

ORAL HISTORY
LEON THOMAS DAVID
(1901-1994)



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Courtesy Contra Costa County Historical Society

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EDITOR'S NOTE

The oral history of Superior Court Judge Leon Thomas David is one of four oral histories conducted by the former California State Bar Committee on History of Law in California in 1987. These were the final oral histories conducted by the committee, and they are published for the first time in the present volume of *California Legal History* (vol. 6, 2011). Judge David served as chair of the committee in 1977, and he was interviewed by committee member Raymond R. Roberts on January 16, 1987.

The oral history has been reedited for publication. Citations have been verified or provided, and the spelling of names has been corrected wherever possible. Explanatory notations in [square brackets] have been added by the editor. The sound recording and original transcription are available at The Bancroft Library, UC Berkeley. The oral history is published by permission of the State Bar of California.

A biographical sketch of Judge David by Superior Court Judge Roger Alton Pfaff was published in 1962 by the *Los Angeles Daily Journal*. It is reproduced below as a brief introduction to Judge David's life and career.

— SELMA MOIDEL SMITH

LEON T. DAVID¹

Judge Leon T. David has led a busy life since his birth in San Francisco, August 25, 1901. His early years were spent in the Bay Area. He attended Alameda, Berkeley and Vallejo High Schools before entering Stanford University in 1921.

In 1924 he received his A.B., and in 1926 his Juris Doctor from Stanford. Thereafter, he migrated to Southern California where he studied Public Administration at USC, from which institution he received his M.S. degree in 1935 and in 1957 a doctorate in Public Administration.

In 1926 he was admitted to the California Bar and engaged in the private practice of law under the firm name of Malcolm and David. He also accepted an appointment the same year as deputy city attorney and city attorney pro tem for the City of Palo Alto, a position he held until 1931. In 1931 he became assistant professor of law at USC law school. For one year, 1930-31, he was retained as deputy city attorney for the City of Lakeport, California. In 1934 he accepted an appointment as assistant city attorney for Los Angeles, a position he held, except for his absence during World War II, until 1950.

In 1927 he married the talented Henrietta Louise Mellin. The Davids are the proud parents of two children, Mrs. L. Perry Holmes, Jr., of Lafayette, California, and Leon Colby, of Honolulu. They have three grandchildren. Mrs. David majored in music at USC and for many years sang professionally in church. She is a past president of the Women's Auxiliary, Society for Cancer Research at UCLA, and is listed in *Who's Who of American Women*.

While a student at Stanford, Judge David was on the staff of the *Daily Palo Alto* and *Stanford Quad* and actively engaged in intramural athletics, including track and football. In 1921 he was discus champion and record holder of the California DeMolay track and field.

As a student at Stanford, Judge David took ROTC training and was commissioned a 2nd lieutenant, Field Artillery, ORC [Officers' Reserve Corps], in 1924. He maintained his reserve status, and in July, 1941, he was called to active duty by the War Department and thereafter served in a

¹ P.A.R. [Roger Alton Pfaff], "Leon T. David," *Los Angeles Daily Journal*, June 22, 1962, p. 1. Reprinted in *Judicial Profiles of the Superior Court of Los Angeles County, California* (Los Angeles: Los Angeles Daily Journal, 1963), p. 23 (in which articles signed "P.A.R." are credited to Judge Roger Alton Pfaff).

number of command posts, including chief of Special and Morale Services, NATOUSA [North African Theater of Operations, United States Army] on General Eisenhower's Special Staff in Algiers in 1943. He was honorably discharged in 1945 with the rank of colonel, and was retired from the AUS [Army of the United States] as colonel, Artillery, in 1961. Judge David is the recipient of the [U.S.] Legion of Merit; honorary officer [of the Order of the] British Empire; Brazilian Medalha de Guerra; French Médaille d'Honneur; Italian Commander [of the Order of the] Crown of Italy; European Theater Medal and three Battle Stars.

Upon his return from service, he resumed his duties as a senior assistant city attorney for Los Angeles, which he held until 1950 when he was appointed to the municipal court by Governor Earl Warren, who elevated him to the superior court in 1953, a position to which he has been continually reelected.

Throughout Judge David's career, he has engaged in many varied activities, including journalism and teaching, both in Law and Public Administration, at the University of Southern California, and also as an instructor at Command and General Staff School at Fort MacArthur, San Pedro; and the Presidio, San Francisco.

The Davids attend the Westwood Presbyterian Church. Judge David is a member of many professional, fraternal and civic organizations, including the Los Angeles, American, and Westwood Bar Associations, American Judicature Society, Phi Alpha Delta, Order of the Coif, American Legion, Reserve Officers Association, Acacia Club, Masons, and Shrine.

Tracing his ancestry back to early American colonial days, Judge David is a member of the Sons of the Revolution and a vice chancellor of the Society of Colonial Wars for California. He is chairman of the Los Angeles County Bar Association Legal Aid Committee and president of the Kiwanis Club of Los Angeles for 1962. He is a member of the Jonathan Club and numerous civic organizations.

Judge David is an amateur radio operator, holding General License W6QFA, and a student of portrait painting. Other interests are speaking and writing on historic and legal subjects, travel, and the study of foreign languages.

He sums up as one of his philosophical guideposts, the following maxim:

“Time is our priceless commodity which never can be replaced; use it, don't waste it.”

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Q: I am in the home of Leon T. David, who has graciously consented to reminisce with me on his observations of the history of law in California. Before we go into any of the particular details, he has offered to play a tape that he made of reminiscences that will be by way of introduction to the formal interview.

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DAVID:¹ As of August 26, 1976, I was in the practice of the law and on the bench for a total of fifty years. Over that period of time, there have been many experiences it may be well to record, particularly as I now serve as chairperson of the State Bar Committee on History of Law in California. I was born on August 25, 1901, in the 300 block of Leavenworth Street in San Francisco, where my parents, Ella Thomas David and Leon Kline David, lived upstairs in Mrs. O'Halloran's flat. My father at that time was a book-keeper and teller in the old First National Bank. Shortly after my birth, the family moved to Alameda at 1109 Pacific Avenue, down the block from my grandfather's residence, Edward E. David, at 1223 Pacific Avenue.

¹ "The Practice of the Law" by Judge Leon Thomas David, recording on July 31, 1977.

I remember the 1906 earthquake. My crib rolled across the bedroom floor, and struck the opposite wall. Above, the chimney collapsed and the bricks hitting the roof made a fearsome clatter. The green Antikamnia pain pill calendar, with its life-size portrait of the president, Teddy Roosevelt, with his eyeglasses and big-toothed smile, fell on the floor. The little sheet iron stove made a rasping noise as it slid along the floor. My father dashed in to see if I was all right. I think I was more mystified than scared. Our house stayed on its brick foundation, with only the bricks at the top of the chimney to be replaced. When permitted to go out, I saw a house around the corner on Bay Street where the main floor was sitting down on a collapsed basement. I remember my father setting off for San Francisco with a shovel over his shoulder to aid in digging out the remains from the bank.

People displaced by the San Francisco fire came to Alameda, looking for places to stay. Our house was not very large, but mother and father made the rear bedroom available to a homeless couple. They stayed for a year. After they left, mother was scandalized! The couple were not husband and wife.

The following year, of course, there was a panic. There were hard times, and my father found another situation at the Henderson Bank in Elko, Nevada. The family thereupon moved to Elko. It was a frontier town. Indians gathered upon its wide main street. Sheepmen and cattlemen gathered in town — the cattlemen on the one hand, and the sheepmen on the other — keeping discreetly apart, and each patronizing a separate large saloon at opposite ends of the block.

There was an Indian camp about one mile north of the town. There were some Shoshone Indians still living in teepees. Others had built small cabins and cottages. These were said to be the small cabins of Indians who went to Indian school but who had, nevertheless, come back to live the life of their people. The Indian squaws came to town to work in washing and other household chores. The Indian bucks would come in on the weekend to collect their wages. I remember seeing Indian squaws sitting down on the high curbs in the main street, chewing large wads of gum, pulling the gum out a great distance from their mouth, sprinkling it with cheap cologne and then putting it back into their mouths and chewing again. This was a cheap way of getting a jag on, since the sale of liquor to Indians was prohibited.

The street to the school passed the county courthouse, a large structure with a broad stairway leading to the courtroom. My father had not been in town very long before he was summoned for jury duty on a murder trial. The county judge was Judge Brown, who afterwards, I believe, was a justice of the Supreme Court of the State of Nevada. The defendant was found guilty in the murder case, and I remember that my father reported afterwards that he had shaken the hand of the defendant. The defendant had loaned him a horse to ride around and see the country shortly after my father arrived in Elko, Nevada, right after the first of the year 1907.

The bank shortly afterwards was rebuilt. Inside, the cashier and other attachés of the bank served behind the counter. The entire counter was surmounted by a latticework, which was supposed to be bulletproof. Under the teller was a trapdoor, which he could use to drop out of sight in case there happened to be a holdup.

My schooling began in Elko, Nevada. I attended school in the first grade in a little two-story brick schoolhouse in a room presided over by Miss Rose Gardner. Upstairs, Mr. McQuinney, the principal, conducted classes. I made rapid progress in the first grade, thanks, first of all, to the fact that in the family I had been presented with a blackboard with a scroll, which carried all the letters on it. I had learned to read after a fashion from the Sears Roebuck Catalog, where the names of items were given and little pictures were shown of the items themselves. My brother, Persis Anderton David, was born in Elko, Nevada, on December 28, 1907, and my grandmother, Ella Thomas, from Vallejo, was present. When she returned to Vallejo, I accompanied her and was entered in the Jefferson School in Vallejo. Thanks to my reading ability, I was placed in the high second grade. When I returned to Nevada in the fall of 1908, I was placed back in second grade there. As a matter of fact, although this was a pioneer community, Miss Gardner had been using the Montessori system of instruction, particularly in reading, and I was simply keeping pace with the class there.

In the spring of 1909, my father, along with other young men in the community, went prospecting. In doing this, they waded up through icy creeks and he came down with inflammatory rheumatism, rheumatic fever, which he once had before as a boy. This was so severe that he almost died. He ultimately went back to the Alameda hospital in order to fight for