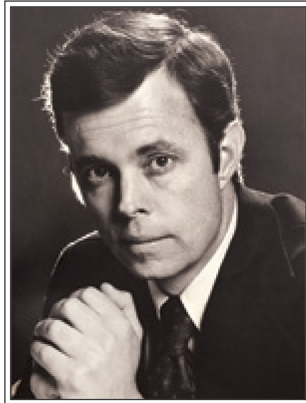
John Van de Kamp: Man of Principle

BY KATHLEEN TUTTLE*



John Van de Kamp

JOHN VAN DE KAMP, one of California's most distinguished legal and political figures, died on March 14, 2017 at the age of 81. Friends, family, clergy, colleagues from bench and bar, and official Los Angeles, gathered at his home parish of St. Andrew Catholic Church in Pasadena on March 30th to remember John.

Van de Kamp's calm and thoughtful manner brought him respect throughout his career, but the gush of appreciation and genuine affection expressed by several presenters at his memorial service were something else again. Father Paul A. Sustayta, principal celebrant and John's longtime pastor, called John "my treasured friend," spoke of his lifetime of good works, and said that his pioneering, forward-thinking record placed him far ahead of his time in the administration of justice.

Van de Kamp was the district attorney of Los Angeles County for six years, beginning in 1975.[1] Judge Stephen S. Trott of the U.S. Court of Appeals for the Ninth Circuit was a senior prosecutor in the DA's Office when Van de Kamp took charge. In his remarks at the service, Trott vividly recalled that many of his fellow prosecutors scratched their heads at Van de Kamp's appointment. How could someone who had spent the past five years as the federal public defender lead the DA's Office? But in fact, Trott said, Van de Kamp "revolutionized and improved every facet, every function" of the office.

Trott, whom Van de Kamp tapped to be his chief deputy, recited a litany of John's reforms: establishing innovative, dedicated units targeted at child abusers, career criminals, crime in the entertainment industry, sexual assaults, hardcore gang violence, elderly and nursing home abuse, the unique needs of crime victims, and the "Roll-out Unit" which dispatched a specially trained team of prosecutors and investigators to the scene of police shootings to independently investigate them.[2]

"Most lawyers are short on understanding people, and that set John apart," said Trott. "John started as a public defender, but he ended as a defender of the public."

Upon election as state attorney general in 1983, Van de Kamp again introduced visionary changes including, California's first computerized fingerprint system, greatly enhancing law enforcement's effectiveness in crime-solving. He also created the Public Rights Division, which gave new emphasis to cases in specialized fields like antitrust, environmental law, consumer protection and civil rights. Such accomplishments helped Van de Kamp win re-election in 1986.

Los Angeles attorney Kevin O'Connell also shared memories of John. Their friendship dated back to 1963 when they were both young lawyers in the U.S. Attorney's Office. They shared a love of the law, theater, music, and especially boxing fights at the Olympic Auditorium where a small group of lawyers would go after work every Thursday night. One of their favorite boxers was the famous Armando ("Mando") Ramos, whom they rooted for over drinks and cigars. O'Connell also recalled a memorable conversation he had with Warren Christopher, then in the Carter administration and charged with vetting candidates for FBI director. Van de Kamp was on a short list for the post and, while he didn't get the job, Christopher told O'Connell that John was "the most honorable person that ever lived."

Mickey Kantor, former U.S. trade representative and Department of Commerce secretary under President Bill Clinton, and John's longtime friend, political ally, and law partner, considered Van de Kamp "the perfect public servant," devoted to the public good to an unusual degree. Moreover, despite the demands of law practice, John "never missed a chance to counsel a younger person," or to share L.A.'s history. Much of Van de Kamp's career had been spent in the city's civic center. The Van de Kamp family, founders of the venerable Van de Kamp Bakeries and Lawry's Restaurants, was part of that early history, opening its very first retail venture — a potato chip stand — on South Spring Street in 1915. Kantor said John enjoyed taking law clerks on a four-hour walking tour of his favorite L.A. landmarks.

"Van de Kamp might have been governor if his principles hadn't gotten in the way," Kantor said, alluding to John's loss to then former San Francisco Mayor Dianne Feinstein in the hotly contested 1990 Democratic gubernatorial primary election. Feinstein ran blistering TV commercials attacking Van de Kamp as "trying to let

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loose a killer."[3] The ads referred to the prosecution of Angelo Buono (called the "Hillside Strangler"), who was charged with the strangulation murders of ten women. As district attorney, Van de Kamp had agreed to drop murder charges against Buono.

Naturally there is more to that story, left unsaid at the service, but its telling fully illuminates Van de Kamp's character. Kenneth Bianchi and his cousin Angelo Buono, Jr. committed rape and other crimes against ten women before killing them during October 1977 and February 1978. The men were called the "Hillside Stranglers" because many of the victims' strangled, nude bodies were found — one at a time, every several days — along the hillsides in the Hollywood-Glendale area. Bianchi was apprehended first, and immediately reached a plea agreement, conditioned on being the prosecution's star witness against Angelo Buono. Because little physical evidence linked Buono to the murders, Bianchi's testimony was essential.

Bianchi repeatedly flip-flopped concerning his original confession and statements to the police, and even claimed to have multiple personalities. He wrote an "open letter to the world," reported in the *Los Angeles Times,*[4] repudiating his initial confession, available for all to see.

Deputies called for a meeting with Van de Kamp. They presented a lengthy summary of Bianchi's inconsistencies, describing it as "self-immolation of his own credibility."[5] For them, this posed "an ethical problem . . . ethical concerns . . . in using a witness they themselves regarded as totally unreliable."[6] Van de Kamp evaluated, then ultimately concurred in their appraisal, deeming it "our best judgment considering the ethical principles that govern prosecutors."[7]

In court, the deputies moved to dismiss the murder charges. Instead, they would prosecute Buono for the remaining non-murder charges as the quickest way to keep him off the streets and to protect the public. Despite Feinstein's accusation to the contrary in the gubernatorial primary a few years later, prosecutors never contemplated "letting [Buono] loose."

Judge Ronald M. George, then on the Los Angeles Superior Court and presiding over the trial, denied the People's motion, declared that in the furtherance of justice the murder charges should be decided by a jury, and ordered the District Attorney's Office to resume its prosecution.[8] After further deliberation, Van de Kamp then succeeded in getting the state attorney general to take over the case, whereupon its deputies proceeded to trial, then the longest in U.S. history, and secured convictions in 9 of the 10 counts of first-degree murder.

Van de Kamp's ethical concerns, his principles, drove his approach to the Hillside Stranglers. Regardless of what others thought then (or now), *he* took the expressed reservations of his top lawyers to mean that they did not believe in their case. It is problematic for a prosecutor to harbor reasonable doubt when asking a jury to return murder convictions.[9]

It was Van de Kamp's strong conscience that placed him in a class by himself. That is why so many people and organizations throughout the years sought his advice and counsel and why, during his nearly three decades in private law practice, he was often asked to represent the public interest in complex legal matters. In 2006, the California attorney general appointed Van de Kamp as the independent monitor of the J. Paul Getty Trust, charged with investigating misuse of the Trust's funds. In 2011, the City of Vernon retained Van de Kamp as an independent reform monitor to oversee the clean-up of its scandal-tainted city government. John also served a term as president of the State Bar of California.

John's daughter Diana, the final speaker at the memorial, spoke movingly of her father, and she too stressed his dedication to principle. She urged the assembled to "carry on my dad's torch in your own lives. Celebrate him by pushing for what's right, not popular."

Van de Kamp will be remembered most as a towering figure in California law and politics, but he was also a devoted family man. He and his wife Andrea were married for 39 years. Andrea's well-recognized accomplishments in the arts and philanthropy, and John's focus on law and public service, led them to interests and friendships that spanned the cultural and civic life of Pasadena and greater Los Angeles.

When the afternoon service concluded, the large crowd spilled out onto a sunny plaza for food and drink, including huge bowls of potato chips made from the famous original Lawry's recipe. The air was thick with rich conversation of bygone campaigns, ballot proposition fights, legal cases and causes, and decades-old friendships. Guests — many now in their eighth and ninth decades — seemed reluctant to depart; so many dear friends had reconnected.

As I headed to the parking lot it struck me that, while we are a region often criticized for lacking social cohesion, depth, and regard for the past, celebrating John, the learned, Ivy-League educated scion of a revered century-old L.A. family, brought out a proud sense of community.

The testimonials to John's integrity and commitment to public service undoubtedly made many feel inspired, yet wistful, for we may not see his like again. ✯

ENDNOTES

1. The Los Angeles County Board of Supervisors appointed Van de Kamp to complete the unfinished term of L.A. County District Attorney Joseph P. Busch, who had died in office. Van de Kamp then won election to a four-year term in 1976.

2. The Roll-Out Unit was triggered in part by a shooting in early 1979. Eula Love was an African-American woman who lived in South Central Los Angeles and failed to pay her gas bill. When gas company employees came out to terminate service, allegedly there was an altercation that only escalated once police were called to the scene. Love threw a kitchen knife toward officers, and police shot and killed her. Community outrage and

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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. Seccombe* (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.