



CALIFORNIA SUPREME COURT

Historical Society

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LAW  WALK: THE DOWNTOWN **LA** LEGAL HISTORY WALKING TOUR

A Legal Site-Seeing Tour of Downtown Los Angeles

BY BOB WOLFE*

THE ETYMOLOGY IS DISPUTED, but it can't be a coincidence that we refer to the floors of a building as *stories*. For that is what buildings are all about: a construction of stories — of the lives of people who lived or worked or shopped or visited there.

Downtown Los Angeles is as much a construction of legal stories as any set of casebooks you will find in a law library. Nearly every old building that still stands in the historic district has myriad legal stories to tell — about how we lived, the struggles we fought, the prejudices and biases we overcame, and those to which we succumbed.

A sort of greatest hits of U.S. legal history exists within the confines of just 12 square downtown blocks, places that gave rise to landmark decisions about interracial marriage (*Perez v. Sharp*, 1948), gay rights (*ONE, Inc. v. Olesen*, 1958), school desegregation (*Mendez v. Westminster School Dist.*, 1946), defendants' rights (*Griffin v.*

Calif., 1965), and seminal historical events that spilled over into courtroom battles — Teapot Dome, the execution of Julius and Ethel Rosenberg, the Chinese Massacre of 1871, and the St. Francis Dam collapse, the greatest American civil engineering failure in American history.

And since Hollywood and the myths surrounding moviemaking were birthed in downtown L.A., the central city also acquired a bit of tinsel, of glam and noir, of dark secrets, crime and corruption. Downtown was home to scoundrels like district attorneys Asa Keyes and Buron Fitts, and appellate Justice Gavin Craig, as well as transcendent legal heroes like Clara Shortridge Foltz, Y.C. Hong, John Aiso, Clifford Clinton, Mabel Walker Willebrandt, H. Claude Hudson, Biddy Mason, Sei Fujii and Octavio Gomez.

"We shape our buildings, thereafter they shape us," observed Winston Churchill in discussing the reconstruction of the war-damaged chambers of the House of Commons. The same holds true about the more prosaic structures on Broadway and Spring Street in downtown L.A.

In the next few issues of this newsletter, we'll act like urban archaeologists to unearth some of the legal story lines that emerge from the architecture of downtown L.A. We invite you to join in the dig. ★

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MAP: HEART OF LOS ANGELES, 1931. JAMES H. PAYNE, LOS ANGELES PUBLIC LIBRARY.

1 City National Bank Building/ Los Angeles Immigration Court



606 SO. OLIVE STREET
(DAN PALMER, 1968)

BEHIND THE L.A. 8-BALL, A 20-YEAR ODYSSEY

More than 70,000 square feet in the 24-story mid-century modern City National Bank building (TALL BUILDING ON LEFT, ABOVE) are leased to the U.S. Department of Justice to operate the Los Angeles Immigration Court, the busiest immigration court in the U.S. The court's 33 immigration judges handle an average of 1,700 outstanding cases per judge. With a backlog of some 45,000 cases, it's estimated it would take nearly 5 years to clear the court's docket.



The most celebrated case¹ to come out of the Los Angeles Immigration Court involves the so-called "L.A. Eight," 7 men and 1 woman (LEFT), who were arrested on Jan. 26, 1987, all pro-Palestinian activists, under the 1952 McCarran-Walter Act, which allowed for the deportation of non-citizen communists. It took 20 years for the case to make its way through the immigration system, four times ending up in the U.S. Court of Appeals for the Ninth Circuit (which declared the McCarran-Walter Act to be unconstitutional) and once in the U.S. Supreme Court.

U.S. Judge Ends 20-Year Case To Deport 2 Tied to Terrorists

The government never presented a case that any of the group had engaged in terrorist activities or committed a crime. The case, whittled down to two potential deportees, ultimately was thrown out of court in 2007, with Immigration Judge Bruce Einhorn calling the government's behavior "an embarrassment to the rule of law." "End to a Shabby Prosecution," headlined a *New York Times* editorial. "Better late than never, but we fear that there is little hope that the [government] will learn any lesson from this shockingly mishandled prosecution."

1. *Reno v. Arab-American Anti-Discrimination Comm.* (1999) 525 U.S. 471.

2 Pershing Square



532 SO. OLIVE STREET
(1866, REDESIGNED RICARDO LEGORETTA, 1994)

IRWIN EDELMAN: A SOAPBOX ORATOR BRIEFLY STOPS AN EXECUTION

Irwin Edelman moved to Los Angeles in 1948, where he tried to make a living by selling political pamphlets and giving speeches as a soapbox orator in Pershing Square, L.A.'s equivalent of London's Hyde Park. In December 1949, he was convicted and sentenced to 90 days in jail on a charge of vagrancy. At his trial, witnesses testified that he insulted the Pope and advocated violent revolution. The U.S. Supreme Court denied his certiorari petition by a 7-2 vote.

In the early 1950s, Edelman became obsessed with the case of Julius and Ethel Rosenberg² (RIGHT), who were convicted and sentenced to death for giving U.S. atomic secrets to the Russians. Edelman developed his own legal theories about why the death sentences should be overturned, but the Rosenbergs' lawyers thought he was a crackpot.



In June 1953, on the eve of the Rosenbergs' scheduled execution, a Tennessee lawyer, Fyke Farmer, read one of Edelman's pamphlets, and filed a brief on the Rosenbergs' behalf in the U.S. Supreme Court as a "next friend." Because the court was on summer recess, only Justice William O. Douglas remained in Washington, D.C. He granted the application for a stay.

Justice Douglas' actions triggered one of the most dramatic episodes in Supreme Court history. On Friday, June 19, 1953, a mob of 300 people chased Edelman (RIGHT) across Pershing Square, and into the Biltmore Hotel, where he ran for safety. That same day the Supreme Court, meeting in emergency session, lifted the stay and the Rosenbergs were executed before sunset.



2. *Rosenberg v. U.S.* (1953) 346 U.S. 273.

3 Loew's State Theatre



703 SO. BROADWAY (WEEKS & DAY, 1920)

PHIL GIBSON: A MAN OF SURPASSING CHARACTER



Phil Gibson Named State Court Justice

Phil Gibson (LEFT) practiced law in Suite 1204 of the Loew's State Theatre Building. In addition to his legal practice, Gibson also taught law at nearby Southwestern Law School; Stanley Mosk was one of his students while preparing for the California bar examination.

Gibson served as Chief Justice for 24 years, from 1940–1964, and is credited with widespread administrative reforms in the California judicial system. He was one of the few public officials to oppose the detention of Japanese Americans dur-

ing WWII. Among his landmark judicial decisions was *James v. Marinship* (1944) 25 Cal.2d 721, ruling that unions could not exclude blacks from closed shop workplaces.

**COURT BIDS UNION
TAKE IN NEGROES**

California High Tribunal Rules
Boilermakers Must End Its
Curbs in Closed Shop

4 Security Building



510 SO. SPRING STREET (PARKINSON & BERGSTROM, 1905)

A TEMPEST IN A TEAPOT

The Security Savings Bank first opened in L.A. in 1889 and moved into its new headquarters building in 1905.

Oil tycoon (RIGHT) Edward Doheny's Pan American Petroleum Co. had its offices on the 9th & 10th floors of the building.

In 1921, Doheny's son Ned withdrew \$100,000 in cash from Doheny's personal bank account, and delivered it to President Harding's interior secretary, Albert Fall. Ned was aided in delivering the cash by Hugh Plunkett, a close family friend and employee of Ned Doheny.



Shortly thereafter, Fall awarded Pan American lucrative leases to tap the naval oil reserves in Elk Hills, California.

In 1924, the U.S. filed suit in federal district court in L.A. to void the Elk Hills leases as obtained through bribery. Doheny contended the \$100,000 was not a bribe, but an unsecured loan. The Ninth Circuit³ affirmed the district court order canceling the leases. Doheny, his son Ned, and Fall were criminally indicted for bribery and conspiracy.

In February 1929, Ned Doheny and Hugh Plunkett were found dead in Ned's palatial family manse. Both men had been scheduled to testify before a Senate investigating committee. D.A. Buron Fitts, like the Doheny family, contended that Plunkett, suffering from a nervous breakdown, had "insanely" killed Ned and then committed suicide.

One of Fitts' own detectives advanced the opposite theory: Ned had killed Plunkett and then himself. Fitts, however, declined to investigate further.

Hearing almost the same evidence, one jury convicted Fall in 1929 for having accepted the bribe while another acquitted Doheny in 1930 of having given it.

3. *Pan-American Petroleum Co. v. U.S.* (9th Cir. 1926) 9 F.2d 761; *U.S. v. Pan-American Petroleum Co.* (9th Cir. 1932) 55 F.2d 753.

5 Homer Laughlin Building / Grand Central Market



315 SO. BROADWAY (JOHN PARKINSON, 1896)

WHO IS LIABLE FOR SIDEWALK ACCIDENT INJURIES?

In 1917, the Grand Central Market replaced the Ville de Paris Dept. Store as the building's primary tenant, and has since been in continuous operation. By 1926, an estimated 40,000 people shopped at some 120 food stalls daily, with no fewer than 14 butcher shops.

Theresa Kopfinger, a 78-year-old woman, fell on a public sidewalk on Hill St., immediately outside the Grand Central Market, when she slipped on a flattened piece of meat gristle. The California Supreme Court reversed a nonsuit in favor of the market,⁴ holding there was sufficient evidence to show that the market breached a duty of care to clean debris that fell from their deliveries onto the adjacent public sidewalk.

4. *Kopfinger v. Grand Central Public Market* (1964) 60 Cal.2d 852.



6 Washington Building



311 SO. SPRING STREET (PARKINSON & BERGSTROM, 1912)

JUDGE-FOR-A-MONTH: THE REALLY SHORT TERM OF "PRESIDING" JUSTICE WALTER MIDDLECOFF

Walter M. Middlecoff (RIGHT) was a practicing attorney in the newly constructed Washington Building. Middlecoff decided to take advantage of a legal quirk to achieve his dream of becoming a justice of the Court of Appeal, for which he had run (and lost) in 1906. Presiding Justice Nathaniel P. Conrey had been appointed to fill out the expired term of a deceased justice, and was running for a new 12-year term, but there was a 60-day gap between the Nov. 3, 1914 election and the new January 1915 term.



Middlecoff was the only candidate in the November election for the short-term position, garnering 113,000 votes. For the long-term position, Presiding Justice Conrey defeated Judge Gavin Craig by 11,000 votes.

**WHEN A JUDGE
ISN'T A JUDGE.**

On Nov. 21, 1914, Middlecoff showed up in Justice Conrey's chambers and demanded the keys. He was rebuffed since he could not produce his commission of election.

On Nov. 24, Middlecoff appeared at oral argument, took the presiding justice's seat and addressed the assembled lawyers. Associate Justices James and Shaw, on motion, thereupon continued all pending matters until the January 1915 calendar.

On Dec. 7, Middlecoff received his commission of election from Gov. Hiram Johnson. He took over Presiding Justice Conrey's chambers (and received his paycheck) for the rest of the month. Presiding Justice Conrey resumed his post on January 4, 1915.

7 Old County Hall of Records



320 WEST TEMPLE ST.
(HUDSON & MUNSELL, 1911; DEMOLISHED 1973)

LOVE BEFORE LOVING

In 1947 Andrea Perez and Sylvester Davis (RIGHT) went to the County Clerk's Office in the Hall of Records to get a marriage license. The couple had met five years earlier while co-workers at a Lockheed defense plant in Burbank. The deputy clerk refused to give them a license because Andrea was considered white (she was Mexican-American) and Sharp was black; California law prohibited interracial marriage.



Attorney Dan Marshall (RIGHT) agreed to represent the couple. In an unusual procedural move, Marshall filed a writ petition directly in the California Supreme Court, asking it to exercise its original jurisdiction.⁵



By a 4-3 vote, the Court struck down the California antimiscegenation statutes as unconstitutional — the first such judicial decision in the country. Speaking for the majority, Justice Roger Traynor (LEFT) stressed the fundamental right to marry the “person of [one’s] choice.” The California Supreme Court later heavily relied on *Perez v. Sharp* to recognize civil marriage rights for same sex couples.



The county counsel raised blatantly racist arguments against interracial marriages, citing “undesirable biological results.” And the three dissenting justices said the petitioners should be satisfied by marrying within their own racial groups.

5. *Perez v. Sharp* (1948) 32 Cal.2d 711.

8 Parker Center



150 NO. LOS ANGELES ST.
(WELTON BECKET & ASSOCIATES, 1955)

BIRTHING THE EXCLUSIONARY RULE

Construction for the new modernist police headquarters building began in 1952 and finished three years later. The building was later named for William F. Parker, who served as LAPD chief from 1950 to 1966.

Parker promoted a positive LAPD press image for professionalism rather than corruption. This included radio and TV series like “Dragnet.” Here, Parker is pictured with actor Jack Webb, who played Sgt. Joe Friday.



In 1953, Police Chief Parker personally authorized hidden microphones to be illegally placed to gather evidence against bookmaker Charles Cahan (RIGHT) by having police officers disguise themselves as termite inspectors, and by breaking into his house to plant bugs under his bedroom dresser.



In a 4-3 decision, the California Supreme Court reversed Cahan’s conviction and prohibited the use of illegally obtained evidence in California.⁶ “It is morally incongruous,” Justice Roger Traynor wrote, “for the state to flout constitutional rights and at the same time demand that its citizens observe the law.”

6. *People v. Cahan* (1955) 44 Cal.2d 434.

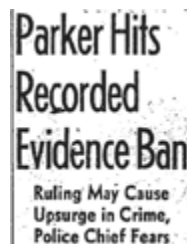


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JOHN VAN DE KAMP MAN OF PRINCIPLE

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questions about what actually occurred ensued. No officer was prosecuted. Henceforth, the designated team was to respond to the scene immediately, interview witnesses, and objectively assess whether any officers present should be prosecuted.

3. “Feinstein Goes for TV Jugular with Hillside Strangler Ad,” *L.A. Times*, June 1, 1990, OCA3.

4. “Bianchi Now Denies Role in Murders,” *L.A. Times*, October 22, 1980.

5. “Dismissal of Buono Murder Counts Asked,” *L.A. Times*, July 14, 1981, 1.

6. “Memos Cite Holes in Strangler Case,” *L.A. Times*, July 26, 1981, 1; “D.A. Asks State to Study Taking on Buono Case,” *L.A. Times*, July 27, 1981, 1.

7. *L.A. Times*, July 28, 1981, A1.

8. “Judge Refuses to Drop Buono Murder Charges,” *L.A. Times*, July 21, 1981, A1.

9. The Los Angeles County District Attorney’s Office *Legal Policy Manual* (2017, 24) provides, *inter alia*, “A deputy may file criminal charges only if various requirements are satisfied.” Among the conditions: “The deputy, based on a complete investigation and a thorough consideration of all pertinent facts readily available, *is satisfied the evidence proves the accused is guilty of the crime(s) to be charged*; and, [t]he deputy has determined that the *admissible evidence is of such convincing force* that it would warrant conviction of the crime(s) charged by a reasonable and objective fact finder after hearing all the evidence available to the deputy at the time of charging and after considering the most plausible, reasonably foreseeable defense(s) inherent in the prosecution’s evidence.” (Emphasis added.)

A SITE-SEEING TOUR OF DOWNTOWN L.A.

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PEOPLE v. HALL POSTSCRIPT

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10. *Ibid.* at 545, 550.

11. *See ibid.* at 547–48, 551. The District Court dealt with the U.S. Supreme Court’s *Plessy v. Ferguson* (1896) 163 U.S. 536, 551–52 — which had (a) held “social equality” to be unprotected by the Fourteenth Amendment and (b) countenanced separate but equal—by boldly proclaiming, “A paramount requisite in the American system of public education is social equality. It must be open to all children by unified school association regardless of lineage.” 64 F.Supp at 549; *see also ibid.* at 550 & n.7.

12. *Westminster School Dist. of Orange County v. Mendez* (1947) 161 F.2d 774 (9th Cir.).

13. *Ibid.* at 781. The Ninth Circuit distinguished *Plessy*, but on narrower grounds than the District Court. *See supra*, note 11. The Ninth Circuit acknowledged that amicus parties had urged it to “strike out independently on the whole question of segregation,” but, instead, the Court held only that (a) lawful segregation could not be established by the defendant school districts’ “administrative or executive decree” (as opposed to legislation), and (b) the districts’ practices were “entirely without authority of California law” and therefore deprived the Mexican-American schoolchildren of due process and equal protection. *See* 161 F.2d at 780–81.

14. “San Bernardino” refers to *Lopez v. Secombe* (1944) 71 F.Supp. 769, 771–72 (C.D.Cal.), in which the City of San Bernardino had been enjoined from barring Mexican Americans from a public pool.

15. *Ibid.* at 783 (Denman, J., concurring).

16. *Brown v. Board of Education* (1954) 347 U.S. 483, 486, 495.

17. *Perez v. Sharp* (1948) 32 Cal. 2d 711, 712.

18. *Ibid.* at 747 (Shenk, J., dissenting).

19. *Ibid.* at 721 (citations omitted).

20. *Ibid.* at 731.

21. *Ibid.* at 729 (citation omitted). The uncertainty of Section 60’s racial classifications was previously illustrated in *Roldan v. Los Angeles County* (1933) 129 Cal.App. 267. A Filipino man applied for a license to marry a Caucasian woman; the Los Angeles County Clerk refused to issue the license but the Superior Court ordered issuance because — at the time — Section 60 barred a white from marrying, *inter alia*, “a Mongolian” and made no mention of Filipinos (also termed Malays). *See ibid.* at 268. The Court of Appeal of California affirmed, finding that Malays were not within the definition of Mongolian. *Ibid.* at 272–73. “Without delay,” the Legislature amended Section 60 to additionally bar a white person from marrying a “member of the Malay race.” *Perez v. Sharp*, 32 Cal.2d at 747 (Shenk, J. dissenting). The California Supreme Court subsequently viewed the term “member of the Malay race” with substantial “uncertainty.” *See ibid.* at 730.

22. 32 Cal.2d at 730.

23. *Ibid.*

24. *Ibid.* at 731–32.

25. *Loving v. Virginia* (1967) 388 U.S. 1, 2, 11–12.