

*Preserving the Past Through Oral History:
Conversations with
Former Supreme Court Justices*

BY GERMAINE LABERGE

What does a Supreme Court Justice do all day? For the past forty years, interviewers at The Bancroft Library's Regional Oral History Office (ROHO) have been asking this question of Justices of the California Supreme Court.

Even in our highly technological society of the 21st century, there remain gaps in the written record. Oral history provides an ideal process for filling those gaps and enhancing our understanding of the past. It creates firsthand accounts of important events in history through tape-recorded recollections of the people who observed and participated in them. The personal and anecdotal material gathered in the interviews illustrates how decisions are made, what motivates actions, how individuals influence the course of history – behind-the-scenes information that might otherwise be lost.

But recording an oral history can be very resource-intensive. Interviewers are highly-trained professionals who are skilled in making the subject feel comfortable and eliciting interesting and important information. However, even prior to conducting the interview, they must spend hours in preparation, becoming familiar with the interviewee's life and work. Then, after the interviews are recorded, they are transcribed, edited and indexed, before being made available to researchers in written form.

Thanks to initial funding that ROHO has recently received from the California Supreme Court Historical Society, former Justice Joseph Grodin is set to become the latest of many California Supreme Court Justices whose reminiscences, reflections and observations have been preserved for future generations.

The oral histories of Justices Jesse Carter, Phil Gibson, Frank Newman, Allen Broussard, and Stanley Mosk are put to constant use at the Bancroft. Jesse Carter's interview, recorded in 1955, covers the 1927 State Bar Act and the 1932 Democratic convention, in addition to documenting his twenty years on the Court. This wide-ranging interview includes his observations on the *Chessman* case, judicial dissent, civil liberties, statism and private property. Phil Gibson's interview is shorter, as it is one of four in a volume entitled *California Constitutional Officers, 1956-1966*. It focuses on his time in the California Department of Finance (1938-1939), but also includes his reflections on judicial reform.

A segment of Allen Broussard's oral history was published in the CSCHS's 1998-1999 *Yearbook*. The



Louisiana native discusses the impact of racial segregation and his legal education and early career (including clerking for Justice Raymond Peters), in addition to his years on the Supreme Court. In particular, Broussard candidly comments on three of his opinions: the Mono Lake decision (*National Audubon Society v. Superior Court of Alpine County*, 33 Cal.3d 419 (1983)), *Calfarm Insurance Company v. Deukmejian* (48 Cal.3d 805 (1989)), and *Carlos v. Superior Court of Los Angeles County* (35 Cal.3d 131 (1983)).

The oral histories of Frank Newman and Stanley Mosk were conducted under the auspices of the California State Archives State Government Oral History Program. Frank Newman talks about his time at UC Berkeley's Boalt Hall as professor and dean, his international human rights work, the Constitutional Revision Commission, and the 1978-1979 investigation of the Court by the Commission on Judicial Performance. Stanley Mosk, who was the longest-serving Justice on the California Supreme Court (from 1964-2001), spoke about his most famous cases, the state constitutional "Mosk doctrine" (or independent state grounds), collegiality on the Court, and the styles of the many chief justices under whom he served.

A recently completed interview with Peter Belton, the senior research attorney to Justices B. Rey Schauer and Stanley Mosk, sheds more historical light on the years 1960-2003. In *A Senior Staff Attorney Reflects on Four Decades with the California Supreme Court (1960-2001) and a Lifetime with Disability*, Mr. Belton details how an opinion is drafted, comments on his work with the Judicial Council, and discusses his life experiences as a polio survivor. In addition, Belton describes the 1978-1979 hearings by the Commission on Judicial Performance from the viewpoint of a member of the Supreme Court staff and discusses the 1986 retention elections. An avid photographer, Belton has provided many photos from different stages of his life which are bound in the volume.

The Regional Oral History Office is currently recording an oral history of former Justice Cruz Reynoso, now Professor of Law at the UC Davis School of Law. The prospective memoir of Joseph Grodin will add greatly to the documentation of the California Supreme Court in this same era, during the 1970s and 80s under Chief Justice Rose Bird. (Unfortunately, we were unable to persuade former

Chief Justice Bird to record her recollections before her untimely death.)

ROHO funds each oral history individually from sources outside of the University of California, relying on both public and private resources. For example, the Broussard oral history was funded by the University of California Black Alumni Club and the California Judges Association, among other groups and individuals, while the Reynoso interview was funded by the California State Archives State Government Oral History Program. ROHO is very grateful for the seed money provided by the CSCHS, which has allowed it to begin the preparation for interviewing Justice Grodin, and it hopes to raise additional funds for this oral history in the months ahead.

The Regional Oral History Office welcomes individual and corporate contributions to complete the Grodin

memoir and fund interviews with additional jurists. To make a contribution, please contact the Assistant Director, Regional Oral History Office, (510) 642-7395. Since 1954, the Regional Oral History Office (ROHO), a division of The Bancroft Library, University of California, Berkeley, has been documenting the lives of significant participants in historical events in California, the West, and the nation. Over 1500 volumes have been completed in many fields, including legal history and jurisprudence. To learn more about our collection, please visit our website at: <http://library.berkeley.edu/researchprograms/>.

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