

ORAL HISTORY  
CRUZ REYNOSO

ASSOCIATE JUSTICE  
OF THE CALIFORNIA SUPREME COURT  
(1982-87)

# JUSTICE CRUZ REYNOSO:

## *The People's Justice*

KEVIN R. JOHNSON\*

One of the leading Chicano civil rights leaders of his generation, Cruz Reynoso has been said to be the Latino equivalent of the late U.S. Supreme Court Justice Thurgood Marshall, the first African American appointed to the U.S. Supreme Court. Needless to say, Reynoso is nothing less than an icon in the national legal community.<sup>1</sup>

From humble beginnings, Reynoso rose to greatness. Raised in a working-class neighborhood in Southern California, he attended segregated schools as a youth. With optimism and a zest for life, he persevered and pursued a higher education, first at a community college and later at Pomona College and the University of California, Berkeley School of Law. Young Reynoso served his country in the Counterintelligence Corps of the United States Army for two years.

Cruz Reynoso began his legal career in private law practice serving the Mexican-American community in El Centro, California, a remote, rural agricultural town near the U.S./Mexico border. Why El Centro, one might ask? Reynoso went there because he sensed that the Mexican-American

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<sup>1</sup> The documentary film, "Cruz Reynoso: Sowing the Seeds of Justice" (Ginzburg Video Productions, 2010) provides some of the highlights of Reynoso's illustrious career.

working-class community needed the help of a lawyer. He became that lawyer, not just for El Centro but for a generation of Latinos.

In the 1960s and the early 1970s, Cruz Reynoso led the fight for the rights of the rural poor, including but not limited to farm workers, as director of California Rural Legal Assistance (CRLA).<sup>2</sup> An innovative legal services organization, CRLA was at the vanguard of the national war on poverty. In making CRLA a national force, Reynoso earned a national, if not international, reputation. His fight for the rights of the poor did not go unchallenged and in fact faced determined opposition from the highest levels of the state government, including popular conservative Governor (later President) Ronald Reagan.

As is well known, Reynoso ultimately served as a distinguished jurist, first as an associate justice of the California Court of Appeal, Third Appellate District (1976–82) and later as an associate justice of the California Supreme Court (1982–87). A person of many “firsts,” Reynoso was the first Latino justice on the California Supreme Court, which alone would have sealed his place in history.<sup>3</sup> A contentious, highly controversial, and some might say “dirty,” campaign in the 1986 confirmation election led to the removal of Justice Reynoso, along with Associate Justice Joseph Grodin and Chief Justice Rose Bird, from that court.<sup>4</sup> Thinking it inconsistent with the ethical duties and obligations of a judge, Reynoso did not mount an election campaign.

In all of his professional activities, Cruz Reynoso has striven to promote the public good. Besides his work as an attorney and jurist, he has taken on important high-profile, public service assignments to ensure that the rights of minorities were protected. President Jimmy Carter appointed Reynoso to serve on the Select Commission on Immigration and Refugee Policy, which, after careful study, recommended reforms to the U.S. immigration laws.<sup>5</sup> The recommendations contributed to major immigration reform legislation passed by Congress in 1986.<sup>6</sup>

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<sup>2</sup> See Michael Bennett & Cruz Reynoso, *California Rural Legal Assistance (CRLA): Survival of a Poverty Law Practice*, 1 CHICANO L. REV. 1 (1972).

<sup>3</sup> See Cruz Reynoso, *Brief Remembrances: My Appointment and Service on the California Court of Appeal and Supreme Court, 1976–1987*, 13 BERKELEY LA RAZA L.J. 15 (2002).

<sup>4</sup> See Robert S. Thompson, *Judicial Retention Elections and Judicial Method: A Retrospective on the California Retention Election of 1986*, 61 S. CAL. L. REV. 2007 (1988).

<sup>5</sup> See, e.g., STAFF REPORT OF THE SELECT COMM'N ON IMMIGRATION AND REFUGEE POLICY (1981).

<sup>6</sup> See Immigration Reform and Control Act, Pub. L. 99-603, 100 Stat. 3445 (1986).

From 1993 to 2005, Reynoso served as a member of the U.S. Commission on Civil Rights, which investigates the most serious civil rights matters arising throughout the United States. During his tenure, the commission investigated alleged voting improprieties in Florida in the contested, and razor close, 2000 presidential election. The outcome of the presidential election — the election of President George W. Bush — turned on the vote in Florida. The commission's investigation and report raised awareness of the glaring voting rights issues raised by that state's election scheme.

Although never one to pursue personal ambition, much less awards and accolades, Reynoso has received too many awards and accolades to mention here. He has attained the highest available public recognition for his distinguished career. In 2000, President Bill Clinton awarded Reynoso the Presidential Medal of Freedom, the nation's highest civilian honor given to leaders who "have helped America to achieve freedom." In awarding the medal, President Clinton stated:

Cruz Reynoso is the son of Mexican immigrants who spent summers working with his family in the fields of the San Joaquin valley. As a child, he loved reading so much, his elementary school classmates called him *El Profe*, the Professor.

Later, some told him to put aside his dreams of college, saying bluntly, they will never let you in. But with faith in himself and the values of our country, Cruz Reynoso went on to college and to law school but never forgot his roots. He worked for the Equal Employment Opportunity Commission and led the pioneering California Rural Legal Assistance Program. In 1976 he was appointed Associate Justice of the California Court of Appeals and rose to become the first Latino to serve on the State's highest court.

Today, he continues to labor in the fields of justice, serving as Vice Chair of the U.S. Civil Rights Commission, opening new doors for Latino lawyers and teaching a new generation of students the world of law. Not long ago, the person his classmates once called *El Profe* was voted by his own students Professor of the Year.<sup>7</sup>

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<sup>7</sup> William J. Clinton, Remarks on Presidential Medal of Freedom (Aug. 9, 2000), available at <http://www.presidency.ucsb.edu/ws/?pid=1482>.

In addition to his civil rights and judicial work, Reynoso served as a distinguished law professor for many years. He initially served as a faculty member at the University of New Mexico Law School. After his time on the California Supreme Court, Reynoso returned to law teaching. He first went to UCLA School of Law. A few years later, Reynoso became the inaugural holder of the UC Davis School of Law's Boochever and Bird Chair for the Study and Teaching of Freedom and Equality.<sup>8</sup> I helped convince Reynoso to come to UC Davis and to be closer to his ranch south of Sacramento, where his wife Janeene continued to live while Cruz taught at UCLA.

It seems entirely appropriate that Cruz Reynoso ended his professional career at UC Davis School of Law (although he remains very busy in retirement, including serving as an investigator on a variety of civil rights matters). As a court of appeal justice, Justice Reynoso dissented from a majority opinion finding that the Law School's race-conscious affirmative action admissions plan was unconstitutional:

King Hall, the University of California at Davis School of Law, from whence this lawsuit emanates, was named in honor of Martin Luther King, Jr., a black minister. Through the moral force of his character and faith he inspired America to seek after justice, and he shared with America his dream of a true and abiding equality among all racial, ethnic and linguistic groups who call this land their own. We have paid homage to his ideals by naming a law school in his honor. But we honor his dream with greater warmth when we march that added step or two, as did he, toward the mountain top of equality. King Hall took that step.<sup>9</sup>

The California Supreme Court ultimately agreed with Justice Reynoso.

Besides the many professional achievements, Cruz Reynoso is one of the humblest and most decent people one could ever want to meet. Devoted to his family, community, and faith, he is all that we could aspire to want in a revered historical figure. He continues to attend meetings of the UC Davis

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<sup>8</sup> See Cruz Reynoso, <https://law.ucdavis.edu/faculty/reynoso>.

<sup>9</sup> *DeRonde v. Regents of the Univ. of California*, 102 Cal. App. 3d 221 (1980) (Reynoso, J., dissenting), *rev'd*, 28 Cal. 3d 875 (1981). Reynoso later wrote about the concept and importance of diversity in American law. See Cruz Reynoso, *Ethnic Diversity: Its Historical and Constitutional Roots*, 37 VILL. L. REV. 821 (1992).

La Raza Law Students Association and serves as a mentor and inspiration to law students. And, even in retirement, Cruz Reynoso serves as the social conscience of the UC Davis law faculty as well as the state and the nation. Unlike some who have fought tough battles for years in the trenches, he is not bitter but remains quick to laugh, talks philosophically about the challenging times in which we live, and maintains optimism about what the future holds for social justice in America.

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# ORAL HISTORY AND THE CALIFORNIA STATE ARCHIVES

BY NANCY LENOIL\*

We appreciate this opportunity to showcase the work of the State Government Oral History Program with the publication of the oral history interview of former Associate Justice Cruz Reynoso. It is also a pleasure to work once again with the California Supreme Court Historical Society. We have had a long relationship with the Society through its grant to digitize the working papers of the 1879 Constitutional Convention,<sup>1</sup> and through articles prepared by Archives staff, particularly Court Records Archivist Sebastian Nelson.<sup>2</sup> Readers of *California Legal History* will also be familiar with the article on our holdings in this field that I was proud to co-author with Society Board Member John Burns, my predecessor as

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<sup>1</sup> Laren Metzger, "State Archives Digitizes Constitutional Convention Papers," *California Supreme Court Historical Society Newsletter* (Fall/Winter 2008): 22–23; available at <http://www.cschs.org/wp-content/uploads/2014/08/2008-Newsletter-Fall-State-Archives-Digitizes-Papers.pdf>.

<sup>2</sup> Sebastian A. Nelson (Court Records Archivist), "Nineteenth-Century Supreme Court Resources in the California State Archives," *California Supreme Court Historical Society Newsletter* (Spring/Summer 2013): 17–19; available at <http://www.cschs.org/wp-content/uploads/2014/05/2013-Newsletter-Spring-State-Archives-Resources.pdf>.

State Archivist.<sup>3</sup> It is, therefore, especially appropriate for us to authorize the publication of Justice Reynoso's oral history in this journal.

The State Government Oral History Program (SGOHP) was established at the California State Archives in 1985 to enhance the historical understanding of legislative and executive processes and policymaking in California. Government Code section 12233 requires the California Secretary of State to conduct a regular governmental history documentation program to provide through the use of oral history a continuing documentation of state policy development as reflected in California's legislative and executive history.

This systematic and disciplined effort to record history, and preserve and make it available for future research supplements the official record. It serves to document California's institutional memory and provides much needed content in a digital age when paper files increasingly give way to either non-recorded conversations or electronic documents that can be easily erased.

Since 1986, the SGOHP has completed over 200 interviews. Interview subjects are people who have had a significant role in California state government: former members of the legislature, constitutional officers, agency and department heads, and others who have shaped public policy and/or are identified as being influential in political and public developments at the statewide level. They were selected on a non-partisan basis, with the goal of illuminating key aspects of California government history. Interviewees include Supreme Court Justices Stanley Mosk, Frank C. Newman, and Cruz Reynoso.

Earlier this year, the Center for California Studies at California State University, Sacramento provided the funding for completion of an oral history interview with the late William (Bill) Hauck who held a number of positions in state government including Deputy Chief of Staff to the Governor, Chief of Staff to two Assembly Speakers, and Chair of the Constitution Revision Commission and Co-chair of the California Performance Review Commission. The interview was donated to the State Archives for inclusion in the Archives' State Government Oral History Program. The

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<sup>3</sup> John F. Burns & Nancy Lenoil, "The First California Statute: Legal History and the California State Archives," *California Legal History* 4 (2009): 443-76.

Center for California Studies has recently completed another interview with former Legislative Analyst Elizabeth Hill which will also be donated to the State Government Oral History Program.

The oral history interviews supplement the historical records in the Archives and provide researchers with a broader and more complete picture of California government than can be gleaned from documents alone.

Further information about the State Government Oral History Program and a catalog of available transcripts is available at <http://www.sos.ca.gov/archives/admin-programs/oral-history/>.

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*Oral History of*  
**JUSTICE CRUZ REYNOSO**

**EDITOR'S NOTE**

The oral history of former Associate Justice Cruz Reynoso was conducted from 2002 to 2004 by Germaine LaBerge of the Oral History Center of the Bancroft Library, University of California, Berkeley, in partnership with and under the auspices of the California State Archives, State Government Oral History Program.

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It is presented here in condensed form, intended to focus on matters directly related to Justice Reynoso's life and judicial career. It has received minor copyediting for publication.




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CRUZ REYNOSO

— SELMA MOIDEL SMITH

LABERGE: I am sitting in King Hall at UC Davis with Justice Cruz Reynoso. I know, just from reading a couple of things, that you were born 1931, May 2. Why don't you tell me the circumstances that you know of. Where? What number you are in the family.

REYNOSO: I was born on that date, in the outskirts of a then little town by the name of Brea in Orange County. I was the third child born to my parents. The two older were boys also. Then, after that, there were several other children, so I ended up with five brothers and five sisters. I was born at home. Most of my mom's children, that I can remember, were born at home. And my father, at that time, was — and continued to be for many years — a farm worker. He and my mother had come from Mexico, from the state of Jalisco. They came to this country in the late 1920s. I was born in '31.

LABERGE: What were your parents' names?

REYNOSO: My dad's name is Juan, and my mother's Francisca. I never met my grandparents. Apparently they died when I was still pretty young, in grammar school.

LABERGE: What was your first language?

REYNOSO: Spanish. Yes, we spoke only Spanish at home. When my parents came, I am not quite sure how they made their way to the U.S., but they were obviously getting here through the shortest possible way, because they crossed the border in Arizona. My dad started working for the Union Pacific, I believe, Railroad. He and my mother, made their way to California with his working on the railroad. He worked as a laborer, laying down the ties — railroad ties — that needed to be corrected. In those days, the workers lived in boxcars, literally. So, he and my mother lived in a boxcar. When they got to California, then he quit the railroad, and started working in the orange groves of Orange County.

LABERGE: And your mother. Did your mother also work in the orange groves, or was she at home with the kids?

REYNOSO: No, she was always at home. Well, I say always, except during the Second World War we traveled to the Central Valley to pick fruit, and at that time, she would work with us picking fruit. When I was growing up, she was always at home.

My first recollection is of living in a house in the outskirts of Brea. We lived there for several years. My father appeared to have been — I know he was

— a very hard worker, and a very dependable worker. He became what is referred to in Spanish as “trabajador de planta,” which means “a steady worker.” It meant, that even though I was born in 1931, just as the Depression was getting into its worst years, my father always worked. He was never unemployed.

Brea had very few — in fact, I remember only one other Mexican family. They lived near where we did. So we grew up, we children grew up speaking only Spanish at home, but everything that we did outside the house was in English. We played with our neighbors in English, and we thought in English, and we talked in English. I remember that some of our neighbors would give us the Sunday comics, which we were able to read. Of course, we didn’t have, in those days, any bilingual education so the concept of immersion that some people are very much in favor of, it appears to me probably does work under the right circumstances. The right circumstance was that everybody around us, except the other family and we, spoke English. So, we grew up speaking English as well as Spanish.

When we went to school, I don’t remember having any problems with the teachers. Even in kindergarten, I don’t remember their ever having to repeat things, or feeling that we didn’t — or a sense that we didn’t understand what the teacher was saying. We just simply learned it as youngsters, so by the time that we went to school, apparently we knew it perfectly well.

LABERGE: And at home, did your parents know any English when they came to the United States?

REYNOSO: No. They knew no English, and my dad only learned what he needed to know, particularly for work purposes. Later on in his life, when he tried to learn some English in a more formal way, he would say in Spanish, “El español me olvidé. El inglés nunca aprendí. Quede mudo,” he would say. “I have forgotten my Spanish, I never learned English, I am now speechless.” [laughter] But no, neither of my parents ever learned English sufficiently well to be comfortable with it. My mom learned even less.

In growing up, my parents continued with what they knew of their religion, in terms of being very religious. My mom seemed to have some doubts about religion, at least the way it was practiced in Catholicism. My dad never did. We routinely went to Mass every Sunday. We would go to two churches. Mostly, my recollection is we would go to a barrio in La Habra. The barrio was populated completely by Spanish-speaking persons — immigrants and Chicanos.

Everything there was done in Spanish and Latin. We would go sometimes to Fullerton, where everything was in English, but mostly, I believe, we went to La Habra. There were two or three barrios in — outside the city limits of La Habra, literally on the other side of the tracks. And there was a church there.

I do recall that during the Depression, there were a lot of hobos, nowadays called homeless people. Many of them would come to our house. I remember reading an article which said that the hobos in those days had signs and insignias and messages they would leave for one another, indicating which houses would be responsive to them. If that's true, we must have been on that list, because an awful lot of hobos would come to our house. I remember, because my mother would always put out a great feast for them. Carnes, meats, and tortillas, frijoles, beans, and everything. We would complain to our mother that she fed the hobos better than she fed us, and she would deny it. She would say that we were lucky to have a father who was working during the Depression so that we had a roof over our heads, clothing on our shoulders, and food on the table. We had a duty to share with others. I still remember our protest and her response.

LABERGE: But, also, that that was inculcated in you at an early age.

REYNOSO: Oh, very much so. From Dad, you know, I remember the import that he placed on working hard and being honest with the people you work for, but expecting also to be paid an honest day's wage for an honest day's work. That was very much a part of the culture that my parents came from.

LABERGE: Were you ever in charge of the younger children?

REYNOSO: Not in terms of giving them instruction, and so on. If the parents would leave, they would expect that whoever was older would be sure to take care of the younger children. But I don't think that our family was as hierarchical as some other families were. We had neighbors where the younger children were simply expected to obey whatever the older child did. I don't think our family was ever quite that strict. But whenever the parents left, or something of that sort, whoever was the oldest child was expected to be in charge.

There's an element of sadness in that regard that perhaps we will go more into detail later. But a time came when things went very awry with the family. My parents separated, and neither was at home. At that time, I was in college and my oldest brother was married, my immediate older brother was in the military, and my parents had left, leaving the children, then, by themselves.