Bob Wolfe: I'm Bob Wolfe, I'm a judicial attorney at the Court of Appeal in Orange County, and I have the distinct pleasure to be sitting in Justice Gordon Cologne's living room in Palm Desert. We're going to be speaking about Justice Cologne's life and times as a California lawyer; a member of the Legislature from 1961 until 1972, when he was appointed by Governor Ronald Reagan to the Court of Appeal, Fourth Appellate District, Division One, in San Diego, and served as an appellate justice until 1984, when he retired during the presidential term of President Ronald Reagan. Justice Cologne, it's a great pleasure to be speaking with you.

Gordon Cologne: Thank you. And I'm honored that you're that much interested in me, because I've been off the bench now 22 years and my recollections of those years are pretty thin. But I am honored.

Bob Wolfe: We'll be trying to fill in some of the details and whet people's appetites to discover more about the times in which you served. I wondered if we can just start by way of background—if you could talk a little bit about where you grew up. My understanding is that you actually lived in the Coachella Valley most of your life. So, if you could just talk about your early days, your family, when you were born, what your parents did—things like that, please.

Gordon Cologne: My dad came to Coachella Valley here near Indio in 1907 as a farm hand, a teenager. My mother came in 1918 as a schoolteacher, and they married and had three children. The middle one was born and died in his youth, but two of us grew up here in Indio. We had a very normal childhood and enjoyed the desert area all through high school. And we both left: my brother went to Redlands College and I went to USC, and that was right after the war.

Bob Wolfe: So you were born in 1924, August 24, which means you have a birthday coming up.

Gordon Cologne: Yes.

Bob Wolfe: When did you go back to Los Angeles to go to USC?

Gordon Cologne: Right after the war. I served for a couple of years in the Navy and served all over the United States, but I never had the privilege of really getting involved in the war. So my childhood was pretty normal; and when I came back I always wanted to be a lawyer and I knew I was going to study law.

My high school teachers all thought I should be a teacher, and of course my mother was a teacher, and she wanted me to be a teacher—but I don't know. I was impressed with Franchot Tone in the movies as a brilliant young lawyer, and I knew that's what I wanted to be, and nobody was going to talk me out of it.

Bob Wolfe: Basically your decision to become a lawyer was inspired cinematically?

Gordon Cologne: Yeah, by the movies, I think. I don't know.

Bob Wolfe: Did you know any lawyers in real life?

Gordon Cologne: No, we had no lawyers in the family. I was the first one as far back as I was able to trace, and so I was covering some new ground for the family. I think my mother got reconciled to the fact that I became a lawyer. She wasn't real pleased to have a lawyer in the family, but I think before I got through I satisfied her all right.

Bob Wolfe: Do you recall where you were on Pearl Harbor, when Pearl Harbor was attacked?

Gordon Cologne: Yes, I was at home, and had just gone to church and walked to church and got home when Pearl Harbor was attacked and my—

Bob Wolfe: So you were a high school student at that time?

Gordon Cologne: I was a high school student. I graduated from high school in 1942, right after Pearl Harbor, and I wasn't drafted until the following year. I was a pretty small kid. As a matter of fact, at the first examination for the draft I weighed 104 pounds. So you can see I was pretty small, and I took the test—they rejected me. The following year I took the test again. I must have had a heavy breakfast, because I weighed 105; and they decided that the war was going so bad they needed me, and they took me.

Bob Wolfe: So you served in the military for how many years?

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Gordon Cologne: Two years as a Navy, and then when I came out, I went back to college. I had a year at Berkeley, University of California, for the first year while I was waiting for the draft to catch up with me.

Bob Wolfe: After you graduated from college, which I believe was in 1948—does that seem right?

Gordon Cologne: Yes, right.

Bob Wolfe: And then did you immediately go to law school?

Gordon Cologne: Right. I was going to school year round, because by then I had enough maturity. I thought I'd better get through with my education. So I went summer and winter and everything and finished my legal education at Southwestern University.

Bob Wolfe: What year was that in?

Gordon Cologne: That was in about 1951.

Bob Wolfe: Have you kept up with any of your classmates?

Gordon Cologne: Only George Zenovich, because he went to the Legislature right after me. And then he went to the Court of Appeal with an appointment by Jerry Brown right after I got my appointment, and then he went back to the Legislature after serving a few years on the Court of Appeal in Fresno. And we've kept up our friendship; he was a Democrat, I was a Republican, but we were good friends all the way through.

Bob Wolfe: So you graduated from law school in 1951. Do you still remember when you took the California bar exam and what—

Gordon Cologne: Yeah, I took it, and amazingly, I typed my examination; amazingly, I passed the first time. We took it at the . . . I think it was the Elks Club—it's a big building, and all of us were sitting around typing. We were in a class apart from those who wrote the exam. And I don't know, my spelling was terrible, but I guess they took it into consideration because I was also a lousy typist.

Bob Wolfe: What did you do after you took the bar exam? What was your first job?

Gordon Cologne: I went to work for the Department of Justice. I went back to Washington; I thought I would be a hotshot corporation attorney, and I wanted to get into the antitrust division. So I got back there and got a job with the Department of Justice in the antitrust division as a trial attorney.

Now, my job wasn't trying cases. I had the case originally to check it out, to see if there was a violation; and I traveled all over the seven southern states interviewing people to see if there was enough evidence there for a good case. We'd have some complaints turned into Washington, and our job was to check them out. And after about six months, I realized I was wasting a lot of time. I wasn't learning any law; I was forgetting what I'd learned in law school.

I decided to get out of there; and the Department of Justice was cutting back on its funding anyway, so they were happy to get rid of me. But I was stationed in Jacksonville, Florida, and studied the complaints that were coming in.

Bob Wolfe: You were explaining your service at the Department of Justice during the waning stages of the Truman administration?

Gordon Cologne: Right, we were during the Truman administration, and I got to travel all over the south in about 1952, I guess, right after I graduated from law school. It was very interesting, let me tell you—I saw and learned a lot about civil rights and the violations that were going on in the South at that time. I was appalled because I had never experienced anything like that in California in those days.

Bob Wolfe: And then what made you decide to move back to California?

Gordon Cologne: Well, I finally decided that because I wasn't learning anything and wasn't getting ahead . . . my supervisor had been with the department for something like 25 years and he was still just a supervisor for one of the districts.

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So I came back to California and decided to go into the practice of law. And I found a job here with another attorney in Indio and started my practice. I lasted about a year with him and then went out on my own as a sole practitioner and did all right. Of course I had a lot of friends, and all my classmates were either clients or at their parents' death became probate cases for me.

Bob Wolfe: So you did a little bit of everything, or did you specialize in probation?

Gordon Cologne: I lasted about a year practicing criminal law, and I didn't like it at all, so I got rid of those cases. And I found enough other work to do well, and I practiced law until I was elected to the Legislature.

Then I got a couple of other attorneys—Frank Moore and Dick Marsh—to join me, and we practiced together. But that was the only way I could survive, because I had to be in Sacramento for the Legislature and couldn't be a sole practitioner being away from home that much.

Bob Wolfe: Let's talk a little bit about your decision to go from private practice and run for the Legislature. This was in the election of 1960, when you first ran for the Assembly?

Gordon Cologne: No; that was in 1960, yes.

Bob Wolfe: 1960, when John F. Kennedy was on the presidential ballot. I don't think there was a gubernatorial election in California at the time, but if you could just briefly explain the genesis of your . . . was it an open seat?

Gordon Cologne: It was an open seat. The senator had just died and the Assemblyman wanted to move up; Lee Backstrand wanted to

move up to the Senate, so there was an open Assembly seat and I decided to run.

I talked to the congressman and the senator, and they both suggested it would be great if I wanted to. As a practicing attorney that was pretty nice, and so I decided to give it a try. I had been elected mayor of the City of Indio and had served a couple of years there, and I found it very interesting as mayor what I could do on the council: we got a new water system, we established a program to develop the city hall, get a new police department established, and a jail set up. So it was a great accomplishment.

The Jaycees had me elected Man of the Year that year for my accomplishments as mayor, which I thought was very nice. And I got embroiled in politics; and once you get it in your blood, it's kind of hard to get rid of.

Bob Wolfe: Did you have any primary opposition?

Gordon Cologne: Yes, but it wasn't much. My primary opposition was a grammar school second grade teacher; so you can see as an attorney I had a running start there. Now, my opponent in the general that first time was an attorney from Riverside, which was the county seat; and that was a formidable opponent, but I was able to beat him.

The kind of interesting thing was, right after I was elected to a seat that paid $500 a month, Governor Brown appointed him to the municipal court in Corona, California, which paid $14,000 a year. And I always wondered who won that election; he made so much more money than I did.

Bob Wolfe: The Legislature was part-time?

Gordon Cologne: Part-time, right; and I was able to practice a little law on the side.

Bob Wolfe: How did you work the logistics of being in Sacramento and in Indio? Did your family stay? Well, before we get into your political career let's just talk a little bit about your family—if you could just talk about when you got married, about your children.

Gordon Cologne: I got married right after I came to Indio. I married a schoolteacher and had two children, a boy and a girl, both attorneys now. They got infested with that legal bug too.

But I had to commute between Indio, in this area, and Sacramento, which was a long ride in those days. I drove up there, and the Legislature paid for one round trip each session.

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Bob Wolfe: By plane or by train?

Gordon Cologne: By train, and I had to pay for the airfare back and forth and then driving a car to Los Angeles to catch the plane. And it was a hard grind. I commuted every week. I'd go up on Monday morning early; I got up at 4 a.m. and drove to Los Angeles and caught the plane so that I could be in my office by 9 a.m. And then on Thursday afternoon when they adjourned for the week, I would fly down and be home before dinner on Thursday night and then practice law on Friday, Saturday, and Sunday. *[laughing]* It was a hard grind.

Bob Wolfe: Now, your term in the Legislature coincided with the career of legendary "Big Daddy" Speaker Jesse Unruh, who, I believe, also became speaker in 1961.

Gordon Cologne: Right. We served and we were friends or knew each other at USC, in college. He majored in journalism, I was in business law, and then we got acquainted when we went to the Legislature. Not good friends, understand, but we knew each other very well.

Bob Wolfe: So are there any stories that you can tell? Did he run the Assembly with a tight fist?

Gordon Cologne: No. I was kind of a moderate; I wasn't too eager to be a partisan. So I was more interested in making laws, solving problems, and helping my district and helping my state with its problems. So I didn't get too deeply involved, and that's why we didn't have any bitterness between Jesse and I.

Later I served with Willie Brown, who was highly partisan, and I had no bitterness with Willie. I had respect for him. I didn't agree with his philosophy nor with Jesse's philosophy, but we got along fine.

Bob Wolfe: If you could compare the Legislature in the years that you were there in the '60s, the decade of the 60's, to now, in terms of the influence of special interests and bipartisanship. Have we advanced or regressed or stayed the same? What are your thoughts comparing the legislative process then and now?

Gordon Cologne: Well, it's a totally different show now. We did not have term limits in those days, so we had a lot of the old-timers still around and serving; and the lobbyists became good friends with legislators and we knew what each side wanted. We either told them we couldn't vote for them; or we couldn't vote for them. I never got the feeling that the lobbyists, when I was there in the '60s, were able to control the Legislature—not like it had been years before, when they theoretically controlled the Legislature.

We knew what they stood for. We knew the interests they were representing, and we could either vote for them or against them—whatever our philosophy called for—and we got along fine. But today I don't know how it works.

I know they have term limits imposed on the legislators. They make a lot more money than we made. We were dependent on . . . I guess the legislators gave us money. I had one or maybe two fundraisers. I was not keen on that. We only had cocktail parties as fundraisers, not big dinners or things like that.

I never went on any trips at legislators' expense. I think I made one junket trip—but it was paid for by the Legislature—when we were studying how the medical schools worked out in Mexico as opposed to the medical schools in the U.S.; and I thought it was a very interesting trip. The Legislature paid for them, and I don't think that any lobbyist was very much interested. Except maybe the liquor industry might have had an interest in it because we did have one party down there that was put on by the tequila people—which they did not have a lobbyist in Sacramento, but they were interested in making friends on the Legislature.

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Bob Wolfe: You ran for reelection in the Assembly in 1962, when—

Gordon Cologne: Pat Brown—

Bob Wolfe: Pat Brown and Richard Nixon were on the ticket?

Gordon Cologne: The big issue that year was water, and of course coming from the desert area I was interested. And I called for my constituents to vote for the big bond issue, which was a very large bond issue at that time, and called for them to vote for it.

I said I was supporting Pat Brown's water issue. So Pat Brown and I were together on that big issue, which was an important one in that election; but I did not agree with Pat Brown on many of his other issues, particularly his spending issues.

Bob Wolfe: Were you surprised when Richard Nixon lost his bid for the governorship?

Gordon Cologne: No, not really. He was picking it up as a second best. He had already lost a presidential bid, and that didn't set too well with the California legislator, or public, I should say.

But I was kind of hoping he'd win, and I worked with him to acquaint him with the issues. And that, as far as . . . I didn't try to help him win any popular vote; that wasn't my interest at all. But I did help him with a lot of the issues that were pending before the Legislature.

Bob Wolfe: In 1964 you moved over to the California State Senate.

Gordon Cologne: Yes.

Bob Wolfe: What was the genesis of that decision?

Gordon Cologne: Well, just before the primary our senator died of a heart attack, and I was getting ready to quit. I said I would serve one more term in the Assembly while the party groomed somebody to take my place, but the opening came in the Senate and I thought maybe it would be nice since— *[phone interruption]*

Bob Wolfe: I believe you were explaining about your decision to run for the state Senate instead of retiring from politics altogether in 1964.

Gordon Cologne: He died just before the primary, and we urged everybody to elect him as a dead person to the Assembly—to the Senate—and they did. So he was on the ballot in November for the Senate seat; but because of his death, the Central Committee could appoint somebody to take his place, the Republican Central Committee.

I was ready to run for the last time as an Assemblyman. I had gotten tired of the whole job; and while they were trying to find a replacement, I said I would run one more term, but they would have to get a replacement.

But then when the senator died I thought it might be fun to try the Senate for a change. Their vote was twice as valuable as an Assemblyman, and later I discovered it was quite an honor to be a senator.

But I thought I'd give it one more shot. But when I got to checking the law, the Central Committee could appoint anybody except one who was committed to another race. I don't know why they had put that in.

But there was a bill by Bill Bagley that had gone through which was really for a Northern California senator who was on the verge of death, to let the Assembly Central Committee—I mean the Republican Central Committee or the Democratic Central Committee—appoint anybody.

That bill had gotten through the Assembly and had gotten through the committee on the Senate, but was now on the floor of the Senate; and all of a sudden I was the recipient of the benefit of that.

I couldn't run because I was committed to an Assembly seat, but this bill would have allowed me to be appointed by the Central Committee to be a senator. Well, all of a sudden the bill became the Cologne bill, not the Bill Bagley bill. And I followed

the bill very closely, of course; and even worked the Senate, my friends on the Senate side, to get it through—Bagley's bill—and it got through.

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And Pat Brown signed the bill, strangely enough. But I think he did it because the senator said, "We don't want that guy who's running against Backstrand to come up here. We'd rather we have Cologne in our house, even if he is a Republican. We can live with that, but not that guy that was running against him." So they got Pat Brown to sign the bill, and that's how I finally got into the Senate.

Bob Wolfe: In 1965?

Gordon Cologne: In 1955.

Bob Wolfe: '65. The Senate in 1965 was a very different creature than it is now. This was before the "one man, one vote" decision?

Gordon Cologne: We used to have caucuses of the whole. Senators and Assemblymen would caucus and decide what we were going to do with a certain issue. We didn't have Democrats and Republicans; we were all friends.

Everybody voted their conscience. They voted their district, but we all knew we were there representing our district and had to vote for the district, and that's why we were all friends. And it was a different house than today, where it's highly partisan.

Bob Wolfe: So much more collegial. The U.S Supreme Court issued its opinion in 1965 in *Reynolds v. Sims*, which said that the state legislatures had to be apportioned on a one person, one vote basis. Before that time I believe a county couldn't have more than one senator. I imagine that introduced a sea change into the way that the Senate operated when you had a . . . Well, if you could just talk about the impact of the reapportionment decision on that legislative body.

Gordon Cologne: Certainly. Los Angeles, for example, with its millions and millions of population, only had one senator. Tom Rees was a senator from Los Angeles, but we always helped him; all of us would take one of his bills. He would introduce a great number of bills to take care of issues for L.A. And we would all help him get his bills through if they were good bills. And if we couldn't support it we'd tell him; he'd get somebody else to help him. And we got most of his legislation that was good passed, but it was because we were all friends and all tried to help each other and made it work.

Now they've got so many different legislators, I don't know how they get anything done, honestly, with 30—maybe 30—different

legislators, which all of them cannot agree on what's good for L.A. So they must have an issue between themselves for L.A County.

Bob Wolfe: You were reelected in 1966, and at that time California got a new governor, Ronald Reagan. If you could just talk a little bit about the impact—so you finally had a governor of your own party—and what changes that made in terms of what you could do. Was the Senate always in Democratic hands, or did the Republicans take over?

Gordon Cologne: Up until that time there were mostly Democrats. Governor Goodwin Knight had been a Republican governor, and he got in a little bit of a problem with his U.S. senator over their individual fights, but up until then we'd always—I had always—known a Democratic governor, Pat Brown.

But I got along with Ron Reagan very well. He was a remarkable man and I enjoyed working with him. I remember with our water bill, for example, we ran out of money. They hadn't developed enough money to complete the State Water Project—that's the aqueduct from Northern California down to Los Angeles and San Diego. They ran out of money.

Well, they had run out of money before, but Pat Brown figured out a way that they could use some Central Valley bond issues, some old ones that hadn't been used. They used some of those, but they ran out of those. We needed more money, and I went to Reagan and said, "They are going to eliminate the east branch of the aqueduct. That means we don't get any of the water coming into Riverside County; San Diego County isn't going to have its extension of the aqueduct. We've got to get some more money."

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And he said, "Gordon, I don't understand what you're talking about. We always said we were going to complete that project as it was proposed and on time." And I turned to Bill Gianelli and I said, "The ball is in your court. Tell him why you decided to eliminate the east branch of the aqueduct." And Gianelli said, "Well, Governor, we've run out of money."

Gianelli was a director and the engineer in charge of the whole water project for California. I had brought in with me to the conference on that day the Department of Finance, a fellow by the name of Smith, and also Gianelli and my Republican counterpart in the Assembly. They said, "Well, we'd have to take some of the title in oil money."

And he said, "Well, why don't we do that, if that's all you have to do?" And he says, "Well, we had promised to give all of that to the University of California."

Reagan said, "Well, is that the school where all those students are demonstrating against us?" And they said, "Yes." And he says, "Well, I think we could handle that then." So, we put through . . . I carried the bill to take $64 million out of the university's title in oil money and put it into completion of the State Water Project. The university gets $1 million a day for their operation from the state Legislature; this is in addition to all the money they get from gifts and so forth. A million dollars a day, they could do without $64 million a year to complete the State Water Project.

So it was no real hardship. And we had a little bit of trouble getting that bill through, but we finally got it through and of course the Governor signed it. So the State Water Project started under Pat Brown was finished by Reagan.

Bob Wolfe: Now, one of the pieces of legislation that you're best known for is the Porter-Cologne Water Quality Act, which I believe was passed later in your legislative career.

Gordon Cologne: I do, and I remember that. And that was part of my whole project—was to be sure that the water we were getting through the State Water Project and all the water districts in the state of California had good potable water that people could drink without fear of contamination.

So we passed the Porter-Cologne Act. Carley Porter was the Assemblyman. He carried the bill on the Assembly side and I was the senator, chairman of the Senate Water Committee. Incidentally, I became chairman of the Water Committee in the Senate, under both Democratic as well as Republican leadership, so you can see I was not highly partisan in my operation in the Senate.

Bob Wolfe: That act established the state water quality control—

Gordon Cologne: It's been expanded on since then, but that was the initiation. And incidentally the federal government the next year had their own Water Quality Act, which paralleled the one that we enacted in '69. So that now you can drink the water without fear. There is a requirement that all water districts check their water quality every year and be sure that it's good, potable water.

Bob Wolfe: One of the other pieces of legislation that passed when you were in the Legislature was legislation dividing the Fourth Appellate District into divisions: a division in San Bernardino and San Diego, something that would have an impact in your life later on. Do you recall the passage of that bill?

Gordon Cologne: Yes, I do. I didn't have much to do with it; but I recall because I was in the First Division of the appellate district at the time

and knew that we had a problem because we were handling the bills from all of San Diego, Riverside, San Bernardino. And they had just divided in two districts, and now they were going to have to either make more judges or make another division. And it was obvious that a division was appropriate over in Orange County as well an in Riverside or San Bernardino County. We would handle the cases that came out of San Diego County and Imperial County.

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Bob Wolfe: Okay, we'll just stay in the Legislature for a little bit and then we'll talk about your decision to become an appellate justice. What do you consider to be some of your greatest legislative accomplishments during your service on—

Gordon Cologne: Well, I did a lot of things that were not highly partisan of which I'm very proud of. Some of the things like the filling of Lake Elsinore with water—it had dried up and we were able to fill it again with water. We purchased reclaimed water and filled it and made a viable recreational area out of it.

In addition, I got the border between California and Arizona resolved. At that time the border was only called "the center of the river," and people could not get title insurance on their property on either side of the river because nobody knew where the center of the river was. The river changed every time they had a flood. It would move over toward California and send a lot of property to Arizona or vice versa. So what we did was we got a compact. I made a trip to Arizona to get the Arizona legislature interested in this problem.

Then I came back and we got California interested, and we had a fight because everybody wanted to get more property in California or vice versa in Arizona. The Indians down there . . . there was an island in the center of the Colorado River which the Indians wanted to be unknown. They didn't want to be in Arizona, because California gave them better welfare benefits. They didn't want to be in California; they would like to take the welfare benefits, of course, but when the police came down there to make an arrest, they would always claim they were in the other state and the state had no jurisdiction.

So we were anxious to get the whole problem resolved. What we finally did was divide that island. There's one island in the Colorado River where the boundary line goes right straight through the center of the island, and both states get a little piece of it. Then we finally got it set up and surveyed at the center of the bridge going across the river. And the river now, because of the Hoover Dam, is much more stable. And so we got the boundary settled; now you can get title insurance and own your river frontage.

Bob Wolfe: There's never been a war between California and Arizona.

Gordon Cologne: No, they all agreed, and we finally got the compact between the two states agreed by Washington and it's all settled now.

Bob Wolfe: So you were reelected in 1970 to the California State Senate, but in the middle of your term in 1972 you were appointed by Governor Ronald Reagan to the Fourth District Court of Appeal, Division One, in San Diego.

Gordon Cologne: He asked me to stay in the Legislature until reapportionment was resolved. And I stayed in there and we could never get it resolved. The Assembly kept fighting. The Senate got its boundaries okayed, but the Assembly could never agree on what the district boundary should be for each Assembly district.

So Reagan told me to stay until we got this resolved. Finally, it wasn't resolved; it went to the courts. The courts were going to take it over and then Reagan said, "Well, now you can go to the bench if you want."

Well, there were two seats available, one in Indio on the superior court and one in the Court of Appeal in San Diego. And while he was in China, the Lieutenant Governor appointed—of course with Reagan's consent—well, he appointed somebody to the seat in Indio. And I have to believe that was because the appointment secretary said, "I'm not going to let Reagan appoint a legislator to the courts, because it'll be highly partisan."

And he says, "You'll get that appointment over my dead body." I said, "Well, it's okay. I don't like to see you die, but if it's the only way I'll get it, I'll get it." *[laughing]* Anyway, Reagan came back from China and discovered that that appointment had already been made to the Indio court. We both thought that's where I was going and he—the Governor—says, "I thought there was another seat available."

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And I said, "Well, Governor, there is: the Court of Appeal in San Diego." The Governor says, "Well, would you be averse to taking that instead of Indio?" And I said, "Well, I could live with that, I think." And so he made the appointment. But the funny thing about it was my certificate of appointment is not by Ronald Reagan; it's by Ed Reinecke, who was Lieutenant Governor. And that appointment secretary had his way. I did not get my appointment technically by Ronald Reagan; I got it by Ed Reinecke. But I know who had the last word.

Bob Wolfe: What made you decide to want to become a judge rather than going back to private practice?

Gordon Cologne: I was never interested in private practice and the amount of work that was involved in that. I know you could make more money, but I wasn't really interested in making money as I was interested in doing something worthwhile. So I thought I would rather be a judge. This was a whole new concept to me. I did take a cut in salary. I was making more money practicing law part time and being a senator part time, but I took the cut in salary and became an appellate judge—and I enjoyed very much that work.

Bob Wolfe: It's somewhat unusual, a direct appointment to the Court of Appeal without being a trial judge and having been in the Legislature.

Gordon Cologne: I think it is unusual and I wouldn't recommend it for every judge. But I think that every court might do well to have somebody who had both experiences, because I was able to tell them some of the things that go into making up the laws of our state that they had no feeling for. They were all interested in the parties and their own issues. But some of the laws, there was a lot that went into them; and one of the things I was interested in, I kind of had fun. I said . . . they had a case before them where somebody was trying to get retirement benefits at one time and they had the case and they looked at the law and said, "No, he's not entitled to it."

Then they had come back a few years later and here was a law that was on all four points right in line with this person's argument, and our judges didn't understand how they could now find a law that was directly in point and entitled this guy to his retirement benefits.

I said, "That's not unusual to me to find this law. I'll bet you that was passed after his first case was resolved against him." And I said, "I'll bet you I can find the law and see when it was passed and also tell you who the author of that law was; and I probably could tell you how much he paid as a campaign contribution for getting it passed."

So I went to the statute books, found the statute, found the year, and sure enough it was between the time of the first opinion and the second opinion; and the author of that bill was just who I expected it to be. I didn't guess the amount of the campaign contribution because I didn't look it up, but that senator did go to jail later on for his activities in the Legislature.

But I think it's fine to have somebody with that special knowledge of what goes into passing statutes and have it understood by the appellate judges. So I wouldn't recommend it for every judge, but I think a few of them would be helpful.

Bob Wolfe: Did your special knowledge . . . they always talk about sausage factories. If you worked in the sausage factory—I guess your dad was a butcher, so you'd know about that. It makes you less likely to eat a sandwich than not having . . .

Did this make you more or less deferential to the Legislature—your experience in the Legislature, knowing how bills are really passed and how much attention is paid to them?

Gordon Cologne: It's hard to say, but I do have a great deal of respect for the amount of work that goes into passing bills. They're not just overnight. There's a lot that goes into them in the hearings and before the legislators.

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I don't know whether every senator reads every bill down to the very last word, but I do know that those bills are dissected and changed; and I showed our judges how you can determine legislative intent by looking at the various forms of the bill as it's amended going through the Legislature in order to determine what legislative intent was.

I don't think they had any idea unless it was explained in one of the briefs that were presented before them—how to see exactly what words are changed, whether it's "shall" to "may," or whether it's a suggestion or a mandate. Those things ought to be before the judge; if the attorneys can dig it out, that's fine.

I've done a lot of work; when I went to the bench I taught a class at the University of San Diego Law School part time at night and explained legislative intent. And I used to tell my students, "You know, if you're having trouble with the law, it's a lot easier to go to the Legislature and get the law changed than to bring it to the Court of Appeal and ask us to imply what the law is or try to get legislative meaning that you want out of it."

Bob Wolfe: When you were on the court, did you ever have occasion to review legislation that you were involved in drafting?

Gordon Cologne: Oh no, no, I wouldn't do that. But I did seek, when I went up there, to get one of the bills on water. I thought that that would be fun, and I did get one bill that involved the state trust for development of title in water—involved the City of Coronado Bay, the City of Coronado. And I expounded on what the trust implies. And the Supreme Court affirmed the case, but de-published it, so it wiped out all the value of my opinion. But it was fun in working on; they said I did the right thing but had the wrong expounding of my opinion.

Bob Wolfe: When you joined the Court of Appeal, did you move down to San Diego then with your family?

Gordon Cologne: Yes, we moved to San Diego. I bought five acres down there—three acres—and built a house for the family and moved the whole family. It took me two years to get my wife to agree, but she finally agreed that San Diego was a pretty nice place to live, and we enjoyed it down there.

Bob Wolfe: When you joined Division One in 1972, I believe it was a four-justice division. Does that seem right?

Gordon Cologne: Oh, what?

Bob Wolfe: Four justices were at—

Gordon Cologne: Yes, four of us. Uh, five of us.

Bob Wolfe: Five of you? So let's see, Gerald Brown was the—

Gordon Cologne: PJ.

Bob Wolfe: Was the PJ, and your colleagues were Justices Whelan and Ault, is that right?

Gordon Cologne: That's right. Martin Coughlin, who I replaced, was appointed by the Supreme Court to re-determine what the district boundaries are, and Martin came to me. He was a very nice guy, and I enjoyed meeting him. I was almost sorry to see him leave the court that I could get replacement for, but I did take it; but he was named presiding justice of the special court to determine how they would handle reapportionment. He came to me and said, "What would you suggest we do?"

I said, "Martin, I won't tell you how to divide the court to set it up, but I'll tell you this. If you would determine what the 80 Assembly district boundaries are and then just cut them in half, you don't have to worry about the Senate; it'll always be two Assembly districts and it'll all work out."

I said, "It'll do one other thing for us and that is it will get this, the Legislature, to get busy and solve it themselves and not leave it up to the court. Because," I said, "they're not going to like the districts that you assign to them. It's not going to fit in with what they want, so they'll keep it to themselves and make sure it is passed so that the court won't get it again."

(00:50:04)

And the reason for that is that when you take a Senate district and divide it in two, that isn't what senators want; because then there's two Assemblymen who will know what the district is like. And they're not going to want . . . the senators, they're not going to want that. They're going to want that Senate district divided into five districts so that nobody will have knowledge of the Senate district and you can keep your Senate

seat. And I said, "If you let them do it, they'll have that Senate district all split up so badly that nobody will have full knowledge of the district."

And sure enough, that's what he did. He just took two Assembly seats and put them together and made a Senate seat. And the next year when reapportionment came up they took it over themselves and they did it.

Bob Wolfe: And they cut the salami, probably to make it very complicated. If you could talk a little bit about your early days at the Court of Appeal, what the court was like in the early '70s when you first joined?

Gordon Cologne: We were all very friendly; we got along. We would go into each other's offices and discuss the issues before we even started our draft, and it was a very friendly court. I had one justice, Justice Staniforth, that I couldn't convince in a million years to change his ideas on the issue as it was presented; but all the rest of them I felt like I could make some progress.

I didn't always get their consent, but a lot of times they would tell me what their position was and I would change mine. And we did all that before oral argument or before I started on a draft, and it worked out very well.

Bob Wolfe: How was the process of convincing justices different from the process of convincing legislators? Or is it similar?

Gordon Cologne: Well, it's somewhat similar. You still have . . . you know, we used to say every legislator has his own biases. He comes to the court with a lot of prejudices and he wants the whole state to run the way he would run it. But you convince him that your people down there don't always agree with that and then they send you to Sacramento to express their feelings. This is what makes the whole legislative process work—is because everybody represents his people.

Now, with the court you're doing something very similar: you're saying this is the way the Supreme Court wants it. And, you know, I used to sleep very well at night because I knew I had never made a mistake that went into the record books. Because if I did misinterpret the law, the Supreme Court was bound to take it over and fix it; and if they didn't take it over, it must be right and I did the right thing. So I slept well every night.

Bob Wolfe: One of your early opinions—I don't know if you recall this—was a case called . . . I think it was your first published opinion when I was looking through your body of work. *Pilcher v. New York Life Insurance Company,* which you wrote in May of 1972 shortly after you joined the court—do you recall that case?

Gordon Cologne: Absolutely not.

Bob Wolfe: It involved a person who died of a heroin overdose.

Gordon Cologne: Oh! I remember that one.

Bob Wolfe: And the issue in the case was whether or not that was an accidental death for purposes of his accidental death beneficiary.

Gordon Cologne: Right. I remember the issue but not the name.

Bob Wolfe: A matter of first impression in California, and I don't know if you recall the—

Gordon Cologne: Well, I'll bet you it changed a lot of insurance policies, I'll say that.

Bob Wolfe: Yes, it did, because you ruled that it was insurable. It was an accidental death and it didn't go for the easy shot. The insurance company wanted as a matter of public policy to discourage heroin use by saying that it was uninsurable; and the opinion talked about the impact on the beneficiaries and it was up to the insurance company to rewrite the policy.

Gordon Cologne: That was a very— *[phone ringing]* Fax machine, and I don't have an answering—

Bob Wolfe: Should we just go back over that? Maybe you could just—

Gordon Cologne: Okay.

Bob Wolfe: Okay.

(00:54:53)

Gordon Cologne: Just give me the name this time and I'll tell you I don't remember it. *[laughing]* I don't remember the names of the cases that I tried—

Bob Wolfe: And I don't expect you to.

Gordon Wolfe: But I do remember that general case because it was a case of a young man who went into the restroom of a service station to get a shot of heroin or—I forget the drug—but in there he overdosed and died; and his widow was suing for benefits under an insurance policy which provided for accidental death.

My opinion was if this was more than . . . it was just an accidental death; he didn't intend to overdose. And we had a lot of discussion on this case because we wanted to discourage the use of drugs and we didn't like the idea that this kid was overdosing, was taking shots at all. But if you're going to overdose it has to be accidental, really, because you don't

intend to kill yourself when you take a shot of heroin—certainly not if you're doing it in a service station. I would think that if somebody wanted to commit suicide by shooting an overdose of heroin, he'd do it in a plush hotel room, where he would have a nice surrounding as he died. But that was beside the point.

This insurance policy had no provision and no explanation of what was an accidental death in respect to overdosing of heroin. A lot of insurance policies do have a provision; and I'll bet you that one will have a provision now and all of them will have a provision now. And that's a good thing, because when they have a provision then there should be no question; if you overdose, you shouldn't get any benefits from it.

Bob Wolfe: You pretty much just paraphrased exactly what the opinion said, so your memory serves you well. One of the things that you did in that opinion was—I don't know if you recall this—you quoted from John Milton, talked about a Serbonian bog. And also from Justice Cardozo, so it was—

Gordon Cologne: I don't know where I would get that. *[laughing]* Judge Staniforth was a great one for quoting literature, but I never did that—very seldom, anyway. But I may have done it at his suggestion. But anyway, the one thing about that I always worried about was, we sent it back and directed them to pay off. We inserted judgment for the plaintiff, and I always wondered if maybe we shouldn't have given the insurance company a little more latitude to retry the case and bring out more evidence. But they'd had a chance to try the case, so I didn't want to waste any time. I just sent it back and entered judgment in favor of the plaintiff.

Bob Wolfe: Let's talk a little about how the court was structured in terms of your staffing when you first started. My understanding is that you started with just one research attorney.

Gordon Cologne: Right.

Bob Wolfe: And how did you go about the mechanics? Is this before computers? Did you dictate your opinions or what was the—

Gordon Cologne: I scribbled out a rough draft and gave it to my secretary, and she would type the rough draft and the citations. And she just had a straight typewriter; she didn't have computers like they do today, so making amendments involved rewriting practically the whole opinion. But I would do it by longhand and later on, when I got a little more proficient, I would type out the rough draft and give it to my secretary, and she'd type it.

Then when the computers came in, the secretary I had was one I had used as a practicing attorney. She was so sharp on the computer, she could switch paragraphs around for me; she

would make copies two or three times. And so we got along so well.

But I'll have to tell you about my clerk. When I went to the Court of Appeal I asked the legislative—not before I went to the Court of Appeal; when I went to the Senate and got chairman of the Judiciary Committee—I asked the Legislative Counsel to recommend somebody as the attorney for the committee. And he recommended a young man by the name of Bion Gregory.

(00:59:58)

Bion Gregory held the job for me and did an excellent job; and then he went on and held it for the Democratic chairman, and finally became Legislative Counsel himself. I couldn't take him with me; that was too good a job for him. But the committee consultant from Legislative Counsel staff was a young fellow named Carl Arnold; he worked with Legislative Counsel for the committee. And so I asked him if he would join me on the Court of Appeal, and he said he would, except it was a big cut in salary and he didn't think his wife would let him do it.

And so I went to the administrative officer of the court and asked him if he couldn't at least bring him over. I said, "I don't ask you to give him a raise, but he ought to . . . he's still working for the State of California; he ought to come across to the judiciary at the same salary." And the administrative counsel said yes, that's appropriate.

So they gave him the same salary and he agreed to come down to San Diego, to leave Sacramento—because he could never tell when to take a vacation. Now he's got a full-time job with regular vacations and so forth. So he loved it, and his wife went on to become a lawyer and she loved it. They live in San Diego County now themselves.

But I was lucky to get him; and he and I worked together as brothers in developing cases. We would discuss the case thoroughly before we even lifted a pen to paper or before I would talk to any of the other judges, and we would usually have the issues narrowed down and resolved between us long before we even started the opinion.

It was a big help to get somebody who thinks like you do. And then what he would do is he'd do a rough draft of an opinion while I was doing one, and then we'd switch the rough drafts and rewrite them and I would put the last one. We had an agreement between ourselves that I'd—

Bob Wolfe: *[Tape blank for approximately 1:02-1:03]* . . . about your judicial attorney that worked with you where you would each work on a draft and than swap them.

Gordon Cologne: Right. And this was a big help to me because it gave me a running start with the draft, the preliminary draft, and then we would each make corrections or changes that we thought were appropriate or eliminate some language that was unnecessary.

But it was a great help to find somebody who thought like I did and who was willing. . . . But we had an agreement between ourselves; I didn't want a yes man. And I said, "You argue with me as long as you want and we'll have no problem; but I raise my hand like that, I'm the judge. That's when we stop arguing and we do it my way." *[laughing]* And he agreed and we never had a fight; we kept each other on our toes.

Bob Wolfe: Your first published dissent was in the Laetrile case, where your colleagues on the court, in an opinion written by Justice Staniforth—this is in 1977—reversed a conviction of a doctor for selling Laetrile as a cancer cure because it wasn't approved by the FDA. You dissented. I wondered if you recall this decision.

Gordon Cologne: No, I don't; I don't have any recollection. The one case that I wrote an opinion on which most of the justices disagreed with me on was with the ALRB, the Agricultural Labor Relations Board. They had some wild ones. Governor Pat Brown appointed—

Bob Wolfe: You mean Jerry Brown?

Gordon Cologne: Well, no—Pat Brown originally, and Jerry Brown did it later. They appointed members to the ALRB who were a very pro-labor, César Chávez bunch, and they would just rack these poor farmers up right and left. And I had to take the time to read all of the transcripts in those to decide whether there was enough evidence.

(01:05:03)

Now we knew that the ALRB's decision, if there was substantial evidence to support it, we had to go along with it; but this one I felt that they did not give everyone a full day's hearing on it or a full hour's hearing—and sometimes no hearing on the case. They just lumped everybody in and made the farmer pay for everybody's salary; and I would write that after reading the transcript. And I did the same thing on one of the criminal cases where there wasn't . . . supposedly the trial court held that there was not substantial evidence to support the officer's search of the car; and in reading the case I found there was substantial evidence to support the trial judge. So I held in the dissenting opinion that the trial judge should have been upheld; they reversed the trial judge. But I read the transcript wherever I felt there was a dissenting opinion justified, to be sure that I was right.

Bob Wolfe: One of the opinions that you wrote, one of the leading opinions, is *City of Chula Vista v. the California Coastal Commission*. I don't know if you recall—it was one of the first decisions which had to determine how the appellate courts would review the Coastal Commission's actions in reviewing local environmental plans for municipalities. Your opinion gave the Coastal Commission fairly wide latitude—viewed them as an adjudicatory body rather than a legislative body. I don't know if you have any comments on this question.

Gordon Cologne: This was the same thing with the ALRB. If there was substantial evidence in it, or any evidence in the trial, we had to give deference to the agency, and I thought that was probably right. Otherwise, if we had to re-decide every case that came up through the administrative hearings, then we should give them some latitude in their opinion.

I don't remember that particular case. There are very few cases that I made any effort to recall. I just didn't think that keeping them in the back of my mind forever was going to be very beneficial to any of us. *[laughing]* So I'm sorry I can't remember the individual cases.

Some of them stand out, like the Arnold Smith case. That was a criminal case which had an unusual twist in that we had an assigned judge take it over. And Judge Work and I were appointed as cocounsel on that, or co-judges on that, and we wanted to be nice to this assigned judge.

He wrote the opinion; we let him write the opinion. And there was a majority that agreed with him, but we had two of us wanted to reduce the crimes, and so he wrote the opinion without a majority on the main issue. And that was a little unusual for the dissenting opinion to be the majority.

Bob Wolfe: But it stayed and was formally called the dissent?

Gordon Cologne: Yes, we dissented. Because we were a majority on the dissent, the guy got off with a lesser crime. Arnold Smith was a very popular San Diego banker, and he was the owner of one of the baseball teams down there, the Padres. And he, I should say borrowed, money on the stock of the baseball team twice.

While it was still under the control of the first lender he was able to get it refinanced. Or I shouldn't say refinanced; it was financed again. And it was a theft, and we had reduced the tax evasion charges down because he did that under advice of counsel. And it wasn't a felony; it was a theft. He got twice the value of that stock.

(01:09:59)

Bob Wolfe: Another decision that you worked on involving a sporting figure—I don't know if you recall this—was *Dennis Partee v. the San Diego Chargers*.

Gordon Cologne: Right, I remember that one. *[laughing]*

Bob Wolfe: That was where you reversed a—well, if you could explain the situation; I think it was a state antitrust suit against professional football.

Gordon Cologne: Yes. We were concerned about them. They were prosecuting under the state antitrust laws and they tried to say that the Chargers had to abide by the state laws and could ignore the rules of the federal constitution for the professional football league. And if we had upheld that, what we would have done is to throw the whole league into chaos because nobody would know what laws applied, except the state law in which the league was chartered.

So San Diego would have one set of laws and Green Bay Packers would have another set of laws and the New York Giants would have another set of laws. Nobody would know. How could the league stay in business with so many different rules that you have to abide by?

So we held that it was improper to make the Chargers abide by state laws rather than the league rules which were applicable to all the league players.

Bob Wolfe: During your service on the Court of Appeal, the presiding justice was Gerald Brown. I wondered if you could talk a little bit about—

Gordon Cologne: Jerry Brown was the nicest guy you would ever want to meet. Very conservative for a Democrat—I couldn't believe it. He would pay cash for everything. He'd go down and cash his check, count out half of the money, give it to his wife, take the other half and put it in his wallet; never had a credit card in his life.

This guy was a real conservative guy. He never had any debts; he paid cash for everything. I don't know how he was able to do that, but he did, and we used to always kid him about that; but he was the nicest man you'd ever want to know and he did his best to keep everything on the court running smoothly.

He would assign cases right down the line. The simple cases he let his staff work on and he would give those to . . . take them himself usually and handle them very quickly and easily. The other cases he divided equally. He told his staff to give him an idea of how complicated the case was.

So we each got eight cases a month, but we would get the same number of real complicated cases as the easy ones. Some of them were very easy, and Jerry made it a practice always to give us the same number. Everybody got one or two complicated cases and about five easy cases, so that the workload was so even; and I thought that was a remarkable thing that Jerry did.

One other thing that was kind of interesting in the whole thing is that Jerry Brown joined me in that ALRB case handling; and he saw the merit in these cases. And he was one that helped me get the ALRB to be more careful in their decisions. And we turned that whole ALRB—cases that came out of the Imperial County—around because Jerry joined me in analyzing the opinion and decided not to just take them at face value. They had to have in the record the whole justification for their opinion.

Bob Wolfe: As new colleagues joined your court during your tenure, did the character of Division One change over the 12 years that you served on the court, looking back?

(01:14:49)

Gordon Cologne: Looking back, no, I don't think so. The individual judges did change. Judge Work found that César Chávez cases and ALRB cases were easier to handle than I did, for example, but individually we were all the same. And the way it was rotated—three judges on a panel—it all worked out because Ault, I thought, was pretty moderate; Work was pretty moderate. I found that Staniforth was kind of difficult to deal with; he was a Pat Brown appointee. Judge Work was a Jerry Brown appointee and he was pretty hard to deal with; but he would talk to you and I could reason with him. And sometimes he would convince me, sometimes I would convince him, on an issue; but we got along fine.

Bob Wolfe: Now, you served as an appellate justice when the Supreme Court . . . you started, Don Wright was the Chief Justice and then Rose Bird became Chief Justice in 1977. I believe Jerry Brown had six of the seven appointments to the California Supreme Court eventually. Did working as an appellate justice change as the complexion of the California Supreme Court changed during that decade?

Gordon Cologne: We found no problem with the Supreme Court at all, and I got along with them fine. They would overturn one or two cases, and I knew they were cases that might be. One case that I had which overturned was divorce of a military sailor. When I believe the trial court . . . I'm a little vague on this, but I think the trial court held in favor of the sailor. But I know we held that the federal rules for the retirement benefits of a sailor apply. And Rose Bird took a case over and said no, community

property laws in California give the wife one-half of the benefits of retirement. And the U.S. Supreme Court got that case ultimately; and they held no, the district court—the opinion we wrote—was right.

The federal law applies to sailors' benefits; and the reason they do that is because they want the sailor to stay in the service for his full retirement, so they give the benefits to him. And Rose Bird, with her opinion, held that no, the community property laws overcome that and the wife was entitled to community property.

Well, that was justified, maybe. But I'll tell you what: the Supreme Court said no federal law trumps the state courts. So there's no community property in the federal courts. But what was interesting is, within two months after the Supreme Court ruled, the Legislature changed the laws to give the women community property rights.

So that was interesting, how our opinion was upheld by the Supreme Court, but her opinion was upheld by Congress. So that shows how the Legislature can control the state.

Bob Wolfe: Sort of tying in what you said before about your attitudes toward the best way that change is effected through the Legislature—

Gordon Cologne: Yes.

Bob Wolfe: . . . as opposed to through the court. If you could talk just a little bit about your judicial philosophy, how it's evolved during the time that you've been on the court. What your approach is to—

Gordon Cologne: We try to address the legal issues in the way the Supreme Court wants us to do. Our guidelines are only that the Supreme Court is our governing board, and we try to abide by what the Supreme Court has ruled. If it's a law, then we feel the law should apply; and if it's a judiciary issue, then judiciary should apply. And I had no trouble with that at all. That's the job of an appellate court—is to take the law that is presented to us, not to try to rewrite the law.

(01:19:58)

That was okay when I was a legislator, but not when I'm a judge. I had the privilege of serving on the Supreme Court, and I see how they work. Justice Rose Bird was a nice lady, and she brought me up to the Supreme Court on two occasions; and I was able to sit with the Supreme Court and help them make a decision.

I had no trouble because those cases were simple cases that I sat on, but I saw how the Supreme Court worked. I was privileged to have that opportunity. But I had nothing but respect for the Supreme Court when it did take over one of our cases or when they de-published one of my cases. I had no trouble with that, as I would hope that the superior court judge would have no problem with my reversing his opinion or . . . all we're trying to do—and we're trying to do an honest job—is to follow the law. So I had no trouble with following the law.

Bob Wolfe: Your decision to retire . . . and you retired in 1984?

Gordon Cologne: Right.

Bob Wolfe: And what brought that about?

Gordon Cologne: Well, I had some legislative time on retirement which could be tacked onto my judicial retirement. So I got full retirement as a judge, 30 years; and I felt like I wasn't going to get much more money, and I felt like it was time for me to try to do something else to keep busy and enjoy life.

So I decided I'd retire and go back and practice a little law. And I practiced law for about a year and that wasn't what I wanted either. That's a rat race for an older man. *[laughing]* So I went back to the Legislature and got involved in water law and I worked with the water districts around the state as a lobbyist trying to get legislation which would help them develop reclaimed water.

Both the Coachella Valley Water District here, I represented them; I represented the L.A. County water association. I represented water districts up north. For example, one of the things we did was to get legislation through to make the Department of Transportation let us use their rights of way to run pipelines along the freeway to carry reclaimed water for use of other water districts—which they did kicking and screaming along the way. But we got them to agree to it, with a little help from Washington too.

We got the laws requiring the use of reclaimed water. We didn't get any help at all from the state on that—they didn't want to be bothered with reclaimed water. Now, I don't know whether you've noticed, but along the freeway they're proud to say they use water to irrigate the plants along the freeway—and not using potable water, which is a big plus for them. And we got those into the law; and I was real proud of the work that I did for developing reclaimed water.

Bob Wolfe: If we could just talk a little about some of the mentors in your life. You certainly, through your political and legal careers, have known a lot of celebrated people, and a lot of people who probably are not known who should be celebrated; if you could

just talk about some of the people who have had a particular influence on your life and the lessons that they've taught you.

Gordon Cologne: One of the judges that I kind of took an interest in was Stephen Field, who was a U.S. Supreme Court justice . . . served longer in the Supreme Court. . . . He was appointed by Abraham Lincoln. He served longer than anybody but William O. Douglas, and he started out as a practicing lawyer in Marysville, California.

He helped write the laws of California when he served in the Legislature. You may have heard about the Field Code; his brother wrote the Field Code for New York and he practically adopted it for California as a starting point. And I always admired the fact that he started out as a practicing attorney, became a legislator, and then went to the Supreme Court of California and finally the U.S. Supreme Court.

(01:25:04)

I never had any ambitions to be a Supreme Court justice, and especially after hearing what the judges that are now being appointed to the Supreme Court had to go through. But I admired him for his rise from a legislator to a justice. He was one of my admirers.

Reagan I had a great deal of respect for, and he taught me a lot about how to get things done. My friends in the Legislature were so kind to me—Jerry Brown, everybody I dealt with, has been very helpful to me. And I've not been afraid to take their advice, and so far it's turned out so beautifully. I've had a wonderful life.

Bob Wolfe: What would you most like to be remembered for, of all the things that you've done?

Gordon Cologne: Well, one is the things I've been able to accomplish. The State Water Project—I watched it as it was being built. I was in the whole time, from the day they first turned the soil up north to start the water project till the day they let the last contract for the Paris reservoir.

I was pleased to watch that, when it helped the water people get that finished on time as scheduled. I was proud to have had a part in filling Lake Elsinore twice. Once we filled it, and then, the good Lord willing, He dried it up again. And later when I went back to the Legislature and was representing the water district in Elsinore, we got it filled again and it's now still filled.

And I got all the recreational programs along the State Water Project finished and used. Metropolitan water district wouldn't allow any of their water to be used as recreational—things for swimming and so forth. We got all of those in the program for

the State Water Project. All my work in reclaiming water and seeing that they're having to use water twice now; and they're going to have to use water three times, I'm afraid. But all of that, and watching the development of water in the state, I'm very proud of.

In the Court of Appeal I had a lot of cases that I felt very comfortable in: resolving the criminal cases, trying to help people solve their civil cases. I thought that that kind of a program was very worthwhile, and I'm proud of the fact I was able to serve 12 years without getting any real problems with my opinions.

Bob Wolfe: Is there anything you would have done differently, looking backwards?

Gordon Cologne: No. I had an opportunity to go twice to Congress when there was a vacancy and I was in line as senator, and I turned them down both times because I thought I could do more in California, both in the Legislature and the judiciary.

And so I turned those down and I'm not sorry, especially not after seeing how the press took out after so many Congressmen. It's very easy to get caught up in these kinds of problems which they're now facing. And I was fortunate enough not to have any problems.

I had a newspaper in Riverside which wasn't particularly helpful in writing stories about what I was doing, but I never had any problem with the constituents. In San Diego, when I was being considered for the U.S. Supreme Court I found I had support from the *San Diego Union*; the *Riverside Enterprise*, fortunately; the *Indio News*; the *San Bernardino Sun*. They were all very helpful to me.

Bob Wolfe: When were you being considered for the U.S. Supreme Court?

Gordon Cologne: When Richardson retired from the Supreme Court, George Deukmejian—

Bob Wolfe: From the California Supreme Court?

(01:29:52)

Gordon Cologne: For the California Supreme Court. No, I was never considered for the U.S. Supreme Court, and I would never have wanted that because I had no knowledge of constitutional law particularly; although I have been taking a political science course—out of fun, just as a hobby—on the Supreme Court action over the years.

Bob Wolfe: So, when Frank Richardson retired.

Gordon Cologne: When he retired George Deukmejian announced he was considering Lucas or me or Buck Compton for the Supreme Court to replace him. And I of course knew George very well; he was my seatmate in the Senate and robed me, put a robe on me and a wig, theoretically, when I was appointed to the bench.

He was a good friend and went into the Assembly with me—not at the same year, but a year later or a term later, two years later. And he was a good friend. We knew him, and I sat with him in the Senate, and so the papers all assumed that he would appoint me. And it was an honor to be considered, but I didn't have any expectation.

He appointed Lucas as the Supreme Court nominee. And the reason for it was he was a former law partner of his, and he knew him very well, and Lucas had been on the federal bench. And he appointed him over there to take that spot.

Bob Wolfe: Now, you've talked about advice that you've gotten from other people: Ronald Reagan, your colleagues in the Senate, colleagues on the court. I wondered what advice you would give to others, either in the judiciary or just in general, from life experiences.

Gordon Cologne: Well, I gave a lot of opinions to law students. As I mentioned, I taught law at the University of San Diego Law School at night while I was on the bench. And I talked legislation and I gave a lot of advice to young law students—not to forget that a solution to a lot of their clients' problems can be found in the Legislature if they will look up the law on it and maybe go before the Legislature and get the law changed if it didn't help them.

Advice I would give them is don't give up the Legislature—try it. It's a lot of fun if you don't take the licks too serious. Take the law seriously and change it if it isn't right. Do whatever is right, but don't take money for getting it changed. I had one case where a fellow . . . there was a grandfather clause. The law went through to remove public accountants as a practice, and you either had to be a CPA or nothing. And there was a grandfather clause in there that anybody who was a public accountant could stay that way.

And my friend had been overseas, and he came back and made his application, and he sent it in at the very last time that the law allowed a person to claim their grandfather rights in. And it got there in just about three days before the deadline, and they sent him the forms to fill out to get included as a grandfather provision.

So he got them and sent them back in, but they got there too late—the forms—and so they denied his right. And he says,

"Gordon, you've got to do something to help me." So I introduced a bill to say that if you sent your request in before the deadline and you got your right forms in after the deadline but within a month, that you were entitled to be considered for a grandfather clause if you met all of the other requirements.

And I got that through and passed, and so that cured his problem. And he says, "Gordon, I appreciate what you did; I want to give you a little contribution to your campaign." And I said, "I don't want a campaign contribution; don't get me anything, don't let your wife give me anything. I don't want to get a campaign contribution with anybody who has your last name or is a relative. Don't give me anything; it's just because you deserved it."

And that's the way I felt about everything I did. If it was deserving, I did it; and if it wasn't, no part. And I would give . . . the best advice I can give is to be honest and do what's fair, whether you're a legislator or a judge.

Bob Wolfe: Thank you very much.

Duration: 95 minutes
August 15, 2006