleaners, contractors license board, cosmetology, and thirty-odd others.

The four-year task ended with the legislature passing the sweeping reforms in 1945. Heckendorf resigned from the Department of Professional and Vocational Standards in October of 1946, his job done.

Another task which he performed with Governor Warren was attempting to persuade Congress to kill legislation that would transfer ownership of the state's oil-rich tidal lands to the federal government. In this Warren represented the state and Heckendorf, Santa Barbara--a city with one of the longest shorelines in the state.



Finally, it should be mentioned that the district attorney was instrumental in the Santa Barbara area in several of Earl Warren's political campaigns--a task he shared with Thomas M. Storke, owner and editor of the Santa Barbara News Press.

The no-nonsense workroom where the boxes of papers were stored and where most of the interview took place was in contrast to the other rooms of his beautiful and gracious home. The first day was spent going through records of the defense activities, such as eleven volumes of the minutes of the California State War Council (1943-44), pamphlets on administrative procedure law, and miscellaneous correspondence. A short recording session was held on the first day. The next morning the taping was based on the previous day's research and on a few items which had been mailed ahead to him from this office.

In appearance Judge Heckendorf was younger than his years, dressed in an impeccable sport coat and slacks combination with a beautiful tie that coordinated the colors. Although his physiognomy might not match the conventional profile of a "judge" as seen in television serials, he did look the part because of his sparkling white hair, glasses, and a manner that was deliberative and attentive to bringing together all parts of a picture down to the last detail.

This office sent a rough-edited transcript to him for further corrections on July 9, 1973, and the judge took seriously his task to review it, even taking it along on his vacation. He rephrased some sentences and revised where we had questioned exact meanings and names. He continued working on it back in Santa Barbara, but before his task was completed, tragedy struck.

Judge Heckendorf was hospitalized with a stroke, which was followed by pneumonia and other complications and, finally, death on January 29, 1975. His widow, Louise Heckendorf, worked closely with her attorney, J.E. Delwiche, and with us to negotiate an agreement on the proper disposition of the manuscript--if, indeed, any release could be made ethically. The production of a written summary of the transcript was considered as a compromise substitute in April, but by May this was discarded because such a digest could distort even more what he had to say.

The dilemma was resolved in August when Mrs. Heckendorf used her power as executor and signed the release. Noting, "I have never known any other person quite such a perfectionist as he," she requested that this office go over the transcript again for accuracy and conciseness and then assured us, "I am certain Percy Heckendorf would have approved the use you intend to make of the material."\*

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\*Letter, Louise Heckendorf to Amelia Fry, August 23, 1975.



The judge's own pencillings and marginal notations reach mid-way through the section on the Alcoholic Beverage Control Board. Miriam Stein, a specialist in Earl Warren's law enforcement days in the Japanese-American relocation, had audited the tape and checked the transcript. It was further reviewed by this interviewer, and each of us inserted elucidating words in brackets and added footnotes where allusions had to be clarified. It was then final-typed and indexed. A few of the shorter and more pertinent supporting documents were selected for the appendix. However, the majority of the papers that furnish the basis for the interview had to be deposited separately in The Bancroft Library because of their bulk.

Mrs. Heckendorf's help was an absolute necessity, without which the final volume could never have reached the manuscript sections of The Bancroft Library and the UCLA Department of Special Collections. Special thanks are also due to Richard W. Robertson, attorney and longtime friend of Judge Heckendorf's, for the many hours he spent advising, picking up papers, and helping in the delivery of the boxes and scrapbooks to Berkeley.

One final note of interest is that Mrs. Heckendorf, introduced to the process of oral history by her efforts to resolve the fate of her husband's transcript, is becoming herself an enthusiastic apprentice in the art. It is hoped that her future efforts in documentation, probably in the Santa Barbara environs, will bear much fruit.

Amelia R. Fry  
Interviewer-Editor

22 November 1976  
Regional Oral History Office  
486 The Bancroft Library  
University of California at Berkeley



# Judge Heckendorf, 76, dies of stroke

Judge Percy Charles Heckendorf, 76, of 32 E. Junipero St., died yesterday afternoon in a local hospital of a stroke suffered Dec. 20.

He served as county district attorney from 1930 through 1942 and was a Superior Court judge from 1960 until his retirement eight years later.

He was born in Santa Rosa Nov. 5, 1898, to August J. and Jeanne Oriard Heckendorf. They came to Santa Barbara in 1908. He received his elementary education in local schools and was student body president at Santa Barbara High School when he graduated in 1919.

HE ATTENDED Stanford University, graduating in 1923 with a BA degree, and from Stanford Law School with a doctor of jurisprudence degree in 1926.

During his boyhood he worked to help support his family, selling magazines, serving as a chauffeur for various Santa Barbara families, and clerking in State Street stores. While at the university he played semipro baseball, a sport he carried into his leisure time during his middle years in Santa Barbara.

In 1926 he joined the law firm of Heaney, Price & Postel, engaging in legal practice until 1930, when he became district attorney. He resigned that post in 1942 to accept an appointment by Gov. Earl Warren to head the state Department of Professional and Vocational Standards, and to serve on the Governor's Council. He returned from Sacramento in 1946 to resume private practice here.

IN 1960 he was named to the Superior Court bench by



PERCY HECKENDORF  
Long career ends

Gov. Edmund G. Brown to succeed Judge Atwell Westwick. He retired from the bench Sept. 30, 1968, but was occasionally called back into service to preside over trials. He was hearing the Raef murder case at the time of his stroke.

Serving on the City Council from the Fifth Ward, Judge Heckendorf was chairman of the Water Commission during Norris Montgomery's term as mayor and represented Santa Barbara in the final adoption of the Cachuma water project. He was also active in local highway problems.

He presided at the trial of two swindlers responsible for the Embarcadero Estates land scandal in 1962.

Judge Heckendorf married Mrs. Louise Hall in the Stan-

## HECKENDORF

Continued from Page B-1

ford University chapel at Palo Alto in June, 1965.

HE WAS a member of the Elks Lodge, the Native Sons of the Golden West, Santa Barbara Club, University Club, Phi Delta Phi legal fraternity, Kiwanis Club, Olympic Club of San Francisco, the county Bar Assn., and the state Bar Assn. He served as president of the District Attorneys Association of California.

In addition to his wife, he is survived by three stepchildren, Mrs. Julie Meads of San Francisco, Mrs. Victoria Krend and Martin Hall of Santa Barbara, and two grandchildren, Carlene Meads and Julie Louise Krend.

SERVICES will be at 10 a.m. Saturday in the Welch-Ryce Associates chapel, with the Rev. Virgil Cordona, OFM, of the Old Mission officiating. Interment will be in Calvary Cemetery. Honorary pallbearers will be Judges John T. Rickard, Coleman Stewart, Charles S. Stevens Jr. and C. Douglas Smith; J. F. Goux, A. C. Postel and John E. Nordenson.

Friends may contribute to the Santa Barbara County Heart Assn. or the Memorial Rehabilitation Foundation at General Hospital in memory of Judge Heckendorf.



## FIRST IMPRESSIONS OF EARL WARREN

Fry: Maybe a good place to begin would be how you first came into Earl Warren's camp or vice versa.

Heckendorf: That would be in '31.

Fry: When did you become district attorney of Santa Barbara?

Heckendorf: I was elected in 1930. I took office January, 1931. I first met Earl Warren in June of 1931 at Wawona, at the district attorney's convention. He did not arrive there the first morning, but the next day --

Fry: You were watching for him?

Heckendorf: I was watching for Earl Warren because I'd heard so much about him and everybody was asking about Earl.

The 1931 election brought forth many new district attorneys throughout the state. Earl had been district attorney and before that a city attorney and an assistant I believe, in Oakland, part of that time. So, we were all looking for Earl. I wondered, What kind of man can this be, that he has so much influence and so much respect from all of the people who, some of us, had not been in public office before.

When I met Earl coming across the lawn through the main steps of the hotel at the convention, his broad smile just caught my eye. The Oakland delegation from the district attorney's office was present with him. From that moment on, to this moment, he's been my ideal as a public servant.

As district attorney, he immediately contacted all of the district attorneys throughout the state and kept in touch with them, until there was a real relationship between them. Finally,



Heckendorf:

when Attorney General U.S. Webb determined that he was going to leave public service, Earl indicated that he would seek the office but he would not run against General Webb. At the proper time, the general determined that he was to leave office, and Earl filed.

That placed us in a very, very close relationship during the campaign. He met Mr. Tom Storke, who was the owner, then, of the News Press at Santa Barbara. Mr. Storke was a strong Democrat, but he'd been a supporter of mine from the very beginning, when I first ran for public office. He was impressed with Earl. He told me, "He's honest. He's a man you can see through; not a bad bone in his body."

From that moment forward until Mr. Storke's death, not long ago (on October 12 of last year. Earl Warren came and delivered the main eulogy at the memorial service for Mr. Storke,) -- all those years, they went to Europe together -- the families did, the Storkes and the Warrens -- and had great fun together, throughout their lives. They had both been very close friends and they highly respected each other. The last time I saw Earl here was at the services, and we had a short visit.

Later, I wrote a letter to Helen MacGregor, telling her how good Earl appeared to be physically, and how he usually made the remarkable, accurate statements about a person, which he did about Tom Storke.



## THE CIVIL DEFENSE PROGRAM AND JAPANESE SABOTAGE

### Statewide Organization

Fry: I'd like for you to give us a good overview of the development of the state of civil preparedness in California. Can you start with your awareness of the development of the civil defense program?

Heckendorf: One of the important things, in my opinion, that occurred during the attorney generalship of Earl Warren was the fact that in attempting to have uniform enforcement of the law, there are particular problems with respect to each locality of the state because of peculiar local circumstances, although the law is the same. Each section of the state had different local kinds of problems. That is why the enforcement of the general law became much easier for those of us in the various localities of the state, which had been set up by Earl.

Later, and significantly, these same groupings were able to assist when it came to the so-called Pearl Harbor affair, because then civilian defense was a matter to be contended with, a matter of not only protecting persons and property, but whole communities and sections of the state. Earl, through his experience with the peace officers, had held conferences at different levels of the state, and particularly one that I recall, the one that I presided at in San Luis Obispo on June 4, 5, and 6th of 1941.

Fry: Is that what you call the third district?

Heckendorf: Yes. Now, at that meeting all of the peace officers in this section of the state, in this division, were present. Oscar Jahnsen was one of our main speakers, and we also heard Gene Biscailuz, Andrew David, and Dick Hood, the FBI agent here, and the local district attorneys of Ventura and the surrounding counties.

We then learned the problems that were involved in the question



Heckendorf: of sabotage and the protection of property and persons. We spread those principles out in written form. The transcript was made of that particular proceeding.

Fry: May I ask one question? The speech that you just gave me,\* was that the one Warren delivered at that meeting?

Heckendorf: Yes. Each speaker had a specific topic to cover in civilian defense: bombs, fire bombs, air raids and all that. Each one took up the particular topic that was assigned to him.

Fry: Did the Japanese sabotage question come up?

Heckendorf: That hadn't come up in its full force yet. Later, there was this question of the Japanese bombing ships out here, off the Santa Barbara coastline. We prepared a civil defense setup for the city and for the county. Each of the cities within these nine different zones were given ordinances to enact, and we then organized our own civilian defense setup, based on the principles that were involved in the San Luis Obispo meeting.

Fry: Is this the point at which you prepared the map that I saw in the Bancroft Library?\*

Heckendorf: Yes.

Fry: Could you tell me about that?

Heckendorf: Well, after we met in Los Angeles and learned the principles that were involved in all of the civilian defense affairs, and the different stations, an ordinance was prepared that would fit the city and the counties. It was presented to them for adoption, and they were adopted and put into effect. Later in the period came OCD, the Office of Civilian Defense, which was headed by Mayor LaGuardia of New York. They had the uniform system to be put in operation throughout the United States. That superseded the local setup that we had at that time, so we made ours in the various zones conform to the OCD principles and signals and the like.

Fry: Now you have a scrapbook here called, "Camouflage Objectives, Santa Barbara County, California. Photographs."\*\*

\* See Heckendorf Papers, The Bancroft Library, University of California, Berkeley, California.  
\*\* See Collection of maps on the pre-evacuation locations of Japanese Americans in California, prepared under the direction of Earl Warren, State Attorney General. The Bancroft Library, University of California, Berkeley, California.  
\*\*\* Deposited in the Heckendorf papers, The Bancroft Library, University of California, Berkeley.



Heckendorf:

General DeWitt required all this information on behalf of each locality. So we photographed all the strategic areas that might be subject of sabotage: water lines, power lines, the gas lines, railroad tracks, railroad bridges, causeways, and everything that could affect the stability of the city in case we were attacked or sabotaged. We took pictures of all of these areas, all of the stations, everything that could be seen in case there should be sabotage.

After Pearl Harbor, the question came up as to what had been happening. There were some shootings off the coast here. There were some U.S. ships that were followed.

Each night the Coast Guard took the OCD men and our civilian defense group out to sea with no lights on to observe if any lights were showing. It was a complete blackout. Once in a while, someone would forget, let the shade go up and not pull it down, and that would attract attention. It was designed and policed so there was complete darkness. After that we noticed that there was a great falling off of any following of ships by Japanese submarines or others, off the coast.

On February 2, 1942, the meeting was held at the Bliss residence in Montecito at which Tom Clark, the assistant attorney general, Walter Lippmann, and Earl Warren and other civilian defense persons met. At this time, I presented a large map showing the various installations of electricity, gas, water and dams and roads and railroad bridges and the like, and their proximity to land owned or leased or occupied by Japanese.

It showed the strategic areas that could be sabotaged, wrecked, and cause havoc to the area involved. Mr. Lippmann showed great interest in the map and the significant things that were shown on it. Some of those specific items were shown also in the scrap book of pictures that we had made before. [Referring to "Camouflage Objectives, Santa Barbara County, California. Photographs.]

Later on Earl Warren and Tom Clark met in San Francisco with Oscar Jahnsen and a group of officers out of the civilian defense [department] in the basement of the state building, and we presented this particular map and another map that had to do with strategic location of objects that might be the subject of saboteurs in their particular areas.

Finally, the concluding incident we had was the attack by the Japanese submarine at Elwood, which is about eight miles west of Santa Barbara, where we had a group of oil tanks, containing each about fifty thousand gallons apiece, on the edge of the bluff.



Heckendorf: None of them were actually hit by the Japanese, but the shells were picked up in the foot of the first range of mountains, just beyond the railroad track and the highway. When I went to Sacramento following the attack, I had portions of shrapnel to give to some of the legislators and members of the board and staff.

Fry: What was the theory about that submarine? How did it happen to surface and shell such a target?

Heckendorf: Well, later, some time after the war, a considerable time after the war, the particular man who was supposed to be the commander of the ship was interviewed by the Los Angeles Times, I believe it was. He conceded that he was the commander of the ship. He didn't take much credit for his marksmanship because he couldn't hit a barn with a rake.

People stood on the shore. They saw the thing surface each time and fire the shells. He seemed to be in no hurry. Two days later, there were so many people from Los Angeles and surrounding areas that wanted to come to see this situation, that we just couldn't keep them out. It was a real attraction.

Fry: What about the immediate reaction to it? I should think that people would have been very frightened.

Heckendorf: Well, for the people living in the immediate area it was just a terrifying experience, because the submarine could come that close and not be detected. Then there was a time delay between the phone call to the army and the arrival of a plane from San Diego, the nearest area that could respond.

Fry: You mean there were no planes here at Vandenburg?

Heckendorf: No planes were available from the army or the air force, except down in San Diego, and that took quite some time.

Fry: So you were really vulnerable.

Heckendorf: That showed how vulnerable we really were.

Fry: Well, I've heard two interesting theories on why that place was shelled. What did the captain of the submarine say?

Heckendorf: I don't recall what he said. It's been so long. I don't recall what his reasons for that type of action was. Obviously, nothing in that particular spot where he was firing could have disrupted anything, except for the loss of the oil from that particular tank. There weren't any railroad bridges there, or any installations of any kind, except a gasoline station and that would be a



Heckendorf: very minor thing, from the war standpoint.

Fry: Are you sure that this was Japanese? Did you ever hear the rumor that it wasn't really Japanese, but it was American?

Heckendorf: Yes.

Fry: As district attorney, did you give that any credence?

Heckendorf: No; well, we heard that later. Later it came on that somebody wanted to shake us up to make sure that we were on the ball.

Fry: Buy war bonds --

Heckendorf: And all that sort of thing. It's just the same as when the Second World War came on. We'd have never been in it had it not been that we were attacked. Roosevelt needed that, but wouldn't bottle all the ships up in the harbor, like sitting ducks. It was incredible.

Fry: I want to go back and ask you one more question about your meeting. Can you describe more why you were meeting at the Bliss residence with Tom Clark, Earl Warren, and Walter Lippmann?

Heckendorf: I can't honestly say who set that meeting up. It's been so long.

Fry: Well, that date, February 2 - according to my notes, is when all the law enforcement officers met. Earl Warren had called a meeting with all of them. So, it might have been a different date, too.

Heckendorf: It might have been a different date, but it would be logical because Earl was the one who called these meetings, with Tom Clark and others, because Tom Clark was coming through the area. He was on his way north and this was an area that had been so set up. Earl was proud of it, and it had been functioning well. It was an example to the rest of the community.

So, I think that that's part of the reason that Mrs. Bliss, whose husband had been in the federal service -- was an ambassador to, I think, South America -- I can't remember the country. But that was the reason, in my opinion, and again I can't document that.

Fry: Well, was it after that meeting that you wrote the letter that I saw in the Bancroft Library in which you outlined to Earl Warren what you had told them about the danger of sabotage?

Heckendorf: I repeated that up in San Francisco at the meeting in the basement of the state building of the other group of northern civilian defense



Heckendorf: officers. I left my map with them at that time.

Fry: What was Lippmann and Tom Clark's reaction at the Bliss'?

Heckendorf: Well, they felt we were well prepared, that we were ready. They felt that if sabotage was to take place, they certainly had everything well covered. They knew the Japs would be in the position to know just where to strike, because they were in possession of these areas that were very strategic.

They did not have possession of all of those pictures in the map book that I have there now, but on the map the areas were shown where they were able to do very dangerous, destructive work.

Fry: As I remember, one of the main points was that there were some Japanese farms along either side of the road that came out of an army base. Do you know what I'm talking about?

Heckendorf: Yes. I'd say that's at Lompoc, sixty-five miles north of where Vandenberg base now is. It's a different base; they named it after General Vandenberg, who is now dead, an air force man. But the Japanese were predominately in the Santa Maria and Lompoc and Guadalupe area because it was vegetable growing area, a seed growing area. It was close to the sea and it was cool

#### Japanese-owned Land and Reparations

Heckendorf: The sad part of that whole story is the people virtually stole the good land from the Japanese, for vegetable growing and the like.

Fry: How could that happen legally? Why weren't these lands held in trust for them?

Heckendorf: Well, a lot of funny things went on. I'm not proud at all of what took place at that time. I represented some of the Japanese for claims against the government when they were returned here. I was then in civil practice. It was sad what they did, but again, General DeWitt was right. Constitutionally or not, he had to get the danger away from us, instantly. He couldn't take the chance.

Fry: The danger as perceived at that time.

Heckendorf: At that time. We've had no trouble with the Japanese who'd returned and settled. But they did lose some very valuable holdings.

Fry: Why couldn't they get them back?



Heckendorf: I couldn't answer that. Because these men apparently took their land, went through the legal process to acquire them. There has been some severe criticism in this area that they just gyped the Japanese out of their land, but I can't testify as to what they did to do it. It was out of my field.

Fry: But you were counsel to those Japanese who were trying to sue the government for the return of their land?

Heckendorf: Later, after I got out of government work and returned to civil practice, some of the Japanese started to filter back. The first thing that they wanted to claim was the damage they had suffered, [the losses incurred on] the land that was not taken from them, the seeds, the planting, the crops, deteriorated machinery and the like. The government paid just compensation to them for it. That part was all right. But these shilly-shally deals where these men actually acquired the land from the Japanese, I can't testify as to just what they did do to acquire the land. It was a scandal, just the same.

Fry: When the Japanese returned, did you have any fears of retaliation by the community against the Japanese?

Heckendorf: No, I don't think we had very much feeling here, because actually, nothing had really occurred, by way of sabotage, that was of any significance at all, other than that ship firing at the land.

Fry: And that was warfare, I guess, not sabotage.

Heckendorf: We've had a good relationship with those that have returned. I suppose the scars of the war on their side are so deep that they'll never forget it. But we've now given Okinawa back to them, so things are levelling off.

Fry: I takes a long time, doesn't it?

### Civil Defense Under Governor Warren

Fry: The fight that Warren had with Governor Olson on civil defense must have had some ramifications on the local level.

Heckendorf: Well, the reason Earl Warren, in my opinion, was willing to run against Governor Olson in 1942 was the brute fact that Earl had so organized the state through these various committees, from the Mexican border to the Oregon border, that he was prepared for civil defense, and he could not receive state cooperation from Governor



Heckendorf: Olson in whatever he [Olson] was trying to do, if anything, for civilian defense. The very thing that Earl had prepared himself for in college and in his life was to protect property and persons, and that was the thing that he was being deprived of, and his abilities were being lost to the state.

He concluded that the only thing that he could do was just to take the governor on. He did and he had a remarkable victory and he proved himself. When he became governor he organized the state civil defense council, and these same gentlemen who had come through the ranks in his various organizations of district attorneys throughout the state and in the local disaster programs, became members and organizers and parts of the civil defense state setup.

Further, under General DeWitt and General Delos Emmons, Earl Warren was able to send a man from the state council to cooperate with the army and keep it advised of state activity. As secretary to the council Earl Warren designated me to work with Victor Hansen, who was a general and who was an understudy of General DeWitt and also General Delos Emmons, who followed General DeWitt. He would go up and down the state and see what could be done by way of assistance to each area in their particular problem. [We would] keep in constant touch with them. He received full cooperation at every level.

Fry: I am very impressed with all of the material in your scrapbooks that shows how much work had been done before Pearl Harbor.\*

Heckendorf: Well that was the point of the thing. Earl Warren as attorney general, in charge of all of the district attorneys, supervisor of all of them, assisting them with their legal problems and with their civil problems, now took upon himself, as the crisis arose, to begin to prepare them for a new crisis, a new civil [defense] thing that was arising. He had the entire state prepared and organized.

So the next step was to take it to the state level, and he did that in magnificent fashion when he appointed the war council. You've seen their work set forth in these minutes. Again, [I want] to impress upon you the fact that the same men he had trained in these nine zones just filtered right to the top level. There they were, again, in Sacramento. Well, that training, his foresight, seeing this disaster here and seeing nothing done at the state level -- it was a revelation to all of us to see him take the reins and be able to go forward and tie up exactly with the army.

One further development took place when General DeWitt and Gener-

\* See Heckendorf Papers, The Bancroft Library, University of California, Berkeley, California.



Heckendorf: al Delos Emmons required that the state of Washington, the state of Oregon, and the state of California appoint some one person to represent the governor from a civil standpoint. Warren appointed me to that position. So for California I represented the governor with the army. That was one of the reasons why I was always on tour with General Delos Emmons who was represented by Victor Hansen and General DeWitt's deputy, throughout the state.

Fry: Oh, Victor Hansen was Emmon's representative?

Heckendorf: That's right. He was first under DeWitt and then under General Emmons. Hansen was later on the Regents for the University of California, a U.C.L.A. man.

Fry: Didn't he help in Warren's campaign for governor in '46?

Heckendorf: Yes. He was baseball player, by the way.

Fry: A baseball player like you? [Laughter]

Heckendorf: For U.C.L.A. He was a good man, a wonderful man. All the men of Warren's war council, all of them, were outstanding men.

Fry: When were you appointed to that? Now, was that before Pearl Harbor?

Heckendorf: No, it would be after it. The Western Defense Command needed one representative for each of the states from the Canadian border down to Mexico, just three men to keep in contact with the service so we'd know what was going on.

Fry: That certainly put you in a position to know. You were aware when the submarines sank those two ships at San Luis Obispo on December 23 and 24?

Heckendorf: Yes.



## EARL WARREN'S REFORMS IN THE ATTORNEY GENERAL'S OFFICE

Fry: Let's go into Earl Warren's 1938 campaign for attorney general and his reorganization of the attorney general's office. He had had his eye, I think, on the attorney general's office for quite some time. Is that your impression from what he told you?

Heckendorf: Yes, it is. He had concluded that his relationship with the district attorneys was such that he was the logical leader for them, and he felt that the attorneys at this district attorneys' level and county counsels' level wanted Earl to become the attorney general.

General Webb was a good attorney general. However, Earl had seen a lot of things in the state that could have made it more of an active office, and so he concluded to reorganize the office. He mentioned to General Webb that he would like to become the attorney general and intended to file when the general retired, but he told General Webb that he would not oppose the general. With that understanding, General Webb said that he would let him know if he retired.

In the interim, Earl wanted to set up a reorganization of the entire investigative staff of the attorney general's office, and to make it an office that would be fully active throughout the state. That's exactly what did happen, and when he became the attorney general, after the final election, after the retirement of General Webb, he was the real leader of the state in law enforcement. He was a great help to all of the then new district attorneys.

The efficiency of the office became apparent immediately, supplying the district attorneys and the county counsels with opinions right away to sustain their point of view or to cause a different point of view to be issued and reconsideration of the entire problem that was then before them.

It was a great improvement. The district attorneys, I'd



Heckendorf: say, were for it because it was a help to them in the enforcement of the law.

Fry: Did you work on the passage of the referendum to reform the attorney general's office?

Heckendorf: The district attorneys sent letters into the legislature and all that. They were for it.

Fry: And then it had to go on the ballot.

Heckendorf: That's right. We all had a part in it, but it was Earl Warren's thinking and his planning that actually went into the reorganization of the department.

Fry: What amazes me, looking at that legislation, realizing the backing that Warren had from all of the law enforcement community, is that it calls for the attorney general to have the power to step in and take over law enforcement in the local community if need be.

Heckendorf: Well, there were a lot of arguments. We had to face a lot or arguments on the question of what kind of man goes in there with that power. Is he a balanced one? Is he one who understands it? [If he was a] law enforcement man, the man who went in there with that power could do anything, [and be] very disruptive. But, it was Earl Warren again, his personality, throughout that whole bill, and in the setup of the attorney general's office. So, again it was confidence, confidence of the voters. Oh there was always opposition. You'll always find people are willing to chisel here and there, and a lot of people just want their own way and they don't want anybody to get over them. But the voters had confidence in Earl. That's the answer to the whole thing.

Fry: Did you have any dissenting district attorneys on that?

Heckendorf: I can't recall any, no. I can't recall any.



POLITICAL CAMPAIGNS

The 1948 Campaign

Fry: Well, if I could switch gears a bit, I'd like to hear about your involvement in Warren's campaigns. What was the first political campaign that you helped him with?

Heckendorf: The first one, he ran for attorney general and then governor. There were three of those campaigns. Next was at the national level, I think, when he was running for national office, in '48.

Fry: What was your role in that?

Heckendorf: I was one of the delegates at that time to the convention at Philadelphia. But, I had a severe attack of the flu at that time, and the physician would not let me leave so, Attorney Mullen, who was an army officer, went to the convention in my place.

The trouble with that ticket at that time was it was just headed by the wrong man. Dewey was a good man, all right. He was an eastern establishment man. He didn't make a mark in the West at all, and this is where the thing turned.

Had the ticket been with Warren at the head of it and Dewey the second, I'm as positive as I can be, it would have been a successful ticket. I'm sure as the head of the ticket Earl would have compelled the national committee to allow the ticket to attack the things that were said by Truman, as the [Truman] train went up and down the tracks calling the Republicans everything under the sun. But the ticket was headed by Dewey, though they [Warren and Dewey] did return to the East again to meet twice, I believe, with the head of the party to state that something should be done to counter what Truman was doing.

Fry: Who felt that?



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AM HAVING A QUIET INFORMAL DINNER IN CONFERENCE ROOM EIGHT  
BALTIMORE HOTEL LOS ANGELES MAY TWENTY FIRST FOR DELEGATES  
AND ALTERNATES IN NEIGHBORING DISTRICTS TO ENABLE THEM TO  
BECOME ACQUAINTED IT IS NOT A BUSINESS MEETING WOULD BE HAPPY  
TO HAVE YOU WITH US WILL GATHER AT HOTEL AT SIX OCLOCK  
KINDLY ADVISE REGARDS=

EARL WARREN GOVERNOR

*called via*  
BY PS AT 74/128 *Delivered*  
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Heckendorf: I think that many of the men on the Republican ticket did. But I'm not too sure of Dewey. The committee in charge of the Republican ticket in the East, the eastern establishment, they would not allow this. They said, "We've got this made," and would not allow attacks to be made on Truman.

Fry: They thought everything was fine. Are you telling me these were western men who wanted to reply to Truman?

Heckendorf: That's right. The eastern men controlled it. That's the way it looked to me, and the way it turned out to be. Had Earl been the head of the ticket he would never have stood for that type of management at all. He's too realistic.

Well, that's one of things that I think is unfortunate.

Fry: Were you in touch with Earl Warren during that campaign to get his reactions to what was going on?

Heckendorf: No, not too much. I wasn't too much in touch with him. We talked by phone, talking about the delegation and all that, but I don't recall that he was here very often.

Fry: I meant by telephone or otherwise. I just wanted to establish that you had talked with him.

Heckendorf: Oh yes. When it became a question of a delegate, I felt -- I had been with him at Sacramento -- I felt that an army man was now the one that should go in with him on the delegations. Then this fellow Mullen, who was a lawyer here and a very good friend of Earl's, a very reputable man, I felt that he should go for that vote.

But Earl said, "No, you've got to go." (It was probably my organizing ability and so forth that he had been subjected to during the years.) He wanted me to be there, but unfortunately I became ill and couldn't make the trip, so Mullen actually made it.

But I think that was a mistake the Republican party made. The eastern group would not allow them to attack the man [Truman] who eventually became a success, on the ticket.

### The 1950 Campaign and Social Legislation

Fry: When did you appear in Earl Warren's political scene after that? Were you involved in his governor's race in 1950? That was when he ran against James Roosevelt.



Heckendorf: Oh yes. We were right up to here in that. [Indicating his eyebrows.] He [Roosevelt] was phoney, anyways. Earl was too deeply involved with the state. People knew him. He ran in '50 -- was it '50? When did [Goodwin] Knight run? I handled Knight's campaign here, too, [for governor] after Earl went to the Supreme Court.

Fry: That would have been '54. What did you think about Jimmy Roosevelt's campaign? Did you ever feel at the time that this was a serious challenge?

Heckendorf: No. The only thing -- I closed my eyes, and his voice just sounded like President Roosevelt's. Franklin Roosevelt just charmed people. That Democratic ticket from [the] Chicago [convention] when he flew down from Albany in '32, that platform was as good a Republican platform as you could have had. But Roosevelt just met the conditions as they were and he just twisted around and was still going in that direction. Nobody would dare wipe out any of those bills.

Norman Thomas, I've heard him many times. William Jennings Bryan used to come here with his Chautauqua tents and he'd always go like that when he made a point [hitting his hand with his fist]. He was quite a fellow. Norman Thomas was a good speaker. Thomas was always last, but he kept running, running, running. But every-time, every year, one of his bills would be adopted.

When Franklin Roosevelt delivered one of his speeches, he was dynamite. He sort of paralyzed the people when he got among them. He was a great charmer. But what would you wipe out? Nobody would dare monkey with any of those social bills, the Wagner Act, and so on. So, now we're in that direction, and I think Earl, if he were in the presidency today -- and I think everything that I wrote in those letters,\* and what Jim Oakley and I talked about, [is true.] We wrote it to Earl, what we felt. [We said] if he were in the White House today, his feet would be on the ground. He's a realist. He's a man who could see things from a realistic and practical standpoint. He could make these social bills work and be acceptable, which I don't believe could be done now.

We have a horrible conflict on. Nixon is bound to go back in. [to office]. I can't see any of the Democrats that can win, even Kennedy. But Nixon has become more liberal.\*\* He has adopted many of these things, and I'm sure that Earl, who has exhibited his understanding of the sociological problems of this country, could meet them in such a way that it would be acceptable to what we call the

\* See letters in appendix, Heckendorf to Warren, June 5, 1946, and September 3, 1946.

\*\* This interview was recorded in 1972 before the Watergate break-in took place.



Heckendorf: establishment.

Because it's [social legislation] in there now. It's part of the game now. You have to go out to meet your [tax] responsibilities before you can make your profit. You've got to cover these expensive things that are going on now, that are hurting the people.

That's why the young people today, I'm sure, object. They have been taught so many ways that loopholes exist for wealthy people to escape taxation, their responsibility. Business has tried to do it to make a profit. But they're now beginning to recognize that they owe a responsibility, whether they're destroying these streams and lakes, and the pollution in the air, and the like.

But they're putting that in as part of the expense part of the cost of doing business. Well, we can avoid those things. The same with the automobile world, which is the basis of this country, practically. From the machinery and the industrial standpoint, they've now come to meet it; they've got to meet it. It's hopeful that they [automobile manufacturers] can put that forward as a part of the cost of operation, so, stockholders will know why they're not getting bigger dividends like they expected to have and have been getting in the past.

Fry: To prevent smog.

Heckendorf: It's part of the operation. They caused it, now let's prevent it. Call that socialism, call it whatever you will. It's still a thing that man to man and woman to woman, you've got to get along and not hurt other people.

I think Earl Warren has that ecological philosophy on the case that he's working on.

Fry: I wanted to ask about something you just mentioned. You felt that if Warren were president now, that he could accomplish all of these changes without alienating the power structure in the society. Why do you say that, because he did alienate the powers in the Republican party when he was in it.

Heckendorf: Well, that's all right. He alienated, perhaps, some of them, some people who had what we call an axe to grind. But looking over the whole scene, he could manage this economy with socialism or whatever you may call it, so responsibly, make it completely responsible. He could make it acceptable as well to those that would be compelled to pay for causing these difficulties, as a part of doing business,



Heckendorf: so that you're not playing one group off against the other.

Earl has got the innate ability to be able to calm both sides and bring them together. See, he can do that. He can do it in the most economic way, and I think now that if he had forty more years to live and he were in the presidency, he could do this, because I feel Nixon coming back [for a second term] and then his term to be over. He's going to have an understanding in Washington with China. I think the world is coming to a point where there's going to be better living. I'll not see it, not my generation.

I think Earl is the key, the only one who's outstanding, who's straightforward, that you could rely upon. He could meld these people together, if you can use that term. I think we could get places. I keep coming back to those letters I wrote with Oakley, and that was way before he ever got onto the Supreme Court.

Fry: He did have some opposition develop here. In that intriguing fragment of a letter that you have from Mr. Storke (which we must include in the transcript), Storke mentions the men who want Warren to run for Senate. He seems to be saying that they just wanted to sidetrack Warren because they didn't approve of the way he was running the governor's office.

Heckendorf: See, if Warren were in the Senate, he'd be watered down. From a realistic standpoint, he has to be at the governorship, or presidency, or the chief justice of the United States. He's a leader. What he did in the Brown case and thereafter is remarkable.

The same thing [problem] now, in a greater sense, when you're getting so many voters, [who has] the ability to get the whole people to understand what's good for them, from the economic standpoint, from a political standpoint, aside from the law? Warren had that experience.

Now who's got the ability to do that? Who would they have confidence in? It's true that some people are posing. That's all right. We have to bear with it. But he is the only man that I can see in the whole scene, now, of all these politicians who are on the legislative side, trying to move into executive positions. Earl has it. He's got the ability. I've seen him do it.

Fry: This record that you've seen today is proof in the pudding. He knows what to do when a crisis faces him, if it's long term or it's short term. He can face up to it.

One thing that seems to be repeated in a number of state problems and departments is Warren's ability to see what to do before the crisis comes. This is one of the things that seems to be emerging



-2-

The election is a year off and a lot of water  
can go over the dam in the meantime. You may have  
time to have the voters see you in your true light.  
You have made a good governor. What a pity that a  
few charlatans would destroy a good man.

You have a lot of friends. I don't believe any of  
them are in the group of "big money boys".

They don't want you to be senator, if they did,  
why did they attempt to ruin you, a good governor.

It doesn't make sense.

Kindest regards to you and Virginia.

Sincerely,

T. M. STORKE



from the study, if I may be permitted a conclusion.

Fry: That's right. He's able to see it.

Heckendorf: Apparently this letter was written a year before a senatorial election.

Fry: He [Storke] used to always call me. He'd give me copies of letters because he knew how close I was to Earl, as Tom was devoted to Earl himself. That's the way he worked.

Heckendorf: I still wish I knew who these "charlatans" were that he was talking about.

Fry: Well, they wanted to short circuit, I guess, the governor, and put him where he's just one of a great number in a body, and he can't accomplish much that way. You just can't. Now, I can't find that page one, I've looked everywhere. I can't remember what the occasion was that he wrote that.

Heckendorf: Well, I hope that we'll be able to get Mr. Storke's papers for the Bancroft. If we can get his correspondence papers then we'll have his copy of this letter.

One of my questions is -- I'm grabbing at two straws here and trying to put them together -- were the men who were trying to push Warren into the senatorship, were they part of the oil interests? I'm wondering if they're part of the same group that are now disenchanted with Nixon.

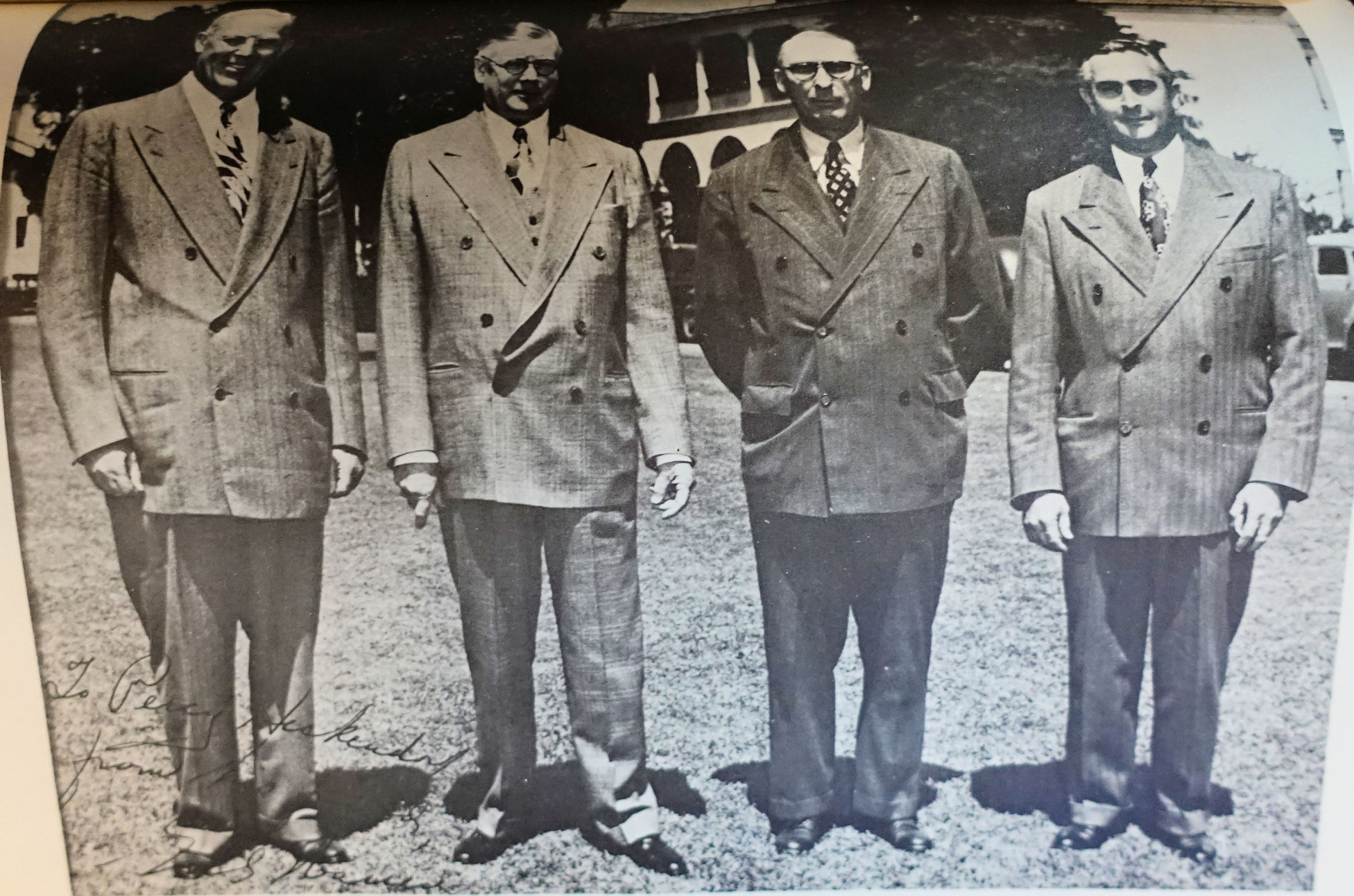
Heckendorf: I can't say who they are. But I know it's a group who wants control.

Fry: Of the candidate?

Heckendorf: Yes. They've got to have control, no matter who they put, they've got to control that fellow. Its just like [lobbyist] Artie Samish used to say to me, "I just need about three or four men in there, and I let them go all the time, but when I need their vote, it's there; I can depend on it." That's why he raised hell and banged on all the doors that night when we put the Board of Equalization in the Administrative Procedures Act. We didn't do it. The legislature was just going to say what was right.

Your second question was what?





Santa Barbara, 29 August 1945. Left to right: Earl Warren, T.M. Storke, Dwight Murphy  
Percy C. Heckendorf.



The 1952 Delegation

Fry: My second question was about the 1952 campaign train. I know you weren't on it, but that you know about it.

Heckendorf: Yes, Nixon got on at Denver. And that mandate here in '52 was Earl Warren; the delegation [was pledged to him.]

The delegation mandate.

Fry: Yes, it was for him. Well, what happened was Nixon looked at this thing, and said, "Well, I'm from California and Earl's from California, and you can't get two of us on the same ticket. And here is Ike, the prominent general, he's in the East and I'm in the West. What could be more natural?" He started a guerrilla warfare. That's the thing that hurt Earl, from a personal standpoint, [coming] from a man [Nixon] who'd been in the same party for so many years, and worked on the same team, so to speak, as Republicans. Here comes a man pledged to Earl, and then starts to gut him, so to speak, by campaigning behind his back. I know how Earl feels. I know how he felt about it. I know how I would have felt. I couldn't have taken it without slapping the guy in the face, or saying something that I'd be sorry for later.

But Earl went on. He just paid no attention to the fellow after that. I think the size of Earl and his respect for the country was exhibited when Nixon finally called him and asked him if Earl would swear him in as President of the United States, with Earl being the Chief Justice. He called the office. [Earl] could have damn well told Nixon to go to hell.

Fry: Could anyone else have sworn him in?

Heckendorf: Anybody. That same thing happened in California here when Reagan was sworn in. The [California] chief justice was always the one by custom to swear in, but he called the court's minority man, McComb, to come there in attendance after twelve at night and swear him in. He ignored the chief justice, whom he wanted out, a California man, a very brilliant one, one of the best chief justices we've ever had, Roger Traynor. He was in my class, except that he was on the other side of the Bay.

Fry: You were Stanford, and U.C. was Traynor's campus?

Heckendorf: Yes. Earl was just that big. He'd forgotten Nixon, he'd forgotten Denver.



It was the chief justice swearing in the office of the president.

Fry:  
Heckendorf: That's right, the president. When [Warren] looked at [Nixon], it crossed his mind that this fellow here -- but I won't tell you what he'd think of him. But at any rate [Warren] respects the office.

Fry: But you do know that Warren was hurt by Nixon's behavior on the train? Did Warren mention this to you?

Heckendorf: I can't say that he did, although I have a feeling that he did say to me that it was a horrible thing for a man to do who is under an obligation with a mandate from the people. But I can't honestly say where this came from. I know his feelings, and if I'm wrong, I'd be terribly surprised. Earl doesn't live that way and he treats his people -- as I say, when he took us into office, first of all he introduced all the people, the press, and the like. To ourselves, he'd maybe said, "I'll not tell you what to do; [although] there will be some things that I'll want to do, but the law lays down your obligations to the jobs you have. Don't forget, wherever you make a mistake or commit any bad error, it'll be charged to me, so remember that you are the governor's staff, and whatever you do will hurt me."

The other side of him was that he never looked for praise at all, in editorials or the like. He never looked for praise; we always looked for editorials that would say that he was doing something wrong, going in the wrong direction. We would immediately want to pick that up, and then he would pick that up and correct it if he was wrong. If he was not wrong, he could explain that to them.

That was why he was so sonstructive. I'd say that he could feel the level of the people and make them feel, "This is my man." That's why I think now, with this thing going on, with these socialized things becoming law, he would be the man that could put them over better than anyone I know. He could bring them together, and unify the nation.



THE DEPARTMENT OF PROFESSIONAL AND VOCATIONAL STANDARDS  
AND THE ADMINISTRATIVE PROCEDURES ACT

Fry: Why don't you tell about how you were appointed to the Department of Professional and Vocational Standards?

Beckendorf: In the late autumn of 1942 I received the first notification that I was being considered for that position. Earl telephoned me from his office in San Francisco. He was then ending his first term in that office [attorney general's and running for governor]. And he told me to look at the political code sections that covered the Department of Professional and Vocational Standards. They set forth all of the boards and bureaus that were within the department. Among them was the Department of Cosmetology and Hairdressers, and then the Bureau of Bedding Inspection. Earl said that he wished me to combine those two departments.

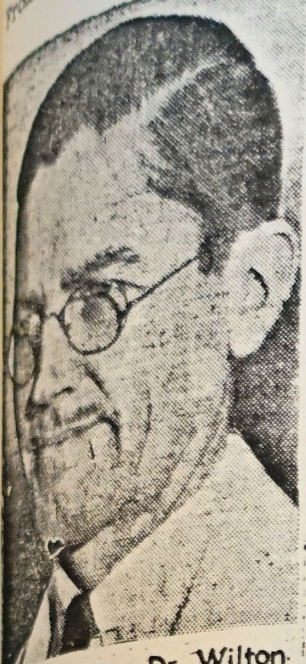
Fry: Bedding and hairdressing? [Laughter]

Beckendorf: Yes. He had a great sense of humor, and he laughed, and we just got a great kick out of it. I must confess that I failed in that duty. He had a great sense of humor.

Well then he told me to consider that for several days, and he said further, "Now, you've both been in office for three terms and you've been elected for the fourth term and you can't be forth-termers." That has a reference, jokingly, to the fourth-termers, the President of the United States at that time, Roosevelt. In all events, I checked it over and asked him what in particular was it that was of interest to him? He said that particularly the development of a department of administrative procedure, affecting all of the licensing and regulatory agencies of the state.

Prior to that time, there had been a soft-tooth type of thing, just go up and down as to what the regulations were. No two were alike. He felt that it was unjust. That was one of the main objectives that he had, to straighten that regulatory matter out.





IN CABINET — Dr. Wilton L. Halverson, Los Angeles, to be State health chief.

# Three State Posts Filled

## Los Angeles Health Officer Picked by Warren Garland Also Appointed

SACRAMENTO, Jan. 3. (AP)—Gordon Garland, outgoing Speaker of the Assembly; Dr. Wilton L. Halverson, Los Angeles County health officer, and Percy Heckendorf, Santa Barbara County District Attorney, were named to important State Cabinet positions by Governor-elect Earl Warren today.

Garland, Woodlake Democrat who broke with Governor Olson and became leader of the anti-economy bloc in the Assembly, will become State Director of Motor Vehicles, succeeding James M. Carter.

### STATE HEALTH DIRECTOR

Dr. Halverson, Los Angeles County health officer since July, will become State Director of Public Health, succeeding Dr. Norman Brown.

Heckendorf, past president of the District Attorneys Association of California, will become State director of professional and occupational standards, replacing

### PAY \$6000 YEARLY

All three jobs pay \$6000 per year. Garland and Heckendorf will take office immediately after Warren is inaugurated tomorrow but Dr. Halverson may not arrive here for two weeks.

The appointment of Garland boosts the Woodlake Democrat back into the political picture after a surprise defeat last August. He declined to seek re-election to the Assembly in order to run for membership on the State Board of Equalization from the Second District, but was defeated by Ivan Sperbeck in the Aug. 25 primary election.

### WARREN STATEMENT

Regarding the public health directorship, Warren said:

"After consultation with many people who have devoted study to public health problems, I have no doubt but what Dr. Halverson is one of the outstanding public health men in the country. He will be entering State service at a personal sacrifice, for in his present position he is a Los Angeles County civil service employee."

Dr. Halverson previously had been Pasadena health officer and received his public health training at Yale University.

Heckendorf has been Santa Barbara District Attorney for 12 years. He was born in Santa



Percy Heckendorf

Rosa, attended Santa Barbara schools and Stanford University.

Garland entered the Assembly in 1937 and served as Speaker through five special sessions in 1940 and the regular session in

# Warren Will Be Inducted Today

## Houser and Other State Officials to Take Oaths; Legislature Will Convene

Continued From First Page

Supreme Court by the Governor, will administer the oath to Warren. This will be followed by Warren's inaugural address. Gibson will then administer the oath to Houser, who will speak briefly.

Prior to the inaugural ceremonies, both houses of the Legislature will meet at noon and organize. In the Senate there is a lively contest on for president pro tempore between Senators William Rich, who held the post at the last session, and Jerrold Seawell, who held the post two sessions ago. Each claims the votes necessary to put him in.

### LYON LIKELY SPEAKER

In the Assembly, the election of Assemblyman Charles W. Lyon, oldest member in time served as Speaker, is a foregone conclusion. Assemblyman Thomas Maloney of San Francisco, another veteran member, claims enough votes to be elected Speaker pro tempore. Assemblyman Earl Desmond is also after the job.

Lyon has been here for a week working on the selection of committees. Assemblyman Sam Collins of Fullerton is on the books for floor leader.

In this session the Republicans will hold a majority, not large, in both houses. Lyon has said that in the matter of committee appointments the Democrats will fare better than the Republicans did under the Democratic regime.



These were all regulatory agencies?

Fry:

Heckendorf:

Yes. There were some thirty-six of them altogether. Sixteen in the department. But there were about thirty-six in the state. Some of them were constitutional; you couldn't touch them. They were independent, responsible only to themselves, really. They do as they please. Earl was concerned that you would have a fair hearing, that for all persons who would appear before the board to secure a license or revocation or punishment of any kind, there would be a fair hearing.

Many times -- the medical examiners board is an example -- they'd have a hearing, and then they would go into what they call an executive session. The executive session -- I've seen the doctors pull out of their pockets a piece of newspaper write-ups about what they had heard about the particular man who was being charged with a violation of the Medical Practice Act. The vice of that thing is, the defendant, although he may have committed a misdemeanor or crimes before, he was then not confronted with this record. He didn't know what the board was considering. That was a very harsh thing to face in reality.

Fry:

He didn't know what he was being accused of.

Heckendorf:

He didn't know what he was facing or being accused of, or what he was being punished for. He was charged with one thing, but other proof was coming in.

That was finally worked out through the Administrative Procedure Act, to eliminate that.\* Now, we had a feeling at the start of it that maybe we could do this by rules of the board. But, the Chief Justice --

Fry:

That would be just an administrative change?

Heckendorf:

Just an administrative rule, which would change it. We could do it with many of them. We were able to do it because they went by rule.

There were many others, however, who had that procedure glued in through legislation, and therefore would have required a complete leveling by the legislature of those acts, and the implementation of what we were proposing by way of statute. Therefore, we were in the position of having to study each board and meet with each board

\* See Appendix: Kleps, Ralph N., "California's Approach to the Improvement of Administrative Procedure," reprinted from California Law Review, Vol. 32, December, 1944, No. 4, pp. 416-426.



Heckendorf: throughout the years, telling them what we hoped to do, what we expected to do, and what part of the procedure act should apply to the particular board involved.

We took all of those boards in succession. We met with them. The chief justice of the state Supreme Court met with them and Warren met with them and Mr. Kleps was always with them. Kleps at that point was merely working under the chief justice, because the state bar and the Judicial Council and the attorney general's committee on administrative procedure and the Benjamin Report\* in New York were involved in this procedure. The federal government had already set up an administrative procedure.

So we patterned our procedures, generally, after those two reports. But, before that came into play, we had this problem of having to introduce legislation to accomplish our objectives. That made the job somewhat slower.

A lot of time was required to meet with each particular board and secure their support for what was to take place with respect to that particular board, and what part of the act would apply to their function. If we did not secure their permission and support in the first instance, we would have met terrible objections in the legislature. One or two objectors there could void the whole program.

#### The Alcoholic Beverage Control Board

Heckendorf: Things progressed to a very satisfactory stage until we reached the question of the Alcoholic Beverage Control board and that was under -- [Pause]

Fry: It wasn't William Bonelli then?

Heckendorf: Bonelli was on the board, George R. Reilly from San Francisco was there and there was another man. Well, at any rate Ralph Swing, the senator from San Bernardino, appeared before us, and he stated that the Alcoholic Beverage Control board knew that they had a problem of the regulatory agencies type, that Mr. Warren was trying at that time to correct it. But, he said they had some bills in, procedural bills, before the legislature, which they felt in all fairness should be given a fair chance to have it tried and see if it will work.

\* Benjamin, Administrative Adjudication in the State of New York (1942).



We were skeptical that that bill would meet the requirements that the governor was trying to accomplish.

Right here, can you insert what the governor's objections were to the operations of the Alcoholic Beverage Control board, and then what the control board's objections were to your bill?

The Alcoholic Beverage Control, as it had been in operation up to this point, and including the proposed bill, was unsatisfactory to the governor, to Mr. Kleps as well, and to the chief justice, Phil Gibson. But the question was that they had introduced this particular procedural bill. Now, what the details were as to its component parts, I can't tell at this time; too much time has gone by.

There had been several efforts before this, according to our records, to take it out from under the Board of Equalization.

That's right. It was wanted out because that board was in disrepute throughout the state. Well, the upshot out of this whole thing was that we met several times with the entire committee of the senate at the Sutter Club -- we took them to lunch.

Which committee was this?

Of the senate. Took them to lunch. The sponsor of the bill for the governor was Senator Tony DeLap. (That was the name I was trying to think of.) He was the fellow that presented the bill.

I remember Senator Swing saying, "You want a bill, don't you?" And I said, "Yes, we do." The governor wanted a bill. We had to get an administrative procedure bill through. Senator Swing said the alcoholic beverage control board already had a procedure bill before the legislature. "All right," he said, "If our bill cannot be allowed to become law, you're not going to get an administrative procedure act as to all the rest of the boards."

So, the end was that Governor Warren would not make any compromise with any of those men. If the legislature saw fit not to enact the bill, we were not going to make a deal with any of them. To get the bill passed. That was my position, and Mr. Kleps' position, and that of the governor.

As time went on, and these boards had had their meetings, each one of them, and they were all happy with it, the question arose as to the medical board. That was one of the strong professional boards of the state. They were very jealous of their power. Many of the doctors had been in the service. There had been about eight thousand doctors here at the time who had returned to California,



Heckendorf:

and they did not want to have anyone absorb any of the power of the board. The board had acted, as I say, with evidence against people who were charged with violations, by bringing in extraneous evidence that the poor defendant could not know about, nor his attorney. That was what we hoped to clean up.

Well, the medical board finally, after the act was adopted, became the first one to use Mr. Kleps, who was appointed the head of the department. It was a very difficult case, and he sat with them. He ruled on the evidence. They were so pleased with that procedure, that they never had any objection thereafter.

Before we started the procedure act hearing -- this thing is important to know -- there was a transcript of the hearings from the time when Mr. Warren was the attorney general. He had to supply deputies to these various boards from the attorney general's office, to advise them what their rights were, and what procedures should be followed. About half of the boards had their own private attorneys that they could hire. That was wrong in principle, wrong because the attorney depended upon the board for his salary and his position, and he was apt to make a slanted ruling; self-preservation in there. With the attorney general, [the law] could be uniform in its application. We owe nothing to anyone.

In the particular department that I was in, I studied this transcript and learned what had happened to most of those boards. They each have a confidential position or secretaryship; they can appoint one person without reference to civil service.

The man who formed the CSEA, the California State Employees Association, was in a glued-in position. They had put it under civil service. His name was Fred Taylor. Many times they would take these exempt positions and force civil servants into it. When the complexion of the board changes, you want someone with confidence because you are making policies and changing rules and so on. But that was a mistake made by the CSEA, trying to take the exempt position and put a civil servant in there, unless that servant was one that the board wanted. So, we were faced with that.

Then, as time went on, we removed as many of the private attorneys as we could, not all of them, but as many as we could, with the hope then that it would be placed back to the attorney general's office in the Administrative Procedure Act.

What senate committee was that in front of? It must have been Governmental Efficiency and Economy, was that it? Or would it be the Judiciary?

try:



Heckendorf: I honestly can't tell you the name of the committee, the big committee.

Do you remember who was head of it?

Fry: No, you'll have to get that from Tony DeLap.

Heckendorf: Well, after these hearings were held and we had formulated the act -- it was formulated really into three actual divisions. One of the first divisions was the Administrative Procedure Act itself, and the second division was the Division of Administrative Procedure, and the third was the matter of judicial review. Up to that time, there had been very much uncertainty. The act itself did clear up this matter of review, the question of whether it would be mandamus or certiorari, or what. Finally, the act itself set the method of review up in division three.

But as we went on, a very interesting thing developed. We would not make deals with any of the members of the legislature. Finally, at the end, it appeared that there was a division in the legislature. Some of them felt that the ABC [Alcoholic Beverage Control] board should be in. We would not say, except that logically it belonged in. But they had their own act before the legislature and they said it would perhaps cure the defects in the ABC procedure. In equity, they were entitled to have a chance to try it, to see if it did work.

Fry: Their act did what? Do you remember?

Heckendorf: I don't remember just what its act did, no. It was a procedural act that purported to do away with inequities and so on, in the administration of the licensing and the revoking of licenses, you see, by the ABC Board.

We wanted to have our act passed, setting up the department and the pool of hearing officers. So, toward the end of the session (and Artie Samsh was in strong control of the legislature at that time. He had more power than the governor did in many respects, actually, he really did. He had control of certain things, which was very sad thing in the state.)

Fry: Where was his power besides in things that pertained to liquor interests?

Heckendorf: His power was through the legislative speaker of the lower house, and appointing committeemen in the senate, and appointing the chairman of the committee.

Fry: Was one of his committees the Committee on Public Morals?



That seemed to be the graveyard for bills to change the Alcoholic Control Board --

Fry: I don't know if you could name it public morals; I'd have to have a look to see what the committees are.

Heckendorf: In all events, when the vote came up on the bills, Senator Tom Keating asked me if we had any deals with the liquor control Board, and I said, "Absolutely none. We've never made any deals with anyone." We had learned, Mr. Kleps and I had learned, and the governor's office had learned, that there would be an attempt made to put the Alcoholic Beverage Control in the Administrative Procedure Act. We would have nothing to do with that, to put it in or to take it out. We felt that logically it belonged in, but we felt that the legislature could do what they wanted. We never turned the heat on anyone.

Fry: But somebody was going to try to put it in?

Heckendorf: Somebody. Mary Ellen Leary had two articles, I think, in the San Francisco paper [The San Francisco News] that an attempt was going to be made to put the board in.

Fry: In spite of Samish's effort.

Heckendorf: In spite of it. So, they had the showdown. They voted it in. Then we were faced --

Fry: Who? Is this the committee or the legislature?

Heckendorf: The legislature.

Fry: The whole legislature?

Heckendorf: The senate side. So, then the question would be, what would happen to our administrative procedure bill? Would they kill it?

Then the decision had to be made as to whether or not we would be willing to withdraw, if the legislature saw fit to take the Alcoholic Beverage Control Board out and test its own act.

Fry: Did Mary Ellen Leary in these articles write very straightforwardly about it?

Heckendorf: She was very forceful in her writing.



About the connections with Samish?

Fry:

Beckendorf:

Well, I don't know how far she went on that connection, but she was so forceful in what she said, that so aroused public opinion, that the legislature, the committee that Samish controlled, they didn't dare vote against the Administrative Procedure Act.

We didn't take part in holding the board in or holding it out. That would be up to the legislature. We would not object to the Alcoholic Beverage Control's trying its own act in eliminating them from the Administrative Procedure Act. That would give us the bill, and the governor his program, and the setup of the hearing officer and the supplying of hearing officers for all of the various boards, from an independent standpoint with a non-prejudiced person, not tied to the boards. So, there would be a just hearing and a fair decision. That's all that the governor wanted. So, we had that.

Samish, when he learned of that meeting, he went banging on the doors of the senators who were committed to him, because they were compelled from a public standpoint to vote along with Warren. I won't use the language that was said at that time.

By Samish you mean? [Laughter]

Fry:

Beckendorf:

But, he had met his equal and I have to give credit to Mary Ellen Leary for putting it in the public [eye].

Warren was right, straight down the line. He knew the bill was right, but we were up against a reality, and we were not going to push the legislature one way or the other. It was on principle.

She stirred the public opinion for it in the right way. The big man was knocked over.

Fry:

That's marvelous. I wish we could find a copy of that story.

Beckendorf:

We can get one. Ask Mr. Kleps, Ralph Kleps. I'll phone him if you like.

Fry:

Fine. If he knows the date, I can get it out of the newspapers in the library.

Beckendorf:

He would recall that. We were very close together during all of these hearings and all this procedure, and Senator DeLap who introduced the bills, and all. The legislature was very fair.

In the final analysis, we were merely coping with that Alcoholic Beverage Control Board, which was a rotten thing in the state. That



Beckendorf: particular thing was rotten.

This other matter of administrative procedures was merely a question of fairness. It would be unfair to have people take evidence from their pockets that the defendant had never heard of, at least didn't know it, nor the attorneys who were appearing for them. That was a matter to be straightened out in the administrative act, and I did that.

But the Alcoholic Beverage Control Board, Bonelli and that group, was just a mess.

This still didn't do anything to straighten out their questionable actions in issuing licenses?

Try:

Beckendorf:

I can't say, I left the government then. When the act was through, Kleps was appointed.

There were some very good men that appeared for the position. But in the oral examinations, Senator Rich and myself -- he was from Marysville -- we felt that Mr. Kleps was far ahead of everyone. He had studied this problem for years, prior to the time that Governor Warren became governor. He had been working on this, [with] the state bar, the Judicial Council and the chief justice then, Phil Gibson. He was a tower of strength. He was a persuasive man, and he felt that this was a very unfair section, because so many business people and the like were unfairly treated by people who didn't understand what due process was. The accomplishment of this thing [made us] the first state to ever set up this type of procedure.

How the Alcoholic Beverage Control Board survived under its act and what it did, I never checked that out after I left Sacramento. I had too much to do down here that I had to keep up.

Health Insurance

Beckendorf:

This is off the subject of the Administrative Procedure Act. Governor Warren, prior to the legislative session, had met with the members of the medical profession. He asked them what they were going to do with respect to this taking care of elderly people and poor people, and the mental health situation. He never received an answer.

Long before the legislature met, he was hopeful that they would. One day at lunch he asked me, "What has the medical board done with respect to this problem of health?" I said, "They're not proposing



Beckendorf:

anything. They're taking no stand. They've done nothing so far." He then introduced a bill -- Governor Warren introduced a bill -- for medical health and it stormed up a tremendous big storm.

I remember Collins, Sam Collins, was in the lower house; he had been a district attorney. Out in the hallway, I listened to the argument -- I can't remember the doctor's name. He was from Stockton; he was a health officer, at Stockton. He was a graduate of Michigan University and had gotten his degree there in public health. He made an excellent witness. The place was jammed. I can't think of his name right now. He was a brilliant man.

Sam Collins, at the recess, he said, "I hate to do this." He saw me standing in the hallway. I said, "What is it?" Well, he said, "This fellow isn't competent." When he started in cross-examining him, [he said,] "Doctor, I didn't hear what your qualifications were. I wasn't sure that I got them correct. Would you mind repeating them?" The doctor went down the line; he had all kinds of degrees, and he had a DMV.

Doctor of Veterinary Medicine!

Fry:

Beckendorf:

I remember, in the back of the room, where I was standing, someone said, "It took a horse doctor to prove his case." The governor's case, he had to use a horse doctor.

That's significant, in two senses of the word. One is that it's a joking thing, and again it showed how tight the medical people were against these people who needed help and couldn't get it. They were just like that.

Warren was just about twenty years ahead of his time. Look where we are now, the health insurance and all. They wanted to call the governor to the stand but they didn't dare do it. They called Sweigert to testify. They threatened to call him [Warren]. They do those things, some of those fellows.

Earl saw the problem as a DA. He had seen what was going on in mentally ill cases and all the poor people who couldn't stand the costs of the medical world.

Fry:

Beckendorf:

Do you mean to include the mentally ill?

They're included as well. Mentally ill as well as just ordinary illness and old age. It was a thing where he was just ahead of his time.

But, I think on the record, that statement of Sam Collins' just



Heckendorf: showed what they wanted to do. They weren't interested. They were with the medical group. They were not going to let the bill get through.

This was his final ace up his sleeve?

Fry:  
Heckendorf: A horse doctor, I don't know who said it. "I took a horse doctor to prove his case." But Sam just wanted to show by saying, "I didn't quite hear your qualifications. Would you mind repeating them." He had a good out, and he wanted to use it. "Oh, what is that, a DMV? That's just a horse doctor."

But I can't avoid saying that Earl was just that much ahead of them.

Fry: That would certainly be proven by later events.

Heckendorf: It was.

#### Provisions of the Administrative Procedures Act

Heckendorf: Now, about the Administrative Procedure Act, I don't know if it would be worthwhile to go through it.

Fry: Well, I have a few questions about it. It's unclear to me what it did not include. I read the California Blue Book on it, and I thought that perhaps it was sort of a research department, also, on administrative procedures for all departments. Is that correct?

Heckendorf: For what it did, that's part of it. It had to crawl before it could run, so to speak. The one that's set up -- that's why we couldn't object to the ABC going out. They had their act, we won the act we wanted to have the thing started. It did start, as a matter of due process, a fair hearing. That's all. You didn't want the people to be faced with this condition as it was prior to the act, that the state or the board or the agency, whatever it was, was the witness and the jury and the judge and the whole thing, you see. We wanted to separate that power.

It applied to the various boards that were in the department. We had to check each one of those boards with the fact that some of the functions of the board you wouldn't want to have a part of the act at all. So, we had to see what was the thing that was most important to them, and to the government, that should be regulated by the act. That's what took so long, with each board meeting constantly, seeing what they would agree to and what ought to be within the bounds of the act, of their particular act.



We stated strongly in this particular book. This is the statement we made on it.\*

The statute was finally adopted in 1945. The first statute was called the Administrative Procedure Act.

This prescribes the minimum standards of fair administrative procedure in the field of administrative licensing and disciplining. Procedure set forth is fairly detailed, and it is designed to apply to formal, contested hearings, which are normally patterned closely after judicial proceedings.

There we used the Benjamin Act and the federal act and the attorney general's committee.

It was intended that all administrative agents in this state which exercise this kind of power will be required to adhere to this standard form of procedure, with such necessary minor variations for individual agencies as are possible without violating the provisions of the act. The second class consists of statutes amending the basic law governing each of the thirty-six odd state agencies which are covered by the Administrative Procedure Act. No attempt was made to require, in general terms, that certain agencies or certain activities be conducted in conformity with the act. Rather, it was thought desirable to specify precisely, by amendment of the statute governing each agency, which of its functions was to be governed by the statutory procedure. In this way, it was possible to avoid doubts as to the scope of the statute's application, and to avoid the inclusion of administrative functions not intended to be covered.

That's why each board had to be taken into the confidence of the governor, and the chief justice, and the committees of the senate and of the lower house, to see that they would know what we were driving at, and what aspect of their function was to be covered by the act.

The third class of statutes provides for the creation of a division of administrative procedure set up in the government. This office, was patterned upon the recommenda-

\* See appendix, "To Rid California's Numerous Boards and Commissions of the Abuses of Bureaucracy, the Governor Advocated and Installed An Administrative System Calling for Uniform Rules of Procedure and for Fair, Open, and Orderly Hearings."

Heckendorf;



Heckendorf;  
 tions of the United States' attorney general's Committee on Administrative Procedure, and the Benjamin Report in New York, and is intended to furnish a permanent staff whose duty will be to improve the procedure at which the state's agencies undertake to regulate the lives and properties of citizens of the state. The Division is instructed to continue the study of the subject of administrative law and procedure and to submit its recommendation to the various agencies as well as to the governor and the legislature.

That brings a point up that you mentioned. This was the subject of a continuing study, keeping the legislature, as well as whoever the governor might be, as time goes on, abreast of the administrative law. Because many of our things now are taken away from the court and they are administered by agencies. California, then, in the adoption of that, became the first state to create a central clearing house for the common procedural problems of such state agencies.

In addition, the division of administrative procedure will maintain a staff or pool of qualified hearing officers who will be available on assignment to conduct a quasi-judicial state proceedings of the state boards under the Administrative Procedure Act. The Act requires the use of hearing officers, either from the 'pool' or from the agency's own staff, in contested hearings.

That would provide no man on the board, or woman on the board to sit in a secret session, or an executive session, and bring out extraneous evidence against the man or the lawyer and he'd not be able to know immediately what the case was being decided upon.

The hearing officer will be used as a referee to make a proposed decision, subject to the agency's action, or to preside at the hearing at which the agency itself will make the decision. This adoption of the hearing officer device, will, in large measure, avoid the criticisms which have been levelled at the California administrative adjudications because of the combination of the prosecutor and judge, and really, jury, 'which has been all too prevalent in the past.' Finally, the statutes provided a method of review of these quasi-judicial decisions.

That was set forth in Section 1094.5 of the Code of Civil Procedure, and it constitutes a clarification of the statutory form of the obscure rules laid down by the various supreme court decisions. The supreme court had held on review, in what they call mandamus and certiorari, in the difference between the state board and a local board, a different rule applied. There was such confusion in the law itself,



Heckendorf: that this final statute set that to rest.

Q: What is the difference between mandamus and certiorari?

A: Certiorari comes from a legal decision; you're reviewing. Mandamus mandates something. There were three cases which were horribly confusing to the laity and to the lawyers.

But this statute set the procedure all out.

Q: Did you start work on this particular project as soon as you took office?

A: Right away.

Q: So, this was part of your --

A: This was part of it. I had many other things to do with each board. I met with all the boards. I met them all the time in Los Angeles, San Francisco, and Sacramento. But with these problems, someone had to virtually live with those boards. I was the one to do that. I was alone; I was unmarried then, and I could be shipped all over.

Q: Did the governor also take any active part in that staff?

A: Yes. The governor appeared at the committee meetings of the legislature and he appeared at the board meetings.

Q: Did he testify?

A: No, he explained what he was trying to accomplish.

Q: But not a formal testimony.

A: No, not a formal testimony at all. I don't recall that he testified, but he appeared before the boards. And he did one other thing. He used to go in the mornings to the various departments of the state. He would meet them in the morning, and keep in touch with the departments, something that no governor has ever done. He'd come to my department and he'd say, "Well, look, I heard you got a new office over here." (You know, that building was built by these agencies that settled with their own fee that they paid in, and then we'd rent space out.) But he would visit and you'd never know that the governor was right there. He was watching everything. He was on the ball, so to speak. But, in fairness to the division of power in the state (the legislature, the executive, and the judicial) he did not overstep the bounds at any time.



Heckendorf:

One proof of the pudding was Mary Ellen Leary's problem that she raised there. I wish there were another writer to kick the dust up now. Some of these things that are going on up there now ought to be changed.

Put the bright light of the press on them.

Fry:

Heckendorf:

Turn it on. Sometimes the press does some wrong things, but in the long run it's the only way you can get at it.



LOBBYING ON THE TIDELANDS OIL QUESTION

Heckendorf: We [Warren and I] saw that when we went back [to Washington, D.C.] on all of that oil stuff, [the tidelands oil controversy] with our speeches. We stayed at a different hotel to get away from Samish, (I looked for these pictures of these oil fellows.) God, they were on our neckson the train and the hotel, so we just moved to a different place, because we were representing the government, and they were for the oil interests. That kind of pressure has never been approved by Warren, in any stage of his life, that I'm familiar with.

This is the report, our speeches; the whole thing is here. [Hands interviewer some papers.]\*

Fry: Well, good. We want to put all those records in The Bancroft.

Is there anything that we have to go into about the tidelands oil episode to tie together some of these reports, except the fact that you and Warren felt terribly pressed by the oil men?

Heckendorf: Well, that's right.

Fry: When you stayed in the out-of-the-way hotels, was that when you were going around for committee hearings?

Heckendorf: That's before we testified.

Fry: Was this the federal hearing in Washington, D.C.?

Heckendorf: Yes, the federal hearing in Washington. We had to take that hotel to

\* See Heckendorf papers, Tidelands Oil, The Bancroft Library, University of California, Berkeley, California.



Heckendorf: stay away from the oil men.

Fry: Who were the oil men?

Heckendorf: It was the Gas and Oil Association, I think is what they call it. Anyways, it was the oil industry. They wanted to keep the tidelands.

Fry: Did you mention that Samish was in on this?

Heckendorf: No, he wasn't.

Fry: Let me get this clear. You and Earl Warren wanted the state to retain the tidelands up to the three mile limit.

Heckendorf: That's right.

Fry: Now, what did the oil companies want?

Heckendorf: They wanted the same thing. They wanted us to succeed. You see, the federal government under Senator Gerald Nye of North Dakota -- he introduced the bill in the United States Senate to take all the tidelands from the first thirteen colonies of the Northeast, clear on down around through the Gulf of Mexico and clear on up to the Oregon border, the Canadian border.

That meant a fight. They had this argument. The middle states, that were non-liberal states, that did not face on the ocean anywhere, they could see a great wealth in that land coming out and they were getting no part of it. They were touch-and-go on that thing. They saw dollars that would help them locally.

Fry: They could share this oil revenue.

Heckendorf: So, we felt that historically it always had been this way. Some of the first tideland wells were in Santa Barbara County, at Summerland, just east of Montecito. Then we had those to the west of us, the Elwood oil fields, a tremendous amount. We collected millions of dollars on them here. We had all that set up. The amount of money, the assessed evaluation, and everything that we had received was a public record and I set it all out for them, Earl, on the question of the law. We then were right up against it. The act was introduced and the hearings were set down. All these oil men were talking to me and talking to Earl and doing everything to talk with the public men -- the city attorney at Long Beach -- and they got a lot of money down there from the tideland; they got a tremendous amount. (And now they are trying to cut back the state, use it for the university rather than some of that junk they got down there, like the Queen Mary and so forth [at Long Beach]).



Beckendorf: Well, the thing developed into Congress. The first thirteen states were involved. There was no federal government at all there; they owned their land. But they had a good case, so they went out of the act.

Oh, separately.

Beckendorf: Yes, the first thirteen states. They had a good case, you see, because there was no federal government [when those states were formed.]

So, this eliminated any question for them.

Beckendorf: Yes, that first went out. All right, the next thing that went out was Texas. Texas had offered its public lands to the federal government, if the federal government would assume its public debts.

One senator -- I can't remember his name -- he said, "Well, hell. We can't raise anything but horned toads on that area that they want to return to us; let them keep their tidelands."

That was quite a bit before this bill came up, when that happened?

Beckendorf: It was right during it. Years before -- yes, you're right -- years before, they had offered the public land to the federal government and they said, "Nothing doing. You keep them."

- because all you can grow on it was horned toads.

Beckendorf: That's right. Texas went out. Then we came to California -- that was Mexican origin -- so they had fifty veras - (I can't remember the number --)

Well, that's easily looked up.

Beckendorf: It has a roadway all along the ocean, the complete base would not be cut off. That was the thing about the Mexicans. So we said, "Look. That was there --"

Wait a minute. You mean the Mexican government originally had ownership of this fifty-veras-wide strip along the beach?

Beckendorf: Fifty veras wide along the beach. The argument was used that therefore we would own the tidelands. But the final upshot of it was, when we got ahold of Senator Nye, we said, "Now look. It isn't fair to put the thirteen colonies out, Texas is out, and hold these other states like California in here." He then said, "Well, that much is going out, I'll not press the bill."



Heckendorf: So, we killed the bill the first year. The second year, it came up again, and we killed it again. But, at the Hiram Johnson hearing, the first person --

Fry: Hiram Johnson was still a senator from California?

Heckendorf: Yes, Hiram Johnson was a good friend of Earl's. [Pointing to documents] Their testimony is in those federal documents there. It's all in that.

Fry: Well, these reasons don't really hold water, do they?

Heckendorf: No. Now, the next thing complicates it. The federal government had given a lot of scrip out; Valentine scrip was one. There was all kinds of scrip that you could buy, and apply it to any public land you wanted.

Fry: When was that?

Heckendorf: The federal government would issue different kinds of scrip. You could buy it, then you could apply it to any public land that you wanted to.

Fry: Individual private owners?

Heckendorf: No. The public lands are subject to sale at certain areas at certain times, and you could apply this Valentine scrip. Many of the soldiers were given scrip in the Civil War, and they were coming in. But a lot of them tried to apply it to the tidelands out here, as public land, thinking, well, if there's public land we might as well get it. But they never validated any of it.

Fry: Was that in the nineteenth century?

Heckendorf: Yes it was. All this was way back.

Fry: So, they never did get any --

Heckendorf: None of them were recognized here.

The irony of the thing was when we first went back [to Washington, D.C.] on the tidelands, [we] made a great showing. It was a marvelous showing. The senator from Texas, Tom Connelly, he used to wear those kind of bold, big Windsor ties that flopped around. He sat in the lower house when we were in there. That was a big committee, and he had already been put in the Senate with Johnson, but he was just so interested in what was going on that he just couldn't leave the House.



Well, he was interested in protecting the Texas shoreline.

Fry:  
Heckendorf: He was watching to see that they didn't do anything that took anything of Texas back. You can walk I think it's several miles out [into the Gulf of Mexico] and still not be over your head in the water. It's a very flat plane. Here [in California] you can go out, say, five hundred feet and you're suddenly down six hundred feet; don't take the next step!

But, he was there to see that we didn't do anything that would jeopardize Texas, because they have a lot of Gulf and a lot of wells there, miles out.

Fry: I wonder, too, about the California local oil lobbyists. Did they go to Washington, too? In other words, if I wanted to ask them about the Washington hearings on the tidelands oil, would they have been involved in it?

Heckendorf: Well, I was the only one from here that went up, and was for the city and the county. We worked close with the city. Later on, I became a member of the city council, but at that time, it was the county who was the one that I actually represented.

Fry: You were going up not as a oil lobbyist.

Heckendorf: Oh no. We represented the government. No strings on us at all. That's why we were fearful of Drew Pearson, although Earl knew him, and he became very laudatory about Earl [in his syndicated column].

Fry: Why were you fearful of Pearson at that time?

Heckendorf: I wish I had found all those pictures of all those damn lobbyists, big pictures in Washington at the hearing, and they [the press] caught me with about six of them. We were at the table, and I was talking to this fellow, and that damn press picked them. I got copies of the pictures of them, but I can't find them here.

Fry: You were afraid that Pearson was going to --

Heckendorf: Well, Earl was the one that suggested it [going to another hotel.] We always used to go up to the Mayflower. But I can't remember this place we went to. It was like a -- it wasn't a private club -- it was a high class apartment. We said that we would just avoid these fellows because they're hotter than a firecracker, these oil fellows. [Earl said,] "Drew might say something; they might get a picture of you or me or somebody with one of these oil fellows that might be a stinker of a person." And they were. They pressed the hell out



Beckendorf: of us, all the way. From the train --  
On the train?

Try: Yes. On the way, going to Washington. "What are you going to do?  
Beckendorf: What kind of brief. Look at this point." He had the city attorney  
of Long Beach, he had the Los Angeles County group represented, they  
were all there.

Earl and I -- he represented the state and I represented this  
county -- we were clean. Nothing could touch us. He'd tie up  
with Senator Hiram Johnson, who was very forceful there.

Try: Well, when we get all of these hearings on the tidelands oil bill  
with the speeches and put that in with it, then we'll have a pretty  
good record of it.

Beckendorf: Yes, you should have. Earl's is in there and my talk is in there,  
but I don't have the maps that we kept turning the pages over. I  
referred to them in the speech.

Put this on record. You don't know what's going to happen with  
the seashore and all that. Some of them [the shorelines] go nine  
miles out; some of them are three miles limit, which was the extent  
of the effectiveness of a cannon shot.

Try: Is that how the three-mile-limit originated?

Beckendorf: Yes. The cannon would shoot about three miles, and that's the  
end of it.

Try: In other words, it's the defensible limit.

Beckendorf: A defensible limit and an effective limit.

Try: They used this then, as the limit for use of natural resources?

Beckendorf: Now we know that on the tidelands, that out on the continental shelf,  
they got that all geologized, the whole works. My gosh, on the whole,  
the minerals and riches in that field!

Try: Now, did you mention to me that Samish was working on this too?

Beckendorf: No, he was never mixed up in this oil [business.] At least, I  
never ran into him.

Try: What about the local lobbyists in Sacramento, like Mr. Keck, the independ-  
ent oil man, and Harold Martin; and the Standard Oil people, and others?



Heckendorf: Yes, I know Bill Keck. The man that I was practicing with (when I came back [from working] with Earl) represented the Keck people and I represented the girl in a manslaughter case. Her husband was a heavy drinker, had a bad marriage and everything went wrong. The son, young Bill, would come into the office there. Wealthy!

But they never sent anyone. They've got an association; the oil industry has an association. I think there are two of them. They are competitors within the field, but they have a unified interest so far as the industry is concerned. They do maintain a lobby.

That raises, I think, the most serious problem we actually have. We used to talk about that early, when we got to Washington. When you go back there, you're so far away from everything, particularly [if you are] from the West. You're way out of the planning. The eastern people were right fairly close, but we're far away. And these fellows work on you. You're at their parties, which would start at four o'clock in the afternoon. Nothing but money. We'd have these people go out there and they'd be half crocked up. Deals are made then, I think, and they'd push fellows around.

How are you going to hit it? You need lobbies because you [a legislator] can't really know what's the significance of all of these bills; there are so many of them. We have to have them.

Now, on the other side you have the bad side of it, with this influence. You see, they're trying to influence you. How are you going to lick that? Only by the character of the men that we send to the legislature. I don't know what the answer is to it. Good men are now dropping out. It's a very sad thing. Locally here, Samish I must say had more power than the governor, in certain respects, far more. The governor just recognized it, and he just said it's there, and what can you do about it?



WARREN, HECKENDORF, AND THE STATE LEGISLATURE

How did your local legislators here help you, like Assemblyman [Alfred W. "Bobby"] Robertson, for instance?

Heckendorf:

Well, he was the chairman of the Democratic party of the state and he was also the leader of the assembly. Now he was a Democrat, and Earl was the other, so there was friction there. There was attacking of the Administration; they were trying to knock it down as far as they could. You suffer that.

It shouldn't be, actually. Earl went in on a non-partisan basis when he ran. Olson had been in, and he was a Democrat. At that time the voting I think leaned a little over towards the Republican side. But it [Republican registration] had been going down and down, and from their standpoint it was fairly even.

But when Olson was in, he aggravated so many people. He left the state so that when Earl came on the scene -- and he only did because, as I explained yesterday, he was prepared for all this that did come to pass. He stepped in, and I was so happy that he did take over.

But when he did take over as governor, the legislature was fairly cooperative on that first session.

Heckendorf:

The first session, we appeared before the committees in there, and they were most gracious. I don't know of an instance [of ungraciousness] of all these agencies that I had to appear for, just within my department, that had required budgetary hearings. [They would just ask], "Why do you need that much money? For what purpose?" and so on.

They were gracious. Just the very fact that I was part of the administration, things used to go right through. I remember that they used to attack me once in a while, just to needle me, but they



Beckendorf: always came through. They always came through. He [Earl Warren] had that ability.

I think [Artie] Samish, now, maybe he's trying to come back. I don't know. It's a long trail since the twenties or the thirties. I don't know whether he could re-establish himself or not, at the legislative level. That's why we need young people out of college [in the legislature], the people that have the training and the education, not just some of these fellows that just want the job. That's the problem.

Try: It seems to me that since you had a man from your own home county, such as Al Robertson, who was leader of the assembly Democrats, this might have given you an advantage in working with some of the Democrats.

Beckendorf: Well, it did in a way. He trusted me. I handled his estate when he died. But I could not -- for instance, like this bill for the UCSB [University of California at Santa Barbara] here. Tom Storke wanted it, and he was one who had it introduced through Bobby. He could not go to Earl, because there were a lot of policy things that the Democrats were opposed to on principle. But he could come to me and talk to me, "What more can I do to get the bill through? What would you suggest here?" and so on.

Tom wanted the bill. We could never say that to the legislature, and Bobby [Robertson] had to keep his distance and not embarrass the governor, even though he was put in on a non-partisan ticket. See, the Democrats actually were the ones who put us over.

Try: By embarrassing the governor, what do you mean?

Beckendorf: Well, he couldn't go in [to the governor's office.] He [Bobby] just felt, being the leader of the opposition, "I can't just have the freedom of the [governor's] office here, walk in and out." The senators used to walk in and out and see Miss MacGregor and see Vern Scoggins and then want to see the governor. The people who were on our team, the important men on the committees, they'd have a right of way to go in because Earl would have to have a two-way communication there with the chairmen of the committees.

But just for an opposition fellow to feel free [to do the same]-- Bobby just kept his distance there, which he properly should. He didn't embarrass the governor in any way. He voted against some of the bills that the governor wanted, but the major things, the program went through.

What about the administrative procedure bill? Did he help?



Heckendorf: Yes. He was all right.

When I came back to Santa Barbara with that, [after its passage] I took copies of the bill. I sent a personal letter to each one of the lawyers, and a copy of the bill, and told them where to put it in the code of civil procedure, and that way they'd have it right up to date. From the time the bills are put into code, it's sometimes a year [before it reaches the lawyers], and a lot of water passes under the bridge. So, I did that for all the lawyers here, but not throughout the state -- that would have been a costly affair. But, I had copies of the bill printed and right from the printer in Sacramento [I sent them to lawyers] to put in their code of civil procedure.

Try: This bill took two sessions to get passed?

Heckendorf: Yes.

Try: That was a lot of work.

Heckendorf: Well, you see, we couldn't get it in. We went in in '43, and it took 'til '45 to work that through all those boards and things. It was worth it though.

Transcriber: Marilyn Fernandez  
Final Typist: Marilyn White



Santa Barbara, California  
June 5, 1946.

Honorable Earl Warren  
Governor of California  
Governor's Mansion,  
Sacramento, California.

Dear Governor Warren:

I cannot refrain from supplementing my telegram of today with a few more words expressing my own joy and happiness in your well earned and deserved victory.

The town has simply gone wild over the great victory,---the nearest thing to the feeling after a victorious Big Game between California and Stanford. It would have done your heart good to see Dwight carrying on like a yell leader as the many town big wigs gathered in his office to celebrate the big event---he even postponed a trip to Los Angeles in order to stay in the middle of things and tell how we all had to get ready for the national campaign. This place has never witnessed a thing that has so aroused the whole community spirit as your mandate from the people. There is now a general feeling in both parties that the shackles have been cut away, and that an honest straight-forward man who is looking solely to the public's interest and who knows what he is doing and where he is going, has come forward in a time of crisis and given confidence to the people that their best interests will be guarded against all special interests and groups.

I am enclosing a front page editorial Herb Orriss wrote today that hits at the heart of the public feeling that is rampant today. He has said something that is going to catch on all over the country, and be one of the strongest forces that will carry you to the Presidency.

As I listened to your praises being sung at Dwight's office I could not help but reflect on our trip to Washington in 1939. Jim Oakley and I looked at the Whitehouse through the hotel window and said that we would not be satisfied until you were its occupant. I mentioned that to you when you left the Attorney General's office. You have taken two long steps toward the Whitehouse since then. What has happened in the election has more vividly impressed upon me the truth and wisdom of the words



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my old friend Dr. David Starr Jordan inscribed in my copy of his  
autobiography just twenty years ago---

"The world turns aside to let any man pass--- if  
he knows where he is going".

In addition to these words he said something more in his  
"Confession of Faith" that so aptly and justly fits you and explains  
part of the reasons the whole state turned to you as it did yes-  
terday that I must repeat these words here for you---

"And now, when my candle is fading a little, I am  
trying to use its light for those things which seem  
to me best worth while. Of those that come near me  
three stand out as all-important. These are clean  
living, sound education, and fair play between men  
and nations...

And no one can do anything worth while unless he  
does his best. And to do his best he must save all  
his strength. Every vile habit, great or small, takes  
away so much of our forces for action".

God Bless you and your lovely family, and my every wish and  
prayer is that you will all soon occupy the Whitehouse as Jim  
and I have hoped through these years.

It has been a privilege and a high honor to have known you  
and been associated with you during the past sixteen years. I have  
never known a man who was more square, just, and understanding in  
my life. I sincerely appreciate all you have done for me. My only  
ambition now is that we may all soon witness your rise to the high-  
est gift within the power of the people of our country to bestow  
upon you.

My best wishes to Mrs. Warren and the children and yourself.

Sincerely,



Los Angeles, California  
September 3, 1946

Honorable Earl Warren,  
Governor of California,  
State Capitol, Sacramento, Cal.

Dear Governor Warren:

As you have known for sometime, I have been withholding my return to the private practice of the law pending completion of the organization of the new Division of Administrative Procedure. I am pleased to report that I have now completed the organization of that division. The appointment of the last member of the staff has just been announced.

I sincerely appreciate the opportunity to serve which you accorded me in entrusting to my Department the program for the creation of the new Division. The entire program is well on its way. It will be reported upon in detail at the coming meeting of the State Bar at San Diego, the latter part of this month.

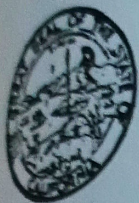
The new Administrative Procedure Division is the first of its kind in our Country. It is now serving as a model in fourteen states. Its effectiveness has been demonstrated by cutting down appeals from administrative decisions to the point where only three out of fifteen hundred cases were appealed, all three appeals being unsuccessful.

You must know how much I have enjoyed public service with you. It has been not only a pleasure but a great honor to be a part of your administration. Our close association for well-nigh sixteen years must now be interrupted; but, my dear and esteemed Governor, know that I shall always stand ready to answer your summons and call whenever I may be of help or assistance. And so, with all sincere good wishes for the continuing success of yourself and your administration, I hereby tender my resignation to become effective October 1, 1948, at which time I shall return to Santa Barbara, my home town, to resume my private practice of the law.

Sincerely yours,

PENNY G. HENDERSON





EARL WARREN  
GOVERNOR

State of California  
GOVERNOR'S OFFICE  
SACRAMENTO

September 13, 1946

Honorable Percy Heckendorf, Director,  
Department of Professional and  
Vocational Standards, and  
State Building,  
Los Angeles, California.

Dear Percy:

I have just received your letter of September 3 in which you tender your resignation as Director of the Department of Professional and Vocational Standards.

Realizing from our previous discussions that you have desired for some time to return to private law practice, I am accepting your resignation with a great deal of regret.

I have enjoyed our pleasant association of more than sixteen years in various matters of public service, and I am particularly grateful for the service you have rendered to me and to the State of California as Director of our Department of Professional and Vocational Standards. I know it has been difficult for you to postpone your own plans and to carry on until the complete organization of the new Division of Administrative Procedure. However, I am glad that you were able to do it and I deeply appreciate your cooperation in working out this important program.

It is my sincere hope that you will find happiness and every success on your return to private practice of the law, and I want you to know that I value highly your willingness to continue your interest in the administration of our state government.

It will always be a pleasure to see you or hear from you from time to time.

Sincerely,

GOVERNOR