

A LEGAL HISTORY OF SANTA CRUZ COUNTY:

*An Account of the Local Bench and Bar
Through the End of the Twentieth Century*

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Santa Cruz: The Museum of Art & History
@ the McPherson Center, 2006
xiv, 161 pp., ills.

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For those seeking a detailed account of Santa Cruz County's legal history from the Bear Flag Republic through 2006, they have no further to look than to the exhaustive work of eight authors consisting of five attorneys, two librarians, and one judge. Their combined efforts provide insights into the people, cases, court structure, legal environment, and social issues that took place in the county during 160 years.

Reflective of similar themes in California's original counties, the law as practiced before statehood was rooted in Spanish and Mexican tradition. With the onset of the Gold Rush, the legal traditions of Spain and Mexico — adapted over the years by the *Californios* — and the laws of the United States began to conflict. This continued until the time of the Civil War when Santa Cruz County, the authors note, experienced sweeping changes in the procedures and practice of law reflective of the imposition of American legal tradition. "Momentous change" was to follow in the second half of the twentieth century.

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In presenting their research about people, judicial structure, and major trials, the authors set the context of each chapter with a discussion of the social, economic, and political issues confronting America. Such a construct serves well to understand the local events in Santa Cruz County. Their usage of oral history from participants in the legal world provides testimony not otherwise obtainable. The authors began their book in mid-1998. They are quick to add that their effort must also be seen as a challenge to others in the legal community to encourage and create further documentation of the unfolding chapters in the legal history of Santa Cruz County.

A survey of the decades covered reveals a diverse picture of the law. Santa Cruz County harbored many pioneers of distinction who served as *alcalde*, the single most important civil officer in early California before statehood. The *alcalde* played a “critical role in the Mexican system of colonial government, carrying out executive, legislative, and judicial functions.” A few qualifications were indispensable — honesty, ability, and literacy. Among those serving as *alcaldes* were Joaquín Castro in the 1830s (a member of the De Anza party in 1776); Walter Colton in 1846 (who introduced the jury system in the county and helped form the California Constitution); and José Antonio Bolcoff in the 1840s (a Russian who married one of Castro’s daughters).

Noting the unsettled conditions in California during the aftermath of the war with Mexico, 1846–1848, and especially before statehood in 1850, the authors quote historian Sandy Lydon who wrote, “The Americans rode in on their law books and used their guns in the meantime.”

An excellent illustration of justice in those times is that of Judge William Blackburn who found a young man guilty of cutting off a horse’s tail. After consulting his law books to no avail, he decided to apply the old biblical law of “an eye for an eye” and ordered the man to have his head shaved, to the delight and cheers of an assembled crowd.

Local history is often personal history, embracing the great events and massive social upheavals of the times. It is in local history where frequently someone may be directly connected to a historical event or person. The authors navigate these waters well, not avoiding discussion of success and failure in the history of law in Santa Cruz County. They

adhere to the concept that local history can be a prism, reflecting its knowledge to provide context for regional, national, and international events. It also provides a sense of place.

A significant portion of the book discusses the intersections between natural and human history. For example, in the story of bankrupted Judge Joseph Ladd Majors (his penury the result of the drought of 1864–65 that destroyed much of California’s cattle holdings), we see a man broken by forces beyond his control. His widow, a Castro daughter, near the end of her life in 1913, offers a poignant insight into the culture of her times and of the lawyers she blamed for her plight. To the *Santa Cruz Sentinel*, she declared: “Years ago, thousands of acres of land were mine, and horses and cattle and sheep enough to keep sheep herders busy from rise to set of sun. Then I had fine houses and chests of money and silk dresses and laces and jewelry and friends, ah!, many friends . . . But the beautiful house on the hill was burned. My husband died, my boys drank the wine and played the cards, and the *Americanos* came like hungry wolves. . . . Today I am old and poor. The young lawyers who were my friends and who made the papers for me are all very rich. . . . They have hundreds of acres of land and much money, while I sit here like an old owl in a dark corner and tell those who ask me that these men have robbed me of all that was mine by their crooked talk and their crooked laws.”

An account of California’s first jury trial in 1856, a complaint between Santa Cruz County residents over timber rights, occurs when California had been an American territory for but six weeks. A jury of six *Californios* and six Americans was empanelled, demonstrating the tensions in merging two cultures. Another section presents accounts of the creation of the Santa Cruz County judiciary with insight into the evolving judicial system in the form of justice, police, and county courts. Accordingly, the Constitutional Convention of 1879 is better understood as a reaction to the state’s growing legal burdens — a result of migration to California — in the creation of a new Superior Court.

The built environment of courthouses is documented by photographs and descriptions, early and current alike. Over the years a great number fell to fire and earthquake, as well as to being razed for improved

facilities. It is easily forgotten that many of those early courthouses also housed treasurers, sheriffs, and even jails.

Historical monographs rarely employ humor. Delightfully, through the use of biographies, humor is often presented and is instructive. For instance, there is John H. Watson, for whom Watsonville is named. He became the first district court judge in 1850. His early background involved a withdrawal from West Point after two years, and a return to his native Georgia. He was reported to have killed a man and then fled to Texas around 1846. He joined the Gold Rush and was a Southern sympathizer. He famously provided advice to a client charged as a horse thief and who had no money. Watson asked the judge for permission to consult in private with his client. When the bailiff went to bring the accused to court, he found only Watson. The judge asked about the prisoner's whereabouts and Watson is said to have replied, "Your Honor suggested that I should advise him to pursue what I considered the best course, and after hearing his statement, I thought the best course he could pursue was a northeast course up the canyon. The last I saw of him he was following my advice."

In addition to humor, human failings among early judges are documented. For example, Judge Theron Rudd Per Lee often consulted a flask under his bench, referring to it as consulting an "authority on this case." Ethnic discrimination is symbolized by Judge Henry Rice who reminisced about the longest sentence he ever handed down (seven years) to Ramón Soto for stabbing a man. "Pretty much altogether it was the Spaniards I sent up. You see they didn't know what law was." The authors acknowledge that the City of Santa Cruz remained a tough place in the second half of the nineteenth century, marred by lawlessness and racial strife, including an infamous 1877 lynching of two *Californios* of Mexican and Indian ancestry.

Many crimes are discussed. The 1920s produced a horrific crime that the authors describe as a combination of "development and disaster." Taking place in a beautiful setting above the beach at Seacliff, a local loner and "giant of a man" named Woodside occupied a ramshackle "hut" where a development company sought to build exclusive residences. When Woodside threatened to shoot anyone crossing his property,

Sheriff Trafton and Under Sheriff Roundtree went to arrest him. On a September day in 1925, a fist fight ensued; somehow Woodside got one of the men's guns and shot both of them. One of the wounded officers managed to shoot Woodside, and all three died of their wounds.

World War II is addressed by the authors and reflects a local reaction to the global conflict. "In 1942 residents of the area were affected heavily and personally when Earl Warren, then California's attorney general, aggressively carried out the President's Executive Order 9066, resulting in the wartime internment of American citizens of Japanese heritage," they write. "Local Italian-Americans and German-Americans also suffered through imposition of curfew, travel, and residence restrictions, but the Japanese were most severely affected. . . . Rancorous disagreements over treatment of the Japanese thus divided the community, adding to the other horrors of World War II." Regrettably, one attorney advocated amending the U.S. Constitution to return all persons of Japanese ancestry to Japan (whether citizens or not) and to prohibit anyone of Japanese ancestry from becoming a U.S. citizen. Opposing such measures were other attorneys who publicly decried such sentiments. Local history, as personal history writ large, indeed exemplified global history.

Complex legal issues surrounding population growth and environmental issues mark the 1960s. Increasingly, decisions by the Supreme Court and by the courts in California created a larger legal bureaucracy. Coastal development issues became particularly complex for Santa Cruz County. These pitched disputes are discussed in cases of beach access, land development, property tax assessments, and dairies.

Noting that "America in the 1970s was a country testing itself and its beliefs," the authors allude to the cultural climate in America that spawned the free speech movement, clothing style changes, the loss of mom and pop stores to mega malls, the fall of Saigon, the Watergate scandal, the oil embargo, and the Iran hostage crisis. A concurrent unprecedented wave of homicides in the county exacerbated fear and uncertainty. There were 36 homicides in 1972 alone.

The Santa Cruz district attorney's words, "If this keeps up, we will become the murder capital of the world," became the victim of a reporter's ellipses. One case cited by the authors discussed a "hippie" who

practiced tarot, back-to-nature, and suffered from severe mental illness. His conviction for the murder of a world-renowned eye surgeon, his wife and two of his children, shocked the Santa Cruz County population. The convicted murderer told authorities that God revealed to him that the Bible was incorrect and that it was his mission to return earth to its natural state. He would do so by requiring persons to join God's army under his lead. If people refused, he would kill them or destroy their homes, cars, and other property.

The authors address a poignant consequence of the Vietnam War in presenting the troubled period of the 1970s: "Many of the crimes charged in the early 1970s involved Vietnam veterans who were suffering from alcohol and drug problems, as well as emotional disorders. The Vietnam War took its toll on a lot of people, and many thereafter went through the court system."

Santa Cruz County residents hoped for a breather from the turmoil and a return to a quieter existence. Nature, however, did not provide the same scenario. Deadly storms, fires, the Loma Prieta earthquake, drought, freezes, and floods came in the 1980s and continued into the 1990s. Lawyers were kept busy representing clients who were victims of these natural disasters. These cases involved judges and juries who rendered verdicts on issues of admission of girls to boys' clubs, voting rights of students at the university in local elections, Latino voting rights in Watsonville, as well as the environment, land use, and utility taxes.

The judiciary found itself in transition during decades of tumult and change. The Superior Court expanded, and the Municipal Court saw its first woman judge, as well as creation of additional judgeships to keep up with increasing litigation. The number of attorneys grew from 317 in 1980 to 661 in 2000. The county's burgeoning population of attorneys "brought increased diversity and new ideas; it also brought more litigation." The courts became more clogged, the backlog of civil trials grew, and litigation costs rose beyond the reach of many. One positive outgrowth of those problems was increased interest in alternative dispute resolution.

Additionally, increased numbers of lawyers led to increased competition. "With more competition came the quest for more efficient ways to

practice,” the authors conclude. “Specialization became the order of the day; the general practitioner was fast becoming a dinosaur.” The number of women attorneys increased, and in 1982 the Santa Cruz County Bar Association elected its first woman president. The authors also discuss the shifting view of the law as a “pure” profession to the realization that “law practice is a business, too.”

The information and the volume of material presented are a source of instruction on the importance of the law and its presence in our lives. As an example of local and regional history that transcends borders, but is still rooted firmly in the ground from which the lawyers, clients, judges, and laws come, *A Legal History of Santa Cruz County* is an enjoyable and instructive read. ★