THE JOADS GO TO COURT:

A True-Life Melodrama with Implications for Today

JOHN S. CARAGOZIAN*

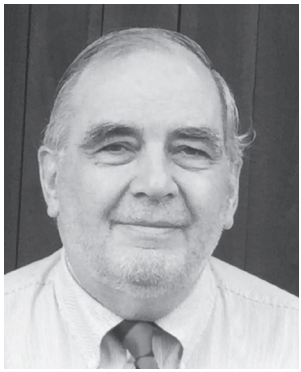
EDITOR'S NOTE:

John S. Caragozian prepared the following script for a program he presented on behalf of the California Supreme Court Historical Society at the California Judges Association midyear meeting in Monterey on March 13, 2016. At that time, he was vice president of the Society. The program was introduced by Contra Costa County Superior Court Judge Barry P. Goode, a member of the Society's Board of Directors. The program offers a dramatic account of the human, social and legal events surrounding the well-known U.S. Supreme Court case of *Edwards v. California*,[1] and it brings forth the case's lesser-known consequences. The following is a complete record of the event, lightly edited for publication, including the addition of footnotes.

—SELMA MOIDEL SMITH

* J.D. Harvard Law School; Vice President, Law and General Counsel, Sunkist Growers; member of the Board of Directors, California Supreme Court Historical Society.

[1] Edwards v. People of State of California, 314 U.S. 160 (1941), available at https://supreme.justia.com/cases/federal/us/314/160.



JOHN CARAGOZIAN

Our story starts during the Great Depression in 1939, with a baby's birth in Texas. As was all too common in the Great Depression, the baby's parents were poor. The baby's father, Frank Duncan, was among the 3.5 million otherwise unemployed Americans working at that time for the Works Progress Administration (or W.P.A.), earning an average of $40 per month.

Mr. Duncan had a brother-in-law, Fred Edwards, who was living in Marysville, California. Mr. Edwards drove to Texas to fetch his in-laws the Duncans, so that the Duncans and their new baby would have some place to live.

Fred Edwards of Marysville is the protagonist of our story, and he seems like a good guy. Mr. Edwards was a lay preacher and was willing to drive the 3,000 miles on those days' poor roads to and from Spur, Texas, in December 1939. When Mr. Edwards arrived in Texas, his brother-in-law had $20 to his name, all of which was spent by the time they arrived back in Marysville.

The Duncans and their new baby stayed with Mr. Edwards, but Mr. Duncan was not employed. After ten days, Mr. Duncan began receiving "financial assistance" — $20 per month — from the federal Farm Security Administration.

So far, we have an ordinary story.

Ordinary, that is, until Mr. Edwards became involved in the legal system and learned that no good deed goes unpunished. Literally. The People of the State of California accused Mr. Edwards of a crime for bringing his brother-in-law into the state. Technically, Mr. Edwards was prosecuted for violating California Welfare and Institutions Code section 2615.

Let me read that section 2615: "Every person . . . that brings or assists in bringing into the State any indigent person who is not a resident of the State, knowing him to be . . . indigent . . . , is guilty of a misdemeanor."

Mr. Edwards was tried in the Marysville Justice Court and convicted of violating that section 2615, the evidence being that the defendant — Mr. Edwards — knowingly brought an indigent person, namely his

brother-in-law, into California. Mr. Edwards was sentenced to six months in jail, sentence suspended.

Let's pause our story about Mr. Edwards and talk about California during the Great Depression and, especially, about the migration of hundreds of thousands of poor refugees into the state. I want to give you some background here, because this California statute — often referred to as an "anti-Okie law" — and California's enforcement of the law, made some sense at the time. Historians often advise us to include then-contemporaneous standards as one perspective in viewing historical events.

Also, you all as judges know that there are always two — or more — sides to a story. Good grief, sometimes a single witness in your courtroom will tell multiple and contradictory sides of his or her own story.

California's side in the 1930s was that it was already suffering from the Great Depression. These sufferings, in turn, were especially acute in rural counties like Yuba County, where Marysville is the county seat.

Indeed, the nation's agriculture, including California's farmers, ranchers, and workers, had suffered for years before the stock market crash in 1929. Throughout the 1920s, overproduction in the United States, increased foreign competition, plummeting crop prices, and unserviceable farm mortgages all devastated agriculture.

In the following decade, the Great Depression worsened matters. Consumer demand dropped, and financial credit tightened. Moreover, starting in 1933 in the Great Plains, dust storms turned thousands of square miles into a true Dust Bowl, burying crops, suffocating cattle, and stripping away the topsoil upon which the region depended.

Beginning in 1934, prolonged drought and drastic heat killed crops, livestock, and people throughout the Midwest.

But Mother Nature was not the only villain. The federal government's well-intentioned New Deal policies aided and abetted the suffering. For example, the federal Agricultural Adjustment Act tried to remedy over-production by subsidizing farmers who took acreage out of production. Farmers complied by fallowing their worst land and continuing to farm the best. This worst land, though, was long the province of sharecroppers and tenant farmers, who constituted sixty percent of Oklahoma, Texas, and Arkansas farmers. Many of those farmers and their families suddenly found themselves dispossessed of their homes and livelihoods, however meager they had been.

In addition, mechanization began to reduce the need for farm labor, again setting adrift hundreds of thousands of poor families.

Finally, many of the Midwest's townspeople — including merchants, tradesmen (like blacksmiths and carpenters), and even professionals — saw their livelihoods disappear, too, as the region's entire economy withered.

Nationwide, the agricultural crisis resulted in two simultaneous migrations. These migrations comprised millions of people, such numbers being unprecedented in America's history.

The first migration was from the Deep South. In 1920s and 1930s, African Americans faced forced segregation and racial terror, as well as the broader deteriorating farm conditions. By 1940, 1.6 million African Americans — plus dispossessed whites — moved up the Mississippi to the industrial cities of the Midwest, St. Louis, Chicago, Detroit, and Cleveland, and to such other eastern cities as New York, Philadelphia, and Baltimore.

The second migration, which concerns us, was overwhelmingly white — probably ninety-five percent white — from the Midwest and Southwest. (For simplicity's sake, I will refer to this region as the "Southwest.") Between 1910 and 1940, over 2.5 million people migrated out of the Southwest, especially Oklahoma, Texas, Arkansas, and Missouri. Hundreds of thousands ended up in California, which offered at least the image of opportunity and the reality of higher welfare benefits.

While popular history — and our story of Mr. Edwards (remember Mr. Edwards?) — focuses on *The Grapes of Wrath* scenario of poor farm families, the Joad family in particular, driving their overloaded jalopies into the San Joaquin Valley, it turns out that most of the migrants into California had lived in Southwest cities and towns and headed for Los Angeles and California's other cities. Why? One reason was that cities offered better job prospects. Another reason was that Route 66, which was the main artery into California, ended where? Los Angeles? Actually, the Santa Monica Pier.

Various California officials tried to stem the migration. One notorious effort was the Los Angeles Police Department's so-called "bum blockade." In 1936, the LAPD sent 125 officers to various points along the Arizona border, with orders to turn back or jail migrants who appeared to be poor. One wonders what type of profiling was done to ascertain who was poor. In any event, the blockade lasted only a few weeks, but was widely reported

in newspapers, was the subject of legal challenges, and, later, was memorialized in *The Grapes of Wrath*. Less publicized was the LAPD's dispatch of officers clear up to the Oregon border — 650 miles north — to turn away poor migrants there.

Why this resistance to migration from Oklahoma, Texas, Arkansas, and neighboring states? Unlike the present-day debate over immigration, no racial, ethnic, religious, or language differences existed. In the 1930s, Californians were overwhelmingly white, of European ancestry, Christian, and English-speaking, and so were the migrants. Rather, the differences were almost purely economic. At that time, for example, California's per capita income was double that of Texas, and many of the Southwest migrants were poorer still.

But more than class snobbery was involved. In the 1930s, poor Californians' demands for public health, welfare, and what little public housing existed were all increasing. By the depth of the Great Depression, more than one in five Californians depended directly on public relief. At the same time, crop prices continued to drop, with California's farm income dropping by more than half, in just three years from 1929 to 1932. As a result, thousands of farmers — my own grandparents among them — lost their farms to foreclosure. Low prices and high foreclosures caused real estate values to drop which, in turn, led to lower property tax revenues. In those pre–Proposition 13 days, local governments — which were primarily responsible for administering public health and welfare — depended on property taxes. In sum, California's public sector was being squeezed: it was being forced to do more, but with fewer resources.

The deluge of poor migrants from the Southwest worsened this equation: the migrants needed even more public services — education, health, and welfare — but added nothing to the tax base.

As more and more migrants arrived in California, many ended up in camps. A dozen or so camps were operated by the Farm Security Administration, but most were not. These unofficial, makeshift camps were squalid, lacking decent shelter, sanitation, and — often — potable water and food.

In sum, Depression-era California had some rationale for trying to reduce the flow of poor people into the state. Enforcing section 2615 was one tool here, and various district attorneys prosecuted a score of section 2615 cases.

Our Mr. Edwards was one of those prosecuted. As I mentioned, he was tried, convicted, and sentenced for bringing his indigent brother-in-law into California.

Mr. Edwards appealed his conviction to the Yuba County Superior Court, challenging section 2615's constitutionality. The Superior Court conceded that it was a "close" question, but affirmed Mr. Edwards' conviction. Under California criminal procedure at the time, no further appeal existed. The Yuba County Superior Court was the end of the line for our Mr. Edwards.

Except, *except*, he could appeal the constitutionality of section 2615 to the United States Supreme Court. The civil liberties bar — embryonic in those days — had been interested in challenging the California law. Samuel Slaff, a well-known New York City lawyer, represented Mr. Edwards, and the Supreme Court agreed to hear the case. Thus, it came to be that *Edwards v. California* went directly from the Yuba County Superior Court to the United States Supreme Court.

Mr. Slaff, in appealing his client Mr. Edwards' conviction, made a two-fold argument to the Supreme Court: first, California's section 2615 unconstitutionally burdened interstate commerce; and second, freedom of movement within the United States is a fundamental privilege of national citizenship which cannot be abridged by a state.

The prosecution was originally represented in the Supreme Court by a private Marysville lawyer named Charles Augustus Wetmore, Jr., with Yuba County's district attorney also on the brief. In seeking to uphold section 2615's constitutionality and, hence, Mr. Edwards' conviction, Charles Augustus Wetmore, Jr. cited clear nineteenth-century Supreme Court precedent about a state's police power. That power, to protect that state's citizens' "health, safety, morals, and general welfare," included the right to bar indigents from a state. Mr. Wetmore then raised the problem of poor Dust Bowl migrants. Let me read from his brief: "Events of the last ten years [i.e., the 1930s] have made this problem increasingly acute because of the attraction to California of paupers from other States because of higher relief benefits, old age pensions, etc." Mr. Wetmore's brief then noted that

this migration "has developed [into] a problem . . . staggering in its proportions."[2]

So far, we might agree that Mr. Wetmore's arguments were reasonable, even if we would disagree with his conclusions. However, Mr. Wetmore's tone changed as he launched into the heart of his argument that California acted properly in keeping out indigent migrants and, therefore, acted properly in enforcing section 2615. Again, I am reading word-for-word from his Supreme Court brief:

> A social problem in the south and southwest for over half a century, the "poor white" tenants and sharecroppers, following reduction of cotton planting, droughts and adverse conditions for small scale farming, swarmed into California. These unfortunate people were usually destitute when they arrived. Their ordinary routine has been, upon coming to California, first to go on Federal Relief for one year and then on to State and County relief rolls indefinitely. After they earn a little money in the harvests they send back home transportation for their relatives, generally the aged and infirm, and these immediately become and continue public charges. They avoid our cities and even our towns by crowding together in the open country and in camps under living conditions shocking both as to sanitation and social environment. Underfed for many generations they bring with them their various nutritional diseases of the South. Their presence here upon public relief, with their habitual unbalanced diet and consequently lowered body resistance, means a constant threat of epidemics. Venereal diseases and tuberculosis are common with them and on the increase. The increase of rape and incest are readily traceable to the crowded

[2] Charles A. Wetmore, Jr., "Appellee and Respondent's Brief," April 12, 1941, in National Defense Migration, *Hearings before the Select Committee Investigating National Defense Migration, House of Representatives, Seventy-seventh Congress, first session, pursuant to H. Res. 113, a resolution to inquire further into the interstate migration of citizens, emphasizing the present and potential consequences of the migration caused by the national defense program. part 23, St. Louis Hearings, November 26 and 27, 1941* (Washington, D.C.: Government Printing Office, 1942), 10006; available at https://www.google.com/books/edition/National_Defense_Migration/li3RAAAAMAAJ?hl=en&gbpv=1&dq=inauthor:%22United+States.+Congress.+House.+Select+Committee+Investigating+National+Defense+Migration%22&printsec=frontcover.

> conditions in which these people are forced to live. Petty crime among them has featured the criminal calendars of every community into which they have moved. As proven by experience in agricultural strikes, they are readily led into riots by agitators although it must be said they stubbornly resist all subservient influences, being loyal Americans whose only wish is for a better chance in life.[3]

Ugly stuff. Before we move on, I can tell you that I have read the Supreme Court's entire file, and it is bereft of any facts that support these various accusations. Mr. Wetmore's brief then continued:

> Their coming here has alarmingly increased our taxes and the cost of welfare outlays, old age pensions, and the care of the criminal, the indigent sick, and the insane. Therefore, how can it be said that California should not have the power in the protection of the safety, health, morals and welfare of its people, to bar proven paupers . . . from our State?[4]

Mr. Wetmore concluded this argument with a flourish:

> Should the States that have so long tolerated and even fostered the social conditions that have rendered these people to their state of poverty and wretchedness, be able to get rid of them by low relief and insignificant welfare allowances and drive them into California to become our public charges upon our immeasurably higher standard of social services? Naturally, when these people can live on relief in California better than they can by working in Mississippi, Arkansas, Texas or Oklahoma, they will continue to come to this State.[5]

So the record stood after oral argument in April, 1941. The Supreme Court then ordered re-argument for October, 1941. This time, the prosecution was represented by California's attorney general and his staff. The attorney general repeated the clear precedent that a state's police power included the power to bar indigents. The attorney general added that section 2615 was not overly harsh, in that the term "indigent persons" is narrowly

---

[3] *Id.*
[4] *Id.*
[5] *Id.*

defined: it only means that California may bar the bringing in of people who lack money and other resources *and* "who have no relatives or friends able and willing to support them."[6] Unsurprisingly, the attorney general's careful re-argument contained no reprise of Mr. Wetmore's bombast about "poor whites" who have been "underfed for many generations" and commonly have "venereal disease."

On November 24, 1941, the Supreme Court ruled: section 2615 was unconstitutional. All nine justices concurred, though for different reasons.

Justice James Byrnes — formerly a U.S. senator and later to become President Harry Truman's secretary of state — wrote for the five-member majority. He opined that California's statute violated the commerce clause:

> The grave and perplexing social and economic dislocation which this statute reflects is a matter of common knowledge and concern. We are not unmindful of it. We appreciate that the spectacle of large segments of our population constantly on the move has given rise to urgent demands upon the ingenuity of government. . . . The State asserts that the huge influx of migrants into California in recent years has resulted in problems of health, morals, and especially finance, the proportions of which are staggering. It is not for us to say that this is not true. . . .
>
> * * *
>
> . . . But, in the words of Mr. Justice Cardozo: "The Constitution was framed . . . upon the theory that the peoples of the several States must sink or swim together, and that in the long run prosperity and salvation are in union and not division."
>
> It is difficult to conceive of a statute more squarely in conflict with this theory than the Section challenged here. Its express purpose and inevitable effect is to prohibit the transportation of indigent persons across the California border. The burden upon interstate commerce is intended and immediate; it is the plain and sole function of the statute. . . . We think this statute must fail under any known test of the validity of State interference with interstate commerce.[7]

---

[6] *Id*. at 10020.

[7] Edwards, 314 U.S. at 174.

Justice Byrnes then added:

> It is urged, however, that the concept which underlies § 2615 enjoys a firm basis in English and American history. . . . We do, however, suggest that the theory of the Elizabethan poor laws no longer fits the facts. Recent years, and particularly the past decade, have been marked by a growing recognition that in an industrial society the task of providing assistance to the needy has ceased to be local in character. . . .
>
> * * *
>
> [T]he relief of the needy has become the common responsibility and concern of the whole nation.[8]

While the majority limited itself to the Commerce Clause, the opinion contained two important concepts, which we all may take for granted now but which were somewhat modern in 1941:

■ First, the nation is becoming more mobile. In particular, one's birthplace is no longer one's destiny.

■ Second, the Great Depression is being recognized as a national event, with national causes and a need for national solutions.

Justice William O. Douglas, writing for himself and Justices Hugo Black and Frank Murphy, concurred that section 2615 was unconstitutional. However, Justice Douglas disdained the majority's Commerce Clause rationale: "I am of the opinion that the right of persons to move freely from State to State occupies a more protected position in our constitutional system than does the movement of cattle, fruit, steel and coal across state lines."[9]

Instead, Justice Douglas opined that the right to move from state to state is a right of national citizenship. Accordingly, California's anti-Okie law violated the Fourteenth Amendment's privileges and immunities clause.

Finally, Justice Robert Jackson — later to be the United States' chief prosecutor at the Nuremberg Trials — wrote a one-man concurrence. Justice Jackson agreed with Justice Douglas that section 2615 violated Mr.

---

8 *Id.*

9 *Id.* at 177 (Douglas, J., concurring).

Edwards's Fourteenth Amendment privileges and immunities. For example, Justice Jackson cited a 1915 Supreme Court ruling that, after an alien is admitted into the United States, the alien has the right "of entering and abiding in any state of the Union." Justice Jackson then reasoned: "The world is even more upside down than I had supposed it to be, if California must accept aliens in deference to their federal privileges but is free to turn back citizens of the United States unless we treat them as subjects of commerce."[10]

But Justice Jackson went further, with some critical thinking on economic class. Okay, okay, before I read more from Justice Jackson's concurrence, I know that you all may be wondering if I had one too many mimosas at breakfast, because, as anyone who has taken even introductory constitutional law knows, economic class is not a suspect category like race or religion. I concede the point, but listen to what Justice Jackson wrote seventy-five years ago:

> [H]ere . . . we meet the real crux of this case. Does "indigence" as defined by the application of the California statute constitute a basis for restricting the freedom of a citizen, as crime or contagion warrants its restriction? We should say now, and in no uncertain terms, that a man's mere property status, without more, cannot be used by a state to test, qualify, or limit his rights as a citizen of the United States. "Indigence" in itself is neither a source of rights nor a basis for denying them. The mere state of being without funds is a neutral fact — constitutionally an irrelevance, like race, creed, or color. . . .
>
> Any measure which would divide our citizenry on the basis of property into one class free to move from state to state and another class that is poverty-bound to the place where it has suffered misfortune is not only at war with the habit and custom by which our country has expanded, but is also a short-sighted blow at the security of property itself. Property can have no more dangerous, even if unwitting, enemy than one who would make its possession a pretext for unequal or exclusive civil rights. . . .

---

[10] *Id*. at 184.

> I think California had no right to make the condition of Duncan's purse, with no evidence of violation by him of any law or social policy which caused it, the basis of excluding him or of punishing one who extended him aid.[11]

Justice Jackson's concurrence concluded with startling prescience (remember, he was writing in November, 1941):

> If I doubted whether his federal citizenship alone were enough to open the gates of California to Duncan, my doubt would disappear on consideration of the obligations of such citizenship. Duncan owes a duty to render military service, and this Court has said that this duty is the result of his citizenship. . . . A contention that a citizen's duty to render military service is suspended by "indigence" would meet with little favor. Rich or penniless, Duncan's citizenship under the Constitution pledges his strength to the defense of California as a part of the United States, and his right to migrate to any part of the land he must defend is something she must respect under the same instrument. . . .[12]

Thus endeth the Supreme Court's *Edwards v. California* opinions. But our story is not ended. Indeed, if you like irony — and maybe even some karma — let me give you three more endings.

The first ending is that the *Edwards* decision made no real-life difference in California. It meant nothing. How can that be? Within a fortnight after the Supreme Court announced its decision, Pearl Harbor was attacked by Imperial Japanese Navy torpedo planes, bombers, and fighters, and the United States entered World War II. California's economy boomed, and the state became the center of war industrialization.

When I say "boomed," I mean boomed. In northern California, for example, Richmond became the location of four Kaiser shipyards, which, during the War, built a total of 747 Liberty Ships, Victory Ships, and other ships in assembly-line fashion. To keep up this pace of turning out almost four ships a week, week after week, month after month, and year after year, the yards had to work around the clock. The yards also needed a lot of workers, eventually employing 90,000, and Kaiser had to actively recruit workers

---

[11] *Id*. at 185 (Jackson, J., concurring).

[12] *Id*. at 186.

from as far away as Louisiana and New York. The town of Richmond alone quadrupled in population, from 24,000 before the War to 100,000 by 1945.

In southern California, aircraft manufacturing was the dominant industry. As but one example, Lockheed Aircraft's Burbank, California plant also employed 90,000 and produced almost 20,000 planes during World War II; like Richmond, Burbank's population quadrupled, from 17,000 to over 70,000. Douglas Aircraft, headquartered in Santa Monica, California, employed 160,000 people — mostly in southern California — by the end of the War.

Given this wartime manufacturing boom — plus a million Californians serving in the military and, accordingly, out of the civilian labor pool and over 100,000 Japanese Americans from California incarcerated in camps and also out of the labor pool — California went from trying to keep people out to trying to lure people in, from having a labor surplus to having an acute labor shortage. With higher employment and wages, Californians' per capita personal income doubled between 1940 and 1945, and California's total personal income tripled during those same years. (As a parenthetical, in 1942, California farmers' inability to obtain cheap labor led to the infamous — and, on occasion, inhumane — Bracero program, where up to 60,000 euphemistically termed foreign "guest workers" were brought in, mostly from Mexico. During the War years, over 300,000 of these braceros worked in California and elsewhere in the U.S., all under tight controls. End of parenthetical.)

Bottom line: even if the *Edwards* case had been decided the other way — if the Supreme Court had ruled that California could enforce section 2615 to keep out indigent migrants — California would not have used this enforcement power. Section 2615, regardless of its enforceability, would have been a dead letter. Why? Because the state's economic needs would have trumped its legal authority.

Edwards v. California's second ending reverses this meaninglessness. The Supreme Court's decision may have lacked any real-life effect in California, but a quarter of a century after it was decided, *Edwards*'s legal bases were resurrected during the Civil Rights era.

For example, in 1966 in *United States v. Guest*,[13] the United States Supreme Court reviewed a federal statute which made it a crime to interfere

[13] 383 U.S. 745.

with a citizen's "enjoyment of any right or privilege secured to him by the Constitution . . . ."[14] Several private individuals — apparently including Klansmen — were indicted for, among other activities, interfering with African Americans' right to travel on public streets and highways. In upholding the indictment, the Supreme Court held that the right to interstate travel is a privilege guaranteed by the Fourteenth Amendment; the primary authority for that guarantee is Justice's Douglas's concurring opinion in *Edwards v. California*. Justice Douglas's 1941 concurrence thus became the law of the land in 1966.

Also in 1966, the Supreme Court struck down Virginia's poll tax in *Harper v. Virginia Board of Elections*.[15] Wait, wait, wait, what does a poll tax have to do with *Edwards v. California*'s right to interstate travel? Ah, listen to what the Supreme Court ruled in the Virginia poll tax case:

> The Equal Protection Clause demands no less than substantially equal state legislative representation for all citizens, of all places as well as of all races. . . .
>
> We say the same whether the citizen, otherwise qualified to vote, has $1.50 in his pocket or nothing at all, pays the fee or fails to pay it. The principle that denies the State the right to dilute a citizen's vote on account of his economic status or other such factors by analogy bars a system which excludes those unable to pay a fee to vote or who fail to pay.
>
> . . . . Wealth, like race, creed, or color, is not germane to one's ability to participate intelligently in the electoral process. Lines drawn on the basis of wealth or property, like those of race . . . , are traditionally disfavored.[16]

What authority did the Supreme Court cite? "See *Edwards v. California*, 314 U.S. 160, 184–185 (Jackson, J., concurring) . . . ."

Think about the ironies here. *Edwards v. California* dealt with a statute aimed at keeping out migrants — overwhelmingly white as it happened — but it is cited as precedent to enfranchise African-American voters. *Edwards* involved a statute intended to keep out migrants from the

---

[14] *Id*. at 747 (reviewing 18 U.S.C. 241 (1964 ed.)).

[15] 383 U.S. 663.

[16] *Id*. at 668.

Southwest, including from the old Confederacy, and now it is used within the old Confederacy. Most of all, look at how Justice Jackson's one-man concurrence about economic class resonated twenty-five years after it was written and a dozen years after the justice's death.

Other Civil Rights–era cases also cited *Edwards*. In 1969's *Shapiro v. Thompson*,[17] the U.S. Supreme Court struck down states' one-year residency requirements for welfare eligibility, holding that such requirements violated the rights of persons — including indigents — to interstate travel. *Edwards* was cited as authority for this travel right.

Three years later, in *Papachristu v. City of Jacksonville*,[18] the Supreme Court struck down state and local anti-vagrancy laws, again finding that the laws violated the right to travel as established by *Edwards*.

In sum, *Edwards v. California* established a constitutional right to travel and cast at least a little doubt on laws penalizing indigence. *Edwards*'s authority here, while not cited in 1941 or in 1951 or even in 1961, became an important principle as the United States finally began to protect civil rights. I doubt whether any of the *Edwards* parties, lawyers, or justices could have predicted these consequences. In tossing a pebble into a pond, you never know when and where ripples will appear.

Edwards has a third and final ironic ending. I mentioned that, in 1941, California's attorney general, on re-argument, urged the Supreme Court to uphold section 2615. As you now know, the Court disagreed, unanimously invalidating the statute. As you also now know, the Supreme Court, a quarter of a century later, cited section 2615's unconstitutionality in some of its landmark civil rights cases. The irony is that the California attorney general who urged section 2615's validity and the chief justice of the United States Supreme Court who cited section 2615's invalidity, these two opposite fellows — the attorney general and the chief justice — were one and the same: Earl Warren.

Thank you, and I will now be glad to answer questions.

★ ★ ★

[17] 394 U.S. 618.

[18] 405 U.S. 156.

ANNOTATED BIBLIOGRAPHY

Chan, Sucheng and Spencer Olin, *Major Problems in California History*. Boston: Houghton Mifflin, 1997 — Professors Chan and Olin's history of California, including the Great Depression and World War II eras, as told through excerpts from contemporaneous and scholarly documents.

Feldman, Noah. *Scorpions: The Battles and Triumphs of FDR's Great Supreme Court Justices*. New York: Twelve, 2010 — Professor Feldman's engaging study of the Supreme Court's key members in 1941, especially of Justice Robert Jackson, whose *Edwards v. California* concurrence is highlighted in this program.

Gregory, James. *American Exodus: The Dust Bowl Migration and Okie Culture in California*. New York: Oxford University Press, 1989 — Professor Gregory's authoritative overview of the migration into California during the Great Depression, including the migration into California's cities.

Lange, Dorthea and Paul S. Taylor. *An American Exodus: A Record of Human Erosion*. New York: Reynal & Hitchcock, 1939 — a collaboration of famed photographer Lange and her husband, UC Berkeley professor and agricultural economist, Taylor, documenting the migration into California during the Great Depression.

Minoff, Elisha Martia Alvarez. "Free to Move? The Law and Politics of Internal Migration in Twentieth-Century America." Ph.D. diss., Harvard University, 2013 — comprehensively dealing with America's internal migrations, and the resulting legal and policy implications, from 1930 to 1970; accessible at https://dash.harvard.edu/bitstream/handle/1/11095954/Minoff_gsas.harvard_0084L_10957.pdf?sequence=1).

Steinbeck, John. *The Grapes of Wrath*. New York: Viking Press, 1939 — the classic novel of the Great Depression's conditions in Oklahoma, the journey on Route 66 to California (including the "bum blockade"), and agricultural workers' lives in California's Central Valley, all as told through the fictional Joad family (hence the title of this program).

Starr, Kevin. *Endangered Dreams: The Great Depression in California*. New York–Oxford: Oxford University Press, 1995 — the fourth volume of Professor Starr's seminal California history series, with a detailed analysis of how the Great Depression changed California's culture.

Wartzman, Rick. *Obscene in the Extreme: The Burning and Banning of John Steinbeck's the Grapes of Wrath*. New York: PublicAffairs, 2008 — an engaging story of California's reaction to *The Grapes of Wrath*'s publication and, more broadly, of the cultural and political climate in California's cities and rural regions in the 1930s.

★ ★ ★