



California Leads in Oral Histories of State Supreme Court Justices

BY LAURA MCCREERY

WITH A STATEWIDE judiciary twice the size of the federal judiciary, and with the largest population of any state, it is perhaps fitting that California also appears to lead other states in preserving its judicial history through oral histories of its supreme court justices. The phrase “appears to lead” is apt, because compiling data has proved elusive. But informal website research suggests that California has produced more oral histories spanning a longer time than any other state. The first of these recordings occurred in 1955 and 50 years later, in 2005, after intermittent recordings in the 1970s through 2000s, a concerted and ongoing effort began that has produced nine additional oral histories to date.

My search, while not comprehensive, identified many individual states and several regional and national oral history projects (see Appendix) that have used oral history methods to create valuable primary-source material on state high court judging — preserving details not often revealed in the copious written record. Such material can enhance both scholarly research and public discussion concerning issues of the day, such as judicial independence, contested judicial elections, the careers of women and ethnic minorities, and how the “independent and adequate state grounds” doctrine bears upon key constitutional rights such as privacy. Oral histories often explore an array of non-judicial roles that interviewees have played before and after their time on the bench, such as Justice Marvin Baxter’s six years as appointments secretary to Governor George Deukmejian.

With generous support from the California Supreme Court Historical Society, the California Supreme Court Oral History Project has, since 2005, conducted comprehensive oral history interviews of nine justices of the California Supreme Court, including individuals appointed by Governor George Deukmejian (5 appointments), Governor Pete Wilson (3), and Governor Gray Davis (1). The completed oral histories, <http://oskicat.berkeley.edu/search-S1/?aCalifornia+Supreme+Court+Oral+History+Project>, reside in manuscript form in The Bancroft Library at UC

Berkeley, which serves as the permanent steward of the materials. This phase of work began under the direction of Professor Harry Scheiber at Berkeley Law with the goal of interviewing Governor Deukmejian’s retired Supreme Court appointees. All four (Chief Justice Malcolm Lucas, Justice John Arguelles, Justice Armand Arabian, and Justice Edward Panelli) participated, resulting in a valuable archive of material about the judiciary and other aspects of state government.

As alluded to earlier, Supreme Court oral history began in California 50 years before the present-day project. The Bancroft collection includes those earliest interviews from 1955 and 1977, which are part of the overall total of 20 interviewees to date.¹ That total includes Justices Frank Richardson and Ray Sullivan² and a single non-judicial oral history with judicial staff attorney Peter Belton, whose entire 40-plus-year career was spent in service to the California Supreme Court.

1. Justice Jesse Washington Carter (interviewed in 1955; see 4 *Cal. Legal Hist.* (2009)); Chief Justice Phil Gibson (interviewed in 1977 as part of the oral history of the Goodwin Knight and Edmund Brown, Sr. gubernatorial era; see 5 *Cal. Legal Hist.* (2010)); Justice Stanley Mosk (interviewed in 1979 and in 1998; oral history from 1998 also in Judicial Center Library); Chief Justice Donald Wright (interviewed 1982; see 9 *Cal. Legal Hist.* (2014)); Justice Frank Newman (interviewed 1989–1994; also in Judicial Center Library; see 1 *Cal. Legal Hist.* (2006)); Justice Allen Broussard (interviewed 1991–1996; see 4 *Cal. Supreme Ct. Hist. Soc’y Yearbook* (1998–1999)); Justice Cruz Reynoso (interviewed 2002–2004; see 10 *Cal. Legal Hist.* (2015)); Justice Joseph Grodin (interviewed in 2004; see 3 *Cal. Legal Hist.* (2008)); and Research Attorney Peter Belton (interviewed 1999–2001; see 2 *Cal. Legal Hist.* (2007)).

2. The *Cal. Supreme Ct. Hist. Soc’y Yearbook* also published California Supreme Court oral histories/excerpts not in Bancroft’s collection: Justice Frank Richardson (1994: Vol. 1); Justice Ray Sullivan (1995: Vol. 2); and Justice Stanley Mosk (1996–1997: Vol. 3).

The California Supreme Court in 2006 at the historic Santa Barbara County Courthouse.

Left to right: Associate Justices Carlos R.

Moreno, Kathryn Mickle Werdegar, and Joyce L. Kennard, Chief Justice Ronald M. George, and Associate Justices Marvin R. Baxter, Ming W. Chin, and Carol A. Corrigan.

Photo: courtesy Law Offices of E. Patrick Morris/EPM Photographics, Santa Barbara.

Although this search centered on state supreme courts, California has impressive oral history documentation of its courts of appeal as well. The California Appellate Court Legacy Project, <https://www.courts.ca.gov/4199.htm> now includes more than 80 video recordings of judicial interviews available on the California Courts website and in the California Judicial Center Library.

Below is the status of California Supreme Court oral histories conducted since 2005, including year interviewed, name, years on the Supreme Court, appointing governor, and status notes:

2005–2006: Edward Panelli (associate justice 1985–1994, Governor Deukmejian). Oral history is under seal in the Bancroft and will become available in the future. See also *CSCHS Newsletter*, Fall/Winter 2008 and Spring/Summer 2009.

2006: John Arguelles (associate justice 1987–1989, Governor Deukmejian). Oral history manuscript is available in the Bancroft and in the California Judicial Center Library. See also *CSCHS Newsletter*, Fall/Winter 2008 and Spring/Summer 2009.

2007: Armand Arabian (associate justice 1990–1996, Governor Deukmejian). Oral history is newly available in the Bancroft as of March 28, 2020. See also *CSCHS Newsletter*, Fall/Winter 2008 and Spring/Summer 2009.

2007–2008: Malcolm Lucas (associate justice 1984–1987, chief justice 1987–1996, Governor Deukmejian). Oral history is under seal in the Bancroft and will become available on September 28, 2021. See also *CSCHS Newsletter*, Fall/Winter 2008 and Spring/Summer 2009.

2011: Ronald George (associate justice 1991–1996, chief justice 1996–2011, Governor Wilson). The oral history was published in book form in 2013 under the title *Chief: The Quest for Justice in California*, and is widely available in law libraries, including the California Judicial Center Library, and public libraries. Both the book and the draft oral history manuscript are available in the Bancroft. See also *CSCHS Newsletter*, Fall/Winter 2011 and Fall/Winter 2013.

2014–2015: Kathryn Werdegar (associate justice 1994–2017, Governor Wilson). Oral history manuscript is available in the Bancroft and the California Judicial Center Library. The manuscript also appeared, in slightly edited form, in 12 *Cal. Legal Hist.* (2017). See also *CSCHS Newsletter*, Spring/Summer 2017.

2015–2016: Marvin Baxter (associate justice 1991–2015, Governor Deukmejian). Oral history manuscript is available in the Bancroft and the California Judicial Center Library.

2019: Carlos Moreno (associate justice 2001–2011, Governor Davis). Oral history manuscript is available in the Bancroft and the California Judicial Center Library.

2019: Ming Chin (associate justice 1996–2020, Governor Wilson). Interviews took place in the summer of 2019, and the oral history manuscript is near completion. ☆

Appendix: Other State Supreme Court Oral Histories

The states listed below have compiled supreme court oral histories. Each entry includes the number of oral histories located, the project name, if any, and the sponsoring institutions (a mix of universities, historical societies, court systems, and law schools).

Arkansas: (14) Former Justices of the Arkansas Supreme Court, the Arkansas Supreme Court Historical Society and the University of Arkansas, <https://www.arcourts.gov/courts/supreme-court/historical-society/oral-history-interviews>.

Florida: (in progress) Oral Histories of the Supreme Court of Florida, the Florida Supreme Court Historical Society, <https://www.flcourthistory.org/Oral-History-Project>.

Minnesota: (4) Voices of Minnesota: “Supreme Court Justices Oral History Project,” the Minnesota Historical Society, <https://collections.mnhs.org/voicesofmn/10002722>.

Nevada: (2) Oral History Collection, the University Libraries, University of Nevada, Reno, <https://library.unr.edu/oral-history>.

New Hampshire: (2) Oral History Project, the New Hampshire Supreme Court Society and the New Hampshire Bar Foundation, <https://www.nhsupremecourtsociety.org/special-projects/oral-histories/>.

New York: (15) oral histories of judges who sat on the Court of Appeals, New York’s highest court) “Oral Histories of the New York State Bench and Bar,” Historical Society of the New York Courts, <https://history.nycourts.gov/oral-histories/>.

South Carolina: (1) Individual oral history archived at the Library of Congress, <https://www.loc.gov/item/2015669124/>.

South Dakota: (5) “Judicial Voices Project,” carried out for the 125th anniversary of the South Dakota Supreme Court and co-sponsored by the court itself, the University of South Dakota School of Law, and the Unified Judicial System, <https://nativeede.wixsite.com/judicialvoices>.

Washington: (2) one in the “Washington State Legacy Project” of the Washington State Historical Society, <https://www.sos.wa.gov/legacy/collection/pdf/dolliver.pdf>; and one in “Activist Oral Histories” of the Seattle Civil Rights and Labor History Project at the University of Washington, <https://depts.washington.edu/civilrsmith.htm>.

National: (4) oral histories of state supreme court justices from Alabama, Oregon, Virginia, and Wisconsin) “Women Trailblazers in the Law Project,” the American Bar Association, now housed at Stanford University’s law library, <https://abawtp.law.stanford.edu>.

Regional: (2) Oral Histories of the American South at the University of North Carolina (one oral history each of Alabama and North Carolina supreme court justices), <https://docsouth.unc.edu/sobp/index.html>.

Multi-State: (2) Video Oral History Collection of History Makers, based in Chicago, in collaboration with Carnegie Mellon University, https://www.worldcat.org/search?q=au%3AHistoryMakers+%28Video+oral+history+collection%29&qt=hot_author.

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