Oral History of
JUSTICE RICHARD M. MOSK

Interview by Matthew Mosk*
November 2011

Q: Do you have any recollection of your earliest days?

A: I was born in 1939. My parents were living in Sacramento, but my mother took the train to Los Angeles, where I was born. In 1938, my father had been a young campaign worker for Culbert Olson, a state senator, who was a candidate for governor of California, and Olson won. In the campaign, my father worked closely with Phil Gibson, his law school professor and a top advisor to Olson (later chief justice of California). My father went up to Sacramento initially to be the clemency secretary, and then he became executive secretary, i.e., the chief deputy to the governor. I vaguely recall living in Sacramento. Lore has it that from time to time I crawled around the governor's office in the Capitol. Then we moved back to Los Angeles after my father had been appointed to the Los Angeles Superior Court. My father was the youngest Superior Court judge in California history. Because he was young and therefore politically vulnerable as a judge, several candidates ran against him in 1944. I recall his reelection campaign. I used to have to lick stamps to put on the envelopes. It was very stressful for him, because in the primary he did not get a majority, and that was ominous for an incumbent. But he went on to prevail in the final election by a large margin.

My grandmother, my father's mother, Minna, who was a wonderful lady, ended up owning a bookstore in Los Angeles. I don't remember her husband Paul very well. He died relatively young of tuberculosis and other ailments.

Q: Do you remember during his campaigns what that was like? Do you remember seeing his name on billboards or campaign rallies or anything like that?

A: I remember some of the literature. He ran on a ticket with Franklin Roosevelt, as a Democrat — even though he had Republican support.

Q: Did he ever bring you with him? Did you ever go up on the riser with him and your mother?

A: I don't recall him doing so. As to my mother's side of the family, her parents lived in Los Angeles — Max and Katharine Mitchell. Max had owned a business, and he took me to visit his father, my great-grandfather, named Barish, who, I'm told, had been married a number of times without getting divorced. I remember Katharine's parents, the Blonds, who lived in a modest apartment in Ocean Park.

Q: They were already also in the United States?

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* Justice Mosk thanks his son, Matthew Mosk, an Emmy-winning investigative reporter and producer for ABC News, for conducting this oral history interview in November 2011.

A: Yes. And Max had brought his entire family over from Europe. Some went from New York to Canada, where my mother was born, and then to Los Angeles.

Q: Did they speak English?

A: Yes. I don't remember if Barish did. I think he did speak some. The others did. Max could not write, even though he was running a business.

Q: Do you remember what it was like meeting them? Do you have any recollection of that?

A: No. At the time I suppose, as most grandchildren or great grandchildren, I was not particularly eager to go visit grandparents or great grandparents. But I did go to see them. Just like some of them, I find myself giving unwelcome advice to my grandchildren. I believe my mother and I either lived with them or saw a lot of them when my father enlisted in the Army. When my father was away then, we communicated with him by mail and by recorded phonograph records that were mailed.

Q: Do you want to talk about growing up and what you remember about the Warner Avenue house and what life was like there?

A: My father was sitting as a Superior Court judge (having been reappointed upon returning from the war), and we lived in Westwood on Warner Avenue. I started off at the University Elementary School, which was a lab school for UCLA. I think my father had helped get that funded and established there, probably for my benefit. Then the lab school moved over to UCLA, and Warner Avenue Elementary School was established on the Warner Avenue site, and I went there. I walked to school and played on the playground all the time, something not generally available to kids these days.

My father was quite a sports fan. He took me to the minor league baseball games at Gilmore Field — the Hollywood Stars in the Pacific Coast League — and at Wrigley Field — the Los Angeles Angels — also in the Pacific Coast League. We went to see the Los Angeles Rams and Los Angeles Dons play professional football in the Coliseum and the Los Angeles Bulldogs and Hollywood Bears — minor league football teams — at Gilmore Stadium. I was a fanatic UCLA rooter. I remember listening to the games on the radio, especially the famous 1947 Rose Bowl. UCLA was undefeated, and wanted to play undefeated Army, but it couldn't because of an arrangement between the Pacific Coast Conference and the Big Ten Conference. So it got the second-rate Illinois team, which proceeded to beat UCLA 45 to 14. Because we did not have a television set, I used to listen to sports events on the radio. I listened to Joe Louis fights and football and baseball games. I heard the Bobby Thompson home run to win the pennant ("shot heard 'round the world") at a recess in Emerson Junior High School with my friend Dick Greene, now a prominent San Francisco attorney.

Q: And you and Stanley shared a lot of your time together through sports?

A: Yes, we went to many athletic and sporting events. He took me to all kinds of sporting events. I remember seeing a Sugar Ray Robinson fight at Wrigley Field, and he even took me to

a Mr. America contest and a weight-lifting event. We saw soccer, tennis, track and field, and polo — all kinds of sports activities. All this exposure is probably why I got into collecting sports memorabilia, particularly football programs. I also collected stamps and coins and, it seemed, everything else there was.

Q: Comic books.

A: Yes, comic books, which, unfortunately, my mother threw out. She didn't throw the programs away. Somehow they ended up in my uncle's garage, and I retrieved those years later. I continued to add to it, amassing 3,500 programs, some going back into the 1800s. I donated them to Stanford. They will be kept as a collection in the athletic facility under my name. The comic books would probably be valuable today. I read comic books, including classic comic books, which was an introduction to literature.

Q: You have listed here, "father in military." Was this World War II? Do you remember that?

A: Yes. I remember that during the early part of World War II, he was in the Coast Guard Reserve, and he would go out with his binoculars and look for Japanese submarines, or whatever. But as it turns out, I didn't realize it at the time, he desperately wanted to get into the active military because he felt awkward as a young male in public when most young males were off at war. He was exempt because he was a judge, and his vision was 20/800 or something like that. It turned out that after he was reelected, he was constantly writing his brother Ed, my Uncle Ed, who was serving in the OSS in Yugoslavia and Italy, as to how he could get in. He wanted to get into the OSS, or he wanted to get in the military any way he could.

Finally he went up to see the director of Selective Service in California. The director left him alone to memorize the eye chart, and he memorized it, and therefore passed the eye test. He went into the army as a private — in the Transportation Corps — an odd assignment for someone so nearsighted. Ultimately he was going to get a commission, and he was on the verge of being sent to the Philippines for the Japanese invasion when the atomic bomb was dropped; he could have been at severe risk invading the Japanese islands.

Q: This all happened when you were pretty young. Were you interested in the news, following the war? Do you remember when the atomic bomb went off, how you heard that?

A: I don't remember much of it. Hitler and Tojo were well-known villains. I do remember him being away, and my mother was working. She was trying to earn a living selling ties, and I think she did volunteer work for the Red Cross. We were alone for a period of time. I vaguely recall seeing Lassie or Laddie (son of Lassie) movies — the American dog was up against a German Shepherd during the war. I remember when FDR died. That was a somber moment nationwide.

Q: I remember reading that Stanley grew up with a lot of relatives around him. Did you have a lot of relatives around you? Did your parents take care of their parents?

A: I was an only child, but my mother's parents and Minna were around, as was my grandfather's brother, Ed Mitchell. We spent some time with him. He was a very wealthy,

successful businessman. My Uncle Ed, Stanley's brother, who was away for the war, and his wife Fern were around from time to time. But there was not a lot of family around, although there were many Mitchells. I've seen pictures and films of a lot of Mitchells, but I don't recall them being around that much. I did see my mother's brother Carl from time to time.

Q: You were Jewish in L.A. at a time when there probably weren't too many Jews in L.A., but your family wasn't particularly religious.

A: We didn't celebrate Jewish holidays. We had Christmas trees. I did not have a Bar Mitzvah. On the other hand, my parents insisted that I at least get confirmed, and so I went to University Synagogue, where I was confirmed.

Q: When you were in grammar school, do you remember anything about the politics of the time?

A: In 1948 was the Dewey–Truman presidential race, and I recall that the kids took an interest in it. We saw newsreels all the time. We used to go to the theater and see Harry Truman being hissed during the newsreels. There were two of us — Donald Kaufman and I in grammar school — who supported Truman, and the rest were for Dewey. And we yelled back and forth. It was something that was of interest even to little kids. I don't see that happening today. People aren't as aware. My father threw a birthday party for me, and he played the game Pin the Mustache on Dewey, sort of a take-off on Pin the Tail on the Donkey.

We used to go to day camps. Mine was called Matson Club, and we'd go on outings. I still have friends who went to those after-school and weekend camps with me. During the summers I'd go away to a camp for six or eight weeks, sleepover camps, in Big Bear or Arrowhead. We slept in cabins. My mother said I wrote one time and said I'd only thrown up three times, something like that, and the letter was censored; the camp censor or director wrote on it, "Ritchie is having a great time."

When I was in grammar school there was one black child in the school. His name was Lionel. I was friendly with him, and I remember that he was there because his mother was a maid for a senior partner at a major law firm here in Los Angeles. The partner lived in Bel Air. I would go up and play at their house, and he'd come and play at my house. One time I was having a birthday party. My mother told me that a number of parents called and said, "Do you realize that Lionel is colored?" And my mother said, "No, I didn't; what color is he?" Years later when I was in law school, this same senior partner came to interview students for his firm, and I recounted this story to him. He said, "Yes, and in deference to the fine neighbors of Westwood, we didn't let Lionel come to the party." I said, "No, no, no, he did come to the party." And we got into a little argument about that, which was not the best thing to do in an interview. That firm did not hire Jews at that time anyway.

I went to junior high school, and I noticed suddenly there were Asians showing up, Japanese Americans. I suppose they had been around for a few years. I hadn't seen them before. Nobody knew where they came from. Of course they had been off in relocation camps, but nobody knew about that. I don't know where they went to grammar school. I once asked my father why

Governor Olson and Attorney General Earl Warren were so supportive of relocation, and why he didn't do anything. He said after Pearl Harbor, everyone was so afraid — they thought every Japanese gardener could be a Japanese admiral. Earl Warren once told me this was his most serious mistake. The kids themselves never talked about it. They were very popular.

We started a pen-pal program, in junior high school, with students in Japan. I started writing to a Japanese boy named Shinzo Yoshida. At first he wrote in Japanese, and I used to have to have the letters translated by the gardener. But he learned to write English, and we'd write back and forth We actually kept up writing each other for over fifty years.

Q: Do you remember why that was of such interest to you? I'm sure not all kids adopted the program the way that you did, took to it the way you did.

A: I don't know. Part of it may have to do with the stamps; part of it was it was interesting, and I just kept up with it. It became part of my life. I visited him once when I was in college and working on a ship. It landed in Yokohama, and I met him then. And then my wife Sandy and I went over there in the early 1970s and saw him and his family. I guess I always hoped that he'd end up as head of Mitsubishi or prime minister or something like that, but they take a test and if they don't succeed on the test they were diverted into blue-collar jobs. And that is how he ended up. When we were there he must have used up his whole vacation and much of his salary entertaining us. He didn't speak English, but we were able to communicate somehow. He was a wonderful person, as was his family. He died not long ago. We had kept up all these years, and it really struck me. So we went over there to see the family. It was very moving. I still correspond with his daughters once in a while.

Q: Do you remember the content of the letters at all? Were they fairly surface level, back and forth? I assume at the time the purpose of the program was to rebuild relations with the Japanese after the war.

A: I think it was something educational. He would write about his family. It was pretty superficial. As time went on, we'd write about our health, about school, where I was and what he was doing, our marriages, our children, and so forth. I have given all of the letters I had and the Yoshida family had to UCLA Library (Special Collections), which was eager to have them as part of its Asian and Japanese American collections.

Q: Your father was working as a judge, and what was your mother doing? Was she working as well, or was she helping his political career? What do you remember about her?

A: She worked. As I mentioned, she had something to do with ties. She had some business with Jimmie Davis of Louisiana, who wrote or was associated with the song "You Are My Sunshine" and became governor of Louisiana. She finally got into real estate as a broker, and she became one of the most successful brokers in Los Angeles. She never wanted to do it on her own, so she always worked with other people. For example, she worked for Jack Hupp, who had been a USC basketball star, and one of her partners was Betty Reddin, the wife of Tom Reddin, who later became Los Angeles chief of police.

Q: Was it unusual at that time for a woman to be working? Was she a trailblazer in some ways?

A: I don't know about a trailblazer, but there weren't many women doing what she was doing. She was certainly one of the few successful businesswomen in those days. She was involved in the sale of many homes in Beverly Hills and Westwood. She said she could tell you 5 percent of any number — that was the commission in those days. She was also a significant fundraiser for my father's political aspirations. She was interested in politics and had done campaign work for other candidates. My mother was intensely loyal to her friends and family.

We also took some trips when I was young. I think around when I was 10 or 11 we took a cruise to Alaska; we drove to Vancouver, and there picked up the cruise ship. One of my classmates and her family were on the trip. Years later she married Irwin Barnet , who would become my partner — one of a number of examples of the duration of my contacts. Then with my grandmother and parents — my grandfather didn't want to travel — I flew to New York. We saw Broadway plays. I was very young at the time, but we saw *Call Me Madam* with Ethel Merman and *Guys and Dolls*. Then we took the *Queen Elizabeth* over to London and took an American Express tour of Europe — like *If This is Tuesday, It Must Be Belgium* (movie) type trip.

It was very educational, and it was rigorous for a little kid like me. Sometimes I'd go off on my own. But for the most part I stuck with the tour. Then we took the *Queen Mary* back. I think a fellow named Randy Turpin, who was a boxer, was on the ship. He was going to fight a rematch with Sugar Ray Robinson for the middleweight championship. I was such a Sugar Ray fan. Turpin had upset Robinson in the first fight.

Q: For my kids and future generations it would probably be hard to understand what travel at that time was like. Can you describe a little bit about what traveling on a cruise ship or flying across country was like in the fifties?

A: Actually it was 1951. The flying obviously took a lot longer. There were props, not jets, so they did take longer. I don't remember much about it. As far as the cruise ships were concerned, they didn't offer all the amenities they do today. We did have to sit at the specified tables and dress up. In Europe, we saw remnants of World War II, especially in London — bombed out places. The food in England was still sparse, because they'd been on rations. It was terrifically educational, but I saw more churches and museums than I certainly would want to see.

As a result when I took you and Julie, our children, on trips; we always took half the day for R&R, for something that you liked to do — a zoo or a park or exercise — because I had experienced nonstop museums and churches.

We met the Pope in Rome. My father had arranged an audience with the Pope. So we went out to the summer residence of the Pope, and it was a relatively small group of about thirty people, and the Pope came into the room and most everybody else went down. We did not.

Q: Went down?

A: On their knees, you know.

Q: Which Pope was this?

A: It was Pope Pius XII.

Q: The summer residence?

A: Castel Gandolfo.

Q: This is a drive outside of Rome?

A: Yes. He came around and many people kissed his ring, and we didn't. But he blessed me. I hope it works, just in case. He asked me, "Where do you go to school?" I told him I went to Emerson Junior High School. I had a picture taken, a group picture, taken with him, and I'm right next to him, so you can see me with the Pope.

Q: Do you remember what you thought of him when you met him?

A: I thought it was very interesting. I knew this was a significant figure. I didn't realize that he would later turn out to be a controversial figure. There are books written that he was complicit or at least was apathetic during the Holocaust. The Catholic Church denies that, and I think there's a question about whether or not he's headed toward sainthood.

Q: Was there any discussion in your house about the Holocaust or Nuremberg or any of that, being in a legal family? Do you remember talking about it at all, learning about it? When you were a child, people were just learning what had happened, right?

A: I don't remember much about that. Maybe in the newsreels they had it, but I don't recall anything. Los Angeles was somewhat segregated, not only by race but by religion, and we'll get into that when I talk about law firms.

Back to Los Angeles. We used to go to the UCLA campus. There were few buildings and a lot of land. There was brush, with a stream, and vast athletic fields. We would stage our own track meets, football games and other games there. I was a ball boy for the UCLA baseball team and was able to watch John Wooden when he first began coaching basketball in the old men's gym. Wooden was an exciting coach. He used a fast break. He also had no reluctance to have black players. UCLA had a history of black athletes. USC did not. We also went to many other collegiate athletic events on campus.

After Emerson Junior High School, I went to University High School in West Los Angeles, a public high school. The thing about University High School (Uni Hi) was that it had a diverse student body, and it had the smartest group of people I'd ever been with before and maybe after, at least those in the star classes, which I was in. They would take the better academic performers

and put them in certain classes together — the "starred classes." I finished lower in my high school class than I did in college or law school. It was a really outstanding group, and we had some interesting people. The year behind me was Nancy Sinatra, and in my class was Jack Jones, and so we had some entertainers. Others included Margaret O'Brien (although she went to a Hollywood school, she was technically enrolled at Uni) and Billy Gray, who were in films; and Noel Blanc, who carried on after his father as the voice of Bugs Bunny and other cartoon characters. We had some people who became very successful. Some became well-regarded doctors, at least one judge besides me, lawyers, academics, and others successful in business.

Q: Do you remember your classes at all, what it was like to be in class at Uni High?

A: Yes. I don't think we took the kinds of classes they do today. I don't think we had advanced calculus or history of Western civilization. But we had fine teachers and they concentrated on the basics. We had hardly any Blacks in the school. We had large Latino and Japanese populations. We took language, but we did not become fluent — at least I did not. Language was not taught well. I regret that. Every now and then a classmate would appear in juvenile court, where my father occasionally sat. At least one wore a Uni High jacket. He must have done well because he told me my father was a great guy. This could have been embarrassing.

Getting into tennis, my father always used to try to get me to play, and he'd take me to the La Cienega Tennis Courts in Beverly Hills. I would watch him play. He tried to get me to take lessons. I finally took some. But I really got into tennis when I began playing with a classmate and old friend, Leslie Epstein, the son of Philip Epstein, who, along with his identical twin, wrote the Academy Award–winning motion picture, C*asablanca*. We started playing every day. We'd go to UCLA; and the tennis coach was J.D. Morgan at the time (later athletic director). He had to shoo us off on many occasions. I never remembered him very fondly as a result. When I was at Stanford, we competed against his teams.

Q: Meaning, you were out on the courts and he'd have to come and kick you off because he needed the courts for his team? Leslie was your high school friend?

A: Yes and yes. Leslie had been in day camp with me earlier, much earlier. He was in my high school class for a year. He became a Rhodes Scholar and is now a highly regarded author and professor.

Q: You and he both took up tennis around the same time?

A: Correct. We started playing at UCLA, and then going to La Cienega, where there's some really good junior players, who became collegiate and tournament stars — e.g., Roger Werksman, Ed Atkinson, and Allen Fox. We would play as much as we could. We'd hitchhike to the courts, and we'd play into the evening. It was free as long as some adult wasn't using the court.

Q: So you'd finish the school day at Uni High, and describe your journey from there.

A: Somehow we'd get to — when I was at least 14, 15, maybe toward the end of junior high or beginning of high school, we'd hitchhike or take the bus to La Cienega or UCLA, and we'd play.

Q: Put your thumb out and a stranger would pick you up?

A: Yes. In those days it was fine. Parents didn't care. It was a way of getting around. And we would play. Then I started going to tournaments. They had many of them. I started late age-wise, because many of the kids had already been playing tournaments. Roger Werksman was ranked second and Norm Perry, with whom I went to grammar school, was first in the 15-and-under classification in Southern California (second in the country). Ed Atkinson was very highly ranked. Allen Fox later became a Wimbledon quarterfinalist. Most of the kids ended up highly ranked in the United States as juniors and men.

Q: How did you guys do it? You were all at La Cienega; how did you know who was playing whom? Did you do round robins, or what was it like at the park?

A: We'd just play, and we'd play for Cokes and play for balls. The others were very nice to play with me, because they were better than I was in those days. We started traveling to these tournaments. I don't know how we got there, like Ventura or Santa Barbara. The first year I played competitively in the 15-and-under category, I actually ended up being ranked eighth in Southern California. I won the Pasadena tournament, beating at least one nationally ranked player — I believe he was ranked third in the U.S. That was the zenith of my tennis career; I never won another singles tournament in the U.S., although I got to the finals of one, losing to Fox. Roger Werksman and I played in the Dudley Cup doubles for our high school team, and we won.

When we played at the Dudley Cup in Santa Monica I remember Roger Werksman saying, "Mosk, you take care of the alleys and I'll take care of the rest of the court." But we ended up winning it, and my high school team was loaded with good players. We had many highly ranked players. I won the city doubles championship twice and was all-city. Our team won the city championship all three years I was there. But the competition was not that rigorous. I think L.A. High had the actor Dustin Hoffman playing on the team; I don't think he was a great tennis player.

Tennis in Southern California was ruled by Perry T. Jones, the head of tennis in Southern California. He was nice to me; he always said, "How's your father?" I remember he did not care much for Pancho Gonzales. He was reputed not to be very open-minded. I was told he wrote a letter on behalf of Ron Schoenberg and Tom Freiberg, ranked players, who were going up north to play in tournaments, so they could get housing; he wrote "They're nice boys, even though they are Jewish." He was at the L.A. Tennis Club, which did not allow any Jews or other minorities to become members.

Q: So I don't want to skip anything. We have something here called "McCarthy era." What was that about?

A: During the McCarthy era, I watched the Army–McCarthy hearings on TV, and as a result I stayed away from signing any petitions of any kind. I had this fear that somehow it would come back to haunt me. My Uncle Ed had been Southern California chairman of the Henry Wallace Progressive Party campaign for President in 1948. He was labeled as a leftist, and I think that probably killed his political career, although he was a very fine lawyer, but politically he was dead as a result. I didn't know it at the time, but the FBI was even investigating my father; unnamed sources said he might be a Communist. Later he was accused of speaking at a Soviet–U.S. Friendship Rally. He was sent there by the U.S. Government to sell war bonds.

Q: There was a lot of interest in communism in that part of the family, right? Didn't Stanley have relatives who were interested in it?

A: The family of Fern, Ed's wife, may have been Communist Party members or sympathizers. They were quite leftist, and Ed himself didn't see much wrong with the Soviet Union. He said, "Well, everything has its pluses and its minuses," and he was enigmatic about it. But I think he was somewhat favorably inclined toward progressive, even far-left, views. He represented Russian and Eastern European heirs of Americans in some important and published cases.

Q: But that got dangerous at a certain point.

A: It did. As a young child I also played with a child named Steve Rossen, whose father was Robert Rossen, who wrote, produced and directed the Academy Award–winning picture, *All the King's Men*, and later *The Hustler*, and some really great pictures. But after *All the King's Men* he "named names." In other words, he went before the House Un-American Activities Committee and named names of those who had been in communist or leftist organizations with him; he became somewhat of a pariah. They moved to Europe for a period of time, and then he came back, and he did some wonderful pictures. I spent a lot of time with the Rossens, and I think I was aware of what was going on with them. My mother tells the story that the Westwood Democratic Club used to meet in our house, and Ronald Reagan was a member of the Westwood Democratic Club. She said that many of the members thought that Reagan was a little too far left for them.

Q: Do you remember all this activity in your house, the political activity being around you? Do you remember what that was like?

A: I remember Paul Ziffren who later became Democratic National Committeeman. When people came over I was sent up to my room. We had a number of celebrity weddings in our house. My father would perform them — Hedy Lamarr and other Hollywood stars. All I remember is they used to throw rice around, and I'd have to help clean it up afterward.

Q: I don't want to skip ahead, but I'm curious how Stanford got on your radar, given that you were spending so much time at UCLA and were such a big fan. Did you think about going to UCLA? Your friends Werksman and Perry were going there, and Fox.

A: I don't know how I got interested in Stanford. When it came to applying, it wasn't quite as hard to get into college in those days as it is today, although Stanford and the Ivy League schools

were difficult to get into. I applied to Yale because the Yale tennis team would go to Oxford every other year, and I thought that sounded pretty interesting. I applied to Pomona, Stanford, Dartmouth and I guess Berkeley. I think that was pretty much it. Actually, I interviewed with Dartmouth. They have local people do the interviews, and I remember asking an interviewer, "Are there any Jewish quotas at Dartmouth?" And he said, "Well, of course." And I said, "What do you mean?" He said, "Well, look — if we opened it up to applicants totally on the merits, we'd be inundated with New York Jews." I guessed it was common, and I didn't realize it at the time, but basically all the prominent private colleges and universities had quotas against Jews, including Stanford.

But I really tried to get into Stanford. It had a great name, and I thought I could play tennis there. I might have had trouble making the UCLA team. The tennis coach, Robert Renker, was interested in me. The tennis coach called me after I got in and said, "We have a scale here, and in order to get in you have to at least get a 5 (or something like that). And you had a 3." He said he went over to admissions, and said, "There must be a mistake." And he said they found a mistake; and so I got in. I really owe getting into Stanford to Bob Renker, the tennis coach. He was very laid-back. He let studies come before tennis. The team was, nevertheless, one of the better ones in the country, although not up to UCLA. By the way, tuition was $250 per quarter or $750 a year. Living expenses probably did not exceed $1,000.

Q: You knew tennis was going to be part of what you did at college. Was there anything else you remember about Stanford that you found appealing?

A: It had a great name, a great reputation, and the tennis aspect. Stanford at that time was mostly an engineering type school. White people from Pasadena — that type — were predominant, and so I was a little bit of an outlier. People at Uni High who did much better than I did who were Jews didn't get in, and I got in because of the tennis. A number of people from Uni High did get in, including my friend, John Stahler, who played on the basketball team. At Stanford, there were seven men for every four women.

Going back, as part of our interest in tennis, we used to act as either ballboys or linesmen at the Pacific Southwest Tournament, which was probably the most important tournament in the world behind the Grand Slams. We would get to see Pancho Segura, Pancho Gonzales, Frank Sedgman, and all the greats of that era play. I once was removed as a linesman by Pancho Segura, an embarrassing moment (especially for one who was to become a judge), and I was hit in the stomach, accidentally, by the very fast Pancho Gonzales serve. I worked during my summers as a tennis teacher for Carl Earn, a great player who went on the tour with Gonzales at one time. He was at the Beverly Hills Tennis Club. I did qualify to play in the Pacific Southwest Tournament a couple of times. Once I played Alex Olmedo, a Wimbledon champion, in that tournament, on a featured court. He beat me handily, but it was a thrill. I worked on a cruise line in the summer after my freshman year in college. I worked on the *President Wilson*. The owner was a prominent Democrat, so he gave children of some Democratic politicians these jobs, and we worked as pursers, or whatever, and went all over the Far East on this ship. Adlai Stevenson's son worked on a different cruise. The son of Paul Butler, chairman of the Democratic National Committee, was on my cruise.

Q: Do you remember what that was like? Was the job menial?

A: Yes, it was pretty menial, basically in the purser's office. They told us we couldn't fraternize with the passengers, notwithstanding the young women who were there, and we lived in rather cramped quarters as the crewmen did. But it was very interesting. I remember going to Hong Kong, which now is such a great and affluent place, but then to me, at least the Kowloon side, was incredibly slum-ridden. We got off the ship and the rickshaw people would try to take us to the prostitutes. That seemed to be the big industry there at the time. In Manila, the people seemed hostile to Americans, even though the U.S. had liberated the country. I guess there was a history of occupation. In Japan the people could not have been nicer.

Q: Did you have household help, somebody who worked when you were growing up that was a sort of surrogate parent figure?

A: Yes, Louberta. My mother worked. We had a lady who lived there in-house, and she cooked, and in a sense it was like the old South. I mean, she kind of raised me in part. She was black.

Q: What do you remember about her?

A: Well, she was big and robust and very pleasant. I can't remember any conflict at all with her. She was very nice.

Q: Did she work there during the day, spend the night?

A: Yes. She lived in the house.

Q: I understand that Leslie Epstein has referred to you in articles and books, including your designation as the "Penguin."

A: When we were young I was known as "The Penguin." Leslie was known as "The duck," and Allen Fox, who became a great tennis player, was known as "The Pumpkin" — because he had a chipped tooth. Leslie has usually included in most of his published works a character named "Mosk."

Q: Why did they call you "The Penguin?"

A: I guess I looked like a penguin.

Q: "In one article he wrote about all of you in your youth, and he refers to the Penguin as a "Dour little man who waddles around the tennis court slapping at the ball."

A: Yes. (laughs)

Q: So you were explaining how you ended up at Stanford. Do you want to talk about college life?

A: Yes, I loved Stanford, and I loved playing on the tennis team there. As required, I lived in the freshman dorm, and there were some very interesting people in my dorm. One, Steve Schroeder, went on to be a doctor and head of the Robert Wood Johnson Foundation. There were some football players in my dorm. We couldn't join a fraternity until later in our first year or stay in one until our second year. In the dorm, I had a roommate, a fellow named "Kicker" McKenney, who came from, and ended up in, Pasadena. He was on the track team. He became a lawyer and a member of the Board of Education in Pasadena.

Q: How did they orient you? What do you remember how you started in college?

A: Unlike today, when the mother comes in at the start of the freshman year and makes the bed, my father drove me up and dropped me and my luggage off on the sidewalk outside the dorm. Before that, on the way up he pulled me over to the side and said, "I've never really talked to you much about sex or things like that." He started to talk about protection. I said, "Don't bother. I don't want to hear anything about it." It sort of reminded me of when you were in college, I started to talk to you a little bit about the risk of AIDS in heterosexual sex, and you said, "Don't bother." Later I joined a fraternity, Theta Delta Chi, one of the few that would take Jews, notwithstanding its charter. Unlike other universities, Stanford had no Jewish fraternities. One of my roommates was Steve Sutro, son of the legendary San Francisco lawyer, John Sutro. Steve later became a Navy pilot and was killed in a plane crash. A number of my fraternity brothers became successful investors, engineers, businessmen, doctors, etc. One is still my accountant. The women had no sororities, so they all lived in dorms. One woman in our class was divorced, and for some reason, she lived in separate housing her freshman year.

Stanford had required courses. I was pretty frightened because I'd been admitted on tennis and thought maybe I wasn't as well qualified as all these kids from Exeter, Lawrenceville, and so forth, but I did pretty well. We were graded on a curve.

One thing I tell my classes today, when I was at Stanford, because I was a little apprehensive about grades, except for the required classes, of which there were many, I took classes I could do very easily, or I thought I could do easily — poly sci classes and so forth. I did quite well in my junior year, and then in my senior year after getting into law school and getting whatever honors I received, I decided I'd take classes like music, art and literature, and I found them very exciting, and I did just as well in them as I had been doing. I regretted that I hadn't taken them in the earlier years. I tell students that they should take classes in which they can really learn something and enjoy and not worry so much about the grades. The grades will come. Although politics was not of great interest at Stanford in those days, there was interest in a debate between Professor Sibley, a foe of nuclear weapons, and Professor Kendall, a strong conservative, who favored them. The subject of their debate was nuclear weapons. Stanford was known as a "Cold War" university. (I believe Sibley was not offered tenure despite student support.) Stanford had the Hoover Institution, which, to many, has been known as having a conservative outlook.

I'd say one of the highlights was playing intercollegiate tennis. I'm proud that I scored a point against each of UCLA, USC and Cal, and I really enjoyed it. The tennis team was a major aspect of my college career. We had a fellow named Jack Douglas, who was the founder of the Jon Douglas Company here in Los Angeles. He made a lot of money with real estate. He was a spectacular athlete, first on the tennis team, and as a quarterback on the football team; he was quite an outstanding athlete and student. Although drafted by an NFL team, he played Davis Cup tennis. I have stayed in touch with some of my teammates. One, Dick Gould, became the most successful collegiate tennis coach in history. A number of others became successful lawyers.

Q: You were renowned for your language skills. How did you manage to survive with language classes and science and math?

A: Struggled.

Q: Do you remember any particular dark moments?

A: No. I worked hard. I studied very hard, and I was ranked pretty high. They used to rank you by year, by men and by those in liberal arts. There were 700 men, 400 women. I did reasonably well in my freshman year, not quite as well my sophomore year, and then when I was able to pick my classes in junior and senior years I did much better — ranking as high as third in the classification. I was able to graduate with honors.

Q: Did you have a system? Did you develop a system for study, a place you always went?

A: I probably did, but I don't remember it. I know we on the tennis team had to play tennis three hours a day every day all academic year long. One thing I didn't like about Stanford was the quarter system, in which we were taking mid-terms or tests every two minutes because the quarter was shorter than semesters. As I said, most of the students were engineer types. We had some good liberal arts courses. We had very good faculty there at the time. Professors Horn, Bunzel and Watkins were all very good political science professors. Thomas Bailey, a well-regarded history professor was there then, I believe. Stanford was conservative but generally apolitical.

In 1959, I brought the chairman of the Democratic National Committee, Paul Butler, up to my fraternity house. He had dinner, but nobody was really that interested. Most were engineering or pre-med students. Butler deserves credit for resurgence of the Democratic Party after Eisenhower.

I invited Alexander Kerensky up there. He had been prime minister of Russia until the Bolsheviks overthrew him, and he was at the Hoover Institution and lectured at Stanford. There was a mild interest in him, but not that much. I remember I was pressing him, "What was Lenin like, what was Trotsky like?" and so forth. He of course had known them. He said, "Let's get off this and let's look at some of those nice-looking women over there." He was renowned for being a ladies' man when he was in the Russian government. I also invited JFK to the fraternity, but received a telegram giving his regrets.

Q: Did you know when you went to college that you wanted to be a lawyer, or did that come later? How did you figure out where your career was headed?

A: I thought about being a political science professor, and I did get a Woodrow Wilson Fellowship to study under Harold Lasswell at Yale. Then one day I saw one of the associate professors, who did not have tenure, crying, and I said, "What's the matter?" Apparently he didn't get tenure. I thought academia was supposed to be nice and pleasant. You don't make a lot of money, but it's at least a nice way of living. If it's going to be a rat race like anything else, I might as well get into the real rat race. And so I decided ultimately to go to law school. I applied to Harvard and Yale and I got in. And I decided between them, and I chose Harvard.

Q: You have listed here Theta Delta Chi Hell Week.

A: Yes, we used to have Hell Weeks.

Q: More than one?

A: Every year for the new pledges. So, one for me, and they were brutal. I remember reading about some kid at the USC Hell Week. They made him swallow a goldfish or maybe a piece of liver on a string and then pull it up. He ended up choking to death. My father then was attorney general. He started going after this hazing. I'd tell the fellows in the fraternity house, "Look, guys, this is risky." You know, they were taking guys out and leaving them in the nude out somewhere. I said, "What if somebody gets killed"? Because my father would be on it, I tried to stay away from it. Hell Week was not frowned upon in those days. Today such hazing is strictly prohibited.

While I was at Stanford my father decided to run for attorney general. He originally wanted to run for the U.S. Senate. Pat Brown was then running for governor and wanted Clair Engle, a congressman, to run for the Senate on the ticket. So my father decided to run for attorney general and had a primary opponent named Robert McCarthy, a state senator from San Francisco. They ran a relatively genteel campaign against each other; they liked each other, and it was a nice campaign, but very, very close. Indeed, the day after the primary election, the headlines were that McCarthy had beaten my father. In fact one of the professors in class said, "Sorry your father lost." It took days before the votes finally came rolling in from Southern California, and my father had eked out a narrow victory. (McCarthy had eight children. When my mother was asked how many she had, she said she had one, but if it would help, she would have seven more.) Then in the final, my father ran against Nixon's protégé, a fellow named Pat Hillings, who was a congressman, and he beat him by the largest margin of any contested race in the country that election, leading the ticket in California. Hillings had noted in his campaign literature that my father was Jewish. That apparently had no effect. I think my father was the first Jew elected to a statewide constitutional (non-judicial) office.

Q: What was it like having your father on the ballot running an active campaign while you were at college?

A: The only time I got active — at least a little bit — in the campaign, was in the summers, and I remember trying to raise some money from somebody. He gave me a $25 or $50 campaign contribution, and I brought it home proudly. And my mother said, "You ruined it all; we had him down for $1,000 and now he's given you $50, and that's all he's going to give."

So my mother was quite a fundraiser at that time. But in college I didn't pay that much attention. I was interested, but it didn't seem to impact me. I was doing my own thing there.

Q: So you weren't out leafleting or organizing rallies or doing fieldwork for him, anything like that?

A: No, nothing like that.

Q: Hu and Burton?

A: There's some very interesting people that got involved in my father's campaign. Philip Burton who was an assemblyman (later a congressman) and his brother John Burton (later a state legislator and congressman) were very active, and Jackson Hu, a Chinese leader in San Francisco also was. I remember my father rode in the Chinese New Year Parade, and they'd put the name of the driver on the side of the car, and the driver's name was Mr. Jue. (laughs) Los Angeles Supervisor Kenny Hahn was the first public official to endorse my father. He had great support in the Black community. As a judge, he had declared invalid racial restrictive covenants, before the U.S. Supreme Court did so, and thus he was popular in the Black community.

Q: Did Stanley have a machine, an organization? How did he do it?

A: Well, the CDC, the California Democratic Council, which was a liberal group of Democratic clubs all over the state, was backing him at the time. So he did have that. And he'd always been very active politically even though he was a superior court judge. He'd kept his contacts from his days in the Culbert Olson Administration. He was a good campaigner, not a great fundraiser, although my mother was. But in those days, with a few hundred thousand dollars, you could go pretty far. Earl Warren once told me that on his last campaign for governor he spent $50,000.

Q: So your father was attorney general, and you were headed to law school?

A: During my senior year at Stanford, he was attorney general, and then I headed to law school.

Q: Do you remember his reaction? Did he weigh in on Harvard versus Yale? Did you discuss going to law school with him?

A: In those days parents were much more passive about college and graduate admissions for their children than today. When I applied to college, I did my own applications; I did everything by myself, and if I needed help, I'd go to my parents and say, "Is there anybody you know that has some contacts here or there?" Same thing in law school. Parents were in the background. But they were interested. He took me to interviews at Harvard and Yale law schools.

It's different today when the parents hover over their children and get them counseling and help on test-taking and so forth. In those days we did it on our own basically. So he was interested, but much more passive.

Q: Do you remember what he said when you told him you were making this decision?

A: I think I went to him and said, "Do you have any ideas on how to get me into this place?" I think he helped with whatever contacts he had. But it wasn't like he had gone to either place, so he wasn't like the Bushes at Yale.

Q: Did he express any ambition for you, what he wanted you to do with a legal career?

A: I think ultimately he would have liked to have me run for office. And after law school that was something that came up.

Q: What was that conversation?

A: He said, "Why don't you run for office?" When I came down to Los Angeles, there was an open Assembly seat, and I thought about it. I went around exploring the possibility. There was a fellow named Alan Sieroty and another person who were actively waging a campaign for the seat, and I thought about running. I thought I could maybe pull it off on name recognition alone. My father's name was quite well known. But unlike Jerry Brown, who did do that, capitalized on his name, and started in that type of position, I just didn't have it in me to do it. Maybe I'm just a little too conservative — not in the political sense. I remember John Burton, then an assemblyman, called and said, "You ought to run." He said, "We make $20,000; you could make $20,000 a year doing this and still have your law practice" (which was more than I was earning then). He urged me to get into it.

I asked Paul Ziffren, the former Democratic National Committeeman from California, about it, and I said, "Why don't I rely on getting appointed? Why go out there and put it on the line?" He said, "All the power is in the elected official, and if you want the power you should run." Notwithstanding all that advice, I just didn't have it in me to do it.

I remember, interestingly, when my father was sworn in in January of '59 that Pat Brown was sworn in at the same time, and I met Jerry who was then in a seminary. He was there in his long black robe. I guess at the seminary they didn't get out very much or they didn't do much talking. So the first time I met Jerry Brown was at the swearing in.

Q: So law school.

A: There were a couple events of some significance before we get to law school. In 1959, Kennedy and Nixon both came to speak at Stanford. Nixon was good; he said, "You young men and women, you're the future," and the usual incantations. Kennedy, then seeking the nomination, came, and he said, "I have a 6-point [or 10-point] program for Latin America," and it was a serious adult speech. It was great. I remember meeting him afterward. I went up to him

and introduced myself. He said, "I'm going to see your parents in Fresno in a week or so," and apparently in Fresno he met my mother and said, "I saw your son Richard at Stanford." That wowed her. I don't know if this was the reason, but my father came out very early for Jack Kennedy in the primary.

My father took me back to Washington, and we had lunch at the Senate Dining Room with Hubert Humphrey, who was trying to woo his support during the nomination process. I had navy bean soup, which was famous in the Senate Dining Room. I liked Humphrey; I liked him a lot.

I also remember seeing Nixon speak at the dedication of the Sports Arena in Los Angeles. I sat on the stage with my father, and Nixon got up and gave a 40-minute speech without a single note, and without an "uh" or a pause. I really was impressed with his speechmaking ability. I introduced myself, and he was very nice, notwithstanding the fact that he and my father obviously were on opposite extremes politically. He was held in contempt by the California Democratic establishment for his unsavory campaigns. The 1960 Democratic National Convention was held here in Los Angeles, and I worked for the California delegation. My father was involved.

Q: Was he a delegate?

A: He was a delegate, and he had come out for Kennedy, and Pat Brown wanted him to become Democratic National Committeeman from California (the sole one at that time) because, for some reason, he didn't want Paul Ziffren, who was then the Democratic National Committeeman. Ziffren was a friend of my father's, but nevertheless my father ran against him and got the spot. And I remember Pat Brown saying to my father, "Stanley, if there's anything you ever want it's yours." I overheard him say that, and as we go on we'll see whether or not he lived up to that promise. (laughs) Paul Ziffren was justifiably angry as were many Ziffren supporters. He got over it. I remained friendly with the Ziffrens for years. Paul was a leader in the 1984 Olympic Games here and a prominent attorney.

At the Convention as an aide to the California delegation, I was supposed to keep everybody out of a room but somebody knocked on the door and demanded to be let in. He said, "Don't you know who I am?" I said, no. He said, "I'm Sam Yorty." Well, Sam Yorty, as it turned out later, became mayor of Los Angeles, but at the time I thought he was a rather rude fellow. He was a friend of my father's when he was in the California Assembly during the Olson years. He later appointed me to a commission.

During the general campaign, JFK's brother Edward came out to run the campaign in California. He was young and knew no one. So he had trouble navigating out here. When I was in law school, my father's friend, Massachusetts Attorney General Ed McCormack, the nephew of the speaker of the House, ran against Ted Kennedy for an open Senate seat. Ted won because of JFK. McCormack famously suggested that if Ted Kennedy's name was Edward Moore, he would have no chance.

Q: You were impressed with Nixon. Did you ever consider being a Republican? Did that thought ever cross your mind?

A: Never crossed my mind. I was just brought up as a Democrat and was always a Democrat. By the way, looking back, aside from Watergate, Nixon was not a bad President. He believed government could solve problems. Maybe there were more opportunities in the Republican Party, because not too many people with my background were active in it.

Q: Anything else you remember about the Convention? Do you remember the speeches, do you remember Kennedy getting the nomination? What that was like?

A: Yes. I remember it was Wyoming that gave him the final votes. Sen. Lyndon Johnson was a candidate; I remember seeing him there, as was Sen. Symington. There was a movement for Adlai Stevenson, especially from a lot of the Californians. Pat Brown was a favorite son but pledged to Kennedy, and some of his delegates were trying to bolt for Stevenson. So, when Pat Brown was nominated as a favorite son, he was roundly booed; it was very embarrassing for him.

Speaking of that, I went to a football game, a Cal–Stanford game, and Pat Brown was introduced and was booed by the fans primarily because of the Chessman case. Caryl Chessman was the "red light rapist" at Mulholland Drive in Los Angeles. He'd go up and take women out of cars where they were getting the view with a boyfriend and then rape them. He didn't kill anybody but was sentenced to death. He moved the victim, so that was the kidnapping element, which in those days, resulted in a possible death penalty. Chessman was on death row for a long time and kept appealing his death sentence. He wrote a book and was regarded to be quite literate. The question was whether his death sentence should be commuted. My father, as attorney general, on behalf of the people of California, was trying to fend off all the legal challenges.

When it came to commuting his death sentence, my father supported Pat Brown — another favor for the governor. Pat Brown tried to get it commuted, and he was off and on. Finally he did it. But the Supreme Court, which was required to approve such a commutation if a person had prior felonies, with a 4-to-3 decision did not approve it. So Chessman was executed. The whole event led to considerable dismay with Pat Brown at the time.

I might add that any politician who is introduced at a sporting event risks being booed. My father was booed when he was introduced at a boxing match at the old Olympic Arena.

Q: We didn't talk about this when we were talking about you growing up, but I think when anybody reads this or watches it, they know L.A. as an enormous, sprawling, megalopolis with ten million plus people, maybe more. What was L.A. like when you were growing up and when Stanley was a Superior Court judge? Can you describe it a little bit?

A: It was paradise at the time far as I was concerned. There wasn't that much traffic. I pointed out you could hitchhike and take buses. I never had to go out of the area; I never was in the San Fernando Valley, and rarely downtown.

Q: What was in the San Fernando Valley?

A: Not much. I don't know. I never was out there. There were some people living out there, but it was not a sprawl. Probably vacant or farm land. The first freeway was built in the fifties — the Pasadena Freeway. We had the Red Cars, which were street cars, and they ultimately were taken out by virtue of a supposed anti-trust violation by some industries, tire or concrete or car. It was a shame; we had the largest urban rail system in the world at that time. Now admittedly there were problems with them, but still they were great. You didn't have the traffic, the crime, and the weather was good, but smoggy in those days, a lot of smog. I used to play in these tennis tournaments against people who came from out of state and suddenly their chest would start hurting, and they thought they were going to have a heart attack. I was used to it — just smog in my lungs. I wasn't thinking about cancer or anything like that. I didn't wear sunscreen.

I should mention that not only was getting around easy, but also there seemed to be no shortage of open playgrounds and parks. As I mentioned, we used to go over and play at UCLA, which at that time only had four or five buildings and plenty of land. Playgrounds at the schools were left open. They did not have organized activities like today; it was free play so to speak.

Also, I was able to ride my bicycle to Emerson Junior High School, so it was a much easier time. There were no malls and no multiplex theaters.

Q: You've made a lot of references to Hollywood and movie stars that were circulating in Stanley's orbit. Did that affect your worldview in any way? Do you remember how you looked upon Hollywood and the movies?

A: When I was teaching tennis, Carl Earn, a well known tennis professional , for whom I was working, would have me teach various people — some of whom were Hollywood stars or celebrities. I taught Dean Martin's kids at his house, Lorna Luft and Louis Jourdan or his kid, and I played at Dinah Shore's court and Ginger Rogers's court; and Gilbert Roland was at the Beverly Hills Tennis Club, where I taught and was a member. There were a number of Hollywood people at the tennis club. The Ephrons were there. I knew Nora, who became a great success as a writer and moviemaker. I was a little more blasé about movie stars because I had access to them, and it didn't make that much difference to me. It was obviously a little boost when you see some of them. I remember one time my father and I had dinner with Frank Sinatra and a group, and Frank Sinatra invited me to come out to the lot the next day. I went out there, and he was making a picture with Gina Lollobrigida. He was very nice, and showed me around. I remember somebody passed by, one of the actors, and Sinatra said, "Hasn't that guy got a great face?" I said, "Well, I guess so." It was Charles Bronson. My father had movie stars in his court, and my mother probably sold them houses. My father's cases included portions of the Charlie Chaplain paternity case and the Joe DiMaggio–Marilyn Monroe divorce. As I mentioned, some came over to the house to be married. By the way, Carl Earn was a great tennis player. He had gone on tours with Pancho Gonzales and Pancho Segura. I played Carl many times, but he was too good for me, even though he was quite a bit older.

Starting in the late fifties, we'd go to the Rose Bowl every year with Earl Warren, who was chief justice — and go to a party in Pasadena where he was and get to the game in a motorcade with motorcycle escorts.

My father had known Chief Justice Warren in the Olson Administration. Those in the Olson Administration hated Republican Attorney General Warren because he was the political enemy. Warren had been a partisan conservative and even a red-baiter. Warren ran against and beat Olson. But when my father went off to war, Warren held his judicial seat open, and then reappointed him when he came back, which was a pretty noble thing to do. He could have just appointed a Republican, but he held the seat open. In any event, my father always said he regretted every vote he cast against Warren. (My father had tried to help Jimmy Roosevelt in his losing campaign to Warren.)

Once, when I went to the Rose Bowl with Warren, Nixon was the grand marshal of the Rose Parade. Nixon announced he was going to change sides at half-time because he was vice president of the whole country, and he didn't want to show any favoritism. I said, "Chief, you're Chief Justice of the United States, but you're such an unabashed rooter for the Pacific Coast Conference team. What about Nixon?" He said, "Look, if that guy can't pick a side in a football game, we're in real trouble." He hated Nixon because of the way Nixon had sabotaged him at the '52 convention. I believe Chief Justice Warren would have made a great President. He had good judgment and was principled and decent. Harry Truman has said that when he was running for reelection against Dewey and Warren, and Truman came to Sacramento, Warren greeted him because he felt the President deserved such respect. Truman thought highly of him. He said Warren should have been a Democrat. As to Warren's love of sports, he said to me that when he read the newspaper he always read the sports page first to read about man's accomplishments; and then he read the first page to read about their failures. I have read the sports page first since I was a child.

Q: Was it jarring to leave all of that when you went to law school? Was law school your first experience living in icy cold, snowy . . .

A: Yes. I went back and had no overcoat whatsoever, and I started noticing, "It's getting a little chilly around here," and so I went to Jordan Marsh department store and bought the cheapest overcoat it had. In those days we wore a coat and tie or a coat to class every day. Law school was a great experience.

Q: Harvard Law School is a notorious system for the "Paper Chase." Can you describe what that was like? Did you know what you were getting into? You knew that was what it was going to be like?

A: Once again, as with Stanford, I was scared stiff, and so I studied very hard. We had about 500 students. There were about twelve women in my class, including Janet Reno; and in surrounding classes at the time we had Elizabeth Dole (then Liddy Hanford), later a cabinet member and U.S. senator; Pat Schroeder, later a congresswoman; and Liz Holtzman, later a D.A. The women who came then were quite successful. We were divided into four sections, so there were about 125 people in each section; they were big classes. Each class was for the year, with one three-hour test at the end of the year. You really didn't get to know the professors very well, but they were great professors in our first year, but more authoritarian than now — we did not give evaluations of them. I once asked a professor a question after class because my notes were confused, and he said, "What do you want me to do, certify the authenticity of your notes?"

Q: Did you want to get called on, or were you afraid to get called on?

A: I didn't want to get called on, but I put up my hand from time to time. Indeed, in one property class involving conveyances, our textbook asked about a conveyance. It gave a citation to the yearbooks, which are old, thirteenth to sixteenth centuries. I went into the rare book collection and looked it up. So the professor said, "What kind of a conveyance transaction do you think this is?" I put up my hand and said, "It's a covenant to stand seized." And I heard people hissing. The professor absolutely ignored me, because it ruined his class. At the end he said, "Yes, it's a covenant to stand seized, as he said up there." Charles Haar taught property, John Dawson taught contracts, Louis Jaffe taught torts, and Richard Baxter, who later went on the International Court of Justice, taught criminal law. They were great professors, great teachers.

I was very fortunate in that we'd have study groups like they had in the motion picture, *The Paper Chase*. The group I was in all did spectacularly well. Richard Blake, Steve Banner and Charles Normandin all ended up on the *Law Review*, and I guess they dragged me with them. I didn't make it to the *Law Review*, but I did pretty well. So I was pleasantly relieved that I could make it through law school. When we got there, they ranked the students based on their grades from one to five hundred. It changed so that only those in the honors area were ranked. We were graded on a curve with numbers. I recall being 75 places ahead of someone else with the difference being a few decimal points. Some of my classmates became well-known professors — Jerry Frug and Charles Nesson. Pete du Pont became governor of Delaware. Pierre Leval and Diarmuid O'Scannlain became federal Court of Appeals judges. Sam Heyman, Roy Furman, Loren Rothschild, Steve Banner, and Bill Kartozian were highly successful in the business world. John Bohn, also from Stanford, became head of the Import-Export Bank. Justice Steve Breyer was in the class ahead of me at Stanford, and because of study abroad, the year behind me at law school. I was on the Griswold Moot Court team. Erwin Griswold was the dean and known for being gruff. I did get to know him. I also had a brief meeting with former Harvard Law School Dean Roscoe Pound, who was quite old. He had served as the first dean at the new UCLA law school. He did not speak well of the UCLA law school because, he said, it used a political science professor to teach constitutional law. I also was in a trust class in which Austin Scott (*Scott on Trusts*) gave a lecture. He also was very old at the time. I took labor law from Derek Bok (later president of Harvard) and I took classes from Braucher and Kaplan, both of whom were experts in their fields and went on to be on the Massachusetts Supreme Judicial Court.

Q: How did you let off steam in law school?

A: By going outside, I guess. (laughs) During the spring I started playing tennis with Alan Goldman who had played on the Harvard team, and I also learned squash, and started playing squash there. In my second year and third year we lived in houses. We lived in a dorm the first year, and second year I lived with Bill Kartozian among others — kind of a famous guy at Stanford — a ribald and very popular cheerleader. Stanford students actually brought him back from Harvard one weekend to lead cheers at a game. My third year I roomed with Richard Blake (was a partner in Simpson, Thatcher in New York), Robert Falk (now an investment banker with

Apollo) and Harold Parkman (was a partner in a prominent Mobile, Alabama law firm), who somehow took a role in getting me together with your mother Sandy.

Q: Wasn't there some competition for how many dates you could go on, something like that?

A: No, I think I set the record for number of dates that didn't go anywhere.

Q: First dates without second dates?

A: That's true. (laughs)

Q: What were these dates like? Do you remember any of them?

A: Oh, yes.

Q: What was the worst date you went on?

A: I can't say — various women came from schools such as Wellesley, Radcliff, Harvard Graduate School, and Lesley College, which was right across the street from us — a little teachers college. I don't remember too much about them. Once on a double date with me at Wellesley, Richard Blake had a blind date with the daughter of the famous poet, Phyllis McGinley. He ended up marrying her — Patsy.

Q: How did you meet, where did you find these?

A: Mixers or referrals.

Q: You guys would all steel your courage and go out together to these mixers and then introduce yourself to people?

A: Yes. These were pretty awkward events.

Q: I see some things here I don't fully understand — Miss Paraguay?

A: One summer I was teaching tennis, and one of the guys at the club said, "Do you want to go to a Miss Universe party?" They were having the Miss Universe or comparable contest there in town. I said, "Sure, why not?" So I went, and all these contestants were around. I gathered the way to get anywhere was to say that I was a Hollywood producer or director. In any event, I offered to teach Miss Paraguay tennis, and I did teach her tennis. Then I asked her out. (I was correctly warned that dating a tennis pupil led to a non-paying pupil.) She said, "I can't go out without my mother (a dueña), who has to accompany us." I said, "Well, we're going to the Hollywood Bowl; do we have to get a ticket for Mom, too?" She said, "Yes." So I got a ticket for Mom, and finally I said, "When do we get rid of Mom?" She said, "Not until we get engaged."

The sad thing about Miss Paraguay is what happened to her. I didn't pursue it too far — she was very pretty and spoke very well; she'd gone to an American college and so forth. I guess having grown up under that system, she sort of broke loose. And she ended up living with people or getting married a couple of times. I don't think it ended up well for her — at least up to the time I last heard about her.

Q: Do you want to tell the story of how you met Mom?

A: In my third year, after running through all these women, I noticed there were three attractive ladies eating at Harkness Commons, which is where we ate. We used to say the food there is in the shape of chicken because everything there was tasteless. So I noticed these three, and there was one whose looks I particularly liked. I stalked her a little bit to find out who she was. I asked for her name, and the name I got was one of the other ladies'. So when I picked her up, it was the wrong one. But, I figured what the heck. But we didn't get along all that well, and that sort of ended. I was mentioning this to my roommate, Harold Parkman, and he said, "I'll call the one you are interested in and explain it to her." I was reticent. So Harold called up Sandy and said, "You know, my roommate here would like to take you out, but he took out one of your roommates by mistake, and would you mind?" And she said, "No." And so that's how it occurred. She was going to the Harvard Graduate School of Education, having graduated from Brown with her identical twin sister.

Q: Do you remember where you took her?

A: Usually I took her back to our place to watch television. That was about it. I didn't have a lot of money. Maybe a movie at best. I broke her in for what was going to happen for the next fifty years.

Q: A lot of television at home.

A: That's right.

Q: You're not a particularly romantic person, but at some point you must have realized you wanted to marry her.

A: We got along and stayed in touch, and she came out one summer.

Q: Came to L.A.

A: To L.A. She was traveling, and I told her to get out to Los Angeles — why doesn't she abandon the other girl she was with and get out to L.A. and stay for a few days because my parents were out of town. So she did. And then when I went into the military, we corresponded, and she visited me in Amarillo. I visited her at her house in Worcester, Massachusetts, and ultimately we got engaged. We were married when I was in Washington.

Getting back to law school, in my second year, Richard Blake and I decided to go to Los Angeles where we had summer jobs. We drove through the South to see what it was like, because at that

time, it was just prior to the sit-ins. So we went through the South, and on the way I insisted that we stop at Dayton, Tennessee, the location of the Scopes trial, the famous trial on evolution. They had a little sign in front of the courthouse saying, "This is the place where the Scopes Trial took place that William Jennings Bryan won." (See *Inherit the Wind.*) Well, he did technically win, but it destroyed him. I sent postcards from Dayton, Tennessee, saying, "You'll never make a monkey out of me."

The South was shocking to see — the "White only," "Colored only" signs. I remember going to a gas station, and they wouldn't let a black man drink out of the drinking fountain. They handed him a cup. Meanwhile, they'd let their dog drink out of the drinking fountain. I purposely got on a bus to see the Blacks sitting in the back of the bus, and it was quite a sight.

Q: What made you and Blake do this? Do you remember how that came about?

A: I think we were just interested in seeing another part of the country rather than driving straight across the farmland.

Q: The Civil Rights Movement hadn't really begun yet?

A: It was about to begin, I think.

Q: And you guys were aware of that?

A: Yes. My Uncle Ed, not then but later, participated in some of the sit-ins down south.

On another matter during that time, in my father's 1962 reelection campaign, Harry Truman came out to speak at a fundraiser in San Francisco for my father. I picked him up at the airport in my Plymouth, and he came off without any Secret Service or anything else, just a bag over his shoulder. I put him in the back seat of my Plymouth, and I drove him in to town. I asked him lots of questions: "What did you think of Eisenhower?" I remember him saying, "That son of a bitch." I said, "Why is that?" He said, "You know, he didn't defend George Marshall when McCarthy went after Marshall, who had been Eisenhower's patron. Eisenhower didn't have the nerve to stick up for him." So he didn't think well of him. And he'd say, "Let's go get a bourbon." So Truman was fun to drive. It was great to be there alone with an ex-President.

I also had the opportunity to meet Indira Gandhi and her son Rajiv, both of whom became prime ministers of India. We had dinner with my parents and Justice Douglas's son. There were benefits to being my father's son. I went to see Mort Sahl perform, and he welcomed me backstage in San Francisco. He later turned into a manic Kennedy assassination conspiracy theorist. I also became friendly with British Law Lord Kenneth Diplock, a great jurist, and Sir Denys Roberts, the attorney general and chief justice of Hong Kong (the last non-Chinese to hold the post). I think Denys served in high legal and judicial positions (attorney general and chief justice) in Gibraltar, Bermuda, and Brunei.

Q: Tell me about the military — Air Force JAG and Amarillo.

A: While in law school, because we were concerned about the draft, and at that time there were the Berlin and Cuban crises, a number of us went to the Air Force to see about getting into a JAG unit. They put us through a physical, and I had no trouble with push-ups and so forth. I remember these big guys with ducktails came in on motorcycles and couldn't do a push-up; they were so out of shape. Later we all got letters saying, "Sorry, we can't take you, we could only take 20 percent of the people that applied." None of us Harvard Law students had ever been rejected from anything before, and we were amazed. How did we not qualify in the top 20 percent of Air Force JAG applicants?

Later when I was in the military, I went to the JAG office to see who these supermen were and asked the fellow, "Where did you go to law school?" He said he went to Washburn Law School in Kansas or some similar place. I said, "Where'd you finish in the class?" He said, "Well, not very well." I figured the Air Force knew what they were doing; they were taking people who would stay, not people who would just be in for a few years and then get out. Maybe that is why we were rejected.

Also in the second year summer, law firms didn't have many summer associate programs, but Pacht, Ross, Warne and Bernhard hired me for the summer. It was excellent training. Law schools didn't have the clinical programs, and I think correctly so because they taught us how to think like lawyers; that was the object, not to show us how to draft a complaint or how to deal with a client. They correctly believed we'd learn that on the job. I did learn that summer under Roy Aaron and Clore Warne how to research and draft memos, and it was a good learning experience.

A: What led you to Amarillo?

Q: Before that, in my third year in law school, we began interviewing law firms. My father had even mentioned to Justice Bill Douglas that I was applying to law firms; he said, "Why doesn't he apply where my clerk is at?" And I believe Douglas sent a letter suggesting me. So it wasn't until later that I found out that most of the downtown firms were not hiring Jews, or not many of them. Only the Jewish firms were available to most of us. If that happened today, there would be a great deal of agitation. But in those days, we were resigned to it. Also, the elite Los Angeles clubs — California Club, Jonathan Club, Los Angeles Country Club and others, along with the law firms, would not allow Jewish members. They were also politically conservative. My father said when Jack Kennedy's helicopter landed at the Los Angeles Country Club across the street from the Beverly Hilton Hotel, my father said to Kennedy, "Mr. President, I hope you notice that the only ones applauding you here are those who consist of the hired help." Fortunately, all that has changed.

I ultimately was offered a job at the Los Angeles firm of Mitchell, Silberberg & Knupp, which was a big entertainment firm and was Jewish and Gentile. (It even had a woman lawyer — a rarity for law firms.) It was the third or fourth largest firm in the city. But I had decided to do a clerkship. I had applied to Mathew Tobriner on the California Supreme Court, a great labor lawyer, who was put on the Court by Governor Pat Brown. I got the job, but I had to defer a year because I decided I'd go in the military and get it out of the way. (My classmate Loren Rothschild took my place.) I had applied for a Knox Fellowship, which would have taken me

abroad, and missed by one. I was admitted to the London School of Economics anyway. But I decided I'd get the military out of the way and not defer another year. I was a year ahead of myself. So I was a little young, and thus vulnerable to the draft. I couldn't make it to 26, which was the cut-off time, unless I took another year in school, which I decided not to do. Most of my contemporaries avoided the draft by staying in school until age 26.

Q: What was happening in the world at that time? What year are we talking about?

A: In 1963, it was just pre-Vietnam. We'd had the Berlin Airlift. There was a call-up. And they had the Cuban Missile Crisis. So, I went up to see the director of Selective Service in California, who was the same person who had gone out of the room and let my father memorize the eye chart to get him into the army in World War II. I sort of said, "How do I get out of this?" He said, "Wait a minute, your father fought hard to get in, and you're trying to get out?" He sort of shamed me into enlisting, which I did. I enlisted in the Air National Guard for a six-month program. I did basic training at Lackland Air Force Base in San Antonio.

Q: What was that like when you first arrived? Do you remember when you first got there?

A: I remember the drill instructor took away all my pills. (laughs) Which was fine; I got along without them. But I was in pretty decent physical shape. I wasn't happy there particularly. I mean it was . . .

Q: This was basic training?

A: Basic training. The same process men had long gone through.

Q: So you were thrown in with whom?

A: They were all types — some with higher education and some 18-year-olds, draftee-types. But here I was out of law school and I'm being yelled and screamed at by some recent ROTC college graduates and sergeants who were career military. But we had some interesting people. We had a person in my unit who was one of the Disney Mouseketeers, a fellow named Tommy Cole.

Q: Had you ever held a gun before you went there?

A: I don't remember if I had. We learned how to shoot. I never really could take the rifle apart and put it back together again. I remember whenever there was any kind of a religious holiday, I always put up my hand, whether Catholic, Protestant, Jewish, whatever, in order to get out of the routine for a brief period. I was a clerk typist at Amarillo after basic training, and learned how to type well. But it was cold. It was 20 below zero there. Lloyd Hand, who was a friend of my father's and Lyndon Johnson's chief of protocol, arranged for me to meet a fellow named Wales Madden, who was T. Boone Pickens's lawyer. He was very nice; he and his family took me to the country club on weekends. I also met my cousin Dave Rousso at the Amarillo base where he was serving.

I volunteered for the basketball team, exaggerating my credentials — and I think I was exposed early. I did volunteer in the Legal Office there, and remember they called me in one time. I thought, "What did I do now?" They gave me a telegram saying that "You passed the bar examination." I had taken the bar exam before leaving for the military, and so I was sworn in there by an officer at the Air Force base.

Q: In this day and age people don't normally enlist in the military. What was going on? Why did you feel it was important to do this?

A: There was a draft as a starter, and I was exposed. The other thing is, I did have some political ambitions, and I thought having a military record, not having ducked it, would be an asset. As it turned out, Bill Clinton got elected President even though he dodged the draft, and most of my contemporaries didn't go. Jerry Brown certainly didn't go, and it didn't seem to matter. The same is true for Vice President Cheney. As a matter of fact, my father said, when he got out of the military he thought having a military background would be an enhancement to his career. The American Legion and other organizations would seem to have been influential. But it never really was a big thing. If you were a war hero like Kennedy or Bush (Bush 41), it apparently made some difference. Otherwise, it didn't.

Q: What year were you in Amarillo?

A: I was in Amarillo in '63. I was there at the time the Kennedy assassination took place.

Q: So what do you remember about that?

A: I remember it having occurred and being transfixed to the television set and watching Jack Ruby shoot Oswald. It was pretty traumatic. The jets on the Air Force base scrambled. They didn't know what this meant and that is why they did so.

Q: What do you mean? What did they think?

A: Well, the perpetrator could have been the Russians, the Cubans. Nobody knew who was responsible for this.

Q: Was there anything unique about being in Texas at this time?

A: No, we were pretty isolated.

Q: And how did the appointment to the Warren Commission staff come about?

A: I saw they were going to form a commission to investigate the events. I was going to work at the law firm between when I got out of the service and the clerkship. So I wrote the chief justice. Initially, the general counsel, J. Lee Rankin, wrote me and said they were not hiring. Apparently the chief or Rankin wrote back and accepted me. But the letter never got to me. So the chief called, or he saw my mother and he said, "How come your son hasn't responded to me?" So I never got the letter at the Amarillo Air Force Base. Maybe they didn't like Earl Warren.

I was accepted basically to be the equivalent of a young associate in a law firm, which the Warren Commission staff loosely resembled. When I got out of the military, I had to do some weekend duty in Van Nuys, and I recall I had to fly back to Washington immediately to join the Warren Commission staff. I didn't realize they would pay for me, so I was going to fly back to Washington in my uniform with orders cut so I could go for free. I went out to the Air Force base for my meeting on Sunday, and I was going to take a red-eye on Sunday night. Sunday I go out to the base and they say, "Mosk, you're going to do KP." I said, "I'm flying back to the Warren Commission; I don't want to get my uniform dirty in KP" (Kitchen Patrol). My plea went unheeded. When I got into KP, they said, "Pots and pans." And so I was pretty grimy. But I got on the plane. I flew the red-eye, and 9:00 the next morning I walk into the Supreme Court , and there I am with the chief justice of the United States. Quite a change from hours earlier when I was doing pots and pans. He told me, "Richard, our only client is truth." So that's how I started.

Q: When you started, were there assumptions about what had happened?

A: Yes, they had a report from the FBI that had identified Oswald as the assassin — he had been arrested. The FBI also reported on Ruby's shooting of Oswald. It was a skeleton report on everything that had happened and concluded that they couldn't find any evidence of a conspiracy. So that's how it started out.

By the way, when I went to Washington I had no place to stay, so I stayed with Fred Wertheimer, an acquaintance from the Harvard Law School, who is well known for having been in Common Cause, and promoting the disclosure and limits on financing election campaigns. He is married now to Linda Wertheimer of NPR. The Warren Commission was an impressive group of people. It had J. Lee Rankin, who was the former solicitor general, as general counsel. The senior counsel came from around the country, including Joe Ball from California, Bert Jenner of Jenner and Block in Chicago, Leon Hubert from Louisiana and Bill Coleman — the great civil rights lawyer. Norm Redlich of NYU, and Howard Willens from the Department of Justice, were sort of administrators.

Q: Tell us more about it. I think the names aren't going to mean that much to most people.

A: These were prominent attorneys. Under them they had what you'd call the junior partners; these were people who were about in their mid-30s who'd been on the Harvard and Yale law reviews. They were the best and the brightest from big firms. I was the first person comparable to an associate. I was the youngest at the time. Later came John Hart Ely (later constitutional scholar and Stanford Law School dean), who was available after military service because his draft board rejected a request by the chief justice to defer him for a clerkship with the chief justice. He had the same role as I had. The lawyers became prominent attorneys, judges and professors. I was able to work for all of them, although generally my assignments came from the deputy general counsel, Howard Willens.

Q: Everybody had convened in Washington on this mission to do what? What was going to happen?

A: The idea was to investigate and determine the facts surrounding the events of November 22, 1963, and the few days thereafter.

Q: And how did they do that? What did they do to divide up the labor?

A: They divided into subjects. Dave Slawson (later a USC law professor) and Bill Coleman were basically to deal with foreign issues. Bert Jenner and Mel Eisenberg (later a Boalt Hall professor) were to concentrate on Oswald and domestic matters; Leon Hubert and Bert Griffin (later an Ohio judge) were to concentrate on Ruby. We all had to get top-secret security clearances, and mine took forever. I couldn't imagine why. I had never done anything remotely questionable. I hadn't signed anything. (Growing up in the McCarthy era caused me to shy away from anything remotely or potentially suspect.) I suspected it was probably because of my uncle or my father. But it finally came through. With Norman Redlich who was the NYU law professor, the FBI came in and said to Warren, "Do you realize that he wrote that taking the Fifth Amendment should not be considered evidence of guilt?" And Warren said, in effect, "So what." This became somewhat controversial, but Warren insisted that was not going to be a disqualifying factor. Vestiges of the McCarthy era remained.

Q: So everybody had been given different assignments. What was your assignment?

A: I was thumbing through my papers just to see what I worked on, and I first worked on the ability of the Commission to administer oaths and to issue subpoenas. I worked on Oswald's marksmanship, his finances and his biography. I worked on some odd matters, like the Dallas newspaper in which there was an ad just before the assassination that said "Running Man, please call me. Lee." It looked kind of suspicious, so I looked into it; and turned out that was just a little promo for a movie called "Running Man" starring Lee Remick. I put together all the books Oswald checked out of the library and possessed. If he read them, he was well read.

I worked on the passport issues: Did the State Department violate any laws in connection with Oswald and his repatriation? Commissioner Gerald Ford seemed interested in the State Department. I worked on legislation for making it a federal crime to assault or assassinate a President or a federal official, which became a recommendation of the Commission. Because the staff was heavily composed of lawyers, I was given a number of research projects dealing with evidentiary issues, which probably didn't make much difference in this type of investigation. I suppose someone could question the value of evidence that normally was not admissible in evaluating issues if Oswald had been tried. Or those evidentiary issues might also be relevant to whether Oswald would have been convicted. But in hindsight, those legal questions were of little consequence. I also summarized transcripts of testimony. I opined on copyright issues regarding the Report and dealt with the printer. I worked on the history of presidential protection. I analyzed Oswald's proficiency with respect to rifles and his finances.

In dealing with Oswald's finances to see if he had any unknown sources of income that might suggest payment for the shooting, I found every possible expenditure he made and used some Labor Department statistics for normal expenditures for such items as food. Then I collected information on all of his income. The balance sheet came out with the expenses and income only

a few dollars apart. This suggested he had no unknown sources of income that might indicate a conspiracy. I had to cite authority for each piece of information. At one point, I was attempting to obtain Oswald's subscription to *Time* magazine, and I called someone in circulation. I said I was calling from the Warren Commission, but he continued to ask what business I was calling from. When I asked for a copy of Oswald's subscription order, he asked, "Where does he live now?" This suggested that our mission was not as widely known as I had thought. I also worked with the cryptologists in connection with seeing if any documents had microdots in them.

Q: What does that mean?

A: I guess there's a way of communicating through using microdots. So we wanted to see if any of Oswald's materials had them. I prepared some of the attorneys for witnesses. So it was a full range. I roamed through all areas. My office mate was John Hart Ely. He died not too long ago, but he has written some important books.

Q: Did you interview witnesses? Like what kind of people?

A: All kinds. I remember there were a couple of ladies from Solvang, California, who traveled to the Soviet Union. In those days the Russians wouldn't allow anybody to take photographs. They tried to stop it. These ladies were in Minsk on vacation, and one took a photograph of the other in front of a church. In the picture, right behind one of the ladies, was walking none other than Lee Harvey Oswald. Apparently the authorities here would ask people for copies of their pictures they took in the Soviet Union (because the Soviets prohibited picture-taking at least in certain areas), and I don't know how our government did this, but they found one of these photographs with Lee Harvey Oswald. So we could pinpoint his whereabouts at that time.

So I talked to the ladies about when they took the photograph and where were they, and so forth.

Q: Do you know which agency had the photograph? How did that come about?

A: I do not recall.

Q: That's an incredible thing that they would have somebody's vacation pictures.

A: Yes. I don't know. I don't know how they did it. That was my recollection. They went through their pictures and found it.

Q: What did the ladies think when you called them and said, "We have your vacation picture with Lee Harvey Oswald?"

A: I don't recall their reaction. They were cooperative.

One of the problems I had was that I had these weekend National Guard meetings. I had to go once a month. I tried to get out of those because I was working on weekends at the Commission, and they required me to go to meetings at Andrews Air Force Base in Maryland while I was at the Commission doing work for the federal government. My father even wrote Walter Jenkins

who worked for President Johnson, and said, in effect, "This is ridiculous." Jenkins replied, "We just can't do anything about it." I went to see Senator Richard Russell who was on the Commission. I saw his assistant, and all he said was, "We'll have the meetings deferred, but you'll have to make them up when you go back to California." So I did that, because I worked quite hard there.

As a matter of fact, when I got married, I flew down to Worcester, Massachusetts, late Friday to get married on Saturday, and we drove back that night. I was back in the office on Monday. I remember my mother saw Warren at some point and said, "I'd just like you to know, Richard is really working hard. He didn't even take a honeymoon; he left on Friday and came back Monday." And Warren said, "Well, who let him off for Saturday?" After I left, Warren wrote my father that I had done good work for the Commission.

By the time I started getting in, late into July, I owed the Air National Guard all these weekends, and I said, "I can't stay any longer." I had to leave, much to my chagrin, and get back and start making up the meetings in California. As a result, I missed the tail end of the Commission activity, when apparently all of the cite checking was being done by U.S. Supreme Court clerks that had to come over to the Commission. Stuart Pollak (now a California Court of Appeal justice) came over earlier. I did make one trip back to Washington to help out on certain matters prior to publication of the Report.

Q: Okay. The other thing we wanted to touch on was, once the Warren Commission finished its work, what your impressions were of their findings, of your findings.

A: They weren't my findings. They were the findings of the Commission itself, which was composed of Earl Warren and Republican leaders and Democratic leaders in Congress and other luminaries. I had no reservations or doubts whatsoever as to the conclusions of the Report. We did have a so-called "devil's advocate," not intentionally, but one of the members of the staff, Jim Liebeler (later a UCLA law professor), did try to poke holes in things. By the way, the chief justice ordered Jim Liebeler to shave off his beard, which he refused to do. But essentially I thought the Commission Report would allay any suspicions. It didn't dawn on anyone that the doubts would continue to be so strong.

There were suspicions. There were those on the left who thought it was the oil people, or people on the right thought it was Communists. There were people who thought it was Russians, Cubans, the Mafia, and so forth. But I saw no evidence that the conclusions of the Warren Commission were not correct.

For a while, people seemed to accept the Report. But suddenly books started coming out. Mark Lane, who had been a New York legislator, started writing books. And pretty soon for some reason people bought into conspiracy theories. They couldn't believe the Report. The problem was that it was so hard to accept that the leader of the free world, a man like John Kennedy, could be brought down by such an insignificant person. There had to be more to it. And then when you had the Ruby thing added to it, that certainly spawned a number of suspicions.

Q: The "Ruby thing" being him killing Oswald?

A: Yes.

Q: Oswald's travels to Russia, the grassy knoll. You've certainly pored over all these theories. Were there any that raised new suspicions on your part?

A: No. If you're a lawyer, you realize that in even the simplest intersection case some people see that the light was red, and some people will see it was green, and you just have to put the facts together and see what's most likely. The fact that some people say the light was red, doesn't mean the light was red, because the light being red, has to also be consistent with all the other facts. So the fact that somebody saw somebody on the grassy knoll is simply inconsistent with the physical evidence and all of the other evidence that came in.

As I said, as years go on, the conspiracy theorists have poured out hundreds of books and articles, including some on the Warren Commission itself. I understand there will be many more for the fiftieth anniversary of the assassination. Vince Bugliosi, in his book *Reclaiming History*, did a masterful job in the multi-volume work analyzing the evidence and concluding that the Warren Commission had the correct result. There were decisions that may have contributed to the conspiracy theories, such as not disclosing the autopsy photos to some who should have seen them. The CIA did not disclose attempts on the life of Castro. Sometimes the chief justice made a few decisions with which we disagreed. But none of these decisions detracts from the soundness of the conclusions. Had we looked at the actual autopsy photos or known about the attempts on Castro, there is nothing more that we or anyone else could have done. The wounds and Cuba were thoroughly investigated. The Commission has many accomplishments in addition to its findings: legislation, presidential protection, forensic advances, the procedures it utilized, and providing a rich source of material for historians. I have sent all my papers to the National Archives in Maryland. My material will be kept together as a collection.

Q: Well, the movie, the Oliver Stone movie, *JFK*, which basically tried to give credence to some of the conspiracy theories, that got under your skin a little bit, right?

A: He and I debated in a magazine, and he more or less suggested that we were all part of the conspiracy, which I felt was over the top, as were his theories.

Q: That was a great moment for you to acknowledge that you've been participating in this conspiracy.

A: (laughs) That's right. Art Hoppe, a writer for the *San Francisco Chronicle*, once did a satirical article about the Madison Square Garden filled with all the conspirators planning on what to do next. It's sort of the same idea. I was upset that the studio that did the movie *JFK*, to promote the movie, sent the conspiracy material to schools as if it consisted of historical fact.

Since the movie *J. Edgar* has just come out, it reminded me that not only did Hoover investigate my father during the forties and later on in trying to find Communists, communism, and so forth — but with respect to the Warren Commission, he was fairly hostile because of the suggestion

that the FBI didn't do everything perfectly. Also, there was one agent apparently who had been tracking Oswald and sort of lost contact with him.

Q: An agent had been tracking Oswald before the assassination?

A: Before the assassination. He went to see Oswald, and didn't follow up with him, so there was some criticism of the FBI in that regard. In any event, it's come to my attention recently that Hoover put out a missive that agents were supposed to dig up whatever negative information they could on any member of the staff, which included me. Whether they got any negative information, I don't know. I've never sent away for my materials under the FOIA. I'm sort of afraid to do so, but we'll let you do that.

Q: I will.

A: Let me add as to the assassination, the night before Oswald had asked his estranged wife to reconcile and to look with him the next day for an apartment in Dallas. She refused. If she had said "Yes," there would have been no assassination. And if a postal inspector had not shown up at the last moment to question Oswald at his holding cell delaying his transfer, Oswald would have been gone when Ruby showed up. These improbable events dispel the idea of any well-planned conspiracy.

Q: So you were then back to California

A: Yes. Before that, I forgot to mention that when I was in Washington I did go to see Warren Christopher, who was then deputy secretary of state. He had been looking for an assistant, and he had already selected somebody. But his advice to me was, "I know you'd like to get involved in government, but the best way to do it is to go back to your community, build up your name and your reputation, and then you'll have a better opportunity than floating around on the Hill."

I'm not so sure that's right. It seems to me that as time has gone on, many people who held government staff jobs have moved up the chain in Washington politics and government. It may be harder as an outsider.

Q: We brushed by your getting married. Do you want to talk about that further?

A: We were married in Worcester, Massachusetts. It was snowing, and some of my friends were eager to watch UCLA play for the NCAA basketball championship — Wooden's first. Sandy's father was a prominent cardiologist in Worcester and helped bring the University of Massachusetts Medical School to Worcester. We drove back, and Sandy got a job at the Democratic National Committee. Stanley helped get that for her. She was a receptionist there, but she met a lot of very interesting people. Through that position, we met John Anderson, later a prominent San Francisco attorney who has been a friend ever since.

Q: And was she working in the Watergate Hotel, Watergate Office Building?

A: Wherever the DNC was at that time. I do not think the Watergate Office Building had been completed by then.

Q: '64 Senate?

A: That was a sad story. My father was the leading candidate for the U.S. Senate because incumbent Senator Clair Engle had gotten a brain tumor, and likely couldn't run again. President Kennedy indicated he would support my father. Alan Cranston, who was the controller, wanted to run. Pat Brown was supporting Cranston, probably because his aide, Hale Champion, wanted to be appointed controller.

Now you remember Pat Brown said at the Convention, "Anything you ever want, Stanley." And worse than just the lack of support, however, is a recent tape unearthed at the Lyndon Johnson Library that has a phone call from Pat Brown to Lyndon Johnson saying, "You know, I got Stanley Mosk out of the race. And you know how I did it." And Johnson said "Yeah," and Pat said, "I don't want to talk about it on the phone." And he did it by, I guess, circulating or spreading rumors about my father and drying up his financial support by inducing contributors not to contribute. And ultimately even though my father was leading in the polls by a wide margin, he decided to pull out of the race.

But in any event, to the disappointment of many, he decided not to run. My father got even by inducing Pierre Salinger, Kennedy's press secretary, to run against Cranston and issuing an opinion that he could legally do so. Salinger won the primary but lost to the actor George Murphy.

Q: He was forced out.

A: He was forced out essentially.

Q: Hardball politics?

A: Yes, it was. Then when Pat Brown appointed him to the California Supreme Court, it was as associate justice and not chief justice. My father was quite angry about that because I think Brown had promised him the next spot, which was the chief justice spot. He was certainly well qualified to be chief justice, having had administrative experience as attorney general and judicial experience as a trial judge. So Pat did put him on the Court, but whether it was a deal or whether, as many suspected, he did it to get rid of him so that he could put his friend Tom Lynch, who was the district attorney of San Francisco, in as the attorney general, I don't know, but the latter was probably a more likely rationale. FBI reports show Pat Brown even said some negative things about my father to agents. In later years I asked my father, "Aren't you really angry at Pat Brown for the way he's treated you?" And he said, "Well, how can you dislike Pat Brown?" I said, "Well, I could." Nevertheless, I maintained a friendly relationship with Pat. We had lunch a number of times before his health deteriorated. But that was Stanley. He got along with people, and he didn't hold grudges, and he just took it as it came. He wasn't quite so forgiving in his views about Pat's son.

Q: You and Jerry Brown were clerking together around this time, right?

A: Yes. At the clerkship for Justice Tobriner, Jerry Brown was one of my co-clerks, as were two others, one of whom was shared with Roger Traynor. At that time it was really a great Supreme Court — like the 1927 Yankees. They were one of the great state courts: Traynor, Tobriner, Mosk, Peters, Sullivan. And we had some fine clerks: Jerry Frug, my law school classmate, who became a professor at Harvard Law School was clerking for Traynor. And Steve Uman, a well-known lawyer, Washington lawyer, and Rhodes Scholar also clerked for Traynor. Roger Traynor was a highly respected justice around the country. We had some really outstanding people at the time; most clerks were recent law school graduates, who would clerk for a year. Now, generally, there are permanent or career clerks — in the state system. Traynor had a splendid career clerk who really knew the law. My father inherited as a permanent clerk Peter Belton, a Harvard Law School graduate who was confined to a wheelchair because of polio. I remember Jerry Brown as an affable fellow, but was known for keeping unconventional hours.

Q: Do you remember any of the cases you worked on?

A: Yes. There were many criminal cases involving a case called *People v. Dorado*, that was authored by Justice Tobriner, and was the forerunner of *Miranda*, which requires that a suspect be advised of his rights prior to an interrogation. This rule had been enunciated in *Dorado* by the California Supreme Court. I remember adding a footnote in the case alluding to the fact that this had been the practice of the FBI and military for quite some time, so it wasn't like it had inhibited law enforcement.

Q: That's always been controversial, right?

A: It has been controversial. In fact, at the time there was a case in which the police did not comply with these requirements because the arrest took place prior to *Dorado*, but the person was caught practically red-handed, confessed, and then got on the stand and, in effect, confessed. Justice Tobriner held that the conviction nevertheless had to be reversed because the testimony or the confession on the stand was the product of an illegal interrogation. I remember going to him and saying, "Is there no limit to this? I mean, all the evidence is overwhelming. Do you really have to reverse in a case like this?" And he said, "Yes, we must stick by the rules," and we argued a little bit about that. The "harmless error" concept apparently was not as widely used then. The evidence was the product of an interrogation to which *Dorado* applied retroactively.

Q: Now you're a judge, and you've seen a lot of these cases go by. What do you think? Would you do it the way Tobriner did it, or do you think that he was wrong?

A: We now have a concept of "harmless error," and maybe that would have been harmless error beyond a reasonable doubt. I'm always a little concerned, as is Justice Scalia, about the "harmless error" rule because we put ourselves in the place of the jurors in many instances. In many of these cases, because *Dorado* applied retroactively, the warnings hadn't been given, and thus a number of cases were reversed. That generally just meant a retrial. Defendants did not go free.

I had a really great experience and a terrific relationship with Justice Tobriner. I think he was one of the great jurists and a great human being. My father came on the Supreme Court at the time I was clerking, and that was interesting because he now was down the hall. I remember one case came through called *Manjares v. Newton*. It was about a Latino family that lived outside of some town; and the school bus didn't quite go far enough to pick the children up. The family had moved there so that their kids could go to a good school, but they didn't have the wherewithal to drive the kids to school. The mother worked. So they brought a lawsuit in which they claimed they should be able to get transportation to the school, and that there's no reason why the bus couldn't go an extra distance to pick them up. That appealed to me, and it seemed to me, why not? So I recommended the Supreme Court hear the case, and Justice Tobriner agreed, and the Court took it over. Ultimately my father wrote the opinion in favor of the family. I thought it has been an overlooked case, but it was meaningful at the time.

Q: So you had brought it in, and he . . .

A: Wrapped it up.

Q: (laughs) He was working down the hall. A lot of what you've described there was some distance between you and your father, but now you were working in the same office essentially.

A: Distance, you mean geographically?

Q: Geographic or he was working and you were in school. Did you get to know him in a better, a different way in this period of time?

A: There was certainly nothing other than geographic distance between us. I'd lived with him for many years. (laughs)

Another interesting case we had was called *Ballard v. Superior Court*. A dentist was accused of sexually abusing his patient. He said it was totally untrue, and he said the woman had psychological problems and she should be compelled to submit to a psychiatric exam because it was just his word against her word.

I had recommended, and Justice Tobriner agreed, and the Court agreed, that in the discretion of the trial court, she could be compelled to submit to a psychiatric exam. And if she decided she didn't want to, then the defense could comment upon that to the jury. Later on, the women's groups and others disagreed with that proposition. I guess I could understand why. Ultimately it was legislatively overturned.

I remember sharing a car ride with Governor Deukmejian — a very nice man — when he was attorney general, and I talked to him about it because he had been in favor of overturning the case. I said, "Why?" He said, "You wouldn't compel a bank teller to submit to a psychiatric exam in a bank robbery case, would you? Why should you do it in this type of case?" I do think there's a difference, but I can understand the concerns. (My California Supreme Court — Tobriner — papers are with the Supreme Court library.)

Q: So after the clerkship, what was your next move?

A: It was to Mitchell, Silberberg & Knupp.

Q: You'd been holding them off for a while.

A: Yes, I had. I had an offer from Gene Wyman to join his firm. Roz and Gene Wyman had been very active politically and in my father's campaign. Roz had been a well-regarded Los Angeles city councilwoman. Gene Wyman started up a very successful firm. I asked, "Gene, what would happen if you got hit by a truck?" — because he brought in all the business. He said, "The firm would be in big trouble." It so happened some years later he did die of a heart attack, unexpectedly. But the firm nevertheless thrived. I remember Chuck Manatt asked me about coming with him and a fellow named Tom Phelps, and they had a little office out in the Valley. I thought about it, but it was a little risky. That firm ended up as Manatt, Phelps & Phillips, a very successful law firm. Chuck Manatt became chairman of the Democratic National Committee and later an ambassador. Those were two opportunities I passed on. I was also offered a job as an in-house counsel to United Artists Theatre Circuit in San Francisco at almost twice my pay. I am told everyone there ended up quite wealthy. I recommended my classmate Bill Kartozian for the job, and he took it. He did quite well.

Mitchell, Silberberg & Knupp in those days was the most prominent entertainment law firm in the world. It represented studios. In fact, it had an office out at Columbia Studios, having a lawyer on site. It also represented talent and agents. Conflicts didn't seem to bother anyone in those days. They had a young lawyer named Abe Somer who brought in all the big recording stars, plus he represented recording companies. And there was Lee Phillips, who also represented recording stars. So it had a huge entertainment practice. A prominent entertainment lawyer was Eddie Rubin, who later became president of the State Bar. He had gone to Duke Law School with Richard Nixon and had been friendly with him. He and I had adjoining offices for many years. His son is now a colleague on the Court of Appeal. The firm also was well regarded for commercial litigation, headed up by Arthur Groman, a great litigator, for whom I did much of my work. Interestingly, Silberberg was a major Republican figure. He had not supported my father when he ran for attorney general, but did not oppose him. As attorney general, my father could hire the attorneys for some major institution. My father took the business away from Mitchell, Silberberg & Knupp and gave it to the Pacht firm. Silberberg was furious. But they hired me anyway.

I mentioned the Air National Guard. When I was in San Francisco, I found I could join the United States Naval Reserve as a JAG officer. As Vietnam was heating up, I thought if there was a big call-up, I would have preferred to have gone in as a legal officer in the Navy than as a clerk-typist in the Air National Guard. So I joined the Naval Reserve, and when we came to Los Angeles we used to meet at the county courthouse for lunch. I recall I had an order that in the event of an emergency, I was supposed to report to Yokohama in ten days. Someone else had to get to Hawaii in thirty days, and another was to report to Pasadena in ninety days. At least this was the essence of the orders. Maybe I exaggerate, but that is my recollection. We did fly to Washington in a DC-3 to be sworn in before the U.S. Supreme Court and the U.S. Court of Military Appeals. In those days, admission to the Supreme Court was done personally. Chief

Justice Burger swore us in. Chief Justice Warren was noted for being most gracious at these ceremonies. Burger was also. I greeted Dean Griswold, who then was solicitor general, as he waited to argue.

Q: Back to your law practice.

A: As far as Mitchell Silberberg was concerned, it was, first of all, great training. No letter could go out without the approval of a partner, even for an extension of time. In those days, there was no lateral movement among law firms. If you did good work, a partnership was likely. I did work for studios, talent, and agents. I did work for Steve McQueen. He wanted to defeat the motorcycle helmet proposed law because he was a big motorcyclist and he felt that motorcycle helmets interfered with his motorcycle driving. I made an arrangement for McQueen to testify in front of a legislative committee with Jesse Unruh, the well-known speaker of the Assembly (an ally of my father), and I was about to go up with McQueen, and he said, "I don't feel like going." After all that effort.

I did some work for Paul Newman. He wanted a stoplight at Coldwater and Heather where he lived, and so we worked on getting him a stoplight there.

Q: And did you succeed?

A: Yes, there's a stoplight at Heather and Coldwater now. The name "Paul Newman" didn't hurt any.

As time went on I was very fortunate to represent some other interesting people. I did work for Armand Hammer, who was the head of Occidental Petroleum. I remember Hammer saying, "Hurry up, Richard, I have to go see Ceausescu of Romania." I said, "Well, right now you've got to deal with me, Mr. Hammer; we've got to prepare you for this deposition." And Armand Hammer also would say, "Well, Richard, what do you want me to say?" I'd say, "Well, Mr. Hammer, let's start with the truth and then we'll work from there." (laughs)

Q: He was an oil magnate?

A: He came to California. He'd made money somewhere. I believe he did a thriving business with the Communist regime in Russia. He came to California, bought a small oil company, Occidental Petroleum, and built it into a behemoth. I did work for him on some matters. He had some dispute over his Ankeny cattle that he owned. When we went to Russia, I had a letter of introduction from Hammer. That got me into the Gold Room at the Hermitage Museum in Leningrad, without the usual authorizations from a consulate. I worked on and successfully argued the appeal of the *No Oil* case. Occidental wanted to drill in the Pacific Palisades. A group called "No Oil" opposed it. This case involved an Environmental Impact Report. Ultimately, No Oil defeated the project with an initiative.

I also did work for Norton Simon, who was the prominent businessman/art collector, and who established the Norton Simon Museum. We had a case involving an eleventh-century Nataraja statue that was taken out of a temple in India by a bronze cleaner, and a replica was made and

put in its place. The original floated around in Indian homes for a while, and then ultimately was sold to the Norton Simon Museum. The Indian government came after it and said that it wanted the return of this statue. It was a fascinating case because of the choice-of-law issue.

Q: What did you argue? How did you argue that case?

A: We argued that the Indian government was complicit in the sense that the statue had resided in government officials' houses, we thought; and also that the statute of limitations had run. There were interesting questions of which law applied because could it be Indian law, California law where it was purchased, New York law where the transaction took place, or London where it was actually physically located for bronze cleaning.

Q: Where did they bring the case?

A: In California and New York. We settled, with Simon getting the best of it I think. The Norton Simon Museum agreed to return the statue in ten years. In return, the dealer gave the Museum about four or five very valuable pieces, Indian pieces, probably stolen too for all I know. Then in ten years, Simon called me and said, "Do we really have to return this?" I said, "You did make a deal." I told him he should bring it back with his famous wife, the actress Jennifer Jones. He did allow its return.

I did some work for Ed Kienholz, the artist. He was married to Chief Tom Reddin's daughter, Nancy. In the sixties he had done a work called "Back Seat Dodge '38," which depicted a couple making love in the back seat of a car. The L.A. Board of Supervisors kicked up a fuss about it so that it had to be removed from the Los Angeles County Museum of Art. Years later, the Museum asked for Kienholz's permission through me to include that work in a publication. It is now well accepted. I also supplied him the law books for his piece depicting the United States Supreme Court. We went up to his compound or colony in Idaho once.

Another memorable client was Jack Kent Cooke. We represented the Lakers and the Kings, which he owned, and I also did work for the National Hockey League. There were some very interesting cases. One was brought by a young hockey player who'd lost his eye. In Canada, as you well know, hockey players didn't really get too much education, they just play hockey. This kid, a talented and up-and-coming player, had lost one of his eyes because of a hockey stick, and he wanted to continue to play. Indeed he was good enough to be drafted by the Buffalo Sabers of the National Hockey League. The League had a rule that said no one-eyed hockey players; they didn't want a kid going blind in front of 16,000 people and millions on television. We prevailed on that. We also had . . .

Q: You prevailed with the League, kept him from playing?

A: Kept him from playing. It's an ethical dilemma. It's like the football players today — should they be able to play with five concussions?

Q: Would a case like that, did that go to a jury, or can you describe how the case unfolded?

A: We got a summary judgment, and it went up on appeal, and we prevailed on appeal. The case was an anti-trust case.

We had another one about the San Francisco Seals. They wanted to move to Vancouver, and the League wouldn't let them. We were able to prevent that move. The court held there was no antitrust violation. Later authorities seemed to go the other way, at least with the Oakland Raiders.

A league started up called the World Hockey Association and brought an anti-trust case against the National Hockey League, whom we represented. So those were very interesting cases. We also did work for the Lakers.

I did some work for some NBA basketball players, Jim Chones and Bob McAdoo, who got into squabbles with their agent, a fellow named Al Ross. I did work for Computer Sciences that had the off-track betting agreement with the City of New York, and I did work for Bechtel. On behalf of Cooke, who was promoting the Ali–Norton heavyweight championship fight, I defended the fight against a number of attempts to enjoin it. Later, I met Ali at an event.

Q: So you were spending some time circulating with people like Jack Kent Cooke or Armand Hammer, these extremely wealthy, successful businesspeople. What was that like? Did you form impressions of them, or were there any takeaways for you about people who were very wealthy?

A: I found that they are risk-takers. Also, they are bold, they're bright, but most importantly they are risk-takers. When Norton Simon negotiated, he would change positions; he was a moving target. It was almost like he was irrational, and it made it very difficult for the opposition to negotiate with him because they didn't know where he'd end up. I thought it was a very effective way of negotiating, assuming you have the cards to do it. People like Hammer, Cooke and Simon also took a keen personal interest in their cases. They didn't delegate everything. I think they appreciated my calling them all the time at all hours to give them updates. I recall going to an NHL Board of Governors meeting. I knew Cooke would ask what the odds were of winning the case. I was told to say a bit over 50 percent because Cooke liked to be positive, but I should leave enough of a cover in case we lost. When he asked what the odds were for winning, I was carried away and said between 65 and 75 percent. He then asked, "Which is it, Richard?" Also, once, when I was at a hockey game, the usher came up to me and said there was a phone call. I couldn't imagine how anyone would find me or what emergency had occurred. It was Cooke asking that I demand a long-delayed ruling from a federal judge. I told him such a demand was not likely to lead to a desired result.

We also represented a number of people in the music industry — Earth, Wind and Fire for example, a great group. The firm did work for the Beatles and I think for Mick Jagger.

Q: You were working for a music band, and did they come into the law firm to meet with you? Did you meet with them, or were you only dealing with the business manager?

A: Occasionally I got to meet with them. I remember Barbra Streisand; her deposition was

taken, and I had to go prepare her and sit with her in her deposition. The lawyer asked the most outrageous questions knowing I would object. I think he wanted to burden her with multiple depositions. Thus, I did get to meet and deal with the actual stars sometimes. Often it was through their agents. I did work for Robert Wagner. He told me once that a certain actress was so bad that when she played Anne Frank in a play, as the Nazis came, the audience yelled, "She's up in the attic." Once I read scripts for a new Perry Mason TV show to make sure the stories did not diverge too far from legal principles. It was difficult to accomplish this for a show that ran for less than an hour.

Q: Did you like this kind of practice? Were you mostly out of the courtroom? Most of the work was done . . .

A: Yes, with business litigation very few matters actually went to trial. It was pretrial activities. You can't really call yourself a trial lawyer in that kind of a practice. I did try some cases. The first case I ever tried as a new associate was a Municipal Court case; it involved Teledyne. It was a $5,000 case, but Mitchell Silberberg allowed me to try the whole matter in the Municipal Court. They had a partner sitting with me during the trial. It was great training.

Q: What was the outcome of your first case?

A: I won. (laughs) Although I was a litigator, I was able to get involved in other areas. I handled a Franchise Tax matter for the NHL; a few family law cases; a public offering for an aerospace company owned by a former tennis pupil of mine — Leo Wyler; some labor matters; an occasional bankruptcy case; and some administrative matters. I did some pro bono work, including after the Watts riots, but never had any trials from such activities.

Q: Did you feel at the time like this is what you wanted to be doing with your career, or did you feel like there were more things that you wanted to do that you were planning for or thinking about?

A: I always had the feeling that I'd like to do something different at least every five-to-ten years. You only go through life once. One problem with private practice was the intra-firm intrigue. A pie had to be divided among a bunch of highly driven people. All these people had always succeeded; now the measure of success was compensation. So even if the discrepancies in pay seemed trivial, they were not to the lawyers. Also, litigation had its moments of stress. The cases we had went on for years and involved the expenditure of considerable sums. Thus, there was pressure for a result that justified that amount of time and expenditure. In addition, you deal with a person, the opposing lawyer, who is trying to prevent you from getting what you want. It is competitive — sort of like at a tennis match. Opposing lawyers could be unpleasant, but not all of them. I became friendly with a number of opposing counsel, such as my now colleague, Justice Arthur Gilbert. The idea there was civility among lawyers in the past is a bit of a fiction. When I was a young associate, I asked a partner how he felt about an attorney who had opposed him for years in one case. He replied, "hatred diluted only by contempt."

I did some appeals, some in the California Supreme Court. One involved the Industrial Welfare Commission rules. I represented the National Association of Theatre Owners, whose president

was Bill Kartozian. I had a few other cases that went up on appeal. I liked appellate work. I was always looking for something else, however. I tried to become a district attorney. When a district attorney had retired, died or left, the Board of Supervisors picked a successor. The first time, I thought maybe I could pull it off, with three Democratic supervisors. I was one of the finalists. I don't think it was ever in the cards. I was very young and inexperienced.

Q: What year would this have been? Do you remember, roughly?

A: Probably was in 1971, something like that. I was a finalist for the same position a few years later. Then, too, I thought I had a chance.

Q: This kept to your theory that it would be better to get appointed to something than to try to . . .

A: Get elected, yes. I remember going up to Earl Warren because he knew some of those supervisors, and seeing if he could weigh in. He knew them from the days when he was governor. I went up to the Fairmont Hotel, and I asked him, and he said, "No, Richard, I'm not going to contact them. They're just a bunch of crooks anyway." (laughs) So, he was an outspoken guy.

Q: You note in here that it was during this period that you met your good friend Ken Reich, the newspaper reporter. Do you remember what the context of that first meeting was?

A: Yes, we represented the homeowners association in Westwood, and they were fighting with UCLA over parking on the streets. Ken was covering it for the *L.A. Times*. There were some funny things: some of the neighbors were complaining that condoms were thrown on their front lawn, things like that. So that's how I first met Ken, and I found Ken always to be fun-to-be-around, a little quirky but fun. We stayed friendly until he passed away a few years ago.

Q: You meet a lot of people in daily life but not all become lifelong friends. What was it about that connection, do you think, that you ended up being so close with him?

A: I don't know. We just kind of hit it off; I enjoyed listening to him. He used to call me up every time some new story broke to let me know about it. Generally, journalists are interesting people. They should be knowledgeable in many fields, and they cover matters that are by definition newsworthy. You, as a journalist, would agree. Ken covered politics, earthquakes, Olympics, and so forth. Incidentally, my father was interested in journalism when he was young and, for the most part, admired journalists. He had many journalist friends throughout his career. He also was friendly with newspaper owners, including Otis Chandler, the Ritter family, and the McClatchy family. Similarly, I have always enjoyed knowing journalists. I knew Tom Brokaw, the NBC anchor, when he worked for local television, and I knew various *Los Angeles Times* reporters, many of whom I met through Ken Reich.

Q: You talked about arguing before the Supreme Court and your interest in appellate work. Were there any issues created? Did any of the opposing counsel object in any way to having an attorney named Mosk before a court that had a justice named Mosk?

A: No. My father would always disqualify himself in those situations.

Q: Right. But you knew all the justices, and he knew all of them.

A: Yes, I knew some of them. I remember my father argued before the U.S. Supreme Court in *Arizona v. California*, an important water case, and he said when he was sitting in the front row waiting to appear, he got a note from one of the justices, either Goldberg, Brennan, or Douglas, saying, "How about dinner tonight?" But he lost 8 to 1.

Q: When you were going to go make your first arguments before the California Supreme Court, did you talk to Stanley about it? Did he ever offer you advice? Was he a sounding board or anything for you on legal cases?

A: No, I was always — he used to say that whenever I called him I'd say, "Outrageous." He said, "The only time you call is to criticize my opinions," (laughs) I don't think he gave me advice. I think he may have watched the argument from behind the curtain someplace.

Q: Did he ever talk to you about your interest in being a judge? Did that ever come up?

A: Yes. He encouraged it. He thought I should get Jerry Brown to put me on the Superior Court. My name was submitted to the screening committee for the Court of Appeal, but I withdrew when I was appointed to the Iran–U.S. Claims Tribunal. I expressed some interest in an appellate court judgeship after I came back from the Iran–U.S. Claims Tribunal, when Deukmejian was governor. I met with Marvin Baxter, who was his legal affairs secretary, and I said, "I'd like to be on the Court of Appeal." He said, "Our policy is that you must start and work your way up from the trial bench." I said, "Does that mean if the attorney general, William French Smith, came back to California and wanted to be on the Court of Appeal you'd have to say, you would have to start him on the Municipal Court?" He said, "That's our policy." He did suggest a Superior Court judgeship. It turns out that Marvin Baxter got appointed to the Court of Appeal without having been a trial court judge. Later he was elevated to the Supreme Court. (He has been a fine jurist.) I don't think being a trial court judge is essential for being an appellate court justice. It might help, but they involve different skills.

Q: That's funny. He offered you, or there was a possibility of a Superior Court judgeship, but that didn't interest you?

A: No, I didn't really think I was cut out for that. My father encouraged me to take it. He said he liked it and thought it would be worthwhile and I could work my way up. But somehow or other, I was a little more impatient; if I wanted to be something I wanted to be that and not work my way up at that stage. As I mentioned, I was on track to go straight to the Court of Appeal just before I was appointed to the Iran–U.S. Claims Tribunal, but that appointment ended the possibility of a Court of Appeal appointment at that time.

Q: Superior Court is a grueling kind of judgeship, right? You're seeing . . .

A: No, not really. But the idea of just sitting there troubled me — sitting passively.

Q: You note here, "death penalty cases." Do you want to talk a little bit about that?

A: Yes. I did some pro bono work for the NAACP Legal Defense Fund — some briefs on capital cases. One of them I thought looked like a good bet to go to the U.S. Supreme Court. It was an older man and a younger man, and the younger man was clearly under the sway of the older man. And the younger man was also not very bright. The older man had killed somebody in connection with the robbery. The younger man was with him. The older man got life and the younger man got death. So I thought this was a pretty good case as to whether or not a non-triggerman could be executed.

It was a case out of Ohio, and I remember getting up one morning and seeing in the newspaper, "The Supreme Court Takes Ohio Death Penalty Case," and I thought, "Wow, I got it." But it was another case involving the getaway driver or aider and abettor who was given death, and the perpetrators received life.

Q: So it was similar. The court was looking to take a case like this — a non-triggerman — but they took a different one.

A: Right.

Q: Were you interested in death penalty cases? Did you have moral feelings about the death penalty?

A: I personally was opposed to the death penalty, yes. I wasn't out picketing, and I wasn't actively involved, but when these cases came along I thought they were interesting and worthwhile cases to take.

Q: This is a political topic that's surfaced over and over again in California in conjunction with Stanley. Did you and Stanley talk about the death penalty at all or how to approach the topic?

A: He always took the position that he was personally opposed to it. In fact, he even testified against it, but he would carry it out as a judge and seek to enforce it as attorney general. People seemed to accept that notion. I don't know that they are quite so tolerant these days, although I think Jerry Brown has probably been able to do that. I asked my father, "What about Eichmann? Is there some limit?" He said, "No, I'm just opposed to the death penalty, period."

When I applied for a federal judgeship later on, I was selected by the committee recommending appointments of federal judges and went up to be interviewed by Senator Dianne Feinstein. And she asked me my position on the death penalty, and I said, "I'm personally opposed to it, but I'd carry it out if I were a judge." Capital cases generally at that time didn't come before federal judges. I said, "Maybe Eichmann, and maybe if I think Eichmann should be executed, I'm a little bit pregnant in that sense." That wasn't good enough for her. She just wouldn't accept anybody who had any reservations about the death penalty.

Q: It was too politically difficult for her.

A: No, I think she had been on the Parole Board as a young person and been opposed to the death penalty, but allegedly she had an epiphany when she was running for statewide office. Maybe it had to do with the murder of Harvey Milk, with whom she served on the San Francisco Board of Supervisors. I'm not sure. But that was her position.

Q: What is the Judicial Procedures Commission?

A: That was a Los Angeles County commission that Kenny Hahn, Supervisor Hahn put me on. We'd make recommendations to the Board of Supervisors with respect to the court system. Also a little earlier I was on another local commission . . .

Strangely enough, Sam Yorty, whom I mentioned earlier . . .

Q: Who you slammed the door in his face.

A: Yes, who was then mayor, and had been in the Legislature during the Olson days and was a friend of my father. He put me on this L.A. City–County Fire Board of Inquiry, which arose after some devastating fires in the area. Unfortunately, it sort of devolved into a fight between the wood shingle industry and the non-wood shingle roofing industry. It's so obvious that you couldn't have wood shingles in fire areas. But I ultimately wrote a "concurring opinion," in which I made a number of recommendations: for "Super Scoopers," and even controlled burning as a possibility, and fire-breaks and communications enhancements between various departments. So just like many blue ribbon commissions, I'm not sure the recommendations ever had much impact. Paul Ziffren, who lived in Malibu — a fire-prone area — was also on the committee and joined in my opinion. (My Board papers are with the Huntington Library.)

Q: During this time you did a lot of traveling with Mom or with friends, or do you want to talk a little bit about how the world was changing, as you saw it at that time?

A: We took various trips. Japan, Europe, and Israel. I remember one — my parents had gone to Morocco, and they went into a rug store in Fez. My mother bought a rug, but she was a little concerned about whether it would be sent. And so she said, "You know, my husband is a judge. I just want you to know that." And the man said, "Oh, a judge," and he went back and he brought some bounced checks from Americans and gave them to my father and said, "Can you collect these?" And my father, not wishing to offend him, took them and then gave them to me. I wrote collection letters on Mitchell, Silberberg & Knupp stationery, and these people all paid after a big firm letter came to them. He was so excited. He sent us gifts.

Ultimately we went over there, and he treated us quite nicely. He took us up to his mansion for dinner. He had asked us to pick out any rugs that we liked at his store, so I picked out a whole bunch. Then he put them down on the grass after dinner and said, "Which one do you want?" It was like a game show. I didn't know: "Is he going to give it to me, or is he going to sell it to me? If he's going to sell it to me, I just want the cheapest one. If he's going to give it to me, I

want the most expensive one." Since my nature is conservative, I picked the cheapest one, and he gave it to me. Wrong again.

Q: (laughs)

A: You ultimately hooked up with his son, and . . .

Q: Three generations. That was quite a good deed that Stanley did, with you doing the actual heavy lifting.

A: Also, in the seventies I took a leave of absence to work for the Federal Public Defender Office. John Van de Kamp was the federal public defender — a great public servant. He became district attorney and attorney general. We were sitting together, and I was saying I'd like to do something else. And he said, "Why don't you come down to the Public Defender's Office?" So I took a leave of absence, and I tried criminal cases down there as a public defender. It was a great experience because I actually tried jury cases (and I handled the appeals). I won one and lost the rest.

Q: Is that the norm for the public defender?

A: Yes. I remember one of the judges took me aside and said, "Richard, just plead them all guilty." But the one that I won, I had some help from Alan Isaacman, who became famous later on as Larry Flynt's lawyer. The assistant U.S. attorney on the other side, Howard Matz (later a U.S. District Court judge), really didn't like the idea that I won this case because the assistant U.S. attorneys got called up to the office of the U.S. attorney to explain how they could lose a case. So I guess he blamed me. There was some hostility there, and it carried over. I had applied for, and Alan Cranston, who had become a U.S. senator, had agreed to make me, U.S. attorney. He promised it to me. He said, "Now all you have to do is get through this committee." Well, the committee was like a nightmare for me because the members had their own constituencies. The Latino wanted a Latino. The African American wanted an African American. There was pretty keen competition to get through. And because of this assistant U.S. attorney with whom I had had a conflict, some opposition to me from within the office was generated.

In any event, I was one of the ones recommended by the committee. When I got back to my office one day there's a call from Cranston. I thought, "Well, he's going to come through here for me." And he said, "Richard, I've decided to appoint Andrea Ordin. She's a Latina — but how about a judgeship?" I said, "You promised the U.S. attorney spot. I'm not interested in the judgeship." I was pretty annoyed by that. And especially since Cranston had basically helped spread some of the rumors about my father in order to get the Senate nomination.

Q: Did you know that at the time?

A: Oh, yes. I was hoping he'd redeem himself, but he didn't.

Q: What about Stanley's political career?

A: In ’66 my father thought about running for governor. Pat Brown decided he would run for reelection, and so my father didn’t run for governor. And then in ’68 he thought about running for the Senate, but it just seemed too difficult to beat the incumbent Republican, Tommy Kuchel. It turned out that Kuchel got knocked off by a right-winger named Max Rafferty. And Cranston ran and won and had been there for quite some time until some little scandal turned up years later. But in the ’68 campaign for President, Lyndon Johnson had decided not to run for reelection — Gene McCarthy had opposed him and beat him I think, or come close to him in New Hampshire. Then Bobby Kennedy decided to run. My father was relatively close to Bobby Kennedy. When he was attorney general and Bob Kennedy was U.S. attorney general, they cooperated quite a bit. And of course, my father was an early supporter of JFK, something the Kennedys did not forget.

Q: So did you get involved in the 1968 campaign?

A: Kennedy, then a senator from New York, was running against Minnesota Senator Eugene McCarthy for the Democratic nomination. Vice President Humphrey, a candidate, did not run in California. I got involved as an advance man for Bobby Kennedy here in Los Angeles, and that basically meant arranging his schedule and turning out the crowds. I remember that we had scheduled an event at noontime in front of Canter’s Delicatessen on Fairfax Avenue. We figured we’d get a huge crowd because that’s a big lunch crowd. Mrs. Canter went nuts because it was ruining her lunch business. I think I said, “The next President of the United States is going to be here in front of your place.” This did not satisfy her.

Then we had an event at Temple Isaiah, and I sat on the stage with Senator Kennedy. RFK was an exciting person, and I think would have been a great President. I went with another lawyer and friend, Sol Rosenthal (who had worked on the campaign), to the Ambassador Hotel, but we left before the assassination took place.

Q: Can you recount that night at all? Do you remember how that went?

A: Yes. I was at the Ambassador, and it was festive.

Q: You’d done advance work for this? What was your role there?

A: I had no role in this event. This was election night.

Q: Okay. So you’d worked on the campaign, the California primary, and it had come down to election night, and take it from there.

A: Kennedy was winning, and I went home early to watch the results and the victory statement and then saw the actual events that unfolded, the shooting of Bob Kennedy by Sirhan Sirhan. It was quite shocking. At that point I was on the delegation; I was an alternate. My mother was a delegate. So we went to the 1968 Convention in Chicago, which was a tumultuous one. You could see the demonstrators out there. We were rooting for Senator George McGovern as the

alternative candidate. I liked Hubert Humphrey, but we thought McGovern would be more Kennedyesque.

Q: He was a war hero.

A: The fact that he was a war hero was not widely known. It wasn't like PT-109 for Jack Kennedy or the war exploits for George H.W. Bush. McGovern didn't promote that aspect. He should have. But he was a progressive, bright, articulate fellow. I liked Humphrey, and it's a shame that he got nosed out by Nixon.

Q: Did you witness the actual lobbying and pursuit of support from delegates at the Convention? What did it look like? How did it work?

A: People were running around. There were demonstrations in the streets of Chicago. It was pandemonium. There were efforts to extract votes and promise votes and deliver delegations. I do remember Mayor Daley in the front row. I can't remember who it was that was speaking — it may have been Connecticut Senator Abraham Ribicoff — but Daley was standing shaking his fist. It was a very ugly convention.

Q: Conventions now aren't like this anymore. But when you went to that convention or the convention in Los Angeles, the nominee wasn't really settled?

A: No. It didn't go 121 ballots, "Alabama casts 24 votes for Oscar W. Underwood" in 1924 (there were 103 ballots). But nevertheless it wasn't a sure thing. And delegations weren't automatically pledged; they could move around. I think they could switch at least after the first ballot. And nowadays, because of primary elections, matters have been determined at the outset.

Q: So when your mother went . . .

A: And my father went, although as a jurist, he was not a member of a delegation.

Q: . . . And your father, everybody pretty much knew whom they supported. Or do you think there was wiggle-room where you could have been persuaded to move? Were there efforts to pressure?

A: No. Certainly my mother, who was the delegate, was going to vote for her choice. She was pledged to Bob Kennedy, and I think she decided to go for George McGovern, and that was that. I think Hubert Humphrey unfortunately became the person to be against. He was a good man, and the world would have been a much better place had he won the general election.

Q: You have reference here to Joey Bishop.

A: Yes. After the assassination of Robert Kennedy, Joey Bishop, one of the Hollywood "rat pack" (with Sinatra, Sammy Davis, and Dean Martin), had been a client or at least his agent was a client. He had a national television talk show that was very big at the time, and he had me on the show with Charles Evers, who was Medgar Evers's brother. Medgar Evers had also been

assassinated — he had been a civil rights leader in the South. We talked about gun control. The National Rifle Association representative was on the show, and there was a debate about gun control at the time. I felt that the fact that these assassins got a hold of weapons that were not hunting weapons seemed to be incompatible with law and order.

Q: To that point had gun control been a long-running, big issue or did the assassinations give rise to the issue?

A: No, I think it had been an issue; but just as anytime we'd get into mass murders now, suddenly people start wondering, "Why are all these guns floating around?"

Q: You met Benjamin Netanyahu?

A: Yes, I had lunch with him when he was U.N. ambassador. My cousin Jon Mitchell set it up. Netanyahu was bright and articulate. He was quite impressive.

Also, I became active in the local chapter of the Federal Bar Association, becoming president. It gave me a chance to invite public figures to speak to the group. Incidentally, I found a job in Los Angeles for the husband of my wife's identical twin. He was a patent lawyer, and he helped found a patent firm here. I believe they did work for Apple Computer. He and the twin live up the street from us and have children the same age as our children.

Q: I don't want to go out of order, but you're talking about this incredible grounding you had in politics firsthand, both watching your father and his maneuvering, and watching the Kennedys — their successful JFK campaign and Bobby Kennedy's campaign. Did you become more engaged yourself in political campaigns? Is that something you wanted to do?

A: People welcomed my participation, especially my name that was well known because of my father. It started to become less well known as time went on, but yes, I supported Tom Bradley when he ran for mayor. I remember organizing a law enforcement rally for him, and it wasn't easy to do because most of law enforcement supported the incumbent, Sam Yorty. I put together this big rally at the request of Bill Norris, who was working for Bradley. I thought it was successful. I never got a thank-you or anything from it. I learned then that you can't work for somebody not the candidate or a close aide of the candidate. I'm sure Bill Norris is a fine person — but I suspect he took credit for it. If you're going to get anywhere, you've got to do it directly with the candidate or a top aide because others will take the credit. Bradley helped Norris and Steve Reinhardt get on the Ninth Circuit Court of Appeals. Norris had been a strong supporter of my father and ran for attorney general. He is a fine lawyer. At some point I was the state chairman for Kenny Hahn when he ran for the U.S. Senate against Congressmen John Tunney and George Brown. Hahn did very well considering he never got out of the County of Los Angeles. He was very popular here. But we couldn't get him up to Redwood City, or someplace like that. I felt I owed him because he was the first major officeholder to endorse my father in his 1958 campaign for attorney general. I also helped his son Jim when he successfully ran for mayor.

I think I tried to help out Lloyd Hand who ran for lieutenant governor. He had been chief of protocol for President Johnson. I believe he lost in the primary. I helped an assortment of other candidates. When my friend Ron Schoenberg (son of the famous composer Arnold Schoenberg) ran against an incumbent judge, I sent him to Joe Cerrell, who had worked for my father when he was Democratic National Committeeman. This was Joe's first judicial candidate. When Ron won, Joe was the person most judicial candidates hired. Also, another candidate at that election designated himself as "retired judge," and I challenged in court that ballot designation as not being an "occupation." The judge agreed with me.

When Jerry Brown first ran for the Junior College Board of Trustees, it was the first time there was any election for those positions. They were new positions, so there were a lot of candidates who ran. He was "Edmund G. Brown, Jr.," so he had name identification. I got signatures for him to get on the ballot. And I also recall — I don't know if it's that election or another — when he asked me to drive down to the *Herald Examiner* with him, and there was a strike against the *Herald Examiner*. We got there and Jerry said, "Could you bring this press release in for me?" I didn't think much about it; I crossed a picket line. They took my picture, or they said they took my picture. I got back in the car, and I said, "I don't think we should have done that." But Jerry didn't do it. He had me do it. Pretty cunning of him. Jerry won quite handily.

The next thing I got involved with was the 1972 Democratic Convention. I was on the Hubert Humphrey delegation. At that time there was a push and even a rule mandating diversity, and Gene Wyman was picking the delegates. He wanted to have a certain representation of Latinos and Blacks and women and so forth. So he had it all worked out, and he finally picked somebody named Mrs. Gozar. I just remember that name. And I said, "What did you pick her for?" He says, "Well, it's a woman and Latina and fills both requirements." She wasn't a Latina, but he said "close enough." I was a member of the delegation.

The Humphrey delegation lost to Senator George McGovern in the California primary election. It was winner take all at that time. We took the position that that was wrong, and it should be proportional representation. So we went to the Convention demanding that we be proportionally represented, and there was a big fight — this was in Miami. I remember Willie Brown, who was on the McGovern delegation, getting up before the Convention and saying, "Give me back my delegation." John Burton also was a leader of the McGovern delegation. Ultimately, I think we were "de-seated," so to speak.

Q: So you went to the Convention, but there was no seat for you?

A: No seat. But I met some interesting people, including Ed Sanders, a well-known lawyer, who was on the rival McGovern delegation; years later we became partners. He was in the White House under Jimmy Carter.

Q: When did Jerry Brown run for governor, or are we too far ahead of ourselves to talk about that?

A: No. Jerry, first ran for secretary of state. And Frank Jordan and his father had been secretary of state since the early 1900s. Jerry was going to challenge him, but Frank Jordan died and left a

vacancy. Governor Reagan was going to leave the spot open for the winner of the Republican primary so that he could run as an incumbent. I came up with an idea. I found some authority that you couldn't leave the secretary of state's office open; otherwise, charters and things that were filed might not be effective. At least that was the theory. Jerry jumped on that, and Reagan felt compelled to appoint an interim secretary of state. So Jerry didn't have to run against an incumbent. I thought that was a very important aspect to his winning. I was also chairman of one of his dinners; I raised a lot of money for him. And he got elected secretary of state.

I also handled some litigation for him as time went on. Then Jerry ran for governor when Reagan's term was up, which I guess would be in 1974. I was one of the insiders. I got all of my friends to contribute to his campaign, and raised a lot of money for him. I got some heavy hitters in his campaign.

I remember Gloria Allred, the famous feminist attorney, was a driver for him, as was somebody named Rose Bird, whom I'll talk about in a while. Jerry got elected, and that was sort of the last I heard from him. Recently I asked him about that, and he said, "You never asked for anything." I said, "I didn't think I really had to." But . . .

Q: Do you want to talk about how your life was evolving during this period, the early to middle seventies?

A: I made partner at Mitchell Silberberg in five years, which was probably the minimum amount of time. In a firm like Mitchell Silberberg, business-getting was important. Mitchell Silberberg was one of the largest firms in L.A., but it was more entrepreneurial. It didn't have these large corporations with the retainers, so it did require business-getting. So I did make efforts to go out and get business, and I did pretty well at that. As I mentioned, I was a litigator, but not really a trial lawyer. I tried cases, but not like personal injury or criminal lawyers. I did some appellate work, but just on my own cases.

I also did some work for the State of California. At least people in the Brown Administration knew me. I was hired to deal with representing the state involving cases upholding our due-on-sale clause restrictions. The Federal Home Loan Bank Board claimed the restrictions were preempted as to federally chartered savings and loan associations. We ultimately did not prevail on that issue, so that the federal savings and loans were able to avoid our California rules on due-on-sale clauses. I did some work for the California Energy Commission — again, dealing with preemption questions, concerning our regulation of nuclear facilities here. So I got some business out of the State of California. I also was appointed to the Museum of Science and Industry — now the California Science Museum. A few members of that board were to serve on the Coliseum Commission. That was my incentive. But I did not get on the Coliseum Commission. I found the museum position interesting. The Board was composed of some high-powered Los Angeles leaders — for example, Caroline Ahmanson and Bill Robertson (Los Angeles labor leader). Janice Berman, Congressman Howard Berman's wife, was on the Board, and we usually agreed on issues. Then, the "Industry" aspect was significant because many of the contributors were from the business world. Janice and I wanted less focus on industry. The present name of the museum suggests that is what has occurred. The museum is a very important resource for Los Angeles. Supervisor Ed Edelman appointed Loren Rothschild and

me to the Los Angeles County Law Library board. It has been an outstanding law library. I focused on its international law collection.

After Jerry became governor, the chief justice retired and my father, one would think, would be the most logical person to name as chief justice. My mother had actually fed Jerry when he was running for office, and so it seemed logical. The other possibility would have been Mathew Tobriner, although he was a bit older. But Jerry had clerked for him. Jerry decided to appoint Rose Bird, who had been on the California Agricultural Labor Relations Board. She was a controversial character. Indeed, then Bishop (later Cardinal) Mahoney wrote a letter vehemently opposing her, saying she wasn't temperamentally suited for the job. They served on the Agricultural Relations Board together. So it came up before the Judicial Qualifications Commission, and they voted 2 to 1 to approve her. Tobriner voted for her; he was the acting chief. And one of the Court of Appeal justices voted against her. It came down to Evelle Younger who was the attorney general, and he voted for her, inexplicably; although rumor has it that he extracted a promise that one of his deputies, Wiley Manuel, would be appointed to the Supreme Court, and he was.

Rose Bird was a reasonably smart lady and wrote some decent opinions from time to time, but personality-wise was one of the few people with whom my father couldn't get along. He said she'd lock her door. She made all the justices make appointments to see her, rather than just walk in like you ought to be able to do in a collegial court. She had her assistant sit in on all conversations with other justices. She was secretive and difficult.

My father was a little bitter about that appointment, I think. I don't know if "bitter" is the right word, but he was quite angry at Jerry for this. He also felt that Jerry had used the concept of affirmative action for the bench, which might be good policy in theory, to appoint judges who were not qualified and that he had damaged the bench in the name of affirmative action or diversity.

My father wrote the *Bakke* opinion in which he said there shouldn't be any racial quotas. So he was controversial in that regard. Jerry was reported to have indicated this was a reason for not appointing my father as chief justice. I don't know what his motivation was. I think my father's views on affirmative action may have had something to do with the fact that there were once quotas against Jews. That Dartmouth and Stanford had such quotas may have had an effect on him. Certainly no one could suggest he was weak on civil rights. Not only did he strike down racial restrictive covenants, he forced the PGA to accept the black golfer Charles Sifford, and he established a civil rights division in the state Department of Justice. He wrote opinions that supported civil rights. He supported the Anti-Defamation League.

In about 1978, the Supreme Court decided *People v. Tanner*. It concerned some issue prohibiting the grant of probation to one who used a firearm during an offense. There was a concern that Tobriner or the Court had held up this opinion until after the retention election at which Rose Bird was on the ballot. Because of these allegations, Rose Bird unwisely called for an investigation. My father thought it was nuts to do this, and they did set up an investigation panel — the Judicial Performance Commission, which disciplines judges.

Seth Hufstedler became special counsel. He was the husband of Shirley Hufstedler. They were good friends of my father and of me. Shirley Hufstedler had been secretary of education, had been on the Ninth Circuit, and had worked for my father when he represented California in the *Arizona v. California* water case. Seth Hufstedler, a fine lawyer, began this investigation and started subpoenaing the justices to appear on televised hearings and be grilled about their deliberations.

My father took the position that the Constitution said the investigation must be held in private. That's what it said. So he resisted as a matter of principle. He asked me to represent him and to resist the subpoena. We went before the Superior Court, and the judge ordered that the subpoena had to be complied with.

I took an immediate writ up and four Court of Appeal justices signed a peremptory writ that set aside the trial court's order. Hufstedler took the matter up to the Supreme Court. All but one of the justices disqualified themselves. I took the position that they should sit under the rule of necessity, or if there was nobody to hear the matter, then the Court of Appeal opinion should govern. But the chief justice appointed by lot an *ad hoc* Supreme Court composed of seven Court of Appeal justices.

We prevailed 7–0 before the *ad hoc* court, which brought an end to the public hearings. No discipline resulted, but the spectacle caused damage to the Court. The whole matter generated a little bit of conflict between Tobriner and my father.

When there were depositions being taken, I brought my partner, Ed Medvene into the case to help prepare my father for them, because I was a little too close to the matter. I could handle the legal issues, but I didn't want to get into the factual issues. I felt it would be better to have an independent counsel representing him. I recall an associate in Hufstedler's firm, Pierce O'Donnell, who kept castigating my father to the press. I asked Hufstedler to restrain him. O'Donnell ran for Congress shortly thereafter. I guess he felt his name in the paper would help. He later has had some high profile cases and some personal legal difficulties.

Q: Because you were fighting the subpoena it made it look like you were protecting him?

A: Some people suspected that. He didn't really have anything particularly to hide. He had his own position. I think he basically tried to protect everybody he could. That incident had a deleterious effect on Rose Bird when she came up years later for this retention election.

Q: There are a couple things here we may have skipped over I want to make sure we touch on. There was a fairly high profile case you handled involving Edwin Moses, the Olympic hurdle sprinter. How did that come about?

A: Edwin Moses was one of the most spectacular athletes of our time. He repeatedly won the 400-meter hurdles. If you just nick a hurdle, you're finished. And Edwin Moses had won, I don't know, 120 or so consecutive straight races, held the world's record, won the Olympics several times, and he was running in the1984 Olympics here in Los Angeles. He was arrested for soliciting prostitution in Hollywood from what turned out to be an undercover policewoman. He

allegedly was trying to pick up a prostitute, and they handcuffed him. He said he felt like Kunta Kinte (from *Roots*) when he was hauled off to jail in chains. It was very embarrassing. Of course, it could adversely affect his commercial value.

Q: Can you explain, how did you get this case?

A: It came through somebody in the firm, and it went to Ed Medvene who was a partner of mine, and so Medvene and I both were involved. Ed was much more experienced in criminal law than I was, and so he was the lead counsel. I remember calling the city attorney in charge and saying, "Drop this thing, you're ruining his life, and you're not going to win anyway." And they insisted he should be treated like anybody else and decided to try him.

We got a jury consultant; and Ed and I, mostly Ed, tried the case. Edwin Moses was acquitted, as we predicted.

Q: How did you get him off?

A: I think we raised some doubts as to whether or not he actually did solicit this person.

Q: Or whether he was entrapped?

A: No, it wasn't a question of entrapment. I think it had to do with whether he actually said or did whatever they claimed. I don't remember the specifics.

Q: But this was sort of a show trial at the time, right? This was on TV and . . .

A: This was a big trial.

Q: So that's a big success to get him off, a very high-profile case. Did that lead to more interest on your part in criminal cases, or you left that to Ed Medvene and went on to the next thing?

A: No. We didn't get many criminal cases at that point. I had taken some criminal cases after I was a deputy federal public defender. I took some cases while on the Federal Indigent Defense Panel. But for the most part, you couldn't do criminal law part-time. There wasn't a lot of white-collar crime being prosecuted at the time, other than drug cases I suppose, and we didn't get involved in that.

Q: I turned the page, and it's the first time I've seen something I completely did not recognize or expect. What is this "offer to be a coach at Pepperdine" about?

A: Somewhere along the line my good friend Allen Fox was the tennis coach at Pepperdine. He had left business. I guess he'd made all the money he needed, and he loved coaching. And so at one point he said, "Do you want to be my co-coach?" I thought, "Yes, that would be great to be a coach." I love athletics, and I would like to be a coach. I just didn't do it, but I thought about it. I thought that would be a great opportunity to do something a lot of fun.

Q: Why didn't you do it?

A: Well, I was probably more career-oriented at the time.

Q: You hadn't figured out yet where this career you'd been building all this time was going?

A: No. If they offered it to me today, I might take it. I enjoyed the opportunity to deal with athletes in practice or otherwise. I had the opportunity to get to know the Hall of Fame baseball player, Hank Greenberg. He was a member of my tennis club. The story was that when he was on the verge of breaking Babe Ruth's home run record, the pitchers would not pitch to him because they did not want a Jew to have this record. Greenberg did not support that story. He said he just failed to hit the necessary three home runs.

Q: You're at a point where you had all these different, almost apprentice-like experiences in the Public Defender's Office; as a private attorney and in politics working on campaigns. Did you have a sense of where you wanted to go, what this was all building toward?

A: No. Public service is a matter of luck. It's something you might put yourself in a position to get, but unless you run for something, there are no assurances. To get appointed to positions is a matter of luck. I had my disappointments — the U.S. attorney job, the district attorney position twice, and federal judgeships. There was a second time the opening for district attorney came up and again I was one of the finalists but didn't get it. When I was in the Federal Public Defender's Office, John Van de Kamp and I both were vying for the district attorney position, and Van de Kamp was the one who got it. Other candidates were Judges Manuel Real and Matt Byrne. I believe Byrne may have been mentioned, or may have been mentioned the earlier time. I realistically never had a chance.

My good friend Ed Edelman was on the Board of Supervisors. I first met Ed back in Washington when he was a government lawyer and I was with the Warren Commission, and we had lunch. He said he was going to go back to Los Angeles and run for office. He started to read me his campaign speech — "First, we need civic pride" — and I thought, "You must be crazy." He went back to Los Angeles and won a City Council seat. He later successfully ran for the Board of Supervisors. So he and Kenny Hahn were on the Board. I thought I might have a chance, but I didn't.

In any event, talking about luck, in 1981 I was playing tennis at lunch and I got a call from William Clark who had been a colleague of my father's on the California Supreme Court. He was Reagan's deputy secretary of state. He said there was an opening on the Iran–United States Claims Tribunal, which I'd never heard of, and would I be interested in living in Holland and being on this tribunal. I think he first offered it to my father. He needed me to get back to him quickly because the time deadline for naming members of the Tribunal was running out. At the time, as I mentioned, I was being considered for appointment to the California Court of Appeal. I think Jerry would have done it, but who knows?

I decided to take the appointment to the Tribunal. It was a very interesting process. It was part of the hostage agreement that was negotiated. The Iranians had taken over the American

Embassy in Tehran and held Americans hostage. To get them released, Deputy Secretary of State Warren Christopher negotiated what's called the Algiers Declarations or Algiers Accords. We had frozen Iran's assets. We agreed to return assets; they had agreed to return the hostages. All disputes between Americans and Iranians and the two governments against each other would be determined by a tribunal in The Hague composed of judges: three Americans, three Iranians, and three from other countries. The agreement called for up to 27 arbitrators, and originally the Iranians named 9. The American government said that's too unwieldy, so it agreed on 9–3 from each side.

I went to Washington to meet the others involved. The first nominee by the U.S. was Judge Malcolm Wilkey from the D.C. Circuit. The Reagan Administration designated the Americans. Bill Clark was a Republican, and he said, they wanted me because I'd had litigation experience and they wanted a litigator on there. They had another person, Howard Holtzmann, who was very knowledgeable about rules in connection with international arbitrations. And they had Wilkey. But then Wilkey found that ethically he couldn't do it; the canons of ethics said one couldn't be a judge and an arbitrator, even if he or she took a leave of absence.

So another State Department person, George Aldrich, who had been ambassador to the Law of the Sea Conference and an aide to Henry Kissinger, was appointed. We went over to The Hague. The American agent was Arthur Rovine, an experienced State Department lawyer.

There were some disruptions in Iran at the time, an explosion I think. This was not long after the Iranian Revolution. So it was unclear if the Iranians would show up, but they did. They appeared, and the first thing we had to do was pick the third-country arbitrators or judges. Of course, we started nominating Brits, Canadians and Australians, and they nominated Pakistanis and Bangladeshis and other Third World people. Ultimately we agreed upon two Swedes: The marshal of the realm of Sweden, Gunnar Lagergren; Swedish Appellate Judge Nils Mangard; and the chief justice of the Court of Cassation, or the French Supreme Court, Pierre Bellet. Then we had to adopt rules. As required, we adapted the UNCITRAL (United Nations Commission on International Trade Law) rules.

We were starting from scratch with thousands of claims. Others had been judges, but I had had a hands-on experience with clerks and filings and things like that, because I had to deal with them as a young lawyer. So I brought over a clerk from the California Supreme Court to help set things up, and we started with what we called a registry or a clerk's office, and file stamps and docket sheets.

We started meeting at the Peace Palace at The Hague, and I had a great office there with books by Grotius and Persian rugs. It was a beautiful facility. And then we got our own building, which we rented, over on Parkweg. The Peace Palace, which has housed the International Court of Justice, looks like it is right out of a drawing by Charles Addams. Its construction was funded by Carnegie. Now, the Deliberation Room and offices of the ICJ are housed in a building behind the Peace Palace.

Q: You had a budget to work with, I assume? Who paid for all of this?

A: The American government and the Iranian government. They would provide funds, and we hired a secretary general and an accountant.

Q: You had a number of possible positions and jobs put in front of you up to that point in your career and had for one reason or another passed on them. What was it about this that you think made you take this?

A: I hadn't passed on anything that was really good. I'd been rejected for a few things; I got a few things. I'd always thought about living abroad. I remember telling Lagergren, the president of the Tribunal, that I thought a half-year or year would be our time frame to dispose of all the cases. I said, "Do you think we can get through these things in a year?" And he said, "No, no, no; maybe a couple of years." I'd thought, we could use class-action techniques to get common issues and common facts, but the one thing I didn't count on was that the Iranians were in no hurry to have these claims resolved. Most of the individual claimants were Americans claiming against Iran. So they resisted any kind of processes to expedite this process, at least initially. Part of it was that they didn't have the lawyer capability. Many people had left because of the Revolution, and the ministries were not up and running and efficient and could not get the necessary information. The Tribunal is still operating — for over thirty years and probably for another decade. All of the private claims have been resolved. The remaining cases involve numerous claims by Iran against the United States and involve substantial sums. So in fairness to the Iranians, they had some logistical problems in trying to get these cases heard fast.

Once, the American agent said there were reports of possible terrorist attacks against the Americans at the Tribunal. I asked what I should do. He replied, "Be careful." I showed up for work the next day, but none of the others did.

Q: You were sitting across the table from these Iranian judges. Iran had a revolution, had killed Americans, made hostages of Americans. We weren't at war with Iran, but we were certainly unfriendly with Iran. What was the experience like of working in close consultation with the Iranians at this moment?

A: I made it my business to try to get along with them and to be friendly with them. I didn't know that I'd get anything for it, but I just felt that it was probably the best way to operate. There was no sense having hostilities in a legal mechanism. I remember the Ayatollah Kashani, a very famous ayatollah in the Mosaddegh era back in the fifties. His son was one of the arbitrators, and we used to play ping-pong. I remember that one time I hit the ball and it caromed off the side. He said, "That's unacceptable." I remember we had an introductory dinner, and the Europeans and Americans had wine and, of course, for the Iranians there was apple juice."

Q: What were your impressions of them?

A: They are very bright and very clever. They certainly had more incentive to toe the line with their government. We American arbitrators didn't want to see an American claimant get money to which that claimant wasn't entitled. There was a certain pot, and we'd rather have the money

go to somebody who was entitled to it The Iranians did have to replenish an account to secure payments once that account dropped below a certain level.

The Tribunal was considered the largest international arbitration mechanism in history. There have been others with more cases. After World War I, the Versailles mechanism had thousands of claims, and there had been others with large volumes, but nothing approaching the dollar amounts that were involved here. We dealt with very significant issues of international law on which there was a paucity of authorities. We were faced with issues of dual nationality, force majeure, forum selection clauses, exchange controls, exchange rates, interest, state responsibility, treaty interpretation, expropriation, standard of compensation, applicable law, application of the UNCITRAL rules, and a whole host of issues on which there had not been significant authorities.

Because many of the Americans' claims had merit, if they were decided properly, the Iranians would lose many of these cases. It was difficult for the third-country judges to rule against the Iranians repeatedly. So they often tried to compromise the decisions. I would always tell them to decide the cases in accordance with the law and the facts, but they expressed the view that compromise was preferable. Perhaps they wanted to keep the Iranians in the process. I felt one of the judges seemed to buckle to Iranian pressures and protestations. I once showed him a clipping saying the tennis player John McEnroe, who ranted at the linesmen, saw fear in their eyes. The judge, a one-time competitive tennis player, wondered what I was getting at. I said, "The Iranians see fear in your eyes." I suggested that if he was going to tilt toward the Iranians because of their pressure, I could exert the same pressure. Of course, I tried to get along with these judges. For the most part, I liked them. I must say, I found international law a bit uncertain and international dispute resolution subject to unexpected results.

The hearings were based on civil law and common law traditions. The cases, including witness testimony, were submitted in written form. The hearings consisted of any witness amplification, limited cross-examination, and argument. The best oral advocates I heard were British. They would meet adverse facts head on. Americans seemed to avoid them in the apparent, but incorrect, belief that if they were not raised by the other side, the judges would not notice them. American lawyers also used idioms ("slam dunk," "whole enchilada," etc.), not recognizing that English was not the first language of the Europeans or Iranians, including the interpreters. At the time, international arbitration was done by a few law firms. Because there were so many American companies that had claims, many lawyers participated. This opened up the field of international arbitration to many lawyers. With international trade expanding, the field of international arbitration is increasing.

Q: So you picked up your family and you moved to Holland. You had been to Holland, to Europe, as a child. How was it different? How jarring was that? You weren't in Los Angeles anymore.

A: I did not go to Holland as a child. We went through Belgium. I had been to Holland before. I went over there several times in early '81, and I don't think the whole family went over until the beginning of 1982. We rented an apartment overlooking the North Sea, and we put the kids in an American school. We made a number of friends who were on or associated with the Tribunal. I became somewhat interested in the International Court of Justice, having been in the

Peace Palace. We befriended the American judge, Steve Schwebel, and the U.S. ambassador. We had a nice little community. I also made friends with some of the Iranians and some of the interpreters, although we didn't socialize much with them. I also joined a tennis club. It competed against other clubs. I was put on the third level team — the first being Davis Cup. My level was pretty high. I played against mostly 20-year-olds. We played singles, doubles, and mixed, and it was serious business. We trained for it during the winter. I actually won most of my singles matches. By the time we got around to mixed, I was tired. We played on clay. I once asked what happens if we lose. The person said we would be "degraded." He meant the team would be downgraded or demoted to a lower classification. I met and became friendly with many Dutch people through tennis. Some of the young juniors I played with came over to play at U.S. colleges, and I would see them from time to time. I did win the club championship.

I should have taken more advantage of the ease of travel around Europe while I was there because it's an easy jaunt to other places. But I was living there, and I did what I do when I live in a place — I would get up in the morning, I'd go out and jog and play tennis, and then I'd go to a movie or do something else. So I just lived there, and I didn't take advantage of all the travel that I probably could have done. The kids traveled around Europe on their school teams. I tried to learn French, but not with much success. Everyone there spoke multiple languages.

Q: Were there things about living there that were different that you hadn't anticipated?

A: No, I don't think so. Everybody spoke English in large part. The bureaucracies there are a little more rigid than they are here. Whenever I'd go someplace I'd expect to hear, "It is not possible," and I used to say, "Before you say anything to me, please don't say, "It is not possible." (laughs)

Q: Still, it was jarring culturally I'd think. I remember Mr. Rademaker, the man who used to pick you up at the airport. Didn't he have like animal skins in his car? There were things that you were seeing that you wouldn't have seen in L.A.

A: He was an avid hunter, and he used to have these dead ducks or rabbits or whatever they were in the trunk. I noticed a smell, and I finally figured out what it was.

Q: Do you remember your family's reaction, our reaction? Kids' reaction, Mom's reaction to the news that you were considering doing this? When you were making the decision, how did Mom react? This is a big decision to pick up and move from your routine and your life.

A: I think she thought it was exciting, and I don't know what you kids thought about it; we had taken you on a trip before to Ireland and . . .

Q: England and France.

A: England and France. So you'd done some traveling. The fact that you were in an American school certainly made the transition a bit easier.

Q: Had you given any consideration to putting us in a Dutch school?

A: I thought it would have been a nice idea, but you were not that proficient in languages as I recall.

Q: I wonder where that came from. So this was an enormous undertaking. You were essentially setting up an entirely new court.

A: Exactly.

Q: Were there snags, things in retrospect you would have done differently? Were there lessons learned? What was the experience like?

A: There are always snags. Nothing operates smoothly. We were dealing with hostile governments. There were language barriers, although we had interpreters, and access to evidence was difficult. Different legal systems were involved. We had to choose third-country arbitrators, who were pressured from each side. It was a formidable task, and the fact that it started up and ran and issued awards and stayed together — it's still operating as a matter of fact — is amazing. All these years people assume that the United States and Iran have had no dealings with each other at all, and it's not true. We dealt with the American government and the Iranian government continuously, and they dealt with each other in connection with these claims at the Tribunal. Also, the Tribunal probably produced more authorities on international law than had ever been produced before. Just the separate opinions, a number of which the government-appointed judges wrote, are a great resource.

Q: And everybody on both sides has honored the work of the Tribunal, that when the Tribunal said, "You must pay," they paid?

A: There was a security account into which Iran had to put money, and sometimes Iran was derelict in putting its money in. But all the claimants who received awards have been paid.

Q: Did this experience change your views on what you wanted to do with your career? How did it shape what followed?

A: I had hoped to get involved with international arbitration. I probably knew more about it than most people, certainly in California, and I remember going back to the law firm. I had been one of the better business-getters there, and when I got back all my clients had been gobbled up by others. So I thought about generating an arbitration practice. The firm really wasn't that interested, and I was a little disappointed in that. I had to start over.

However, if somebody thought about an international arbitrator in Los Angeles or California I would certainly be on their list, and I did get involved in some international arbitrations. I was picked as one involving a Saudi company and a California company, and we went to Saudi Arabia. I remember they had asked about the visa for an on-site visit to Saudi Arabia, and they said if you put "Jewish" down there you won't get in. I wanted to go, so I wondered if I should stand on principle even if no one cared what I put down. I thought about putting down

something like “Reform” or “protestant” (with a lower-case “p” to indicate “one who is protesting”) — I did put down “Protestant.” Then I went to Saudi Arabia and checked into the hotel, and there they ask your religion. You’re there, so what are you going to do?

Q: What was that experience like?

A: It was very interesting. I met a person who works now for the Saudi government named Armand Habiby. He was one of my co-arbitrators. He was a Palestinian, and it was a very congenial group. We had a Canadian chairman, Neil McKelvey, who became president of the International Bar Association. I was the party-appointed arbitrator designated by the California company. It had to do with mobile homes sold by the California company to a Saudi company. I had some other international arbitrations. I had some international arbitrations in Paris, Zurich, Munich, and London, and then sometime later after the Iraq invasion of Kuwait had been repulsed, there was set up a United Nations Compensation Fund containing a percentage of Iraq oil revenues and out of which claimants would be compensated. I was retained by the law firm representing the government of Kuwait to assist it. I was retained partially to help the law firm land the job because many of the people with the commission were alumni of the Iran–U.S. Tribunal. So I made a pitch and talked about our experience and my experience.

I went to Kuwait several times. The first time, I actually flew around the world in three or four days — returning via Asia. This time, when they had the visa question about religion, I said to the law firm, “You fill it out, I’m not going to do it.” So I guess whatever they put in it, got me in. We ended up getting the job. I went over there a couple of times and consulted on various claims by the government of Kuwait. That was an interesting process. It was not a complete adversary system. Iraq did not fully participate, and hearings were truncated. I assisted to help ensure that the evidence clearly supported the claim — especially as to the amount of damages. But there wasn’t enough international arbitration to make a full-time practice, and so I had to do the same things that I did before in practice. I did have to return repeatedly to the Tribunal to deal with cases I had heard under what became known as “the Mosk Rule” — i.e. an arbitrator who resigns should continue on the cases he or she heard. I also heard a case as a substitute arbitrator when one of the Americans was ill.

One interesting thing that happened related to the Tribunal concerned a case I heard involving Reynolds Tobacco in my first stint at the Tribunal. As a matter of fact, somewhere along the line after an award to Reynolds, the Iranians got so incensed they actually started to beat up the Swedish arbitrator, and then they had to resign. It was kind of a messy situation; an odd way for a judicial panel to work. But later on I had a private arbitration involving Reynolds Tobacco concerning the smuggling of cigarettes into Lebanon. Reynolds prevailed, and the Lebanese company filed a lawsuit in France saying I should have disqualified myself because I had sat in a Reynolds case in the Tribunal and had not disclosed it.

I didn’t feel I had to disclose that because it was part of a judicial system. It wasn’t as though I was picked by Reynolds Tobacco in that case. I was picked by the United States government. In any event, I’m told it went all the way to a high appellate court in France, and it agreed with me. It did not vacate the award; so apparently my decision not to disclose was upheld. Another case

in which I was an arbitrator involving Iran and Cubic Defense Systems ended up in the United States Supreme Court on enforceability issues.

Q: Before we stray too much further from Holland, while you were in Holland your grandmother and your mother both passed away. Is there anything you wanted, your recollections of hearing that news, your last contact with your mother? Do you remember what it was?

A: No. I knew she was not in good shape; I didn't realize that she was going to die. And when I was informed that she had died and had made arrangements to fly back, the Iranians asked some of the Americans, "Does he know?" And the Americans found that curious. I guess in Iran, they don't quite flat out tell you, "Your mother died." They beat around it a little bit. They say, "I think it's probably in your best interest to get back now." So they have a different way of presenting the bad news.

Q: What is the last time you remember being with your mother or talking to her? Do you recall?

A: No. I actually don't. I'm sure I talked to her before we went to Holland. She had had this cancer for a long time, breast cancer, which metastasized. But a lot of the women in my mother's family have had breast cancer.

Q: Minna?

A: Minna? Minna died at 92 or something like that.

Q: Can you remember . . .

A: And my grandfather had passed away.

Q: . . . talking to Stanley about it? He was pretty choked up about Minna dying, wasn't he?

A: Yes. It was his mother, and he and his brother Ed had basically supported her all the years, and she was a very nice woman, very supportive.

Q: Didn't he make some comment about being an orphan?

A: I don't recall.

Q: When she died, Stanley said, made some remark about now — I think it was Ed Lewison who told me about that — "now I'm an orphan."

A: I say that, too.

Q: So you come back from Holland, and you're essentially finding yourself in the position of having to go back and drum up private work and do the same stuff you had been doing before

this incredible experience of starting a whole court system essentially on your own. What did you do?

A: As I mentioned, I kept my fingers in the Tribunal by virtue of the "Mosk Rule" and being a substitute arbitrator. I kept going back, so at least it wasn't the usual mundane work. I should mention that Ted Olson, a top aide to the attorney general, came over when I was in The Hague, and I spent time with him showing him the Tribunal. Then when I came back going through Washington, Ted was kind enough to invite me up to have lunch at the private dining room with Attorney General William French Smith and him. I like Ted Olson. He is a very renowned Supreme Court lawyer these days. I also dropped in on Bill Clark, who was then secretary of the interior.

When you have had such an experience, you think most people would be interested in it. But actually most people aren't interested in it. They don't want to hear about it particularly. People in the Foreign Service advised me about that. The Foreign Service officers bounce around from place to place, and people aren't interested in whatever they've done, no matter how interesting it might be. I remember going back to the law firm and walking in for the first time and people would just look up and say, "Oh, how you doing?" And not like, "What did you do, and what were your experiences." There were interrogatory answers waiting for me on my desk, and it was just back to the same old thing.

I helped Stanley in connection with Supreme Court retention elections. In 1966 they had the first retention election involving Stanley. The voters are asked to vote yes or no to retain appellate justices, who first must fill out the term of the justice they succeed, and then they are voted on for retention every twelve years. That was the first time that they mounted a campaign against incumbent justices. It was because of their decision on the California Fair Housing Law, the Rumford Act. The author, Justice Paul Peek, got something like a 42 percent no vote, and I think Stanley got a 40 percent no vote. There was a campaign against them. Prior to that, they had around a 20 percent or 15 percent no vote, so it showed that with any kind of a campaign this was a dangerous area.

I think in '78, he was back on the ballot again, and there was a little bit of a campaign by a fellow named Wakefield, an assemblyman — a law and order thing, but it wasn't too serious. But in 1986, because Rose Bird was on the ballot and very controversial, the conservatives really were engaged. They started off with a campaign to get rid of the "Gang of Four" which consisted of Supreme Court justices Rose Bird, Cruz Reynoso, Joe Grodin and my father. I thought, "This is pretty dangerous," because how hard is it to get from 42 percent to 50 percent?

So I went and talked to some of the Republicans behind this thing. I talked to Stu Spencer, a well-known Republican and said, "I'm not in favor of this at all, but I'd like you to leave my father out of it, if you could, because he knows what he's doing. He'll take care of himself, and you'll have your hands full with him. He's run for office." They liked him personally. He'd always gotten along with Republicans, and he had shown some independence; i.e. not always voting with the "liberals" — his position on *Bakke*, and he'd voted to affirm some death penalty cases. And ultimately they left him out of it, and Republican Governor Deukmejian actually

recommended a yes vote on him. So he was out of the fray. The electorate ultimately knocked Rose Bird and the other two off, and my father received a 75-percent yes vote.

Q: When you say they left him out of it, so when they sent literature around, when they did advertising, they focused on the three and not him.

A: Right.

Q: Do you think if you hadn't gone to them that might not have happened?

A: I don't know. There were other things that were done. He waited until the last moment to declare if he would seek retention, thereby delaying any possible campaign against him. As the senior justice, by custom, he would normally be just below Rose Bird, the chief justice, on the ballot, an element that could cause him to be dragged down by her. I undertook research of systems around the country to come up with examples of rotating the candidates, so that the secretary of state would have some basis for doing that here. He sent this research to the secretary of state, March Fong Eu, a friend, and suggested rotation of the candidates on the ballot. There being no statutory requirement and armed with the authorities he sent to her, she did so. He publicly announced that his only campaign expenditure would be the postage to send in his filing papers. These were pretty clever maneuvers. Incidentally, the replacements on the Supreme Court now resulted in my father being in the minority on many more cases. He said, however, that the court was much more congenial than it had been under Rose Bird. Stanley's last retention election was when he was 86 years old. This was dangerous because a 12-year term for an 86-year-old could be viewed dimly by the electorate. He wavered on whether to run. I said he should because he would no longer be a justice if he retired or if he lost — it didn't make a difference. He did not want to lose an election. Nevertheless, he gambled and ran. He went around to newspapers to show he was still in good shape. I got him on slate mailers and got him various endorsements. Somehow, miraculously, his age never came up, and he was retained.

Q: We've gone a little bit out of your order here, but I don't know if you wanted to add anything about USC. You started to do some teaching at USC?

A: I taught a class on litigation at USC, and I actually didn't enjoy it all that much, frankly. I worked hard at it, and I don't think I was that good at it, but it was the first time.

Q: Was this a sort of trial balloon for you to see if you might want to go be a law professor?

A: No. I think it was just something to do.

Q: What didn't you like about it?

A: I thought the students were so grade-hungry then. I'd say, well, now we're going to get into an area, and they'd say, "Is this going to be on the final?" I'd say, "I don't know." They'd say, "We don't want to hear about it if it's not on the final." They'd say, "What's going to be on the

final?" And I'd say, "What kind of test is that?" It just seemed to be an obsession with grades at that time, and I don't think they just had the burning desire to listen to my great wisdom.

By the way, I did book reviews for the *Riverside Press Enterprise* for a number of years — always non-fiction. I also wrote a number of articles for scholarly legal publications and op-ed pieces for newspapers.

Q: Explain what the *LA Weekly* is, and how you dealt with it.

A: It's a weekly newspaper here that's sort of a throwaway. But it has entertainment and local gossip. For example, my father had had a fund set up for his political career, and he kept it going after he went on the bench. He used to make donations from the fund to political campaigns. He said, "I have to stand for office; this is for my political career, a separate fund that has trustees." But when it came to why it was considered to be inappropriate, I remember Reagan commenting about how judges shouldn't be contributing to candidates, and candidates shouldn't be taking from judges.

They didn't have computers in those days. I went down to the County Hall of Administration to look at the records, and I pored through all of Reagan's contributions, and I found some of them from sitting judges. So I made that public, and Governor Reagan seemed to cease his criticisms.

At one time in 1970 my father thought about running for the Senate, and I took a poll. I paid for a poll out of this fund, and it showed him winning the Senate seat against the incumbent George Murphy. So he started to make some rounds on radio programs.

He always wanted to be a senator. "But all in all," he used to say, "Even if I'd won the Senate in '64 I'd probably have been beaten for reelection by Robert Finch" — who was lieutenant governor. He'd always figure, "Maybe I wouldn't have won, and then where would I be? I'd have to go practice law," which is something he didn't want to do.

Q: At this stage you're acting really as his lawyer.

A: Yes. But it was a mutual thing. Many of my opportunities were generated as a result of him, and I did what I could to protect him.

Q: Did you ever talk about that with him? Or he wasn't that type of person, it didn't seem like, who would — he wanted your help, he'd call you routinely with things that were going on, advice? He wrote you. I remember seeing letters arrive all the time from him. Can you talk about how that relationship matured at all?

A: We used to talk every day or every other day about things, not about ourselves necessarily. If I needed help, he would do it, whatever it was. Usually he didn't ask for any help. I would just do it. He wouldn't always do what was in his best interest, so I tried to do it for him. When disclosure laws for public officials were new, I would remind him from time to time to put down small things like this or that dinner.

Q: After the L.A. riots, you had a unique opportunity. Is that what led to the Christopher Commission?

A: After Rodney King. It wasn't the riots. Rodney King was chased by some police officers, and when he resisted they beat him with their clubs, and this was caught on a videotape. So there was a call for an investigation of the Los Angeles Police Department. Chief of Police Gates had his own commission that he named, including a retired Supreme Court justice, John Arguelles, a wonderful person. Arguelles asked me to be on it, probably because of my father.

Mayor Bradley had his own commission. He named Warren Christopher as its chairman. Finally it was decided to merge the two commissions. Christopher was agreeable. He and I had been running together at 5:00 a.m. at a track and thus had gotten to know each other better. It was really an outstanding group of people. It included Mickey Kantor, who became secretary of commerce and trade representative; Christopher, who of course became secretary of state; Andrea Ordin, who had been the U.S. attorney and later became the Los Angeles county counsel; and others from academia and the professions. It also had a superb staff of the best and brightest lawyers from this area, led by John Spiegel of Munger, Tolles & Olson. (He is a former Stanford tennis player.)

Q: What was the mission?

A: The mission was to investigate and report on the Los Angeles Police Department and particularly discipline and conduct issues and to make recommendations. It was first to see if there were problems in the police department and, second, to make recommendations on how to deal with them.

Q: The purpose of the Christopher Commission?

A: Was to ascertain if there were problems with the LAPD in terms of the way it treated people, and in turn make recommendations on how to deal with any such problems. My only real contact with local law enforcement prior to this, other than as being a criminal defense lawyer, was former Los Angeles Chief of Police Tom Reddin. His wife had worked with my mother as a real estate broker, and I represented him in his private career. After he left as chief of police he started a security company. So I used to ask him about police issues. I guess those of us who were appointed by Chief Gates were a little more tolerant of Chief Gates than the others were. But ultimately we all went along, and it was a unanimous report. I'd say Christopher did quite an outstanding job. This Commission has had a profound effect on law enforcement in Los Angeles, and has led to a number of reforms.

Q: Talk a little bit about when you started into this. What were your impressions of the police based on Rodney King and everything that had happened? And how did they evolve over the course of this commission?

A: My impressions of the Los Angeles Police Department were that we were and are under-policed in this community. We have fewer police per person than, say, New York, and we have a much larger area to police. I guess it was believed that the police could only control crime

under these conditions by being "militaristic." They dressed in black uniforms and were in good physical shape, were well-trained, and were forceful. The problem was, in being forceful, especially in the minority communities, they antagonized those communities. So it's a difficult balance to draw. The Commission believed there were too many officers who had been disciplined who continued to be out there active in the force and were dangerous in that respect.

I guess the statistics bore that out to a certain degree; we did a lot of studies.

Q: What do you do about that? When you say there were reforms that changed the department, what kind of things were implemented?

A: I think there was an inspector general, methods of tracking discipline, more emphasis on hiring in the minority community and so-called community policing, and other reforms. I don't remember them off the top of my head, but I do know that even to this day when there are discussions of the LAPD in the *L.A. Times* or otherwise, there's always reference to the Christopher Commission and implementing its recommendations. Warren Christopher did a masterful job in bringing about unanimity and in promoting the recommendations. He had a follow-up meeting after the report was issued to see whether or not the reforms had been implemented and helped get a necessary ordinance enacted. We ended up recommending that no police chief serve more than a certain specified number of years or two terms, and it led to the retirement of Chief Gates, who was always a bit bitter about it. I remember that those of us who had been appointed by Gates went to see him about it, and he was angry about the Christopher Commission recommendations. We told him it could have been a lot worse for him and that we did the best we could to keep it as balanced as possible. The *Los Angeles Times* has said of the Christopher Commission that it helped "transform" the Los Angeles Police Department by identifying structural flaws in the department and that it restored the department's reputation after the Rodney King beating. So the Commission has been viewed as successful. (My Christopher Commission papers are at USC.)

Q: You had a case around this time that went to the U.S. Supreme Court. Was that the only case you argued in the U.S. Supreme Court?

A: Yes. A friend of mine from college was having his nails done, and the lady doing his nails said that her boyfriend or erstwhile husband, whatever, had a case up in United States Supreme Court. So my friend said, "Why don't you go see Richard Mosk?" She said, "Mosk, Mosk! There's a judge named Mosk who wrote an opinion that led to my husband's release from prison," which was the genesis of this case.

My father had written an opinion that said there was a lack of substantial evidence that Juan Venegas had murdered somebody in Long Beach. Venegas got out, and then sued the City of Long Beach for, among other things, violation of his civil rights by virtue of its police arresting and having him prosecuted. He hired Johnnie Cochran of O.J. fame (trial of O.J. Simpson). And Cochran struck a deal that it was a 40-percent contingency and didn't cover the appeal, or any appeals. It was sort of like shooting goldfish in a bowl. It was a couple of days of trial, and Cochran didn't even try it; one of his associates tried it. I think they won $2 million plus attorney's fees. The court awarded $135,000 in attorney's fees, something like that. And

Cochran said, "Thank you for my $800,000 and something; and if you want me to handle the appeal that will be more."

Venegas used the lawyer who had represented him in the original criminal appeal that reversed his conviction. The case involved Cochran's right to the contingency. This lawyer now lived in Sag Harbor, New York, and was a one-man operation. Ultimately, the lawyer filed a petition for certiorari to the U.S. Supreme Court on the issue of whether a contingency could be superseded by an award of reasonable attorney fees in a civil rights action. It was granted because there was a conflict in the circuits as to whether or not the award of attorney's fees was the exclusive amount of attorneys' fees or whether or not a lawyer could still get his contingency notwithstanding a Civil Rights Act attorney fee award.

When Venegas called and said I'd been recommended for a case in the Supreme Court, I was thinking, "He just has a petition for cert." When he said cert was granted, I said, "Come on over!" So he did come over, and of course the lawyer in New York was upset because this was his chance to argue in the Supreme Court. So we reached an accommodation whereby he would be first on the brief, but I would do the oral argument. We had to fend off solicitations from so-called Supreme Court lawyers who were trying to get another case on their résumés.

I went back and argued, and we lost 9–0. The idea that at that level lawyers win or lose is misleading. Even the most brilliant appellate advocates lose, and the weakest lawyers win. At the Supreme Court level, the Court has all the resources to review the records and do legal research. That isn't to say effective advocacy plays no role. But to say a lawyer has won or lost doesn't mean much. At least that is the way I looked at it.

Q: But you went in to the Supreme Court and it was your time for oral arguments, and how much of your argument did you get out of your mouth before they started firing questions at you?

A: Almost immediately. They asked a lot of questions. We didn't have the money to afford or pay for a mock hearing, but I did one or two at a law school and other places. But . . .

Q: Who was the toughest justice?

A: Obviously, they weren't going with me, so they were all pretty tough. Justice Scalia asked some questions, and he was good. He was smart, right on top of it. The thing I was disappointed in is that even if under the statute the award of attorneys' fees was not the exclusive amount that an attorney could get, and even if the lawyer could get his contingency, I felt they ought to have addressed the question about whether or not the court below had the inherent authority in regulating fees to determine if these fees were excessive. The court had determined that $135,000 was a reasonable amount of attorneys' fees; that would suggest that $800,000 plus more for an appeal was unreasonable. But their position was, a deal was a deal, and that's the deal he made.

Q: Can you describe at all the experience of going to the Supreme Court, and there's a lot of pomp and circumstance that accompanies that?

A: I'd spent a lot of time in the Supreme Court building when I was at the Warren Commission. As I mentioned, the next time was when I was in the U.S. Naval Reserve JAG unit, and they flew us back to be sworn in.

That was the last time I'd been in there. I think I spent some time the day before looking at arguments just to see what they were like. Because I had so many questions thrown at me, I ran out of time, so I didn't have any time for rebuttal. I should have tried to save some time. They don't give you any leeway at all on time, at least in those days. I understand that Chief Justice Roberts is a little more lax about that. In those days when the red light went on, the argument ended. I remember Chief Justice Rehnquist was having back problems, and he'd go behind the curtain and lie down during part of this argument, which was disconcerting.

By the way, there is one thing I forgot to mention about arguing that case in the Supreme Court. I've recently inquired as to whether or not there is any family that has had three members of its family argue before the United States Supreme Court. I've been unable to find that answer.

But I argued a case. And my father, although he was not listed as the oral advocate, he did in fact argue, at least introduced counsel and took questions, in *Arizona v. California* — a water case before the U.S. Supreme Court. And my Uncle Ed argued two cases, the *Konigsberg* cases, which involved the right of the State Bar to require an attorney to answer whether or not he had been a member of the Communist Party or whether he could refuse to answer any questions about his affiliations.

So we did have three members of the Mosk family argue before the U.S. Supreme Court, and I just recently wrote the Supreme Court Historical Society to ask if we were unique. They said they had no indication that any other family had but didn't know; they said they would note my observation. That's just a little sidelight.

Q: After this period you were presented with an opportunity to work in a totally different area, in the Motion Picture Association. How did that come about?

A: In 1994, my college and law school classmate and law school roommate Bill Kartozian got me that position. I'd helped him get a job early in his career with the Attorney General's Office and then United Artists Theatre Circuit as a general counsel. I had been offered the job, but turned it down and recommended Bill. As I mentioned, had I taken it, I would have become quite wealthy. Bill also had me appointed to the Stanford Athletic Board, which I enjoyed. Bill ended up owning his own theaters and making a tremendous amount of money. He was also a head of the National Association of Theatre Owners, NATO. They used me as an attorney from time to time. NATO and the Motion Picture Association were ostensibly the co-operators of the rating system for motion pictures, the "PG" and "R" and so forth, although it was really administered in large part by the Motion Picture Association.

Jack Valenti was looking around for a new chairman of the organization, and Kartozian recommended me. Ultimately Valenti retained me. Valenti had been an aide to President Johnson. He became head of the MPAA (Motion Picture Association of America) and made

himself a celebrity. The MPAA is a lobbying organization, so Jack, as a celebrity, was very effective. He was a flamboyant fellow and quite bright.

The rating system is composed of parents who watch movies and give them ratings based on what they think is appropriate for children. It was a brilliant process conceived by Valenti, because in the earlier days there were government censors. The problem was, they had censors all over the country, and different censors and different ratings, and it was a mess. Actually, the Motion Picture Association itself was a heavy censor in the past — the old Hays doctrine, which in effect dictated that there could be no bad language and no suggestion of sex. (Hays was the former head of the MPAA.) Ultimately the system started breaking down, with movies like *Who's Afraid of Virginia Woolf* and others that came out. Valenti saw this happening, and he wanted to get rid of the local government rating censors. In order to get rid of those censors, Valenti came up with this voluntary rating system. He said, "Leave it to the parents to decide, and we'll give them the information, rather than government."

Ultimately government censoring bureaus disappeared. My job was to hire the parents and to oversee the ratings and to see that the operation ran well.

So I did it. I used to go from my office to the MPAA. It had its own theater. We had parents — they had to be parents — but some of them had been there for a number of years. The idea was to have some turnover, but there often wasn't the turnover. We needed senior people who had a history with ratings and could deal with producers and studios. I would go watch a movie or two movies, and I would deal with people who would complain or come to see us before the ratings to see what needed to be done in order to get a certain rating.

Q: Who would come to see you? Like the director or the producer?

A: Yes, either or both. Spielberg came and Katzenberg and . . .

Q: Can you describe what an interaction like that was? Do you remember what the movie was that Spielberg came in on?

A: I think he came over on *Saving Private Ryan* because . . .

Q: It's a very violent movie.

A Yes, there was some war violence in there, and he wanted to make sure that it wouldn't be a problem or what could be done.

Q: So how did he do it? Do you remember what he said?

A: Well, he talked about it, the historical aspect of it, and I don't remember quite the details but ultimately . . .

Q: But he came and said, I'm making a movie that's going to depict in a realistic way the D-Day landing and the war?

A: He'd already made it. He was coming over either as we saw it or after we saw it. They can always edit certain things in a way to get rid of anything that might be objectionable.

Q: Do you remember your reaction to that movie when you watched it?

A: Yes. I thought it was — it was violent, but I thought it was a very well done picture.

Q: So he came over to make sure that it was going to get a certain rating?

A: Yes. He wanted to make sure it did not get an "NC-17." If it gets an "NC-17," which is "No Children Under 17," that results in a death knell financially in this country because many theaters will not run pictures that are "NC-17" (even though *Midnight Cowboy* won an Academy Award with an "X" rating — the predecessor of "NC-17"). In other countries, major theaters run pictures restricted to adults.

Q: So he wanted to make sure that you weren't going to push it over the top because of the violence?

A: Right. He was very pleasant and likeable.

Q: And do you remember what Katzenberg came over . . .

A: No, I don't remember what . . .

Q: These guys would come in and they'd essentially try and justify to you if there was violence or explicit content in the movie why it needed to be there and how they could edit it in such a way that the ratings . . .

A: Right. If we gave someone a stricter rating, they'd want to see what they could do to satisfy us. And sometimes there was an appeal process, and that I always found somewhat disagreeable because we made our decision, and why should there be an appeal to industry people? The whole idea was what parents think. On the other hand, Valenti wanted to make sure when he put this in the system that there wouldn't be some great injustice. So this was supposed to be a failsafe — at least from the viewpoint of producers.

I thought if you want to have parents do it, then parents should do it and not some other board.

Q: Any particularly memorable movies that came up that you objected to or aspects that you did or . . .

A: There were issues that I would discuss with Valenti. For example, should smoking prevent a picture from being a "G" or a "PG"? We discussed whether gay sexual activity ought to be viewed differently than heterosexual activity, and he felt not, although realistically speaking, the average parents would probably object more to gay sex. On the other hand, I suppose if you go back in time you could say the same thing about race. It wouldn't be right to be harder on the

picture because there was black-and-white sex as opposed to white-and-white sex or black-and-black sex. So maybe the same principle should apply to gays and heterosexuals.

So those were issues I remember discussing with him, and there were specific pictures where there were difficulties — Clint Eastwood's *Bridges of Madison County* for example, because of language. There was one fellow named James Toback, a director, who was particularly critical of me and the Board when he didn't get his way, and he was quite outspoken. He has done a few well-received pictures.

Q: These were big, cultural, 30,000-foot-view kinds of questions. Did you leave the Board with any feelings about how violent movies are and violence in the culture versus the sexual content of movies? Did you leave with any feelings about where we are as a culture on those topics?

A: There used to be 70 percent of the pictures "R"-rated, and now it's flipped so that 70 percent are "PG-13." Certainly sexual mores have changed substantially. In the old days if a woman just let her hair drop, then you knew what was going to happen, and nowadays they go into pretty explicit activity. As far as violence is concerned, pictures have gotten more violent, no question about it. People feel that maybe we were harder on sex than we were on violence. I don't think so, but I do think that the average American parent would probably be more concerned about sex than violence.

They also have a language rule about no more than one use of the F-word if it were to be a "PG-13," with certain exceptions. There were arguments over that. I remember directors saying, "Well, they had their focus groups, and when they used the F-word the people liked it better," and so they tried to justify the use of the F-word. People found that odd. Why should language be a disqualifier when specific sex or violence wasn't? Valenti's view was that middle America reacted strongly against profanity in movies.

Those were all the issues, and there have been some scathing reviews of the rating system and the raters. But people seem to be satisfied with it. As Jack Valenti said, "It's worked for a long time."

I made the ratings panel more diverse. While I was there, there was little controversy and the system ran efficiently and economically. We tried to keep the religious community involved so that it would support the system. I also promoted the system, including slides and trailers in the theaters and with websites. When I left I recommended some further improvements in the system, but I do not believe they have been implemented. There are things that can be done to deal with criticisms and to make the system better. It is true, as Valenti has said, the system has endured. That is why he was slow to change it. But, as we are learning, one cannot take anything for granted. Institutions and beliefs change. Everything has to adapt to be relevant. That includes the rating system, if necessary.

Q: This was in many ways a desirable job. Were there things about going to the movies every day that got burdensome or tiring or what was your reason for leaving ultimately?

A: Well, people used to say, "Aren't you bored watching all those movies?" A lot of them were just straight-to-video movies. I'd say, "Sitting in depositions isn't so interesting either." My grandchildren might be impressed that in my first year with the MPAA, *Entertainment Weekly* rated me number 84 of "Hollywood's Hottest Players," ahead of the actress Meg Ryan. But after six years there, ultimately the decision was made that perhaps there was no imperative to renew my contract. (My MPAA papers are with the Academy of Motion Picture Arts and Sciences. The MPAA wants to keep some of that material confidential, and I have allowed it to do that.)

I was doing a lot of things. My firm had merged into an Oakland firm called Crosby Heafey, and I didn't go with it. I continued to act as an arbitrator or lawyer in domestic and international cases.

I had been reappointed to the Iran–U.S. Claims Tribunal in 1997 by the Clinton Administration. Rather than living in Holland, I decided to try to commute, which I did once a month. So I had that, and I was doing some arbitrations and I was doing the motion picture work. I think Valenti decided that it was time for a change (he had already elevated Joan Graves to be my co-chairman). That was fine with me. I was probably doing too much at that time.

Q: You were essentially doing three full-time jobs at the same time.

A: Correct.

Q: What made you start your own law firm?

A: This happened in 1987. It was part of my "change for change's sake every now and then." Ed Sanders who had been in the Carter White House and my old friend Irwin Barnet asked me if I wanted to join the firm they had established. They originally had been partners in Irell & Manella. It was a small firm, and I decided to do it. The practice changed. We didn't have a mass of associates, so I had to do a lot of work that I normally would divert to young associates. But on the other hand, we all shared equally, and it was a congenial group. It was not as large a practice, but I found it to be interesting.

Q: Was there a guiding mission for the firm, what kind of work you guys wanted to do, your goals? Did you want to build it into a big L.A. firm?

A: No. On the contrary. The idea was not to expand. We added somewhat, but there was not an idea of growing into a large firm.

Q: And was it successful? Did the firm do well?

A: Yes. It depends; it's all relative. I mean big firms make much more money, but it was certainly a decent living.

Q: And you had a case with the Lakers when you were at the firm?

A: Yes. We represented the Los Angeles Lakers basketball team on behalf of Vlade Divac who played for the Lakers. They were both on the same side in this dispute. He was a Serbian star, who played on the Lakers, and a team in Serbia claimed that he signed an agreement with it. And so it sued. It turned out that it had fraudulently placed his signature on a contract.

We figured it out that they had actually superimposed his signature on an agreement. He was a very nice person, and I remember that some witnesses came over from Bosnia-Herzegovina, and they were giants. I said, "You're awfully tall people." One said, "We are among the tallest people in the world." I guess the Dutch are the tallest behind maybe tribes in Africa, such as the Watusis. But in any event, they are very tall people and they produce a lot of basketball players.

Q: You went back to the Tribunal?

A: I was appointed to go back on the Iran–U.S. Claims Tribunal. Warren Christopher was secretary of state. (It is amazing how people seem to enter and re-enter one's life at various periods.) I guess those in the State Department's Legal Adviser's Office thought I performed well enough in my first stint. Bill Clark and Alexander Haig had praised my work.

Q: Had things changed there?

A: When I went back to the Iran–U.S. Claims Tribunal, many of the same people were still there. It was suggested, perhaps by Secretary of State Christopher, that I had tried to speed up the process during my first tenure, but now that the U.S. was generally a defendant, I should slow down. I'm afraid that was not my nature. There were changes, and the president was now a Polish fellow by the name of Krzysztof Skubiszewski, who had been anti-Nazi during World War II, and had been anti-Communist during the Soviet expansion, the Iron Curtain. He was a very courageous guy. He was a tough nut and very bright, and an expert in international law. He had been the Polish foreign affairs minister under Lech Walesa. He had a rough time with the Iranians. The American judges included Charles Duncan (whose father was the original Porgy in *Porgy and Bess*), a civil rights pioneer, government lawyer, and law school dean. Charles Brower, a leading international arbitrator also served on the Tribunal. George Aldrich was still there. I had helped Brower succeed me in 1984 and to succeed Duncan. The cases now pending were less of the claimant cases and mostly the disputes between the two governments. There were billions of dollars at stake, and at some point, maybe after I'd left, I said, "The Iranians have not lived up to all their obligations all the time, and this may be a no-win situation for the United States." The Tribunal is credited with many accomplishments. I hope its longevity and handling of the intergovernmental cases do not diminish those accomplishments.

But the U.S. opted to remain involved and engaged in this even though I think they had grounds to pull out (failure to make payments and to replenish the Security Account, and meritless, repetitive challenges to third-country judges) and avoid possible liability. I discussed this with the legal adviser after leaving the Tribunal. It is hard to imagine the U.S. appropriating money to pay Iran. After leaving office, that legal adviser issued the same warning in an op-ed piece. Perhaps he could have done something about that when he was in office. When he was legal adviser he expressed concern about the image of the United States if it is not seen as complying

with its international obligations — certainly a tenable position (although not paying awards against it would have the same result).

There were some interesting cases that came up after my return involving disputes between the central banks, questions about the right of an Iranian retiree for his American dual-national wife to claim some of his pensions, and others. I've been very fortunate in the legal assistants I had. My first legal assistant was a fellow by the name of Mark Clodfelter who is a very prominent attorney. He had been a Michigan legislator and White House Fellow; David Caron, who is a professor at Boalt Hall; and Tom Ginsburg, a professor now at University of Chicago. I also had one who is a law professor at Wisconsin and another who was with the Justice Department. I'm fortunate to have had the legal assistants that I had there. Many of the American legal assistants have become part of the next generation of legal scholars, especially in international law and international arbitration.

Q: Did you have contacts with other international institutions in The Hague?

A: Yes, I knew some of the International Court of Justice judges and some of the judges at the Yugoslav war crimes tribunal (including former D.C. Circuit Judge Pat Wald). There were a number of international legal institutions in The Hague. One American ambassador who had us over was Jerry Bremer, whom President Bush first sent over to run matters in Iraq.

Q: Over the course of this period after your mother died, Stanley twice remarried.

A: Yes.

Q: Did you want to talk about that?

A: No. It's always tough for a son to see his father or his mother remarry. It's a difficult situation, and these were not the easiest of relationships, but nothing of great significance.

Q: Also during this period I guess is when Stanley passed away.

A: Yes. He started to feel as though he could not perform well. He stayed until he was 88, almost 89, and then he determined that he was going to retire. We talked about what he was going to do. He'd written some chapters, and he'd submitted them for a book, but he didn't get any bites.

Q: A memoir?

A: A memoir. The chapters have been published in *California Legal History*, as has his correspondence with his brother Ed during World War II.

Q: He was showing some signs of his aging, right? He had a little fender bender in the parking lot and he seemed a little depressed about growing older?

A: Yes. I remember he wanted to drive, and he finally cracked into a state car in a parking lot, and I told the chief justice, Ron George, "You should take the state car away from him," which he did. The Highway Patrol would pick him up and take him to work. I thought that was great. I'd prefer not to drive myself, but he liked the idea of driving. It was just like my mother; I was in Holland when he died. I had to fly back immediately for that. He died the very day he submitted his resignation from the Court.

I must say I took a role in getting some buildings named for my father. With the help of Supervisor Zev Yaroslavsky, the main civil county courthouse was named the Stanley Mosk Courthouse, and State Senate President John Burton helped get the main library and courts building up in Sacramento named the Stanley Mosk Library and Courts Building. And recently with the help of Steve Zimmer on the Los Angeles Board of Education, a Los Angeles public elementary school was named after Stanley Mosk. I have helped the school financially and otherwise. I've tried to help a couple of authors do a book on Stanley, which is due to be published in a year or so — a biography of Stanley Mosk. The authors are Jerry Uelmen, the former dean of the Santa Clara Law School, and Jacqueline Braitman, who has taught history.

Q: Why did you feel it was important that he be remembered this way, with his names on these buildings and on the school? What was the significance to you for that to happen?

A: I thought he was a major figure in California history. I'm not sure he received all the credit that he deserves — certainly not in some of the books on California history. I just felt that he had devoted sixty years to California, and he was involved in every aspect of California government and politics for that whole period of time. He was and is considered one of the leading state court jurists, and many of his cases have been reprinted in law school casebooks. He was a trailblazing attorney general. So I thought he deserved it. And he and my mother were good parents to me.

Q: Gray Davis, then the governor, came to his funeral, and did that event plant the seeds for your appointment to the court?

A: I was on the Tribunal, and I was doing these arbitrations, and I thought, "What's my next act?" And so I sent in an application for a Court of Appeal judgeship, recognizing that Gray Davis had the same policy, that everybody had to be a trial court judge first. But I thought I'd put it in, and I mentioned that I had been a judge on the Iran–U.S. Claims Tribunal, which tried cases, and I'd been an arbitrator. My cousin Jon Mitchell had influence with Gray Davis, and I think my father had talked to him before he died.

I was interviewed by Burt Pines who was his judicial appointments secretary. I had helped with Burt's successful campaign for city attorney years earlier. I said, "Burt, we've known each other for forty years." And he said, "I have to interview you anyway," and he asked me about my positions on matters. Also, the death penalty was something that Gray Davis had made a litmus test. So I thought, "Here we go again, like Dianne Feinstein." But I must say, when Burt got to that question he just skipped over it. I think they were a little worried that I'd be too liberal or radical or like Rose Bird. They were very risk-averse on judges. Jerry Brown's appointment of Rose Bird remained an obstacle to his political career — although not insurmountable. Jerry

now says — at least to me — he should have appointed my father. Because of the Davis Administration concerns, I think they ultimately put me in a division in which they said I couldn't do any harm — I guess meaning a conservative one. I think considering older, more experienced lawyers for judicial positions has merit. They are not as likely to leave to become private judges or arbitrators.

Q: I don't know what the coinciding timing was with Stanley passing away and you . . .

A: Shortly thereafter.

Q: Did Stanley know this was in the works?

A: I don't think so. I mean, I think he knew that I had an application, and he'd certainly put in his good word for it, but I don't know that he knew anything was imminent.

Q: When you were sworn in to be a judge, there was something that happened with Stanley's judicial robes, right? Did you wear them for your first appearance?

A: Yes, and I still wear them. I'm too cheap to buy my own. They fit. Ron George, whom I've known for many years and who was the chief justice, was kind enough to swear me in, and I had to go through the JNE [Judicial Nominees Evaluation] Commission, which is a commission of the State Bar that rates prospective judges as well-qualified, exceptionally well-qualified, qualified; or unqualified; and fortunately I was rated "exceptionally well-qualified," so that helped.

Q: Obviously you spent a lot of time around the courts, you clerked, you'd been on the Tribunal. Were there any aspects of becoming a judge that surprised you or that caught you off-guard or unexpected? What was it like, going to the court for the first time?

A: When I was on the Iran–U.S. Claims Tribunal, we orally deliberated cases, maybe endlessly — we talked and talked them out. I don't know how many minds were changed, but nevertheless that seemed to be the process. Certainly in the arbitrations — tripartite tribunals — I've been involved with, we spent a lot of time with all three arbitrators deliberating. It did surprise me, at least in my division, that there wasn't much formal oral deliberation. It was mostly done in written form.

I was appointed a couple of times to sit *pro tem* on the state Supreme Court, one case being the *Intel-Hamidi* case, which had to do with whether or not somebody could be stopped from sending e-mails to employees. There was an ex-employee who bombarded all the employees, and Intel wanted to stop that. I felt they could, and wrote a dissenting opinion, in which the chief justice joined.

But my point is, even at the Supreme Court, the deliberations seemed to be perfunctory. The justices had staked out their views in writing, and there really wasn't much discussion in the formal deliberations. In a way, maybe it's not efficient to have a lot of oral deliberations, but on the other hand I think it's desirable. Some divisions in our district do have significant

deliberations, and some don't, and ours does not. We talk among each other one-on-one occasionally, but for the most part things are done in written form.

Q: When you went to sit in on the state Supreme Court, what was that experience like, having a Mosk back on the Supreme Court?

A: It was interesting. The cases that they have selected to be heard are ones that are of some significance. When you're in an intermediate appellate court, you take them all. The emphasis in the intermediate appellate court has gone more heavily criminal and dependency in recent years. I think arbitration has sucked out a good number of the important civil litigation cases from the system. This may hinder the development of the law. A lot of the civil litigation is employment-type cases. So the issues are not quite as fascinating all the time as they are on the state Supreme Court. The reduction in significant civil cases could adversely affect the development of the law.

When I was appointed to the court, one thing I had to give up, in addition to resigning from the Tribunal, was any type of arbitral role. I'd been put on the panel of the Court of Arbitration for Sports. It deals with international sport or athletic disputes. So I was designated, at least as an alternate, to be on the panel at the Salt Lake City Winter Olympics. And when disputes arise over doping or whatever, and they need immediate arbitrations to find out who gets the gold medal or who is disqualified, I could have sat on a panel. I was pretty excited about that, but I had to give that up by going on the Court of Appeal.

Q: Did you get a chance to do it?

A: I never got a chance. I also was involved with the U.S. Anti-Doping Agency, which dealt with athlete doping issues — I had to resign from that also.

Q: How long have you been on the Court of Appeal now?

A: I've been on over ten years, since 2001. I've had to stand for a retention twice, and that's always a nerve-wracking thing because you never know what might happen. There has been some opposition to the Democrats, for example. It's always sort of annoyed me that some of these commentators on the radio come out and say, "Vote no on all the Democrats who are justices." Why? I mean, why would you vote no on Democrats? Have they not been good judges? We don't get into partisan issues, and it's not like we're a Supreme Court. We're not often deciding questions on social values. But nevertheless they do it. And I must say, my no vote has been a little higher than some of the other justices, maybe because my name is well known as being a Democratic name, so Republicans vote against it.

Also, it's now an unusual name. One of my colleagues is named Orville "Jack" Armstrong, and he always gets the highest total votes — great name. Ethnic-sounding names have lower totals. Women get more votes than men. People with funny names end up with lower totals. People don't know anything about the justices, so it's sort of an irrational system.

Q: How many justices are there in your division of the appellate court?

A: In my division there are four justices.

Q: How many divisions are there?

A: There are eight divisions in this district, which covers several counties.

Q: Do you always work with the same justices?

A: Same division, the same four. Three of those four sit on any one case.

Q: What's that experience been like?

A: The ones that I sit with have different backgrounds than mine. We get along fine. Socially we don't get together. We have different philosophies. They've been appointed by Republican governors. One has worked in a law firm, the other two have been long-time judges. It's a group of different types of people. I generally socialize with justices from other divisions. Some from the different divisions and I lunch together almost every day. It is important that appellate justices, like trial judges, have a good temperament. They have to get along with each other even if they have different points of view and philosophies. The book *Scorpions* by Noah Feldman about the personal conflict of the Roosevelt appointees on the U.S. Supreme Court highlights this. I make a point in my dissents of generally not arguing with or even mentioning the majority opinion. I just set forth my point of view. Biting and personal opinions do not enhance the judicial image.

Q: Are there any cases that have come before you that are particularly memorable? Have there ever been any surprises in the courtroom, anything that's happened in the courtroom that you remember that stuck with you?

A: I sat on a case in another division because somebody was disqualified, which had some notoriety. It dealt with whether or not somebody could sue a law firm for malicious prosecution. In that case I said no, but I was a dissenter. It generated a lot of interest by lawyers who felt this made it too risky for lawyers. I tended to agree, but the Supreme Court did not grant a review of that case. Some cases that I've had have gone up to the Supreme Court, so they have obviously been of some consequence. I have published opinions on virtually every area of the law — civil, criminal, family law, dependency, and others. Most of our cases are unpublished, but can be obtained on Westlaw or Lexis. The criminal and dependency cases often contain depressing fact scenarios — gang evidence, child molestation, etc. Every now and then we have a case for which there is little or no authority on point. For example, in one case a woman's identity was stolen and used to purchase a house. The lender foreclosed, but the value of the house had increased. The issue was who was entitled to the proceeds above the loan amount from the sale of the house. The lender did not claim it. The trial court gave it to the county. We awarded it to the woman. It is rare to have such a novel case.

I am fortunate to have a fine staff. My assistant, Lori Jankovic, started with me in 1980. Our research attorneys generally stay for years. As I mentioned, unlike when I clerked, the California appellate courts generally no longer use recent law graduates for a one-year clerkship. I guess it is felt it is more time-consuming to train a new clerk every year. Some use law student externs for a semester. I have done so but generally do not because I teach at USC.

Q: Do you ever find yourself moved emotionally in a criminal case?

A: No. I find the sentences are so draconian — so tough. These Three Strikes rules operate sometimes in a fashion that seems unfair. But there it is; I carry it out whatever it is. But sometimes I cringe at some of the criminal sentences. And we're paying the price now because the jails and prisons are overcrowded, and the prisons and jails have turned into basically taking care of the mentally ill.

Q: What's the most frivolous crime that's been someone's third strike that they've wound up going to prison over?

A: Well, we've seen some that have been like shoplifting or stealing a couple of videos, and because it's their third strike it's a life sentence. The U.S. Supreme Court has upheld these sentences.

Q: All this time you maintained a healthy tennis career during all of this, and your friendships have endured.

A: Yes, all of us who grew up together and played against each other and still socialize with each other. My closest friends emerge from the tennis world. We still play. Most of us are still alive and able to play, and I've known these people for fifty, sixty years. It's quite remarkable. We still get together and have social events together and play tennis together, and it's a great experience. The tennis accomplishments of my group include a variety of junior, collegiate and senior national championships, high rankings in the U.S. and even a Wimbledon quarterfinalist. Two won NCAA singles, doubles and team championships. Another won the team championship. One won both the 15's and 18's national championships. There are at least 5 All-Americans and 4 that were ranked in the top 13 in the U.S. Quite a group. And I still am in touch with Leslie Epstein. His son, Theo, was the wunderkind general manager of the Boston Red Sox and brought them to the World Series to overcome the "Curse of the Bambino." He is now with the Chicago Cubs. I see them from time to time.

Q: Tennis is the glue?

A: Tennis is the glue. I did play basketball, but had too many injuries.

Q: You have mentioned an Iranian lawyer?

A: When I was at the Tribunal, a lady appeared representing the Central Bank of Iran, the Bank Markazi, and she was very good — spoke perfect English, and she was there arguing cases. We thought very highly of her, and then she was gone. And the rumors were that maybe she was a

Bahai or some reason why she was yanked back. In any event, I bumped into her here in Los Angeles, and she had immigrated and married a doctor here. I've stayed in touch with her. She interprets for the Nobel Peace Prize winner, Shirin Ebadi, whom I have been with on a couple of occasions.

I also stay in touch occasionally with former Massachusetts Governor Mike Dukakis when he comes to town to teach at UCLA. We get together sporadically.

Q: How did that start? How did you know him?

A: I met him through Ed Sanders, who was active in his presidential campaign. He was the Democratic nominee for President in 1988 and would have been a fine President. He is smart and principled. Then I heard he was teaching part-time at UCLA, so I called him up, and we routinely have lunch when he comes out here. I also saw Warren Christopher until he died. We went to Stanford–UCLA basketball games, and I had lunch with him once in a while. I admired Christopher. He always exhibited the perfect temperament and had great judgment.

Q: Despite your earlier experience teaching law at USC with the grade-grubbing students who always wanted to know what was going to be on the final, you resumed some teaching. What brought you back to that?

A: I gave a course in international arbitration in Brisbane at the University of Queensland, T.C. Beirne Law School. I gave a course at The Hague Academy of International Law, which is considered a prestigious undertaking. My course was published in its publication. I gave a course at Duke University Law School in Geneva. I'd lectured around in different places on international arbitration and was able to get some interesting travel in the process.

I was asked to teach a class on international arbitration at USC, and I decided I really wasn't interested in teaching law there. But I said maybe an undergraduate class. So I have taught a freshman seminar, and they said I could do it on any subject I wanted. I said, "Fine, I'll do it on sports," because I'm kind of a sports junkie. They said, "You are a judge." So for the first few years I did teach somewhat law-related matters, Law and Morality. And then taught sports for a couple of years. And this last year I have gone back to the Law and Morality. So I keep varying it from time to time.

Q: Is that a for-credit course?

A: Two units, and it's a pass/fail. I don't have to mess around with exams or papers.

Q: What do you teach them about sports?

A: Oh, I teach them ethical and moral issues that arise in the sports world, and legal cases that emanate from sports. I've had plenty of cases myself when I was in private practice.

Q: Can you share one of those issues you teach? What's your favorite?

A: Well, there were some that actually came up before our court, when for example a college baseball player was told by his manager to retaliate and aim for the head of an opposing batter, which is called "head-hunting." I joined an opinion which said the college could be sued for that action — that it was actionable to seek to injure an opposing player — just like in hockey, if you take a stick and bash somebody. It went up to the California Supreme Court, and it held that the batter assumed the risk. Head-hunting is part of the game. I disagree.

Then there was a case in a different division in which a batter used a metal bat, and the pitcher got hit by the ball off the bat. His claim was that he assumed the risk of a normal metal bat, but this metal bat was of some composite so the ball came off the bat much faster, just like hockey sticks these days, and so he did not assume that risk. The court held that the pitcher stated a cause of action.

So those are interesting cases. Then there are morality cases or ethical cases. A USC player is credited with a game-winning touchdown for catching a ball in the end zone, but actually the ball first hit the ground. He rolled over it and held it up as if he caught it. He said a couple years later he hadn't caught it, but he was trained by his coaches to roll over and hold it up as if he had caught it. That raises the question about whether this kind of activity is character building. Is it something that we ought to do?

Most people think that's part of sports, just like flopping in a basketball game or . . .

Q: Taking a dive in a soccer game?

A: Yes, the fake injuries, and all that sort of stuff. In sports, we no longer really adhere to the fiction that it builds character. I think sports is a wonderful thing. My old partner Ed Medvene used to say, if he's going to hire somebody, he wants somebody who's competed, whether it be in sports or violin competition or something; if you've gone through competition you're going to be a better lawyer and maybe a better — more effective in your occupation.

Q: If your grandchildren or great-grandchildren see this someday, are there lessons from your life that you want to share with them, or advice or guidance that you have for them?

A: You only go through once, and seems to me the idea is to try to change course every now and then, experience as much as you can, whether that be different jobs or something else. I haven't changed wives. We took one of these private jets around the world, and went to the wonders of the world, three and a half weeks, and it was a great experience. We went with my old friend Justice Arthur Gilbert and his wife as part of a group of about eighty people. I just think as many things as you can experience, you ought to try them. Most of our vacations are not so elaborate. Every year for decades, we have gone to Lake Sunapee in New Hampshire — a place we really enjoy. There, by the way, we became friendly with a Boston lawyer who became ambassador to Norway. We recently visited him and stayed at the residence in Oslo.

I pointed out, many of the great industrialists, the Armand Hammers and Norton Simons, are risk-takers. I never have been much of a risk-taker, and I've always felt that avoiding calamity and disaster and pain and poverty is key. I'd rather not risk having those situations even if I

forego gaining great wealth and great success. I was a little more cautious because I think so few people who do gamble actually win the bet or the gamble.

Someone can say, "I want to be a Supreme Court justice." But how many people get to be a Supreme Court justice? Or, "I want to be head of a Fortune 500 company." How many people get there?

I guess a lot of people have gone into banking and Wall Street, and many became wealthy — or if you go to Silicon Valley, certain areas and occupations. But it's difficult out there. Finally, I can remember each instance when I didn't do the right thing. I hope there are not many. But the point is to do what is right and proper.

Q: Your generation —I think about how you and Uncle Stan (husband of Mom's identical twin) both went into law, and yet all of his children and all of your children went into careers that aren't big money-making careers, that are more for the love-of-the-job kind of careers. Is there a right way, do you think? A better approach?

A: Law to a certain extent was sort of a default choice. I did not think I was adept at science or business, and I ruled out academia. So what does that leave for me? To follow one's passion is again risky. If you want to be a violin player, the chances of becoming first violin in any major orchestra are very slim. If you want to be a ballet dancer, the chances of getting into a top ballet company are very slim. The competition now for anything is so difficult. At least with a profession, whether it be law or medicine or business, the chances are that one is going to make out all right. Law leaves the opportunity for government service and judgeships and other possibilities. The legal practice has become lucrative for some, but has become a much more hazardous occupation in the sense that success is not based necessarily on talent but on business-getting ability.

You might notice how the same people keep popping up in my life. Keeping in contact with friends is psychologically satisfying and can be rewarding, personally and career-wise. By the way, health is a critical matter. There is longevity in the family, but also heart disease, cancer and digestive problems. So healthy living, diet, exercise, and control of stress are important ingredients for a successful life.

Q: You said you liked to make changes every ten years. Do you have a . . .

A: Five-to-ten years.

Q: . . . any idea what the next change will be?

A: It has been over ten years since I've been on this court. But the problem is that at an elevated age the opportunities become significantly less. The California Constitution, as interpreted wrongly I believe, prohibits a judge from holding any public position during the term for which he or she is elected (this issue is still being litigated). That would preclude me from any state or local service until 2018 and thus restricts my opportunities further. But who knows what might come. I have tried to keep constant my friendships. I still socialize with people with whom I

went to grammar, junior high, and high school, and camps, as well as college and law school, and people against whom I competed in tennis since age 14.

Q: Anything else you want to add? We can always come back but if there's anything you wanted to include . . .

A: No, I think that pretty well does it. I'm fortunate to have a son who is a prominent journalist, a daughter who's very successful as a psychologist; and a wife who's successful as an educational therapist. She was the president of the National Association of Educational Therapists and is well known in that field. They all did well academically. They all attended Ivy League schools either as undergraduates, or graduates, or both. I'm looking forward to my grandchildren (Noah, Jenna, Samantha and Bennett) being equally successful or at least happy.

Q: Well, wish them all the best, hope that's what happens. If not, they will come and watch this and learn the keys to that success.

A: Right.

Note: Richard M. Mosk's Warren Commission papers are with the National Archives; his California Supreme Court Justice Tobriner clerkship papers and some of his correspondence with public officials are with the California Judicial Center Library; his sports program collection is with Stanford University; his correspondence with Shinzo Yoshida is with UCLA; his Iran–U.S. Claims Tribunal papers are, in part, with Boalt Hall and, with material he still has, subject to transfer to another institution; his Christopher Commission papers are with USC; his L.A. City–County Fire Board of Inquiry papers are with the Huntington Library; his MPAA papers are with the Academy of Motion Picture Arts and Sciences; and some of his correspondence is with the California Judicial Center Library. The Justice Stanley Mosk papers are with the California Judicial Center Library.