Robert E. Treuhaft

Left-Wing Political Activist and Progressive Leader in the Berkeley Co-op

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In his oral history, Robert Treuhaft presents his life history, in which the Consumers Cooperative of Berkeley played an important part. Treuhaft was a member of the Co-op's Board of Directors in the late 1960s, a politically dramatic period in Berkeley history. Among other related activities, he discusses his point of view as a progressive leader on the grape boycott of the late 1960s and its impact on the Berkeley Co-op, the buying of Sid's Stores and expansion of the Co-op, his relationship with other Co-op leaders, the administrative angle of the Co-op including why it failed, and the Bay Area Funeral Society, during and after its affiliation with the Co-op.

The occasional mention Treuhaft makes of his wife, author Jessica Mitford, brings an added dimension to the transcript.

Treuhaft also recalls other events and activities in the Bay Area that are of interest to historians and the public: the Jerry Newsom trial, Treuhaft's campaign for District Attorney of Alameda County, House Un-American Activities Committee, and his observations about union activities.

According to the interviewer, Robert Larsen, "This oral history is a fascinating narrative of a life spent in working for social changes...Bob Treuhaft was candid in the telling of both successess and failures..."

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Robert E. Treuhaft

LEFT-WING POLITICAL ACTIVIST AND PROGRESSIVE LEADER IN THE BERKELEY CO-OP

Consumers Cooperative of Berkeley Oral History Collection

An Interview Conducted by
Robert G. Larsen
of
Moraga, California
in 1988-1989

Transcribed by
Berkeley Oral History Project
of the
Berkeley Historical Society

This interview was transcribed with financial assistance from Mrs. Lyn White, in memory of her late husband, Clinton A. White; Robert E. Treuhaft and other private donors; The Bancroft Library at the University of California at Berkeley; and the Berkeley Historical Society.

INDEX -- Robert E. Treuhaft

Robert E. Treuhaft (1959)

INTRODUCTION

The Consumers Cooperative of Berkeley (CCB) Oral History Collection has been growing in the past several years. This was due mainly to the CCB's Fiftieth Anniversary in 1987, as well as to its unfortunate demise in the year that followed. We have received private donations over the past year which allowed us to transcribe a number of taped oral histories about the CCB.

Selection of additional narrators involved careful consideration and research. For instance, we chose to cover the Consumer Protection Movement of the 1960s-70s, and interviewed appropriate persons representing that component, including Helen Nelson, the first Consumer Counsel of California; and Eva Goodwin, who served on the Consumer Information and Protection Committee of the CCB. We also interviewed additional leaders and pioneers of the CCB, including George Yasukochi, who was the Controller for many years. The transcript of the William T. (Zack) Brown interview was published earlier this year.

Among those involved in the more progressive activities of the CCB, we decided that attorney Robert Treuhaft would be a valuable resource person. We included his point of view, that of a progressive leader, on the grape boycott of the late 1960s and its impact on the Berkeley Co-op, the buying of the Sid's Stores and expansion of the Co-op, his relationship with other Co-op leaders, the business angle of the Co-op, Jerry Voorhis and Associated Co-ops, and the Bay Area Funeral Society, during and after its affiliation with the Co-op. The occasional mention he makes of his wife, author Jessica Mitford, in relation to a number of situations, brings an added dimension to this transcript.

Interviewer Robert Larsen, an experienced oral historian, was industrious, and brought out a wealth of added information about Mr. Treuhaft's fascinating life and leftist activities. Larsen describes some of the details in the Interview History. He also produced the Index to the transcript, edited by Linda Rosen; William F. Taylor reviewed the manuscript; and Lauren Lassleben, Frances Gold Brown, Naomi Shore, and Jo Anne Stefanska did the final proofreading. Georgia McDaniel helped design the artwork.

We are pleased to add the Robert Treuhaft interview to the Consumers Cooperative of Berkeley Oral History Collection. We hope that researchers and interested readers will find this oral history both stimulating and of value historically.

Therese Pipe
Coordinator
Berkeley Oral History Project
December, 1990

INTERVIEW HISTORY

Robert E. Treuhaft was initially selected to participate in the Berkeley Oral History Project of the Berkeley Historical Society because he had been a member of the Board of Directors of the Consumers Cooperative of Berkeley, and would therefore offer a unique perspective on the activities of the Berkeley Co-op. His wife, Jessica Mitford (Decca Treuhaft), is a prominent author and personality. A chronicle of her involvement in social issues and in the Communist party is found in her book, A Fine Old Conflict. This work includes many anecdotes and descriptions of her husband's activities up to the time of publication in 1977.

In discussing the interview procedure with Bob Treuhaft prior to the interviews, I found that Bob Treuhaft had been involved in a number of other events and activities in the Bay Area that would be of interest to historians and the public: the Jerry Newson trial, Treuhaft's campaign for District Attorney of Alameda County, founding of the Bay Area Funeral Society, House Un-American Activities Committee, and a number of observations about union activities. The interviews were expanded to include the narrator's intimate knowledge of the events and the people who played a part in them.

Seven interviews were completed at his residence in Oakland, California between October 6, 1988 and January 30, 1989. All of the interviews except one were an hour in length. Bob Treuhaft often prepared for an interview by referring to scrap books and other materials he has accumulated, relating to the events to be discussed.

He is an articulate, knowledgeable, complex and humorous man, and an excellent story teller. Many of his comments were entertaining and had historical value. Decca was often present in the home, but she did not participate or listen to the interviews, preferring to let Bob tell his own story in his own way. Bob's son, Benjamin, arrived at the home near the end of the interview concerning the Jerry Newson trial. Benjamin seemed very interested in the story being told, and contributed two spontaneous questions of his own at the end of that interview.

As the interviewer, I compared the transcript of the interviews to the tape recording for accuracy. Section headings and paragraph structure were added. Bob Treuhaft read the transcript for accuracy, and made many minor corrections and additions. Therese Pipe edited the transcript to conform to Berkeley Historical Society oral history style.

Treuhaft contributed pictures from his own collection, but as he commented to me, he was more often the picture taker, not the subject of pictures. I prepared the index and the table of contents.

This oral history is a fascinating narrative of a life spent in working for social change, with recognition of the personal cost to the narrator that this approach took. Bob Treuhaft was candid in the telling of both successes and failures, which resulted in an interesting and refreshing oral history.

Robert G. Larsen
Interviewer

THE INTERVIEWER

Robert G. Larsen is a manager for the Contra Costa County Social Service Department. He holds graduate degrees in psychology and public administration. He grew up in Albany, California, and currently resides in Moraga, California.

He has completed oral histories of family members, the Eva Goodwin oral history for the Berkeley Historical Society, and is currently working with a colleague, Isabelle Maynard, on a series of oral histories of social work practitioners in the Bay Area. These are available to researchers in the Heller Reading Room of The Bancroft Library, at the University of California, Berkeley.

TABLE OF CONTENTS

(continued)

(continued)

LIST OF ILLUSTRATIONS

Robert E. Treuhaft:

LEFT-WING POLITICAL ACTIVIST AND

PROGRESSIVE LEADER IN THE BERKELEY CO-OP

I ROBERT E. TREUHAFT: CHILDHOOD AND FAMILY LIFE IN NEW YORK; UNDERGRADUATE EDUCATION; HARVARD LAW SCHOOL

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Family Background

Larsen: I'm interviewing Bob Treuhaft in his house in Oakland. To begin, tell me something about your family.

Treuhaft: Well, my family now, or my family at the beginning?

Larsen: Your family at the beginning.

Treuhaft: Well, my parents were both Hungarian, first-generation Americans. They came here their separate ways, I suppose, around the early 1900s. Maybe 1906 or 1907. They met in New York and married there. My mother's father had died and she came with her mother and a younger brother when she was about fourteen years old. She [Aranka Hajos] got a job in millinery, a hat factory making women's hats, and stayed in that field for a very long time. Much later she became a very well-known custom milliner in New York on Park Avenue. She supported herself and her younger brother and her mother.

She met my father [Albin Treuhaft] a couple of years later. He was a waiter and they married, and he kept working as a waiter until Prohibition when he became a very small-time bootlegger. He never made much money out of it because he was a sort of honest bootlegger who wasn't involved in any of the major rackets. He always wanted to be in the restaurant business, and he had a chance to become part-owner of a restaurant down in the financial district in New York. My parents spoke Hungarian and English interchangeably. Most of their friends were Hungarians; they

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This symbol indicates that a tape or a segment of a tape has begun or ended. For a guide to the tapes, see page 124.

Treuhaft: always spoke Hungarian to their friends. And, like all Hungarians, they retained Hungarian accents and ways of speaking until the end of their lives.

I was born in 1912. I have a younger sister who is about six years younger than I, and I had another sister who died in early childhood. I was born in the Bronx, we lived in the Bronx, and I have some memory of my early childhood in the Bronx. I went to kindergarten and I remember a teacher being invited to our house for home-made ice cream, made by my mother. I went to primary school in the Bronx. Then we moved to Brooklyn when I must have been ten or eleven and shared a two-family house with a Hungarian friend of my father's, also a waiter. I went to junior high school and high school in Brooklyn.

The Family in Hungary

Larsen: Are there any family traditions about why your parents came from Hungary? Why they emigrated?

Treuhaft: Well, they came their separate ways, but there are a couple of things. They came because of the poverty of existence in Hungary. Hungary was a very poor country to begin with. They were both Jews. I say "Hungarians," but there's a distinction really. They are Hungarian Jews. And although there was a fair amount of acceptance of Jews in Hungary, Hungary was by no means one of the worst countries; and especially in the cities, the Jews thought that they were pretty well integrated, and they didn't learn until Hitler came along that they weren't really. But they came at a time when things were supposed to be wonderful in America compared to conditions in central Europe. They were driven by poverty and by the hope of making a better life.

Larsen: Was there a traditional occupation?

Treuhaft: No. Well, my father came from a village in Hungary, which is now part of Czechoslovakia. I've been there a number of times. And I spent a very happy summer there when I was about twelve years old. His family owned a very tiny little tavern in town. They were poor and it was a strictly working class place. It was in an area where again, in the countryside in Hungary, there was a great deal of anti-Semitism, a very vicious anti-Semitism. On one of the visits there I actually saw it and experienced it in a way. So he had nothing really to keep him there. And he had really no tradition either.

Treuhaft: His father had a job in the post office and either his father or his grandfather, because of having a government job, were a little bit better off than most. Because of that, they changed their name from a Yiddish Hungarian name to a German name. That's why we got Treuhaft, which is a name they selected. It's not a real word in German, but it means something nice like loyalty; it's a misnomer. Because Hungary was part of the Austro-Hungarian Empire, it was safer to have a German sounding name if you were Jewish. So his father had some pretensions of being an intellectual, which means that he had about a dozen books in German when he came to America, and some in Hungarian also that he brought with him. But he was totally inactive and totally a defeated person.

My parents brought my father's parents over when I was about, I guess, eight or nine years old, because both of them were working, and the grandparents wanted to come over. They were doing very badly over there. They came over and lived with us, and my grandmother became sort of the housekeeper. She did all the cooking and the housework. There wasn't very much *to* them. I never knew my mother's family, but my mother came from a larger town in Hungary and had lived for some years in Budapest, and had much more claim to being sort of out of the lowest classes and into a somewhat more bourgeois milieu. She had an uncle or cousin who had a music shop and had some name in the music world, having produced some operas. I met him on a visit to Hungary when I was about eleven years old, I guess. Although my mother came, again, from the very poorest of the poor in Hungary, she made some claims to be, to having, intellectual pretensions. She hadn't any schooling at all. But she was always interested in theater, things like that.

As a matter of fact, both my parents, the one thing that they did, outside of their own Hungarian circle, was go to the theater. They loved Broadway theater. And I have stacks of programs that they brought home. They saw most everything that was well reviewed on the New York stage when there were lots of plays going. And when they saw something that I might be interested in -- they would go in the evening, of course -- they would buy a ticket for me for a matinee. And I'd go by myself to the matinee, and that was a great contribution to my early existence. I saw wonderful things early on when I was in high school, and even before that. When Beatrice Lillie came over, and Gertrude Lawrence, and Charlot's revue and Noel Coward, I saw them all. And that was a wonderful experience for me.

Growing Up in Brooklyn

Treuhaft: It lifted my education out of the ordinary. Because in Brooklyn where I lived and in the Bronx also, everyone without exception, maybe one exception among my contemporaries, the people I had contact with -- my friends, my playmates -- were all Jewish. The whole neighborhood we lived in was all Jewish. It was not the Jewish ghetto. It was a step above that. The Jewish ghetto in Brooklyn would be some steps removed from us. We were in an area where there were two-family houses, sort of connected houses; and because both my parents worked and my mother made a pretty good income, there was never any want at all in my family, and we were not in the pushcart area of Brooklyn. I imagine we even looked down a little bit on the people who lived in the lower reaches.

But I had no contact with anyone socially who was not Jewish, except one: my father had one friend who was an American Southerner. And my father was quite proud to bring him [home] because he was a Gentile, he sort of liked my father. He had met him at some gambling club, something like that, and he was a stockbroker, a salesman for a stockbroker. And that was a new kind of opening, and he was sort of proud of having this man for a friend. This man took advantage, and he persuaded me to put my savings into a stock that went bust. I remember also that when I referred to somebody as "colored," he'd say, "You don't call them colored. They're niggers. You call a nigger a nigger." And so, he had me doing that. I was rather proud that I knew what to call a colored person.

Larsen: How old were you then?

Treuhaft: Oh, I was about eleven or twelve, I would guess. And before my grandparents came over we did have housekeeping help most of the time because we were small children and both my parents were working. I think of one or two occasions when we had a Black, Negro maid, who would come in by the day. But we had absolutely no social contact with any of them, and my parents and their friends didn't consider themselves racists, but they referred to Black people as "schvartzas". They wouldn't call them by name. They'd say, "The schvartza is coming in to clean tomorrow."

In the school I went to, Montauk Junior High School in Brooklyn, most of the people there were Jewish, most of the students and a lot of the teachers also. I certainly didn't know any who weren't Jewish. There was a nearby neighborhood where there

Treuhaft: were Italians and also some Irish Catholics, but we would be at war with each other. We were never on friendly terms. We were sort of taught to look with contempt on them as being less educated, less intellectual than we Jews.

Larsen: Let me try to make a distinction here. Your family, they were culturally Jewish. Were they also religiously Jewish?

Treuhaft: Exactly. They were culturally Jewish but they were not religiously Jewish. My grandparents were religiously Jewish and would go to the Jewish synagogue. The synagogue they went to was one of the old-fashioned ones, orthodox, where the women were not permitted on the main floor. They would sit upstairs on the balcony. And we had one set of friends, our dentist and his wife, who were Hungarians, and very, very orthodox, but more of our friends were not. As a matter of fact, my parents rarely went to the synagogue, almost never; but I, on my own, got myself bar mitzvahed. For a short time, I took an interest in it.

Bar Mitzvah

Larsen: What was that experience like?

Treuhaft: Well, about the age of seven or so, I, like other people in the same class socially and economically, was spared the ordeal of a hot summer in New York. And the way it was done was to send you to a boys' camp. These camps were strictly segregated. Jews went to Jewish camps and the non-Jews did not accept Jews. So, I went to a variety of these camps during the summer -- they were fairly expensive and you got fitted out with the camp uniforms and camp colors and that sort of thing, and you'd go there for two months. When you got a little bit older, you'd get a job at one of these camps as a waiter or as a counselor, so from about seven to seventeen I spent my summers in places like that. Now they were all, as I say, without exception, entirely Jewish, entirely segregated; Jews were not accepted by camps run by Gentiles. The camps had been a tradition among the better off New Yorkers for a long time. But they excluded Jews, as did the adult summer resorts. I worked in some of those -- Jewish ones, of course -- they also were strictly segregated in those days.

My parents were always looking, of course, for one of the cheaper camps, and the cheaper one they found one year was a Zionist camp. It was run by Zionists, and some of the great early names among the Zionists were among the founders of this camp, Camp Keeyumah. It was in Vermont on Lake Champlain. And as

Treuhaft: I was there as a camper when I was twelve years old, and my birthday occurs in the summer, August 8th, I don't know what brought it on, but I decided when I was going back next summer -- I think I mentioned to somebody that I was going to be thirteen -- and they said, "Why don't you be bar mitzvahed up here?" So, I thought, well, I would. And on my own, I went to the Y.M.H.A., the Young Men's Hebrew Association, in our neighborhood in Brooklyn, and took lessons in Hebrew to prepare for my Bar Mitzvah. It was a great thing in the camp for a camper to have his Bar Mitzvah there. My parents came up and they were very proud of me. And that was pretty much the extent of my religious experience. I didn't follow through with it at all afterwards. I don't remember any of the Hebrew except the songs we used to sing in the camp, because some of the camps were somewhat orthodox in that they would have grace said in Hebrew before and after each meal.

Mother

Larsen: What was your mother's personality like?

Treuhaft: Well, my mother [Aranka] was a very vivacious, outgoing person. She had lived in the outside world, having graduated from seamstress to hat maker and then to designer. She had somewhat of a reputation as a designer, working for these hat factories. Again, the hat factories were almost invariably Jewish owned and Jewish operated, although they were, I think, unionized, but the unions were quite Jewish also. Anyway, she felt that she was, and she was to some extent, sophisticated, compared to my father, who was a very sweet, easy-going fellow. She was constantly after him to make something of himself and to stir himself, to move up in the world and stop being a waiter. My wife [Jessica Mitford] devotes a chapter to Aranka in her book, A Fine Old Conflict.[1] She would drop in from New York when -- we're jumping now to 1943 or 1944 -- we were married and living in San Francisco. Decca, my wife, was rather irritated by the fact that my mother would drop in without notice and announce that she was going to stay for a few days. Not that we didn't want to have her, but we didn't like the assumption that she could drop in any time.

One of the first times that she came, she came from New York in her furs and with a little dog. This was a year after we'd gotten married. And she came up to the house where we were staying,

[1]Jessica Mitford, A Fine Old Conflict, (New York, Knopf, 1977).

Treuhaft: which was in the Haight Ashbury, a rather slummy kind of place. You had to go through the landlady's apartment to get to our apartment. My mother came through there, sort of sailing through past the landlady, and the landlady said, "Oh, you can let your dog play in the back yard." My mother looked out there and said, "Oh, no. It's much too filthy." And there in the back yard were Decca's daughter, Dinky, and the two Betts children playing, oblivious to the filth. I think we were both in bed with colds at the time and we hoped for the best but expected the worst! So I would go off to work in the morning -- we were both working -- for some reason Decca was home and I was going out. I think maybe she was laid up with the cold for a couple of days longer than I was.

So as soon as I went off to work, my mother went to work on Decca: "The trouble with you is you're not demanding enough. You don't want enough from Bob. You don't demand a car. You don't demand better clothes. A fur coat. And that sort of thing. And that's the only way to get him to do anything. You have to really push him to work harder and to try harder." So, the next day as I was out on the street waiting for the streetcar to take me down to the OPA [Office of Price Administration] office in the furniture mart, Decca sticks her head out of the window and screams, "Get to work, you dirty bum! [Laughter] Get moving! Make some money!" My mother was there. Of course she was shocked. Some fun.

Family Values

Larsen: So money was one of the family values. Was intellectual achievement a value, too?

Treuhaft: Yes, I think, the way it was in most Jewish families. The Jewish immigrants placed a great deal of emphasis on the importance of education for their children. The only education my mother and my father had was when they went to the foreigners' school to learn English to become citizens, to attain their citizenship. But, you know, money was important and the education of their children was very important.

Larsen: Were you pressured to get an education?

Treuhaft: Well, I didn't have to be. I was going to public school and it was just assumed. I think my parents would have been terribly shocked if I hadn't finished high school, and it was the assumption that you would go to college if your parents could afford to send you. And they would have sacrificed to any extent to help me go. But my going to Harvard actually was a freakish kind of chance.

Treuhaft: This high school I went to, New Utrecht High School in Brooklyn, claimed to be the largest high school in the U.S.; it did have at least 10,000 students. It had the best track team in the United States. I was involved a bit in that. I was on the track team, I did some high jumping. My rough guess would be that about 40 percent of the students were Jewish, that about 50 percent of the teachers were Jewish, and among the other 60 percent of the students, they were Irish-Catholic mainly and Italian-Catholic.

I had the impression -- I know it's not true -- that the principal of the school, Dr. Henry Potter, was the only WASP [White Anglo-Saxon Protestant] in the institution. He was totally out of place in that school. He used to come to work in a chauffeur-driven car. He would wear a cut-away and striped trousers for the weekly assembly. That kind of thing. Very weird. A great big fellow. So, in my senior year at high school, I had a friend, Phil Kaiser, who went to the same summer camp where I had gone. And Phil had three or four older brothers who were in various stages in college. They were an important local power family, the Kaisers.

##

College Education

Treuhaft: Phil Kaiser, who was a classmate of mine in high school, came from the -- he didn't live in our neighborhood exactly. I didn't see him very much outside of school. His family background was somewhat more educated and sophisticated than mine. My parents, and the people around me, pretended to education and sophistication which they didn't have, except in the special field of theater. But the Kaisers were somewhat more educated and more sophisticated and more interested in education, having friends outside of the immediate Jewish community.

Entering Harvard

Treuhaft: And so, Phil Kaiser was actually hipped on the idea of going to Harvard -- and I'd never heard of Harvard. I'd read Frank Merriwell stories and I knew he went to Yale and I was impressed by Yale. But Frank was my hero and Harvard was always the enemy. I hadn't really given much thought to where I wanted to go to college. I assumed I'd be going to college somewhere around New York. City College, depending on whether my parents could afford it. I knew my marks were good enough. Or possibly Columbia. But he was all set, his whole life depended on going to Harvard.

Treuhaft: So we went down to take the college entrance exams together, and at that time we had to indicate who you were taking it for, where you wanted the transcripts sent. I put down Harvard and had my papers sent there, and he did also. Although he was a better student than I, he was so keyed up that he flunked his best subject and I breezed through; the result was that I was admitted to Harvard and he wasn't. He was on the point of committing suicide. It was really a terrible thing. He did go to Wisconsin, and he got a Rhodes Scholarship from there, and went on to work for the State Department.

But I was called in one day by the principal, Dr. Henry Potter, and I'd never been in the principal's office before. I'd never done anything wrong. And I didn't know what to expect. He held out his hand, he shook my hand (he was a great big fellow), and he said, "I want to congratulate you for getting into Harvard." He said, "I've been here for ten years and you're the first boy from this school to go to Harvard. I'm a Harvard man myself. I live at the Harvard Club." Well, that's sort of amazing. The Harvard Club is in Manhattan on 44th Street, and has very few living accommodations, and to think of this guy coming from there to the heart of Brooklyn to be a high school principal and then going back to live at the Harvard Club. He said, "When you come down for your spring vacation, look me up and have lunch with me at the club."

So the following year, my mother had an apartment in Manhattan, and I was living with her while I was in college. I didn't go to look him up that first year, but the following year I was passing by the Harvard Club and I went in to ask whether he was there. And they said no. They professed no knowledge of him at all. I learned only later that he had been prosecuted and had gone to jail for stealing lunchroom funds. Students had to use the school lunchroom; there were about 10,000 people using it. So I never did get to have the lunch with him at the Harvard Club.

Larsen: When you entered Harvard, did you have an idea about what you wanted to be?

Treuhaft: Yes. When I entered Harvard, I was quite sure that I wanted to be a doctor, because my father was very keen on my being a doctor. So the assumption was that I'd be going to medical school. And I signed up for nothing but, well, mostly what were called premed courses. Science courses, whatnot, neglecting to some extent the literary courses. I did take some philosophy courses.

Treuhaft: I was not really prepared for anything at Harvard. It was the first time that I was among people who were not Jewish to begin with, except that they ask you -- When I went to Harvard, the tuition was $400 a year; and the total cost of a year there, including dormitory and all your meals and some travel back and forth, came to about $1,400 or $1,500, compared to about $17,000 - $18,000 now. We had much more creature comforts than they have now, though. The dormitories, they'd just started the House system, building the Houses there that were endowed by the Harkness family, with the aim of creating in five or six colleges the Oxford-Cambridge style.

It was total luxury. You were asked when you were admitted, in the forms you had to fill out, do you want to have a one-person suite or a two-person or a three-person suite. The three-person suite was of course the cheapest, and the one-person suite the most expensive. The one-person suite would consist of a bedroom, a living room, and a bathroom, occupied by one person. Maid service, six days a week -- beds made and everything, and three meals a day, with printed menus, waitress service at the tables, and even for breakfast. No such thing as working in the lunch room. And so I put myself down for the cheapest, which was a three-room suite. That meant there were three bedrooms, a common living room, and a bath. So, one to a bedroom. It's different today. There are two to a bedroom and there are no waitresses.

Anyway, characteristically, or typically, I found that I was assigned to a suite of rooms with two other Jewish students. And there was no question about it. They asked you, who do you want to room with? Do you have any friends? Most people did. I didn't. So they thought that I would feel more comfortable with two other Jews. Actually, one of them was George Simon from New York. He was the youngest of the five Simon brothers, the oldest of which was Richard Simon, the founder of Simon and Schuster. And the other was Bertrand Goldberg, now a Chicago architect of great distinction. He designed the Marina Towers in Chicago and has an international reputation. But at that time, in my first year, we didn't get along at all well. We hated each other most of the time and didn't see each other for years afterwards. Later, I became a very good friend of Goldberg's, and got to be much more of a friend of Simon's also. Years later.

But again, in that time, they were far more sophisticated than I, and they were very well off. They had both gone to private schools. George went to Fieldston in New York, Bert to Country

Treuhaft: Day School, and they had a far wider kind of experience. They went to schools that weren't all Jewish, and they came from families that had much more mixed experiences. I was pretty dumb, backward and unsophisticated compared to them. So they started off sort of ganging up against me; but then when I got to know them better one of them would join me in squaring off against the third one, and that sort of thing. For the first time then, I was in a social environment where most of my friends and associates were not Jewish, and I was delighted to meet non-Jews. I felt flattered by any attention I had from someone non-Jewish. I was amazed that they would take any interest. And I tried hard to emulate them in many ways.

Social Life at Harvard

Larsen: What was the attitude about dating?

Treuhaft: Oh, you dated whenever you could. But it was pretty hard beyond picking up local girls who would be screened by some of the other classmates.

There were two very separate Harvards. The one Harvard consisted of maybe the upper 20 percent whose parents had gone to Harvard, who came from rich, social families. Those in my own dormitory would dress up in white tie and tails and go to deb dances in Boston four or five nights a week in the "season". That's what they were there for. Then, as soon as they could, after the first year of obligatory residence in the dormitory, they would move into special clubs and that sort of thing. There were no fraternities, but there were these three or four very exclusive clubs -- Porcellian, Hasty Pudding -- that were just names to plebeians like me. For the rest of us -- the other 80 percent -- the best place, and the handiest, was Radcliffe. Radcliffe was a separate college at the time. I dated there and there were lots of colleges around. Girls' schools. Wellesley. Sometimes we'd get out that far.

Larsen: Would your parents, were they horrified if you dated a Gentile girl?

Treuhaft: They would have been, but until I went to college I dated only Jewish girls. I was in love with a girl that I'd met at the summer camp. Many of these boys' camps would have a sister camp nearby with all girls. So for the first two years that I was up there, she would come down for football games occasionally, and an occasional weekend now and then, and I'd visit her. So I didn't have

Treuhaft: any real connection with anyone who wasn't Jewish. My mother was rather put out when I married Decca without consulting her, and it took some time for her to accept the idea.

Larsen: What would she have told you, if you'd consulted?

Treuhaft: Oh well, I don't know. She would say she'd like to get to know her herself, you see, and know what I was doing. After some initial hostility, Decca and my mother became best friends. There was a very close connection. Decca did more corresponding with my mother than I did.

Father

Treuhaft: My father died during the summer just before I entered college. There was a break-up in the family the year before. My father, through my mother's help, had gotten to be a co-owner of a restaurant in New York. He was quite happy managing it and doing very well, but apparently he disgraced himself by having an affair with one of the waitresses, financing it with some money that he took out of the receipts.

So he left home and he was traveling around in California looking for work and couldn't find any, and he was thinking about committing suicide. He was terribly ashamed of himself. Then while I was away during that summer, working as a camp counselor and in another summer job, he came home and my mother didn't even let me know. He came home and he was sick, and it turned out that he died of cancer before I could get to New York to see him. But he, in anticipation of committing suicide, had taken out a lot of insurance, and he left over $50,000 in insurance, which was a lot of money in 1929. He must not have been much over forty at the time he died, but that did leave ample money to finance me through college, and law school as well. And so I never had to work while going to school.

Harvard Law School

Larsen: How did you shift from medical training?

Treuhaft: Oh, my father having died, I lost some interest in going to medical school. Well, my grades were only average, and in those days they still had a Jewish quota in the medical schools, and I only applied for the three or four top schools. I didn't get into Harvard or a couple of other schools that I applied to. I took a job during the summer working as a chemist, and I was thinking of going to graduate school in physics but decided against that.

I was now faced with the awful prospect of either looking for a job or going to school, so very much at the last minute I thought I'd apply for the law school, which was better than going to work. Although I knew nothing about law and knew no lawyers either. So I went to Harvard Law School. It was easy to get in because their system at that time was to be fairly liberal on the intake; but they would, at the end of the first year, flunk out one-third of the class. So that's how I happened to go there. Not through any great commitment or any great desire. Just to avoid having to go to work.

Larsen: Probably lots of people make decisions on that basis. One of the themes that's been going through, you're fairly aware of class distinctions. As we've been talking, I was wondering, what was the genesis of this?

Political Awareness in College

Treuhaft: Well, when I discuss this with Decca, we are rather appalled by my own political backwardness during all that time. I was at Harvard College and Harvard Law School from 1930 to 1937. Those were very grim times. It was deep in the Depression. There were hunger marches. There was terrible poverty. And during my four years in college, I was barely aware of that. I was aware of what was happening in Germany, and I was concerned about Spain, and I would be involved with raising money, perhaps, for Loyalists in the Spanish [Civil] War; but some people my age were going to fight in Spain. One of my classmates in high school, Milton Wolff, became commander of the Abraham Lincoln Brigade. But I never knew him until years afterwards. He lives around here.

Treuhaft: And Decca asks me, "What did you do in those days?" Things were happening. There were Communists on the campus. I knew vaguely of their existence but was never asked to join the Party and didn't stir myself to join up. The other day, I met the father of a friend of mine who is a lawyer here, who had been to Harvard at the same time. I think he was a year or two ahead of me. But he became a Communist party member then. He told me about the activities that they were involved in. And I'm really appalled with myself thinking back to how I was really not involved or committed in any way all the time I was in college. I was just interested in having a good time and enjoying it.

And in law school, my friends were far more political, but again, I was involved only in a peripheral way. Really, when you get down to it, the only people who were deeply involved or committed were the Communists in those days. There was nobody else. I suppose I could have become a Party member. If somebody had asked me, I would have said probably, great, I'd love to. But nobody asked me and I didn't find my way into it. I didn't fall in with the right people. And I think I missed a great deal by not having been involved at that time.

As I say, when I was in law school, I began to realize what I was interested in, and I knew that the only kind of law I'd be interested in was labor law and left political causes. I had no contact at all with what was happening in the U.S. itself, in unions or any other place, until I got out of law school. And then I did get a job working for a labor law firm.

Larsen: Was kind of a leftist attitude typical of the law school?

Opinion of Harvard Law School

Treuhaft: No, not at all. Harvard Law School at that time left a lot to be desired. It had a great name, but the years that I went there it was socially and politically backward. There was one Jewish professor, that was Felix Frankfurter, and he was considered pretty radical. Of course, we know that he was no such thing. All the other professors, almost without exception, were famous names, in their dotage, tired and uninspiring and uninteresting. It had a reputation as being a great law school but it wasn't really. There was far more ferment educationally in places like Yale and Columbia, at that time, that had younger faculties. And Harvard, also, changed over after a few years. But the student body could not be considered at all left oriented either. Most of the students were children of lawyers. I think at least half of my class came from law families. I had nothing like that at all. The law was a total new thing to me. I'd never been inside a courtroom.

Larsen: Did any of your law professors have an influence on you?

Treuhaft: Yes, there was one very outstanding one, although he was quite old: Thomas Reed Powell. He taught constitutional law. He was intellectually stimulating. That's about all.

I had a law partner in later years who used to say, "The law sharpens the mind by narrowing it." And all law school education is pretty dreadful. I don't recommend it for anybody because it's extremely narrow. When I went to Harvard Law School, a great law school, you were not required even to take a course in jurisprudence, you didn't need to know anything about the history of law. You just took courses in contracts, in torts, in criminal law, in property rights. There was a required course called "Creditor's Rights." What about debtor's rights? At Harvard? You must be kidding!

That was your sole legal education. It prepared you to be a judge. It didn't prepare you to be a lawyer. All through my time in law school I never went to court once, had no idea of what happened in court except by reading appellate cases. That's all you do. You read appellate cases. Legal education is still very bad and backward, but not as bad as it was back then. And then, of course, the student body was extremely competitive. It's competitive now, too. But it was even more so then, I suppose, in a way because if you didn't shape up, you flunked out in the first year. They were actually ruthless, and taking in a third more students when they knew they were going to kick out one-third at the end of the first year. A brutal system.

Larsen: Does your anxiety level grow?

Treuhaft: Sure it does. The first day there they say, "Look to your right and look to your left. One of you is not going to be here next year." [Laughter]

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More Harvard Experiences

Larsen: Now we're back at Bob Treuhaft's house. Last time as we ended up, you told a couple of vignettes about George Simon and his propensity for punning. I think that would be interesting to tell us for the tape.

Treuhaft: Well, when I first set foot in Cambridge in 1930, when I entered Harvard College, I carried two heavy suitcases from the subway station in Harvard Square about half a mile over to the dormitory. When I got there I was at the bottom of a circular stairway, and at the top of it three stories up was somebody who yelled down to me, "You Treuhaft?" I said, "Yes." He said something or other -- I couldn't hear what he was saying -- so I carried my suitcases up. He didn't offer to help me at all. I stumbled up the stairs. I got to the top exhausted and he's grinning at me. He's got a magazine in his mouth. And he says, "What song is this? What song does this remind you of?" I said, "I don't know." "It's 'I'm Biding my Time,'" he said. And it was a copy of *Time* magazine that he was clamping his jaws on.

That year was a succession of such horrible puns. George loved popular music and he had records of all of the big bands of the day, and he was a terrific hero worshiper of those people. And he organized, in his freshman year, a band of his own, which he called "George Simon and His Confederates," because they didn't belong to the union. That sort of thing.

Larsen: Were you able to reciprocate in kind?

Treuhaft: Well, I got into the habit so that in the years afterwards I did it more and more, but nothing memorable that I can recall from those days.

Larsen: As we've talked along here about your growing up years, they sounded fairly placid and did not give many indications of things to come. Am I accurate in making that assessment?

Treuhaft: Well, I think you're right. I think there was a long, very dormant period when my interaction with the world didn't seem to be very sharp or very close. I remember about ten years after I graduated from law school -- I was in Harvard seven years altogether -- I happened to be in Cambridge with our daughter, Constancia, and we were walking through the Harvard Yard (the campus there, it's called the Yard). I think it was the commencement period so there were lots of graduates on the campus. I think it might have been the tenth anniversary possibly. I didn't attend. I just happened to be in Cambridge at the time. And on the way through the Yard, somebody recognized me and I recognized him and we embraced -- somebody I hadn't seen since he had been a classmate of mine. So I introduced him to our daughter and she said, "Well, what do you remember about Bob?" He said, "Well, we used to call him 'Bob, the fun-loving Rover Boy.' We had great times together." She was amazed to hear this about her ideal, serious papa. And I'm afraid that my college and even some of my law school life was like that, especially the college life.

Treuhaft: But I think you're right. I can't find any clues to any later militancy or political awareness in my college days. As I said, when I was in law school there was more of it. I was aware of what was going on more, but I didn't get involved particularly, only peripherally, in going to fund raising things and arranging fund raising things for the Spanish War victims and that sort of thing.

II LAW CAREER: NEW YORK, WASHINGTON, D.C., SAN FRANCISCO

Beginning a Career in Law

Larsen: What happened then to change that?

Treuhaft: When I graduated from law school, that was 1937, the Depression. I graduated without any great distinction. I was sort of halfway up in the class. The first job I got was for a lawyer, a single practitioner, who had an office on Wall Street. He had a rather shady sort of practice, and my salary was $5 a week, out of Harvard Law School! That's what people were getting at that time, unless you got into one of the big law firms and you were toward the top of your class, in which case you'd make, maybe at that time, $100 a week, which was pretty exciting. So I stayed on this job for just a couple of months. Then I did get the job that I wanted, because I had been interested in labor law, not as an abstraction, but because I felt very much committed to the labor movement, and attached to it, although I'd never been a union member. I'd never had occasion to be. I can't say that I'd ever been "exploited," really.

I had a rather easy time going through college and law school because my father's death had left my mother with enough money to finance me. So there was no pressure on me to increase my income, although during my three years in law school I did work (I don't know if I mentioned this before) as an agent for two photographic agencies, Black Star Photos and European Picture Service. They were both run by German refugees who were familiar with what was then very new -- candid photography. The Leica camera had made its appearance. Small cameras which had been in use in Germany and in Europe were brought over to the U.S., and I was one of the early users of the Leica.

I had a connection, one of my college friends, who was editor of a magazine called *Click*. It was owned by Moe Annenberg, the

Treuhaft: father of the Annenberg [Walter] who later became ambassador to England. Annenberg was the publisher of *Racing Form*, made a huge fortune out of that, and was involved in various shady enterprises. He had a great yen to become more respectable, so he bought the *Philadelphia Inquirer*, and started *Click* magazine, which came on the scene shortly after *Look*. It was fashioned after *Look* and *Life*. And I did some articles for *Click* during the first year or two of my law practice -- well, two or three years, when I was practicing solo in New York.

But, going back to the last two years in law school, Max Haas, of European Picture Service, would send me photo essays obtained from his German-Jewish refugee connections. I would peddle them to magazines and newspapers in the Boston area -- the *Boston Transcript, Christian Science Monitor, Boston Globe*. An example of a photo-essay is a series showing the rapid motion of a bird's wings caught in action. It was a new form then so I was sent nature series and that sort of thing, now a staple of PBS television, but which weren't available then, except in the form of the still-photo series, which I had to peddle. The *Christian Science Monitor*, published in Boston, couldn't get enough of them. So I made some money that way.

Also, in my last year of law school, Max Haas partly financed a trip to Europe to scout out picture sources. That was in 1937, when Hitler was in full swing and full sway in Germany. I traveled for a week or so in Germany. It was a frightening time trying to track down some of Haas's photographers who were still there. But I couldn't find them. Those that could had fled by then. So that was about the only self-employment, the only employment I had other than summer jobs at various summer resorts.

First Job in Labor Law

I had never felt terribly exploited as an individual. But I did want to get into law, and through a classmate of mine at law school, Malcolm Hoffman, I got a job with a man named Elias Lieberman. He had offices in the Paramount Building, 43rd Street and Broadway. He had two principal clients. One was David Dubinsky, President of the International Ladies Garment Workers Union [ILGWU]; we also served as counsel for some of the local unions. Getting that job meant a leap from $5 a week to $25, quite exciting. I stayed with Lieberman for about a year and a half or two years, practicing labor law, which I enjoyed tremendously. And it was an interesting law firm because Lieberman had,

Treuhaft: as I mentioned, two clients. The other was the world-famous impresario who brought the Ballet Russe de Monte Carlo to America -- what the devil is the name? -- Oh, Sol Hurok!

We had these beautiful prima ballerinas tripping through the office, absolutely stunning, and we got free tickets to the ballet where they played at the Metropolitan Opera House. I got to know some of the ballet dancers, and continued to have contact with them even when I went to Washington a few years later. I'd see them when they came through.

David Dubinsky, International Ladies Garment Workers Union President

The labor law practice was interesting also because times were very rough, and the garment workers union was under Dubinsky's tight dictatorship. He was violently anti-Communist. He claimed credit for cleaning out the Communists from his union. This was a time when Communists were not at all in bad repute. Party members at that time were leading figures and a leading force in developing the C.I.O., the Congress of Industrial Organizations. The Communist party was involved in all of the militant activities in the labor movement: the historic organization of vertical unions for the first time in the big plants, steel and auto, throughout the country, the sit-ins that led to victory for organized labor.

Dubinsky and I didn't hit it off at all well. He suspected me -- unfairly -- of having Communist leanings. I suppose I did. But I didn't realize to what extent I did. He encouraged me really in that his virulent anti-communism encouraged me to do some reading in Marxism, which I'd never done before, and I became very much hooked on that basis. Dubinsky was not an easy man at all to get to know on a personal level. For one thing, he had security concerns and that sort of thing. But he had a daughter, Jean, who was the apple of his eye, a few years younger than I, whom I got to know and began to date, and went off on vacations with.

This was about 1941, I would say; FDR was president and Henry Wallace was vice president. No, at that time, 1940, I guess, Henry Wallace was Secretary of Agriculture, and it was through him, indirectly, that I got to meet Jean. The people in the law firm -- there were about five of us -- were invited to a reception that was being given for Henry Wallace by the ILGWU. Jean happened to be there, very bright and very pretty. I had no trouble spotting her, and we went out for a meal after the reception. When I started dating her, going to the theater, that sort of thing, in the evening, I'd bring her back to the Dubinsky apartment.

Treuhaft: I didn't mention this before. Dubinsky lived in a penthouse on 7th Avenue around 20th Street, not far from the garment district. A penthouse in one of the more elegant residential buildings. And the first time I went there to call for Jean, I said to the elevator man, "Penthouse." He said, "Who do you want to see?" I said, "Dubinsky." He said, "You don't call it 'penthouse,' it's 'Top Floor.' Labor leaders don't live in penthouses." So, I went to the top floor, which was really quite elegant and looked very much like a penthouse. When I'd bring Jean back later in the evening, Dubinsky and his wife would be waiting up for her. He'd send me back downstairs to buy some delicatessen and we'd sit up and talk; he wanted to know more about me, I guess. That's when he became more and more suspicious of me. He didn't at all like the idea, I don't think, that I was dating his daughter. He would not have selected me.

Dubinsky was connected with many of the non-Communists and anti-Communist left. People like Carlo Tresca, who, while I was working for Dubinsky, was assassinated. He was a leading Italian anti-Fascist, he'd come to America, he'd been a Communist and turned strongly anti-Communist. In 1940 he was gunned down in Queens near where he lived; everybody, well, Dubinsky was absolutely certain that the Communists had done it. I just read a review last week in the *New York Times* of a book about Carlo Tresca. Although I've been out of touch with the whole thing for a long time, this new biography makes it clear that it was Mafia people who were responsible for his murder, and it was because of his anti-fascism and not because of his anti-communism that he was assassinated.

I had gotten to know Tresca also because one summer he had the use of a house owned by John Dos Passos, the novelist, in Truro, on Cape Cod. Jean and I went up there where we stayed for a few days. I was tremendously impressed by him; not by the anti-fascism, which wasn't apparent. He was just an interesting intellect to be in touch with at that time.

"Pins and Needles"

I'm sort of wandering around here, but I guess we were going into the question of how or when I tended to become radicalized. Well, I did at that time. Another thing that led me in that direction was during that exciting period of time, when things were happening in the labor movement and even in the ILGWU. The garment workers union put on this wonderful show called "Pins

Treuhaft: and Needles," a musical, in which the entire cast were working members of the union. It was an entirely amateur cast, but some of them became well known and stayed in the theater afterwards. "Pins and Needles" ran for a couple of years. It was tremendously successful.

One of my first assignments was to be in touch with "Pins and Needles" and deal with its legal questions, which didn't come up very much, but they did come up on one occasion when Dubinsky directed them to give a benefit performance for Finnish war relief. Finland at that time was under attack by the Soviet Union, and that was when Finland acquired a tremendous amount of backing in the U.S. I guess it was one of the first times that the U.S. went out of its way to fight communism abroad. Of course, it had done so in Russia after the Revolution, before the Second World War. And Finland, at that time, just before the war, was being touted as the only country that was paying its foreign debt to the U.S. "Little Finland" might pay their debts, but the Soviets were afraid that a Fascist base would be set up there. And Finland had a government which tended to be Fascist at that time.

At any rate, the people in the cast of "Pins and Needles" belonged to Actors Equity, so they had two allegiances: as actors, they worked as members of Equity, and Equity had a rule that said that the producers can't put on benefits unless the majority of the cast agree.[1] Well, it was a political hot potato at that time. Not everybody agreed that "Little Finland" should be supported, and the majority voted against it. I had to be in the position of telling Dubinsky that they weren't willing to do it. They didn't, as I recall, do it. So that sort of thing didn't win me any popularity. And I was fired by Lieberman soon afterward. Well, there was a cutback after a year or so there, but I got a job with another labor law firm and then tried practicing myself for a while.

Larsen: Did Lieberman contribute to your radicalization directly?

Treuhaft: Well, I think he did in the same way that Dubinsky did, because he certainly shared the views of Dubinsky and he was also quite virulently anti-Communist. He and Dubinsky would actually -- were, well, they were thorough-going and literal Trotskyists; their idea of a summer vacation was to go down to Mexico to visit

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[1]The other allegiance of the "Pins and Needles" cast was the International Ladies Garment Workers Union.

Treuhaft: Trotsky, who was living there. It was a few years later that Trotsky was assassinated. I think there is no doubt that he was assassinated by Communist agents.

Lieberman, as a lawyer, was interesting because he had come up from the ranks. He had, he told me, been a great "tucker," which I took to refer to his eloquence. But one of the largest locals of the ILGWU has the letterhead title, "Embroiderers, Pleaters, Tuckers, Stitchers and Tubular Piping Workers, Local 66, ILGWU, I. Zimmerman, Pres." Lieberman had been a member of Local 66, and came from a Yiddish-speaking background. He spoke English with a terrific Yiddish accent and was very much self-made. He tucked by day and went to law school at night, and became a lawyer fairly late in life. One of my jobs in working with him was to help him write a book on labor union contracts and how to negotiate labor contracts.

In those days, unions like the ILGWU that were not really democratically run placed a great deal of reliance on lawyers. Although I was a young punk just out of law school, I would sometimes be placed in charge of a negotiation. One of the smaller locals would be negotiating a contract, so I would be there with an organizer and a few rank-and-file members, and the employer would be there with his lawyer. Essentially it would be negotiation between me and the employer's lawyer. I found a great contrast to that when I came out to California and worked for Harry Bridges in the ILWU [International Longshoremen's and Warehousemen's Union]. Harry would not let lawyers come anywhere near negotiations. We were very close. We represented him and the union and we'd say, "Look, you can avoid making mistakes if you have us there. We can help you get the wording right." He said, "The hell with that. The lawyer's job is to say no. And I don't want that. I don't like that. If we make mistakes, you can straighten it out later on, but we're not going to have lawyers around when we negotiate contracts." He said, "We'll work it out in principle and then you can work out the wording later on if you want to."

Securities and Exchange Commission

Larsen: So you went into private practice in New York?

Treuhaft: I went into private practice for less than a year. I couldn't make a living doing that. But I had friends who were in Washington, and I got a job there in 1939, I guess it was -- yes, late 1939. I got a job with the Securities and Exchange Commission, the first job I could lay my hands on. This was before the war -- it was

Treuhaft: still the Depression. There was not a great deal going on there, but of course the New Deal had increased the demand for personnel in Washington. And I got a job with the Securities and Exchange Commission. There, too, it was not a regular civil service job, but it was a job, not a strictly legal job, helping the head of one of the divisions there write a book.

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My boss was Harold Neff. He had just returned from a year in Europe, where he was studying the effects of trading in American securities on European stock exchanges. The amount of trading that was being done proved to be significant. There were days when there was more U.S. Steel stock traded on the Amsterdam Stock Exchange than on the New York Stock Exchange. I was assigned to Neff to help put the report into shape for publication. It was only a one-year job, and from there, I got a job right after Pearl Harbor, 1941, when there was a tremendous demand for personnel. I got a job with the Office of Price Administration [OPA]. And that started a whole new chapter in my life.

Office of Price Administration, Washington, D.C.

Larsen: How did you stay out of the service?

Treuhaft: I was 4-F because I had epilepsy, which was not under very good control. I was taking various medications, but I would still have one or two seizures a year and it didn't come under control until about twenty years later.

Larsen: You'd had this as a child?

Treuhaft: I had my first seizure when I was eighteen, my first year in college.

Larsen: Did it frighten you?

Treuhaft: Oh, it frightened me, but it frightened other people even more because it used to frighten my wife to death. I never saw myself in one of these, and I've not seen people having seizures, but I'd have grand mal seizures, and they were pretty horrible and frightening. She was far more frightened than I. I'd be taken to a hospital and, well, I fractured a shoulder during one of these seizures. That was before I got to know her. Usually bit my tongue. It was not a pleasant sight. I did what I could to get it under control, but it didn't come under control until later when scientific methods were developed of determining when you had a therapeutic dose of the medication, dilantin, in your blood.

Larsen: That took twenty years?

Treuhaft: Oh yes. I don't think that became available, the dilantin level testing, until sometime in the '60s.

Radicals in Washington, D.C.

Larsen: Back to the Office of Price Administration. You say this started a new chapter.

Treuhaft: Yes. When I was in New York, I had more and more friends who were left wing, who were interested in more radical labor unionism, who were interested in supporting the Spanish War. When I got to Washington, the friends that I had there were likewise more radical, and I was asked by some of the people that I got to know there to form a chapter of the United Federal Workers of America [UFWA], a left-wing union in the OPA. No one else was organizing government workers. The people who approached me, I suspected strongly, were Communists -- they seemed to me to be so well organized themselves. When they approached me about this, I said, "No, I don't know how to do it." "Look, we'll show you how. We'll help you send out the letter. We'll tell you, show you how to hold a meeting." They ran me through the thing very skillfully and, well, I thought these must be Communists. Well, it turned out that they were, but I didn't really confirm this until after I had left Washington for San Francisco.

The atmosphere in Washington was such that a government "loyalty program" was under way, the beginnings of it. The Dies Committee, which was the precursor of the House Un-American Activities Committee, was in action at the time. It was impossible in Washington for a Communist party member to acknowledge that fact to anyone. I became interested in joining the Communist party at that time, but knew that I couldn't really ask these people whether they were Communists. They'd be very suspicious of me if I did. But I did help organize a chapter of the union there, and got more and more into that kind of work.

Also, I met my wife at that time, after I'd been there for a few months. I met Decca, who was working there as a sub-eligible typist. At the time I met her, I was one of the lawyers on the enforcement division, writing regulations. I was one of many who were writing price control regulations for particular industries and for particular products. And we would test them out sometimes in Washington by doing pilot-testing, to see how effectively the regulations that we were writing could be enforced. So we'd do a little pilot test in Washington.

Pleasure-Driving Regulations

Larsen: How did you do that?

Treuhaft: Well, as one example, and this was the occasion where I met Decca, I had a very good friend whom I was rooming with at the time, Abe Glasser. He was terrifically pro-Soviet but not a Communist; not anti-Communist either. But he was not an "organization" kind of person. Anyway, he and I became good friends. We roomed together, and he had a terrific eye for girls. He was Jewish like I was, but he always reminded me of Philip Roth's Portnoy. He had a passion for tall, willowy Gentile girls. And he was a terrific womanizer, unlike me. I was sort of mild in that way, but interested, of course.

So one day he brought around two girls, both quite lovely, one blonde and one brunette. And he said, "Can't we use these? They're in the secretarial pool. I just met them and they'd like to be involved in an investigation." So, we had just then written the pleasure-driving regulation, the regulations which were the least popular that had ever been promulgated by a government agency, which prohibited the use of automobiles for the duration of the war, except on official war-connected business. It was dubbed by the press as the "anti-pleasure-drive," because it prohibited all pleasure-driving.

Larsen: Did you write that?

Treuhaft: Yes.

Larsen: Were you in agreement with it?

Treuhaft: Oh, sure. Why?

Larsen: I'll have to get myself in a frame of reference for that.

Treuhaft: Oh, yes. We were gung ho for enforcement of the price and rationing laws that were in effect at that time. J. K. [John Kenneth] Galbraith, the economist, was one of the people on the staff of the OPA at that time. There was still a lot of New Deal spirit in Washington, and also a very powerful anti-Fascist, anti-Hitler spirit. And there were lots of young people in the Office of Price Administration, and we were all dedicated to our work.

Meeting Decca

Larsen: You were about to meet Decca?

Treuhaft: Oh yes. So I said that's great. We can use them on the pleasure-driving. I said, "What we ought to do" -- the regulation had just been published a few days before -- "I think we'll work out some way of testing this out in Washington." So I preferred the brunette; Abe preferred the blonde anyway. I took Decca to lunch, I think, that day or the next. I think she tells in her book about how we had lunch together.

Larsen: What was your initial impression of her?

Treuhaft: Well, I thought she was stunning. She was dressed in black, and she seemed to be a private sort of person, but she was quite beautiful, and I was tremendously enamored of her right away as soon as I met her. And I took her to lunch the next day at the cafeteria. The OPA was in a huge temporary building, a series of buildings, and it had a cafeteria where everybody ate. Food was dispensed from a counter about a half a mile long, exaggerating a little bit, so as we moved along we were chatting. I noticed that she would pick up a glass of tomato juice and drink it and put the empty glass down on the shelf below the counter; then when we got to the salad, she would eat a salad and put the empty plate down below the counter; and at the end she'd take a cup of coffee and I'd pay for it, and that would be five cents. That was her way of life.

She was making $1,200 a year, and had a baby daughter, and had to have somebody at home to take care of her. So I thought, such frugality, I can't pass that up. It was a very cheap date. So we did very soon get to know each other quite well and see a great deal of each other. And she also was interested in getting into radical activities and joining the Communist party. We knew enough about it to know that we wanted to join, but we weren't able to.

How to Join the Communist Party

Larsen: I'm a little puzzled. If it is that difficult to join, how did they solicit members?

Treuhaft: Well, they weren't soliciting members at that time, I don't think. They would exercise great care. They had to know you for some long period of time. I remember, I had put feelers out on it. One

Treuhaft: of the things I did for the union, as a lawyer, was to volunteer to defend loyalty cases. People were being brought up on charges through the loyalty screening arrangements, and the union would provide counsel for them, and we worked with people even if they weren't members of the union in various agencies. And in the course of this volunteer work, I handled a number of cases, in the course of which I got to know people. Many of them who were charged with being subversive were Communists. Some of them weren't. But I got to know the literature and background of communism, and I was more and more trusted by the higher-ups in the UFWA, who I suspected of being Communists.

So one day I got a call from someone I hadn't met before, a lawyer in one of the government agencies, and he said he wanted to meet me at a certain street corner. I thought, well, maybe this is it. Maybe this is the time I'll be given half a Coca Cola coupon or something like that, and be brought into the Party.

Larsen: Are you making a joke? Is this how they did it?

Treuhaft: Well, that sort of thing, if you're from out of town. It wasn't Coca Cola. Sometimes it would be a dollar bill, that sort of thing, to match up. But, it turned out that no, he just wanted to consult me about one of the loyalty cases. We weren't in Washington too long after that because Decca left for California and I followed her. And we got married in California in 1943.

Marriage in California

Larsen: Who proposed?

Treuhaft: She claims that she left Washington because I was interested in other girls, that I wasn't going to make up my mind. I was thirty at the time. She was twenty-five. So, after we had been going together, had been intimate for several months, she suddenly told me that she was leaving, was going to California. She had herself -- the only way you could travel in those days was on government business -- and she had herself transferred to the San Francisco office of OPA. I saw her off and then I got myself a trip to California. I'd never been west of New Jersey really very much before that. So I went to California and proposed to her and we got married. Afterwards I had to come back to Washington; and then I myself got a transfer to the San Francisco office of OPA, and shortly afterward to the Western Regional Office of the War Labor Board.

War Labor Board, San Francisco

Larsen: Who did you work for at the War Labor Board?

Treuhaft: At the OPA I worked for a woman named Barbara Armstrong, who was the head of the Western Regional Rent Control Agency. And for the War Labor Board, I worked in the Enforcement Division. My supervisor was somebody named Green, but I would act as a hearings officer sometimes and sometimes as a prosecutor. Again, writing regulations, since this was the regional office for enforcement, and working with some of the Board members. Wayne Morse[2] was one of the public members there.

Joining the Communist Party

Treuhaft: By that time, I was in the Party. We had joined the Communist party.

Larsen: How did you do it?

Treuhaft: Well, Decca had come out here a couple of months before me. She had a little experience, along with me, in organizing the [United] Federal Workers of America union in Washington. The union in San Francisco was very active, and when I got out here we became friendly with the people we worked with in the OPA. One of them was John McTernan, who was the chief enforcement attorney. Another one was Doris Walker, who was the president of the local union, and another good friend was Al Bernstein, who was to become the father of Carl Bernstein, the Watergate man.
[Interruption]

Well, how did we get around to joining the Communist party? I think Decca described that in her book pretty much. But again, we ran into the difficulty that if you seemed anxious to join -- and we knew damned well the people we were dealing with and liked and became socially friendly with, were Communists. You could tell that very easily, but they weren't saying so publicly. And we knew that if you did ask, that would be a mark against you. You had to wait until you were asked. We made some unsuccessful efforts, isn't that right -- with Doris Walker, who became a best friend and a law partner of mine years afterwards. But the ice

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[2]Later U.S. Senator from Oregon.

Treuhaft: was finally broken when there was a California CIO [Congress of Industrial Organizations] State convention in Fresno.

So we went to Fresno, Decca and I. I think we were married by that time. We were, yes. Doris Walker was there with us and it was there that she did finally pop the question. You know, would you be interested in joining the Communist party? Well, it's about time. So we both joined the Party at that time.

Larsen: What was the process? Do you pay an initiation fee?

Treuhaft: No. There's no initiation fee.

Larsen: What constitutes going over the boundary, I guess, is the question?

Treuhaft: I think you're just invited to a meeting. We did have a card. I remember having a card and I had some made-up name for it. Because the underground character of it was somewhat amusing and interesting. We didn't have Party names or anything like that; but no, it was just a meeting, and at the meeting it would usually start off with an "educational," where somebody had been assigned the meeting before to report on either a theoretical work or on a practical matter of interest to Communists. And you'd have to be well prepared for that. And also, those who weren't giving the educational were expected to have done the reading, Marxist reading.

We didn't do anything terribly subversive. We were looking forward to it, but we never saw any signs of Moscow gold or anything like that. It was mainly a money-raising thing, money being raised from us and by us to support the *Daily People's World*, the Party newspaper; and to support the work of the Party, which was mainly defensive at that time. The Party was already being harassed and Party members were being harassed also. It became much greater later on but we tried to organize, we tried to raise the level of proletarian consciousness of the masses.

A lot of it didn't make terribly great sense because none of us were proletarians. We tended to be middle class in our point of view and in our way of living. A proletarian is someone who has nothing but his job and the clothes on his back.

Larsen: It struck me in Decca's book that a lot of the process she discussed -- reading the literature, and so on, and the fund raising -- sounded very much like any private non-profit organization that's into supporting a cause.

Treuhaft: with guns and that sort of thing, you're going to be up there for murder. So he says, "What's the penalty for murder?" So, huh, murder! He had a shoeshine stand right near the drugstore. They started interrogating him about the murder, and he said, oh yes, he knew Doc Savage the pharmacist, and he'd been in the drugstore lots of times. They were old friends of his. So they said, "Well, did you do it?" He said, "No, no. I was a friend of Doc's." They said, "Well, where were you?" Well, he had an alibi. But he'd been with a friend named Harris. So they went out and arrested Harris. They both denied everything, but they kept them for another week under interrogation with no lawyer; and then took Newson to Berkeley for a lie detector test. Berkeley had the equipment; and they had a man there, Inspector Riedel, who supposedly knew how to use it.

So, what actually happened was that he was in this contraption for some time, totally new to him, and the questions kept coming in a dozen different forms, did you do it, did you do it. And finally he said, "You want me to say I did it. I did it. Let me go home now." So the press, a dozen reporters, were outside the room waiting for the word, and Inspector Riedel said, "He confessed." So they all rush in and Riedel says, "Would you write this down?" And he says, "What do you mean? I was kidding. I didn't do it." Well, that was the sum total confession.

Anyway, there was huge publicity about that case. It was the big case of the decade. We went to trial and we fought it every step of the way. We challenged the jury, which was, of course, all white and the panel was all white. We challenged the way the grand jury was selected. First, we represented him -- there was no indictment -- at the preliminary hearing, where they try to show cause for him to be held for trial. Well, he and Harris were both charged, and the evidence against him came from a young Black girl, Barbara Cruikshank, who said that she had looked in after the drugstore was closed that night. She looked in there and she saw Jerry Newson, whom she was acquainted with, in the back room. Newson had denied ever having been in the back room, where the bodies had been found. She testified to that in the preliminary hearing. But she wouldn't swear that she had seen Harris in there. She said there was another person but she couldn't identify him. So the case against Harris was dismissed in the Municipal Court, and Newson alone was held for trial.

That's when we challenged the jury panel and everything else, and it went to trial. In the preparation for the trial, we knew that so far as we could tell, all the way to the preliminary hearing and

Treuhaft: Absolutely. It was very, very hard to see and remember that you were still an underground organization. Now it wasn't underground all over, but when you're in government jobs, you had to take all sorts of loyalty oaths. You just couldn't be publicly identified as a Communist. But in the OPA and in the War Labor Board, there were a number of people in leading roles who were Communists. The head of the enforcement division, and, on the other hand, the heads of the local agency, were not at all sympathetic to the idea.

An attempt, defeated by the Union, was made to fire Decca on the grounds that she was an alien, and I was brought up on loyalty charges. I was sent a loyalty questionnaire while I was with the War Labor Board. The loyalty boards were set up under the Civil Service Commission. They would send to suspicious-appearing people sets of interrogatories which had to be answered under oath. And I was a hearing officer at the time for the War Labor Board. I would hear disputes between the unions and the employers. I'll go into the interrogatories the next time.

Larsen: OK. We'll leave it there.

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III LOYALTY ISSUES AND RADICAL REACTION IN THE ROOSEVELT-TRUMAN ERA

Loyalty Investigations in the Roosevelt-Truman Era

Larsen: This is the 27th of October. As we left off last time, we were just beginning to talk about the interrogators. You can pick up the thread of thought there.

Treuhaft: The loyalty program that was instituted. . . The 1940s were a critical decade in American history, and marked by the presidency of [Franklin] Roosevelt at the beginning and [Harry] Truman at the end. And they were much more different from each other than most people today believe. Roosevelt represented the New Deal, the war against fascism and a period of liberality in American politics. However, even during his tenure, there were un-American activities committees. There was in Congress the Dies Committee, which was an un-American activities committee. Roosevelt never took them on in a frontal attack. He was a very shrewd politician. He let things like this go along, and wouldn't step in until it was a) very necessary, and b) politically possible. Dies was considered rather a crack-pot. He didn't have any really wide support. But there always had been, in the U.S., an illiberal, anti-Semitic, anti-Communist core; and that was marked by people like Father Coughlin, during the war, and Gerald L.K. Smith -- those Fascist crack-pots. I suppose Coughlin had probably the largest following in the Middle West.

But when Truman became President, the Congress adopted a loyalty act and set up loyalty committees within the various government agencies, to protect the government from control by the subversives; that was, Communists. It started off with a rather small scare, but pretty soon, tens of thousands of government employees were involved. And the procedure that was used, it was done quietly but not publicly, which differentiates it from the McCarthy period. It was an insidious quiet thing that did not receive a great deal of publicity. Very few people knew it was

Treuhaft: going on. But it was very widespread in government, and it had a very marked effect on people in government service, who became more cautious, more conservative, more sensitive to the possibility of charges of disloyalty.

The idea of disloyalty was a fairly new one in American politics. There had been, after World War I, a period when there was an attack on disloyalty, but that was directed at foreigners, mainly. The Palmer raids. There was an Assistant Attorney General named Palmer, who rounded up anarchists and aliens. There was no important Communist party at that time. It was an attack mainly on foreign ideologies. So the idea of Americans, native-born Americans being disloyal, is a rather new idea.

And, as I say, it came on somewhat insidiously at first in the form of these loyalty investigations within the government. I handled many of these cases. I've just finished reading the draft of an account of that period by Carl Bernstein,[1] the journalist of Watergate fame. His parents were friends of ours, Al Bernstein and his wife, Sylvia. We knew them in San Francisco, when he was assigned as an investigator in the Office of Price Administration. My wife got to know him and we became good friends.

Al Bernstein also was terrifically disturbed and shocked by the loyalty program. He had associated with Communists a lot. It's not clear whether he was or was not a member of the Communist party. He had graduated from Columbia Law School but never got into legal practice. Except that, while he was in Washington working for a government agency and organizing the [United] Federal Workers of America union, he was called upon more and more to represent people in these loyalty cases. He represented hundreds of people in individual trials. And I represented probably dozens in the same thing, in the same series of events. But my activity on that, yes, that was in Washington and it was during the war.

Larsen: What defense would you use?

Treuhaft: Well, they would send out what was called a written interrogatory, and they would make it clear that there were no charges against you: "We're just sort of looking into things as we are obliged to do. But we have information to the effect that you've attended social events where Communists and other subversives were present. Is it true that you subscribe to the *Daily People's World*? Is it true that you were acquainted with, in my case, Louis Goldblatt, a well-

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[1]Carl Bernstein, Loyalties (New York: Simon and Schuster, 1989).

known left-wing Communist labor leader? Is it true that you contributed money and raised money for the Joint Anti-Fascist Refugee Appeal?" Well, these were the ones that came to me and I threw them right back.

None of them asked if I was a Communist, I don't think. Although to have a government job, I had to sign a loyalty oath saying I wasn't a Communist. I don't think I was at that time, but I'm not sure. I may have been. But they were looking for the connections. So I went beyond denying. I really attacked their right to ask these questions. On the question of the Joint Anti-Fascist Refugee Appeal, well, that was an organization that was being sponsored by UNRRA,[2] the United Nations relief organization, and it was to give help to refugees of Spanish fascism. My knowledge of Lou Goldblatt was peripheral. He was the secretary-treasurer of the ILWU, the longshoremen's union. He was second in command to Harry Bridges and a very brilliant, able man. He later became a good friend. [Interruption] I'll let that ring.

Larsen: You were telling me about Goldblatt.

Treuhaft: The thing about Goldblatt was that he was a member of the War Labor Board, and I was working as an attorney in the War Labor Board. I was dying to get to meet him. I'd met him once socially but I wanted to get to know him pretty well. For one thing, his work on the board was extremely important. He was the real power house who was able to carry things in the board, and he was looked up to. He was the real intellect on that board -- he and Wayne Morse, later Senator Wayne Morse. But he would pass by my desk with his nose up in the air and was very busy with other things. I never got a chance to talk to him, but I was accused of being a "close associate" of his. I was just as close to him as I was to any other board members who ran the western region, the western part of the United States, under the War Labor Relations Act.

In my case, it never came to a hearing. They just sort of dropped it. You have to remember a number of things. This happened to me in San Francisco. San Francisco was more left-liberal in its outlook than the rest of the country. California, generally, was. San Francisco was. It was a labor stronghold. Harry Bridges, although attacked by the Hearst press, was probably a hero to more people than he was a devil. So it never got to the point

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[2]United Nations Relief and Rehabilitation Administration.

Treuhaft: where I needed to defend myself in a hearing. They just sort of dropped it at that point. Although later on, it was renewed while I was still at the War Labor Board in another form.

But right after the war, when the Cold War was coming into play, he [Truman] permitted Congress to goad the agencies to move along at a tremendous clip in increasing the loyalty investigations and increasing pressure on people within the government. And, of course, this spread outside the government also, as you move along in time during the Truman administration. I guess he was president for about six years, part of those in his first term and then another four years.

By the end of Truman's presidency, he was responsible for permitting passage of things like the McCarran Act, and the setting up of concentration camps for subversives, under a bill that was introduced by Senator [Hubert] Humphrey, another person who is now considered a great liberal. Truman, also, is considered a pretty good guy. And the fact is, that what's called the McCarthy era is really the Truman-McCarthy era. That was clearly initiated by him. But before it was over, Truman was being denounced by McCarthy and his own loyalty was put into question.

Activities Related to the Communist Party

Reasons for Joining the Communist Party

Larsen: Why were you and Decca willing to take the risk to join the Party?

Treuhaft: At that time, all the people that we liked and respected were in the Party. We liked and respected them because they were doing the kinds of things that we thought should be done in resistance to the loyalty program, and during the war, in support of the war. We, it must be said, came into the Communist party only after the earlier period, when the Communist party was against U.S. participation in the war. In other words, we joined a couple of years after the Soviet Union was attacked by Hitler. Yes, we were aware of the Party's former position, but what the Party was doing when we came into it seemed to be right on every score.

It was the only place where Blacks, called Negroes in those days, were respected; the only place where women's rights were being talked about; and if you had a liberal point of view, the

Treuhaft: Communist party was the liberal party. And we knew the people that we were associating with were joining, not out of any interest in advancing themselves, but they were doing it in recognition of the fact that they were exposing themselves to loss of jobs and to loss of advancement in the government and that part of society. So we didn't ever feel that we were sacrificing anything at all.

We were in there, not purely from the point of view of doing good, but because we enjoyed doing things with the people that we liked, and we also enjoyed the kind of struggle that we were engaged in. We were always at odds with the leadership of the agencies where we worked -- the War Labor Board, the OPA. The top administrator would be a political appointee, would be pretty conservative. We would feel that we were pushing ahead, that we were trying to do far more than the heads of the agencies wanted us to do in terms of rent control, in terms of price controls. And, also, we saw some positive results. I think I mentioned the other day that the extraordinary fact that all these people who were knocking themselves out and working long hours in the OPA were able to hold inflation down during wartime to less than 10 percent, 5 to 10 percent. That's a very extraordinary feat when you consider that in peace time inflation has galloped away at a far, far greater rate. In other words, it worked.

The Beginning of the Civil Rights Movement

Larsen: You were at the beginning of the Civil Rights Movement. It sounds like you preceded it by about ten or fifteen years.

Treuhaft: Oh, yes, the Civil Rights Movement in the South, absolutely. There's no doubt about that. And the Communist party is not given sufficient credit really for things like getting Jackie Robinson into major league baseball.

Larsen: Jackie Robinson.

Treuhaft: Jackie Robinson, the first Black in major league baseball. Well, the Communist party as early as the 1930s had been picketing the Polo Grounds, the Yankee Stadium for not having Blacks. They were agitating for a long time and spreading the word around. I don't think they were solely responsible, but they certainly were given a lot of credit in the Black community for speeding up the day when Blacks were admitted.

Treuhaft: You have to also remember what a terrible time it was -- the excesses of racism in the period 1940 to 1960. When we came to San Francisco in 1943 and until just about the end of the war, there were no Blacks, zero, in the entire municipal railway system in San Francisco. There was not a Black bus driver. They were excluded. During the war Roosevelt signed a -- what's it called? -- an executive order directing that in the interest of the war effort there should be integration in industry and that Blacks should not be excluded. Nobody paid much attention to it. It was never really enforced.

By the end of the war, enforcement measures were beginning to be taken. The streetcar workers in San Francisco declared that they would go on strike if one Black person came to work for the system. Everybody would walk off. Well, when the court ordered them to hire some Blacks, nobody walked off. And the same was true on the Bay Bridge. There were no -- not one Black employee as a toll collector. No women either, of course. You have to remember how different those times were. There were no women in law school, when I went to law school. There were no Blacks in the American Bar Association. They excluded by charter Blacks until well into the 1950s. All of the fraternal organizations -- the Moose, the Elks, and whatnot -- were segregated.

Larsen: Did you initiate some personal activities to change this?

Treuhaft: Yes, I was involved in that. I'll tell you about that in a moment. But just to complete the picture, the worst of it was that the unions themselves were segregated. And the law firm that I was in did the pioneer work in breaking that discrimination during the war -- the Bethlehem Shipyard, Kaiser Shipyard, all the shipyards in the Bay Area, who had recruited tens of thousands of Blacks from the South -- thereby changing the whole character of this area in terms of demographics, effecting long-term changes. They were expecting these people to come out here just for the war jobs, and then go back to the South at the end of the war.

Well, the unions which controlled labor in the shipyards, which were all craft unions, the old A. F. of L. [American Federation of Labor] craft unions, didn't have any place for Blacks. They set up auxiliaries. When the Blacks came out here, they had to join a union in order to go to work, but they weren't in the same union. They were in a separate auxiliary where they paid dues, but they had no control over that money, and some of those unions became very, very rich as a result of that. So there was a violent legal battle to break the segregation. We went to court, and finally had

Treuhaft: to go up to the Circuit Court and ultimately the U.S. Supreme Court. The leading case was Thompson versus Marinship. Ray Thompson, who was the plaintiff -- he was a Communist. We became friends years later. He still lives here in Berkeley. I'm sure he's done some oral history.[3] Ray Thompson?

Larsen: I don't know.

Treuhaft: He was a member of the Co-op Board for a time when I was on that, too. But anyway, that's clearly the answer to the question of why I got into the Party. The Party was the only show in town that was really doing things that nobody else was doing, and that needed to be done.

Civil Rights Law Cases

Larsen: How did you participate? What were your activities?

Treuhaft: Well, my partners and I considered ourselves civil rights lawyers from the beginning, from the '40s and into the '50s. We participated very often. It was a handful of lawyers who were almost all Communists in two or three law firms. Our law firm was the only one in the East Bay and we had two, three, four lawyers -- at various times up to six or seven. The law firm from which we split off in San Francisco and the Garry Dreyfus law firm, Charles Garry and Barney [Benjamin] Dreyfus, were just about the only lawyers who took on the civil rights cases.

We always had dozens of discrimination suits going against restaurants and hotels for violation of individual rights. This was true in the years when there were demonstrations at the Palace Hotel to enforce the hiring of Blacks. No Blacks were employed except as chambermaids. No Black waiters. We represented the organizations that were taking action. We represented them when they were arrested for picketing and for sitting-in, in almost every phase of life, like union discrimination that I mentioned. My law firm handled all the cases. My partner and I handled all of the restrictive covenant cases in Northern California.

Larsen: Who was your partner?

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[3]Ray Thompson had several taped oral histories completed, which are deposited in the Northern California Center for Afro-American History and Life in Oakland, California.

Treuhaft: Bert, Bertram Edises. Well, we're getting out of the '40s and into the '50s now, and the loyalty oath moved from the government into public life and in the '50s, communities. Well, the McCarran Act, I think, became law in the '40s, and the Smith Act began to be enforced at the end of the '40s. I was involved when HUAC (the House Un-American Activities Committee) started to have its hearings, representing people who were subpoenaed to testify before those committees.

The fetish for the loyalty regulations, which first applied only to government employees, progressed into general private employment as well, especially if it had any connection with war contracts. And, of course, the country kept up the military establishment even after the war, so it was very hard to find a fair sized business that didn't have military contracts. The whole waterfront was declared a security area, so all of the longshore workers, members of the longshore union, had to be certified and cleared as being loyal.

We represented workers who were denied clearances, and we would represent them when their hearings came up. Also, we would sue the government and sue employers to establish the right to employment of people who were charged with subversion. By that time also it was illegal under the McCarran Act for a member of the Communist party to be a union officer.

Larsen: What was your success rate with this?

Treuhaft: Well, we had an extraordinarily good success rate, in this sense. We usually lost our cases down at the lowest level, in the Superior Court, and very often in the lower Appellate Courts. We won almost every case that we took up to the Supreme Court. The reason for that is, well, for one thing, in that period, the '40s and '50s, if an FBI man got on the witness stand, the jury would just faint away and accept anything an FBI person said as gospel. It was considered dangerous to try to cross-examine an FBI agent. There was such adoration of them and such belief in their purity. It wasn't until the '60s that people became skeptical about the police and the FBI and whatnot. The '60s brought about that change. But before that, well, there was a whole history.

The Harry Bridges Case

Treuhaft: One of the things I grew up with in California, in my maturity, was the Harry Bridges case.[4] Harry Bridges was an Australian national, who was the prime organizer of the longshoremen's union. He effected tremendous changes, led a general strike in 1934 and 1936, and established fair hiring arrangements in California twenty years before they reached the East Coast longshoremen, who were in a different union. So he was under attack from the very beginning.

First, he was under attack by the shipping interests, because he was organizing the workers, and he was arrested for deportation as a subversive alien. He had applied for citizenship and he had been turned down. That was in the '30s, before I came to California.

One of the partners in the law firm I went to work for, Aubrey Grossman, represented Bridges in the deportation case. Well, that case was lost at the hearing level, before the Department of Labor Hearing Officer. They ruled that he must be deported. It was lost in the U.S. Circuit Court of Appeals. It was won only in the U.S. Supreme Court. And that was partly because the hysteria that affects the lower courts tends to abate by the time a case gets to the higher courts. And when it takes two or three years before you get to the Supreme Court, things are much more calmly appraised.

So the Bridges case was won by my law firm when they tried to deport him. Then he applied for citizenship, they turned him down, and the same type of hearing was held and lost all the way up to the U.S. Supreme Court. The U.S. Supreme Court ordered him to be admitted to citizenship. I think that's the first time that's ever happened. Harry used to go around boasting that, "I am the only guy in the U.S. who can prove that he's not a 'Commie'. The U.S. Supreme Court has said so." [Laughter]

Larsen: Did you present before the Supreme Court?

Treuhaft: No, I was very junior in those days. The senior partners, who had organized the law firm in 1934 and 1935 when they got out of law school, were first-rate constitutional lawyers. All of us became good constitutional lawyers because we were handling a lot of constitutional cases. There was another thing about the Communists,

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[4]Harry Bridges died on March 30, 1990. Several articles were published in San Francisco Bay Area newspapers at the time, commemorating his life. For example, "S.F. Labor Leader Harry Bridges Dies," by Carl Nolte, appeared in the *San Francisco Chronicle* on March 31, 1990, beginning on page 1.

Treuhaft: strangely enough: we not only supported the Constitution, we made it work in that period. So much for our subversion.

So, you know, the Bridges case is an example. So, he's admitted to citizenship. He goes to the Federal Court House proud as punch to be sworn in and he takes with him two officers of the union to be his witnesses, because you have to swear that you're not a Communist and your witnesses have to swear that you're not a Communist. So he picked up two officers of the union to go down to the courthouse with him to be sworn in; one of them wasn't available, so another one substituted. He's sworn in, becomes a citizen. Within a year after that he's prosecuted -- this is his third prosecution -- he's prosecuted for perjury, for allegedly falsely swearing that he was not a Communist at the time he was admitted to citizenship. They used the same tired old witnesses that they had used over a period of five or six years, who were thoroughly, what's the word --

Larsen: Biased?

Treuhaft: No. They'd been torn apart. They'd been proved to be liars.

Larsen: Perjurers?

Treuhaft: No, not perjurers, but, oh, what the devil's the word?

Larsen: Discredited?

Treuhaft: Discredited. Yes, thoroughly discredited; and it seemed it would be a pushover to win this case where they were prosecuting him for having, at the moment that he was being sworn in, been a member of the Communist party. Well, you could say a lot of things about Harry Bridges, but he was never stupid. And the whole idea was so bizarre. Not only that, his two witnesses were also prosecuted for perjury for swearing that he was not a Communist when they allegedly knew that he was. They allegedly knew that they were falsely swearing. Well, until this case came along, the lawyers who had represented him were all Communists. When they finally prosecuted Harry on this *third* occasion, we were well into the '50s -- it must have been '54 or '55 -- but it was well into the McCarthy period also. We decided we wanted to have a lawyer on the defense team who was not a Communist to sort of broaden the --

Larsen: A token.

Treuhaft: Yes. So who do we take, who comes along? The best trial lawyer in San Francisco at the time, Vincent Hallinan, who was not a left-winger at all. His only political activity at that time, I think, was sending money to Ireland to support the IRA.[5] He was never considered a radical. He was extremely rich. He had become rich as a lawyer, as a street fighter in the courts. His wife too had become rich parlaying real estate in San Francisco into millions of dollars. I talked to Hallinan when he got into the case. He said, "I've never seen such a pushover." He said, "I've never had a book like I have on every one of their witnesses. We know the whole life history of these guys. We're able to prove that they're liars." He said, "This trial is just a joke."

Well, I didn't personally participate in the trial except a couple of my bosses and former partners did, but the case ended with Harry being found guilty. Hallinan went to jail for six months for contempt of court, in this case which couldn't be lost! He was found guilty of contempt by the trial judge, Judge George Harris of the Federal District Court who had been an old friend of his, but who, as in the case when public attention is attracted to these trials, and charges of communism fly around, like everybody else, is affected and acts entirely differently. This is what happens in political cases. Harris found Hallinan guilty of contempt for arguing that the prosecution was barred by the statute of limitations. I think three years had gone by since Harry Bridges had become a citizen, so Hallinan argued this vehemently, as is his way. The judge told him to sit down and he got up and he tried to argue it again, and he was given six months in jail for contempt.

Well, Hallinan had been in contempt of every judge in California that he had ever appeared before, and nobody had ever dared even to fine him, let alone jail him. They'd fine him a hundred dollars and he'd say, "I'm not gonna pay it. Send me to jail." And then, "Oh, come on, Vince." You know. He never went to jail for a day; six months for being Harry Bridges' lawyer, and the case went up to the Circuit Court of Appeals. Conviction was affirmed. The U.S. Supreme Court reverses the conviction on the grounds that the statute of limitations barred the prosecution, the very ground that Hallinan spent six months in jail for! So, that attests to the hysteria that was beginning to show itself even in a liberal place like California. But it was happening all over.

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[5]Irish Republican Army.

The Civil Rights Congress

Treuhaft: The Civil Rights Congress was formed nationally just around the end of the war; around 1945, I think. There was a national meeting of lawyers and people interested in civil rights, most of whom were probably Communists, to form an organization that had two main emphases. One was for the protection of Communists; and another, which became equally important, and more important, was the attempt to establish civil liberties and civil rights for Blacks, which was the only important national minority at that time. It was the only politically important minority, I should say.

The prestigious organization that occupied the field was the NAACP, the National Association for the Advancement of Colored People. But the NAACP was a somewhat elitist organization. They were primarily, almost entirely, interested in court action. They had chapters all over the U.S., but the chapters were mainly conduits to raise money to send East to finance the court actions -- taking cases to court, to try to establish rights to employment, try to fight against discrimination, the right to vote, that sort of thing. Well, they had a good reputation because they had very good lawyers, but they were not terribly successful. They would win their cases very often but not until much, much later did the cases that they won have enough national importance to make a real difference in the lives of colored people. It was elitist to the extent that when Thurgood Marshall, now a Supreme Court justice, was counsel for the NAACP, he jokingly referred to it as the National Association for the Advancement of *Certain* People. That was true in my own experience. The NAACP here in California was a very unimportant organization, although it had national prestige and people would think of it in terms of fighting discrimination.

So the Civil Rights Congress was organized to have a broader, and more active, activist approach to fight for civil rights -- not only in court but in the streets -- to picket, to do things that were considered beneath the dignity of an organization like the NAACP. They never picketed. The need for such an organization by the end of the war was very great. There was a tremendous amount of dislocation in the lives of Blacks who had moved from the South to places like California and the Northwest, to work in the shipyards and other war industries. When the war was over, these people who had been living, for whom temporary housing had been constructed, found themselves in that same housing that would decay, and was now becoming permanent housing and permanent slums. And that's true, locally, even today in Richmond,

Treuhaft: Vallejo, Oakland. The temporary housing continued to be occupied, and maybe the main place Black people could occupy until at least fifteen years after the war was over. And that housing was really falling apart.

The Civil Rights Congress was also interested in pushing legislation and in defending people who were being charged under the Smith Act. I guess it was around 1948 or '49 that the Civil Rights Congress was organized and formed. It had a brilliant national leader, William Patterson, who had been one of the defense attorneys in the Sacco-Vanzetti case and the Scottsboro case (nine Black boys accused of raping two white women).

Larsen: When did you join?

Treuhaft: Pardon me?

Larsen: When did you join?

Treuhaft: Oh, we joined just right at the beginning. I think it was around '47 or '48 when it was set up. Again, it was an organization that was truly interracial. The NAACP, while it got a lot of money from the white community, didn't have very much interracial composition. White donors would be made honorary members of the NAACP, but essentially it was a Black, middle-class organization. The Civil Rights Congress appealed to the working-class Blacks and the unemployed Blacks, and left-wing whites. And in the Bay Area chapters, it was always primarily a Black organization with white membership also.

My wife became interested in it. She became Secretary-Treasurer of the East Bay local and devoted herself to it for ten years. Pretty much on assignment to begin with, from the Communist party. You had to find a place where you were going to be active -- a "mass organization" -- and this was her mass organization. As lawyers, my partner, Bert Edises, and I were the only ones in the East Bay who would take these cases.

In the East Bay, one of the main problems in the Black community, the main target in the sense that something needed immediate improvement, was police brutality. In addition to the very large Black population that had come to California in the war years, there had long been a very small resident Black population in San Francisco, Berkeley, and Oakland. The Black population that was here before the war was somewhat elitist. These were people who came because they had jobs here. These were the sleeping car porters, working on the railroads which stopped here because this

Treuhaft: was the end of the line. They had been here for generations, in Berkeley and Oakland. They had good housing and comfortable quarters.

This new wave that came in during the war overwhelmed them. Tens of thousands of new Black families inundated the area, needed housing, didn't have housing, and lived in slum conditions from the very beginning. Came from the South, mainly from rural areas, where they had no education whatever because they came from places where there were segregated schools. Most of my clients were Black, those people from the South. Very few of them had got past the third or fourth grade because if you lived on the farm, you'd be pulled out of school when the harvest and planting came along. And the schools that they went to weren't very much to begin with. They had no experience in city living so that they'd be in trouble from the beginning. They'd be under attack from their neighbors because of loud music, peeing in the streets, all sorts of accusations against them. Nothing had been planned to acclimate them to city living. It took some time.

Police Brutality in Oakland, California

Larsen: Do any of these cases stick out in your memory?

Treuhaft: Well, yes. It was so bad. At the same time we had this influx of Blacks from the rural South, with no education, no experience of city living, we also had a fairly large influx of whites from the rural South. They gravitated into things like police work. The Oakland Police Department was very heavily Southern white.

There was a great deal of corruption in the police department. There was nobody in the department to put any kind of stop at all to the unbridled brutality, hatred really, on the part of the police toward the Black citizenry here. Because once they came North, the Blacks quickly began to shed the mantle of submissiveness which had been necessary to their survival in the South. They had begun to assert their manhood, throw their weight around, show they couldn't be pushed around. So there was a lot of resentment, a lot of hatred on the part of the police toward the Blacks and the Blacks toward the police.

A common occurrence in Oakland, and I had dozens and dozens of cases reported to me, would be the Friday night rolling of the drunks. Workers were paid by check. They didn't have bank accounts. They cashed their checks Friday night in the bars, which

Treuhaft: were the only banks they knew. So they'd have a pocketful of money, they'd have some drinks, get drunk, and the police would break in or get them on the way out. Two policemen would get the drunk into a patrol car, clean out his wallet, take the money, throw him into the slammer for being drunk. No witnesses. Nothing. All you had was the unsupported word of the victim. And when they took them in, sometimes they beat them up also, for protesting about their money. Again, no witnesses. There was a sickening number of cases like that.

We went to court on some of these cases and sued the police. Very, very hard cases to win. Almost impossible. Lawyers -- very soon, we were the only ones in town -- and I mean the *only* ones, who ever sued the police for damages for these beatings. For assault, battery, injury. Of course, we also represented these Blacks at the same time when they were being charged with resisting arrest -- another favorite charge, also hard to beat.

So very soon, some of the criminal lawyers in town started to send cases to us. They'd say, "Well, I'm representing this guy, and the police really beat the shit out of him. I think he really ought to sue." I'd say, "Why don't you do it?" "I can't do it. I gotta get along with the police." [Laughter] "You got nothing to lose. Why don't you do it?" That was pretty much the attitude. And for many, many years, we were, almost without exception, the only lawyers to ever sue the police. We were, in turn, hated by the police.

Larsen: Did they ever threaten you?

Treuhaft: Not overtly, but there were times I was afraid that the same thing could easily happen to me. You know, the crudity of what they were doing was just awful. And it wasn't until one of the great things that the Civil Rights Congress did -- and this was around 1949 -- we kept petitioning Sacramento and were going after the legislators and finally got the Judiciary Committee of the [California] Assembly to send a sub-committee to Oakland to investigate the charges of police brutality. That was the first time that had happened in any community in California. And the hearings were held there. The investigator they had for the committee was depending on us for information on cases, and whatnot. We had fed them a whole lot of them. He was a former Chief of Police of Bakersfield.

Larsen: Who was he?

Treuhaft: I wish I could remember his name, but he was fired by the committee because of objections from the police, and whatnot, because of his close association with us. The poor guy, he was a conservative former chief of police and he got kicked out because he had to rely on us. There was nobody else to rely on. The NAACP played a shameful role in those hearings. The local president, a lawyer who's now a judge, said to the committee, "Well, in a way, you have to understand the police here. It's not an altogether bad thing that all these white Southerners are in the police department." (At that time there were maybe three Blacks in the whole damned police department.) He said, "As Southerners, they have a better understanding of Blacks than do Northerners. And it's not an unmixed thing."

Larsen: That's really incredible.

Treuhaft: Yes. So the cases that we won were few and far between; but when we won one, it was very satisfactory. But it was still a very much losing proposition. The whole law practice was a losing proposition.

The Jerry Newson Case

Larsen: I was about to ask if you were staying alive with the fees you were getting.

Treuhaft: Well, in this way. The case that most discredited the NAACP, and which put me and my partner, Bert Edises, on the map in the Black community, was the Jerry Newson case. This was in 1948-49.

Newson, an orphan who was about eighteen years old, lived with his aunt and uncle in one of these old wartime housing projects in Oakland. He was charged with murder. To go back a little bit, there had been a very brutal murder in a drugstore in West Oakland, the Black ghetto at that time. Blacks hadn't moved into East Oakland yet. All of 7th Street was sort of the hub of the Black community, and there was a large Black community all around the West Oakland area. The housing projects have been torn up and redeveloped since then, and the Blacks moved out of there, but at that time Harbor Homes was the name of the housing project where Newson lived. There's a drugstore at the corner of 7th Street and Adeline. A white pharmacist named Savage and his very light-colored Black assistant were found shot through the back of the head.

Treuhaft: The papers picked it up immediately, notably the *Oakland Tribune*, and called it an execution-style murder because they had been shot in the back of the head by a large caliber gun -- each one of them -- and it appeared that the bullets that went through the back of the head also went through the fingers. So it appeared that they were holding their hands in front of the face and were shot in a kneeling position in an execution-style murder. So there's a white pharmacist and his assistant, who was married to a cousin of Lionel Wilson, the Mayor of Oakland now. There was a tremendous manhunt for the murderer or murderers. And there was a lot in the papers. They had no clues. A couple of weeks went by and there was pressure on the police to produce a suspect. We read in the *Tribune* -- the first we read about it was in "Shoeshine Boy Confesses." Headline. First news about this guy.

They had a picture of this young Black, eighteen and a half years old, in custody. My wife and I saw that in the evening (the *Tribune* was an evening paper at the time). We were immediately very skeptical and wondered what the devil was going on. She lost no time at all. She was Secretary of the Civil Rights Congress at the time. She scooted down to the address that the paper gave, Harbor Homes, and found the place surrounded by police. The boy was in jail but the aunt and uncle were there. Decca got in, got through the police, and talked to the aunt and uncle. Police were searching the place for guns and whatnot. She talked to the Newsons and she offered legal help. She didn't know anything about the case, but these people wanted the help. I went to see them and they authorized me to act as attorney for the boy.

It took hours for me to get in to see him. When I saw him, he was already charged with the murders. They already had the confession, so-called. What had happened was that two weeks earlier, he had been arrested for robbery. He had robbed the office of his own housing project, and the police picked him up because he started spending money very freely. He had a shoeshine stand on 7th Street, and the shoeshine boy bought a ring for $100, you know. Bam! The police got right on him, and he in no time confessed that he had held up the housing project and taken $500.

So, while he was in there for a week on the robbery charge -- no lawyer, of course (this was before Gideon[6]) -- one of the detectives said, you know you can get into deep trouble if you go around

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[6]Gideon v. Wainwright was a landmark decision that allowed clients to have access to their attorneys during interrogations.

Treuhaft: for some time afterwards, we knew that they didn't have any firearms evidence -- evidence to connect the gun that they found in his home with the bullet, the fatal bullet. You know that's tested by the barreling. Imperfections in the grooves in the barrel of the gun make characteristic marks on the bullet and you can identify a bullet fired from that gun. They'd fire a test bullet from the suspect's gun, and try to establish a match with the fatal bullet.

Well, we knew that they didn't have that, because we knew through the contact that I had that the Oakland gun experts were unable to establish a match. They had gone to San Francisco to see if San Francisco's experts could establish a match, and the San Francisco man couldn't do it either. What we didn't know, we learned this only at the trial -- was that at the last minute, just before the trial, they had sent the evidence, the firearms evidence, to Paul Kirk, a University of California physics professor. He had come up with a match when nobody else could.

So when the case went to trial, they had impressive firearms evidence. We didn't have a chance. Kirk covered the walls of the courtroom with huge blow-ups of the fatal bullet, taken through a binocular microscope alongside the test bullet, to show how the lines and striations matched. But there was something peculiar about the photographs because there was a sort of fuzzy white space in between the two fields, and there were pencil marks to carry the lines across and a pencilled line to mark the separation of the fields.

Well, Newson was convicted of first degree murder and sentenced to die in the gas chamber. We, of course, filed a motion for a new trial. While this was pending an astonishing thing happened. I was contacted by the Oakland Police Department's own technicians, the ones who after weeks of study had been unable to establish a match. They wanted to talk to us off the record about the firearms evidence. They called me up and said, "Don't, whatever you do, let that firearms evidence get out of the courtroom. Make sure that it is preserved." So then they met with Bert and me privately, in our office. "We know our business," they said. "We could not find a match. There are always accidental matches. They sent this evidence over to this big-shot in San Francisco, a hot-shot expert. When he couldn't find a match, they took it away from him and they sent it to this guy in Berkeley. When we heard that he claimed that he had a match, we said we'd like to see it. And we went out to his laboratory, and we rotated the bullets and we couldn't see it. He had an assistant show us. We only saw what one called 'accidentals,' which you see anytime but which disappear when you rotate the bullets.

Treuhaft: "Those photographs though are absolutely phony. That white line doesn't exist. There's supposed to be a hairline within the microscope that separates the two fields. We asked him [Kirk] why there was no hairline, why they had to draw the line in by pencil -- he said, well, something was wrong with the equipment, and we got this white space in between. Then he drew his pencil lines in such a way that instead of separating the two fields as a properly adjusted hairline should, it goes through the edge of the field of one bullet. When you do that, it's obvious that everything on either side of the line will match."

I'll never forget those men, Fuller and Davis, good Catholics, who put their jobs on the line by giving us affidavits for use on our motion for a new trial. We lost on the motion for a new trial. Death penalty cases go directly to the State Supreme Court. The Supreme Court reversed the conviction, not on the firearms evidence, but on other grounds, and ordered a new trial. Well, having won on the Supreme Court was a tremendous victory. The guy had been in death row for about a year.

This kid, whom we got to know quite well -- I became convinced of his innocence. Usually in criminal cases, I'm pretty skeptical. I don't care whether my client is guilty or not. But in his case, I really wanted to know. So I said to him before the second trial, they may have some fingerprint evidence. He said, I was never in my whole life in the back room of that drugstore. He said, "I've been in front, I've been inside and that kind of thing, but not in the back."

"Look," I said, "That's a big statement to make. You have to be very careful. If you were ever in there for any innocent purpose, you'd leave fingerprints around. If you testify that you were never in that room and they produce fingerprints, you're dead. So be very, very careful. It's safer to say, 'Well, I might have been in there, I was in there from time to time, I was in there a lot,' so that if there are fingerprints in there, you're covered." He said, "Well, if my life depends on it, I was never in there." Well, that was pretty strong evidence to me, that I was giving him a way out.

For the second trial, we had weighty firearms experts of our own and thoroughly discredited their firearms testimony. The result, however, was not an acquittal, but a hung jury. The prosecution persisted, and the case went to an almost unprecedented third trial. Each of these trials would last a month. I lost twenty pounds during each of those trials. And gained them back. The third trial ended also with a hung jury. The same prosecutors

Treuhaft: were in the case all the way through. One of them is now a federal circuit court judge -- Jensen, Lowell Jensen. When the district attorney, Frank Coakley, was asked whether he'd go for a fourth trial, he issued an angry denunciation. He said, "No, he knows he's guilty, but we can't prove it because these Communists have subverted justice."

On the appeal to the Supreme Court after the first conviction, Coakley asked for a rehearing in the Supreme Court, and in his brief he warned, "The justices must remember that appellate courts are created by the people, and by the same token can be abolished by the people, and you have let yourselves be subverted by these Communists." He went wild, out of his mind, to file such a brief in the State Supreme Court.

And so, after three trials, the murder charges were dismissed. But Newson didn't go free. He had pleaded guilty to the earlier offense -- robbery of the housing project. For a first offense, an eighteen-year-old would usually get a maximum of five years and he would be out in a year and a half. Well, he was kept in jail for eleven years on that robbery conviction. Every time he came up for parole, Coakley would warn the Parole Board, "This man's a killer, we know he's a killer. Something went wrong in his trial, but it's your responsibility. If you let him out, you're letting a killer out, a murderer." And the parole authority never did grant parole. Finally, we went to Court, and finally prevailed on a writ of habeas corpus. But anyway, it's a long, long history, and it was fascinating.

We became extremely well-known in the Black community. The NAACP had refused to take the case. I'd gone to them. I went to a meeting of the executive board, and I said, "Look, we need you in this case." They said, "We don't represent murderers."

Benjamin Treuhaft: Whatever happened to the Oakland Police Department firearms experts?

Treuhaft: We called them as witnesses.

Benjamin Treuhaft: Were they fired?

Treuhaft: No. They had civil service. They were in pretty solid positions because they had the goods on this guy. They really did.

IV BAY AREA FUNERAL SOCIETY; THE AMERICAN WAY OF DEATH; BERKELEY CO-OP ACTIVITIES; RESIGNING FROM THE COMMUNIST PARTY

Forming the Bay Area Funeral Society

Larsen: I'd like to have you tell about your experiences with the Funeral Society.

Treuhaft: Well, that began in the latter part of the '50s. I would guess around 1957. It came about indirectly as a result of my being a [Berkeley] Co-op member, and it resulted later on in my being more active in Co-op politics. What happened in the latter part of 1957 was that it had been suggested that the Co-op set up a committee to investigate funeral costs, having in mind the possibility of setting up a funeral cooperative. I came on as the third, fourth, or fifth member. Josiah Bartlett, who was Dean of the Pacific School of Religion, was the initial chairman. Then there were two women Co-op members who were fairly active in Co-op local politics, and they decided they wanted some labor representation.

So they got in touch with the longshore and warehouse union. I think they suggested my name because I was the East Bay attorney for the union. They got in touch with me: would I sit on that committee, and I did. That's the committee that did the investigation of funeral costs, which resulted in the formation of the Bay Area Funeral Society, the first funeral society in California, the second one on the West Coast.

Larsen: That committee was under the sponsorship of the Co-op?

Treuhaft: The Co-op really just floated the idea. I suppose we did report on what we were working out. I became fascinated by it. I thought it was appropriate for me as a union representative to be there because of my experience in union activity and union contracts. From that experience, I knew that the hard-won gains of workers for death benefits and other fringe benefits would be quickly dissipated at the time of the death of the breadwinner, because the

Treuhaft: funeral directors had an uncanny way of knowing what the death benefit was for every union. It turned out that the cost of the funeral would be very close to the amount of the death benefit. This had not been contemplated by the union people in negotiating these contracts. They thought a death benefit was for the family and that the funeral would be a minor expense.

Anyway, that's what happened; on investigation, I found that it was true that the funeral directors did know, and they did circulate among themselves, information about what these death benefits were. It was no secret what the benefits were, but somebody had to compile them and take the trouble to find out what they were.

Larsen: What was your method of investigation?

Treuhaft: We did it in a totally unscientific, free-lance way. We would go around asking and meeting and talking to people. We got most of our information from funeral directors. Now most of them were hostile to the idea from the beginning, so we concentrated on the people on the fringe, who were not themselves too much a part of the funeral establishment.

Larsen: Give me an example of the fringe.

Treuhaft: The funeral establishment is the California Funeral Directors Association. That's their trade organization. And just about every funeral director, at that time, belonged to it. There was a state licensing board called the State Board of Funeral Directors and Embalmers, but it was dominated totally by the California Association, and whatever the rules of the association were became the state regulations. For example, the Association adopted a rule, which was adopted as a regulation by the State Board, prohibiting price advertising by funeral directors. In those days, professionals were considered exempt from the anti-trust laws. So the funeral directors started calling themselves professionals, like doctors and lawyers. They wouldn't have to publish their prices and it would be "unethical" for a funeral director to advertise his prices, just as it would have been at that time for a lawyer. Those were the days, long before the advertising by lawyers was legalized by the U.S. Supreme Court.

Nicholas Daphne was a young funeral director in San Francisco, struggling to break in. He had a large, imposing establishment, and he had a great sense for publicity, and he had gotten in deep trouble with the State Association. As a matter of fact, he had been expelled for advertising his prices. He had been running an ad on the obituary page of the *Chronicle* and in the *Examiner*. It

Treuhaft: was a one-column, six-inch ad and about half of it was taken up with a great big $150: "Funerals from $150." This was in the '50s. The State Association and the local Association had such strong control over the market that they were able to get the *Chronicle* and the *Examiner* to refuse to take these ads because they contained price advertising.

So Nick changed the ad from "Funerals from $150" to "Parking for 150 cars," with the same big "150" dominating the ad. You had to study it pretty closely to note any difference from the old price ad. This enabled the State Association to charge him with being slippery and evasive and that sort of thing.

Daphne became an important source of information for us. We became friends, and I represented him in his appeal of his expulsion from the State Association. The appeal was heard by the executive committee of the State Funeral Directors Association, a private association. So, that's a digression.

Just to finish the digression, however, the trial was held in Santa Monica, at the time of the annual convention. I asked Nick, "Why do you want to be a member of the association?" He said, "Well, my wife likes to go to the conventions. She has a chance to dress up and go to the ball. And I like to play golf. I've won the last two tournaments. If I win one more, I keep the trophy." He said, "I really don't give a damn about them or need them because I'm doing fine without the association. They don't do me any good."

He wanted to fight it, however, for the publicity value. So we alerted the press and made sure that he didn't fight it too hard so he remained expelled. And the press covered it, and we got headlines in all the San Francisco papers about this man who was expelled from the Funeral Directors' Association for advertising cheap funerals. This publicity was worth millions to him later on. Anyway, he was the only one initially who cooperated with us, except for a newly opened establishment in Albany, a Black funeral director by the name of Harris.

So we contracted with Daphne for funerals at reduced prices for our members, and we were in a position to monitor them and make sure that they didn't try to oversell, that sort of thing. It's the only cause that I've ever been identified with -- the Funeral Society, the Bay Area Funeral Society -- that was solvent from the beginning. It was extremely successful. It grew rapidly, and it grew almost too fast, but it was very successful.

Larsen: Did it draw from Co-op members? Or draw from the general public?

Treuhaft: Oh, general public. We started with the appeal to Co-op members, but it was the general public that came in. And by general public, it's rather a stratified area. It was never easy to get working-class people or Blacks or minorities; people who were most imposed upon, most exploited by funeral directors, really didn't join. Just as in the Co-op, it was not the poor or the Blacks who made the Co-op. Consumer co-ops in the U.S., especially out here, have always been egghead outfits with bases in the university, people with middle-class tastes and incomes and that sort of thing. Unitarians were the great initial source of membership. It was a great place for Unitarians.

And so, incidentally, my wife used to tease me about these meetings I used to go to. We met once a week for a while and then once every two weeks, and she'd ask, where to now, and I'd say it was the Funeral Society. "Oh, to meet your fellow necrophilists?" She showed no interest in it at all until I started bringing home some of the trade magazines with titles like *Mortuary Management*, a national slick magazine. And then there was one called *Concept: The Journal of Creative Ideas for Cemeteries*. Well, whenever you're doing research the best place to start is with the trade journals because they're not intended for public consumption. It's where the people on the inside trade information on how to do business, and, naturally, how to make maximum profits. So she became interested in these publications and they became a prime source for The American Way of Death,[1] which came out a few years later, in 1963.

The Cost of Funerals

Larsen: What did you conclude was the mark-up in the average funeral?

Treuhaft: Well, you know what the basic cost of a funeral is. The coffin, called "casket" in the U.S., can be a wooden box with gray covering over it. The wholesale cost may be $35 or $40; the cost of the funeral with that casket would be $750. You'd think such a mark-up would be enough, but those are the ones that the funeral directors discourage you from buying. Even those who advertise

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[1]Jessica Mitford, The American Way of Death (New York: Simon and Schuster, 1963).

Treuhaft: that you can get a funeral there for $750 will do everything possible to steer you away from that casket. Usually it would be kept in the garage. They show you around the display room where the caskets are $4,000 or $5,000, $3,000 or $2,000, and then if you wanted something cheaper, they said, well, we can show you a China. "What's a China?" "Oh, that's what we use to bury Chinamen in." And that would be the wooden casket with the gray covering. To some people, for example, the funeral society types and the Unitarians and the middle-class people, that was the most attractive kind of burial container because it was simple and it was wooden, and it even complied with a Jewish requirement that you have a wooden casket that would disintegrate with time.

All of the funeral directors use the same pricing method. The cost of the funeral includes all services and the price is determined by the cost of the casket. So, if you take the $4,000 casket, or the $700 casket, you get exactly the same services. In other words, you are embalmed, put on display in the embalmed state so that friends who were encouraged to come and look you over would see you had the use of the chapel, and you had everything done first-class. The reason for that was not because of a sense of honor on the part of the funeral directors, that they wanted to see that the poor guy was done by, just as well as the rich. It was that the funeral itself is their best advertisement. If they can attract people there to the funeral, they want everything to look as if it's first-class, regardless of what you're paying.

So they put their pressure on at the point of sale, where they tried to up-grade the sale because the $4,000 casket had no relation to that $4,000 price. Instead of $35 in the '50s, it might wholesale for $100 to $150 today. But still the big spread would be in the gorgeousness of casket that was used.

This was well-illustrated in the case of the John Kennedy funeral, President Kennedy. In Dallas, the president's staff was just falling apart, they couldn't think. They wanted to do whatever they were told was right. The local funeral director sent a five thousand dollar bronze casket. You know, the hospital sent the body, the funeral director put it in the casket, and they sent out a bill for the $5,000. That would cost, maybe, $25,000 now -- that same casket. Well, Bobby Kennedy, when the remains got to Washington, he had read The American Way of Death. . .

Larsen: How do you know this?

Treuhaft: Manchester wrote about it.[2] And Decca also learned about it. When the body got to Washington, they removed the body from the $5,000 bronze beauty, and they put it in a plain, fairly inexpensive mahogany casket. And then there was some argument. Oh yes, again, I think it's in Manchester, in negotiating the price with the Dallas undertaker. Since they didn't want to pay for it, he said, "Well, that's OK, it won't cost you a dime, just return it to me." Well, they saw through that. They realized that he was going to put it on display as the casket in which Kennedy had lain, so they worked out a deal and paid him half of the price.

Writing The American Way of Death

Treuhaft: Anyway, to put it back into the context of my career. . . At that time, I suggested to Decca that she do a magazine article on the Bay Area Funeral Society because of the amazing success that it had. So she did an article which was rejected by the prestigious national magazines, but was taken for a fee of $40 by an obscure southern California magazine called *Frontier*. It was called "Saint Peter, Don't You Call Me," meaning, "I can't afford the price of a funeral." *Frontier* had a circulation of about 3,000, but the Funeral Society ordered 10,000 reprints and we circulated those in the Bay Area.

Cap [Casper] Weinberger, the former Secretary of Defense, at that time had a weekly television talk show called "Profile Bay Area." He was considered a liberal in those days, and he had a good sense of humor. Having been sent a copy of Decca's "St. Peter" reprint, he invited her and Dean Bartlett -- Josiah Bartlett, who was the president at that time of the Funeral Society -- to be on a panel show with two undertakers. Sort of a debate. And wouldn't you know it, the two undertakers who showed up were a Mr. Sly and a Mr. Grimm. [Laughter] It was a hilarious show and it got a lot of publicity, because Terence O'Flaherty, who had the *Chronicle* TV column, wrote that the show generated more mail to his column than anything since Tamalpais High School put on a performance of "The Bad Seed," a play which was considered too sophisticated for high school kids.

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[2]William Manchester, Death of a President, (New York: Harper and Row, 1967).

Larsen: How did you feel about Decca taking over the work you had done?

Treuhaft: Well, as a result of that, somebody came out here to interview Decca, because he was going to do an article for the *Saturday Evening Post*. So she and I met with them here in the house and he got the story from both of us. He got the history of the whole thing. Then he sent a draft of the article, and it was all about Decca. And he said, "I hope you won't mind, but in writing something like this, I know that you mentioned all these other people who were involved, and yourself, but really it's better to concentrate everything on one person. And if it's a housewife. . ." So, he did the article for the *Saturday Evening Post* and called it "Can You Afford to Die?" That brought to the *Saturday Evening Post*, according to the editor who called us, more mail than they had ever received on anything that they had ever printed. Decca was identified in there as an Oakland housewife. We would get bags of mail. And the post office called me and they said, look, we have a bunch of mail here that's addressed to Mrs. Treuhaft, Cheap Funerals, Oakland, no address. [Laughter] So they sent it along to us.

So at that time, we called the author of the article, Roul Tunley, who was also an editor of the *Post*, and said, "Look! There's a terrific response. Why don't you do a book about it?" I'd been after friends to do a book about it, unemployed writers that I knew. Nobody seemed to be interested. I was always surprised by all this publicity, by the amount of interest in it. So he said, no, he's working on some other project and he can't do it. Why don't you do it? So, I put it to Decca, and she said that she would do it on one condition, and that is if I would take a year off from my law practice and do it with her. So that's what I did. I did take the year off. I was doing it as a labor of love, but as often happens with labors of love it turned out to pay off quite well too. I don't think I ever made as much money in my law practice as we made out of that book. It's the only book that she's written that was really a best seller.

Larsen: Was there any dissension in the Co-op group about going into the Funeral Society?

Treuhaft: Oh, no. The Co-op, as I said, had little interest in it. It was just somebody on the committee who suggested setting up this committee; once it was set up, we were totally on our own. Because we had decided against setting up a funeral co-op, a cooperative organization for reasons I can't really recall, but it would have required capital expenditure, and we thought that we could do

Treuhaft: better at that time by being a consumer watchdog for our members. And that's the way it's turned out, anyway, all over the country.

As a result of The American Way of Death, there's a tremendous increase in interest. Funeral societies were set up in every state in the union, I would suspect. And there's now a national association, the Continental Association of Funeral Societies.

Larsen: How long did you remain associated with them?

Treuhaft: Well, I was on the board and I became president around 1960 for a year. I was on the board for another. Oh, I think I was associated with the Funeral Society closely for about ten years. I was still on the board of the Funeral Society when I ran for the board of the Co-op.

The Berkeley Co-op

Larsen: When did you first become a Co-op member?

Treuhaft: Well, I think I became a Co-op member shortly after we moved to Oakland, which would be about 1945. And I just routinely became a Co-op member because everybody we knew were members of the Co-op. I know that in the '60s and in the '70s, one-third of the families in Berkeley belonged to the Co-op. That would be the liberal segment of the population. In other words, Berkeley and the Co-op are so closely integrated that because the Co-op elections were held in December/January, and the Berkeley primary elections were held in April, you could always predict what was going to happen in the Berkeley elections from what had happened in the Co-op elections. One followed the other. If there was a Left liberal group elected in the Co-op, you'd find that same type of group would be elected to the city council.

Larsen: So it was just a bellwether.

Treuhaft: Yes, very much.

Larsen: I have a complicated question: As I have read about the Co-op, there seems to be three aspects to it. One is that it's a social institution; one is that it's a kind of democratic way of running a business, participation by the consumer; the last is that it's just a plain old competitive store, or stores. What was your view?

Treuhaft: Well, it has all three of those things involved. You see, cooperatives, this type of thing, started in England with the Rochdale Society. Rochdale was a small, poor mining town in Lancashire. And this was toward the end of the nineteenth century. It had a very strong, militant, totally labor stronghold, which meant in those days that it was socialist. The labor party was a socialist party, a true socialist party in those days. And it was a consumer organization formed to protect the individuals from exploitation by the capitalist shop-owners, and whatnot. That's pretty much the form in which the co-ops came to the U.S. The consumer co-ops in the U.S. have never succeeded. I'm talking about consumer cooperatives. The only places that they have ever been fairly successful are university towns. It's strictly an egghead-based organization. The Berkeley Co-op was by far the largest in the United States in membership. It had over a hundred thousand members. And it had its important base in the University of California at Berkeley. The next largest was Palo Alto; next largest, Hyde Park, Chicago. And then there was also one in Washington, D.C., which had a similar type of liberal middle-class population to draw upon. There again, the working-class participation was always minimal.

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Larsen: Why was the working-class population not interested in consumer co-ops?

Treuhaft: I don't know. You know, working-class organization, to the extent it exists, is in labor unions. You'd think that labor unions would be interested in co-op development, but they never have been. I used to go to union meetings since at that time my law firm represented a lot of labor unions, and I had entree to all of them at the meetings. It was very hard to get to speak at a union meeting. When I went there to speak on the Funeral Society, to try to get them to come in and offering group memberships at reduced prices, and that sort of thing, oh, there'd be waves of lack of enthusiasm. After speaking for a few minutes, I'd hear, "Okay, why do we have to talk about that gloomy stuff? Let's get on to something else." I found no interest whatsoever.

And that's what made me feel, well, the way I did. I knew what the membership of the Funeral Society was; I knew it was drawn mainly at the start from the Unitarians. And so far as consumer cooperatives were concerned, I don't know. Maybe there's a basic suspicion on the part of union people, working-class people. A lack of trust, and maybe also a lack of time. Middle-class people

Treuhaft: can devote more time to organizations like this. And there's nothing in it for them. In other words, the leadership on the boards of the cooperatives are all unpaid and I guess people are suspicious. Well, why are these people doing it for nothing? You know, how come?

Larsen: In that respect, it takes on some of the aspects of a church organization.

Treuhaft: Yes, I think very much like that. Now the success of the Berkeley Co-op -- we always call the Co-op the Berkeley Co-op because when I became a member, there were three shopping centers: Shattuck Avenue and Telegraph Avenue and University Avenue. Basically, the Berkeley Co-op was two [stores]; it started on University Avenue, and then it bought the land and built the highly successful Shattuck Avenue center, which at one time had the largest volume of sales of any shopping center in the whole Bay Area. Enormously successful. Made a lot of money for the Co-op.

The Sid's Stores Purchase

And then, shortly before I ran for the Board of Directors, a very disappointing thing happened. The then Board of Directors, that I had no connection with and knew very little about, made a deal. They wanted to expand, and there was a chain of stores called Sid's Markets which had markets in Walnut Creek and Castro Valley and one in Oakland and was coming up for sale.

Now the Co-op had the Shattuck Avenue store and the original University Avenue store. They were at that time paying a 4 percent dividend every year on purchases. You'd get a check at the end of the year for 4 percent of everything you'd spent at the Co-op. They wanted an additional store in Oakland, around Ashby Avenue, as close to Berkeley as possible.

They had their eye on this Sid's Market at Telegraph and Ashby, a very large store. But they found out that in order to buy it, they'd have to buy the whole chain. So, in total secrecy, justified by business reasons, they bought the whole chain, and they got it very cheap. But they found out when it was bought that they weren't buying anything because Sid's didn't own anything. Sid didn't own any of the stores. He just leased the stores. He didn't own the shopping carts. He didn't own the fixtures. Everything was leased. So they were buying a bunch of leases.

Larsen: And good will.

Treuhaft: And good will. At the time they bought the Telegraph Avenue store, the lease turned out to be a very unfavorable one; although the initial rent was low, there was a clause in there that based the rent upon sales, and if sales went over a certain figure the rent would go up. Well, as soon as the Co-op took it over, the sales doubled, and the result is that the doctor who owns that building has become very, very rich. He's been traveling his yacht around the world on the money he gets just out of that Co-op store there, totally unexpected.

Larsen: This occurred before you were on the board?

Treuhaft: Yes.

Larsen: Can you elaborate on why the board did this in secret?

The Co-op and National Politics

Treuhaft: Well, I don't think there was any corruption involved at all. I think it was just very bad judgment. The Co-op had been organized initially by a group of Finns in the Bay Area. Now among the Finnish community there are Red Finns and White Finns. These were the White Finns.[3] And also it had a rather large Japanese base, mainly among the employees. Most of the employees in the produce department were Japanese. The general manager, Gene Mannila, and most of the leading people in the Co-op were Finns. They were dedicated consumer protection people. They believed basically in the co-op principle. They wanted the Co-op to succeed. They were also members of the national Co-op League.

The head of the Co-op League at that time was Jerry Voorhis. He was the [U.S.] congressman, the liberal congressman from southern California, who was defeated by Nixon -- if not by Nixon, by a Nixon prototype. Jerry Voorhis was a liberal and became head of the Co-op League, but he was a rather virulent anti-Communist. He was a real strong cold warrior. My wife, Decca, knew him in Washington when he was a congressman. When the Funeral Society invited him to speak in Palo Alto, we went to the meeting, and he tried to ignore her. This was in the '60s, I guess.

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[3]Red Finns are Communists. White Finns (so-called by us Reds) could be anything, politically. Some, I'm sure, wanted to call themselves Socialists, but all were regarded as anti-us, and therefore anti-progressive, and certainly anti-Soviet. There are two Finnish halls in Berkeley. One is clearly Red; it houses *The People's World* and various Party affiliates. R.T.

Treuhaft: He was afraid of any red taint. Well, this had affected the Co-op League and the co-op people here. They wanted to spread the co-op idea around at that time. They had political support in Washington from the druggist from Indiana, H-H-H.

Larsen: Humphrey.

Treuhaft: Humphrey, Hubert Humphrey. [Laughter]

Larsen: He was from Minnesota.

Treuhaft: Yes. Right. Humphrey, since he was vice president, was busy backing AID [Aid to International Development] projects in South America, and in Africa, and in Southeast Asia. They also had projects to set up cooperatives in those countries as a means of siphoning off energy from Communist causes. In other words, this was going to be "The Third Way"; it was going to stop communism in other parts of the world. And I have documentation on that; I'll go into it later. In the same way, these people were not being overtly anti-Communist.

They wanted to establish a co-op kind of community. And they wanted it to grow as fast as possible. They thought one way of doing it was to have stores in these centers which would attract the people. Well, they should have known from their own experience that it's the people who build the stores and not the stores who build the people.

In Castro Valley, for example, as soon as the Co-op sign went up and they stopped giving away green stamps, the patronage dropped by half. Unlike Berkeley. In the blue-collar areas, it knocked the hell out of these stores and they never, never made money. Except for one store, which we built ourselves, in Walnut Creek. Then we built one in Marin County. But none of these outlying areas, which they had hoped to build a huge co-op complex out of -- none of them worked. So as soon as they bought the Sid's Stores, the Co-op started to run in the red and never came out of the red.

Nomination to the Co-op Board of Directors

Larsen: You were nominated to the board.

Treuhaft: Yes, I was nominated without even knowing about it; just somebody said, you're nominated and . . .

Larsen: You'd think they would give you at least a phone call.

Treuhaft: Yes. I suppose I was asked whether I'd run and I said I would. But there was no contested election when I ran. I was nominated by the nominating committee, and I don't remember anybody running against a candidate of the nominating committee before that.

Larsen: What was the purpose, do you think, in nominating you?

Treuhaft: Well, I was sort of well-known as a lawyer, and I suppose I was known also as a result of the Funeral Society activities. That was about it. I'd never been to a Co-op meeting. Never attended one as a spectator until the first meeting I went to, which was the meeting I attended as a board member.

Larsen: It sounds like you were nominated not for your left-wing orientation.

Treuhaft: Yes. I don't think so. Maybe they wanted a lawyer on the board. Maybe they wanted somebody from Oakland. I don't know. I've never looked into who nominated me or why because there was not a political split on the board at that time that I was aware of. And what term was I elected to? Oh, I was elected to fill an unexpired term. I think I was elected for two years.

As soon as I got on the board, I started asking questions, mostly out of innocence, and wanted to know more. Eugene Mannila was the general manager and Emil Sekerak was the education director.[4] I'd ask questions and they seemed to resent people asking questions. It wasn't really being done by board members, and especially asking questions about what are we doing about Castro Valley and why are we losing money. There was a sense of crisis from the beginning there. So, I don't even remember who the president was when I came on . . . Yes, I think

[4]Eugene Mannila and Emil Sekerak have been interviewed on tape for the CCB Oral History Collection.

Treuhaft: I know who was president.[5] Anyway, a division began to develop within the board as a result of this feeling, for the first time, of lack of total unanimity and agreement between the board and management.

Larsen: Up to that point, what was the relationship between the board and management?

Treuhaft: The management would come in to each meeting, report on the situation, make recommendations, and the recommendations would be voted on by the board. And there was rarely anything that came up where the board would be in disagreement with the management. That's the way it's supposed to be in an organization. Management is supposed to run things. The board is supposed to set policy. And if the board and management are in agreement, everything is fine. But here we were faced suddenly -- instead of getting a 4 percent return on our money, we were running into the red. And questions had to be asked.

The Role of the Education Director

Larsen: What was the role of the education director?

Treuhaft: Well, okay, I didn't really answer your question about what attracts people to the co-op, what sort of organization it is. The thing is that there's certainly the consumer aspect; and again I harp on the business of the middle-class, egghead nature that somewhat characterized the co-op membership in those days. Who were the people who were most price-conscious and who don't give a damn what the brand is? The middle-class people. It's the poorest people who are dedicated to one particular brand. They have to have this kind of beer. It's influenced far more than the middle-class population by advertising.

And so, the Co-op membership was interested in saving money. They weren't interested in brand names. And if they could save money and get a good product on the Co-op label, that's what they would buy. The Co-op label was the main source of trade in the Co-op, and the main source of profit for the Co-op.

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[5]George Little was President of the Consumers Cooperative of Berkeley Board of Directors in 1964. Little (and his wife, Angela) have had taped oral histories completed by the Berkeley Historical Society for the CCB Oral History Collection.

Treuhaft: So there was a strong consumer angle, a strong angle on the part of many people in the Co-op, and it was anti-business. Politically left and suspicious of business, not liking business, not wanting to be taken advantage of by business. A dislike of the chain store operations, awareness of improper practices on the part of the chains -- for example, having price wars and pricing practices designed to drive non-chain competitors out of business. In other words, in certain areas they would reduce their prices to a point where they were losing money in order to force the competition out of business. And then, of course, they'd boost the price up again. Having higher prices in the ghetto areas than they did in the middle-class areas. All those things.

There was that consumer aspect, and there was the politically tinged feeling of animosity toward the chains. And the whole idea of the Co-op was to be a bellwether, and to establish a standard that the other stores would have to maintain, that might influence the way the chains operated. So, as part of this, we came up with many innovative things. They already had it -- the idea of an education director, which was to educate people on consumer issues. They had a consumer staff under the education director, at least one to a store at that time. They would put on demonstrations in the stores, they would put out bulletins, they would monitor the quality of Co-op labeled goods, going back to the Co-op label manufacturers. They had a kiddie corral where you could leave your little children in a pre-school kind of atmosphere with a pre-school instructor there to take care of them. None of the chains had this, and coffee bars, things that the chains would pick up later on and copy. But the chains began to become far more aware of consumer interest, and put consumer information on labels, which they never did before. Also, the education director was to try to move into legislation in Sacramento for consumer protection. All those things. So we figured that the chains spent about 2 percent of their volume on advertising. Since we didn't advertise, we spent that 2 percent, which was a large amount of money, on the education department.

Larsen: Through the education director, could the community in Castro Valley have been brought into the Co-op fold?

Treuhaft: He was supposed to try to do that. But there was really no way to do it. If it could be done, the education staff that we had wasn't capable of doing it. I suppose the board would need local political organizers, people who knew how to deal with local politics, which was entirely foreign to Berkeley. You know, Berkeley

Treuhaft: is quite different, as we all know. When I ran for district attorney, I carried Berkeley, and I was wiped out in places like Castro Valley and Hayward, and in the southern part of the county.

Larsen: What you're saying is there was no hope for the Castro Valley store.

Treuhaft: No, there was no base there. It was not because we did anything wrong, we couldn't have done the right thing. The thing that tells is the fact that as soon as we stopped giving out green stamps and tried to give consumer information instead, people flocked away from the Co-op. So that's the consumer part of it. The Co-op also became a more interesting place to shop. You know, shopping is a pretty boring thing. But if you go to one [store] where you know the people, know people of similar interests, and where there are free-speech tables around there, selling all sorts of crazy things and espousing all sorts of points of view, this annoyed lots of people but also it attracted lots of people. In the '60s, one of the great things was the grape boycott.

The Grape Boycott

Larsen: Was that political or economic?

Treuhaft: It was political, highly political. The farmworkers were organizing. For the first time, it looked as if they were going to have some possibility of success in California, after many, many defeats. They were getting substantial support from urban areas, from liberals and people to the left in the urban areas. When they called for a grape boycott, it was directed towards consumers, and they picketed stores and tried to stop people from buying grapes. We went beyond that. We banned grapes from the stores. We refused to carry grapes.

Larsen: Were you part of that decision?

Treuhaft: Oh, yes.

Larsen: How was it presented to you?

Treuhaft: Well, nobody came to us specifically for that. I think we had the idea ourselves. Some of us. There was fairly good labor representation on the board, and every time there was a major strike where there was a call for a boycott -- it didn't happen too often -- but there would always be a move on the board to ban the struck goods from the store. Now, we weren't always in agreement on that. Sometimes, we'd just put up signs saying, "This product is

Treuhaft: a subject of labor dispute. But you have freedom of choice. You can buy it if you want to." On the other hand, some of us thought that by buying it and putting it on display, we were supporting the manufacturer as against the workers.

And in the case of the grape boycott, it carried a lot of emotional feeling, I think. The whole idea of supporting the grape workers was because we knew that they were exploited people. We knew that these weren't rich labor union people, well-paid labor union people wanting more money. We knew that it was people living in a destitute condition. Everything we know from The Grapes of Wrath onwards. It had a lot of social and political and emotional impact.

So we banned grapes from the stores. I would say that we lost maybe 5 percent of our membership as a result of that. But, as a result, we gained tremendously. We took business away from the chain stores that were operating in the area and selling grapes. Students at the university became members and there was a really strong feeling. I know that there may be disagreement on the part of management about the effect of the grape boycott; but there's no doubt in my mind that the time that the Co-op did best was when there was controversy; although there were people who resented the fact that Hippies were manning the tables at the Co-op, raising money for the Berkeley Free Clinic, and that sort of thing.

Larsen: Was management in disagreement on the grape boycott?

Treuhaft: Oh, yes, very much. They were strongly against it. It was actually shoved down their throats. They hated it. And they hated the whole thing of the free-speech tables and all that. They wanted to run a business that could be run more efficiently and better than the chain stores. The chain store operation was their model. Any innovations had to be really jammed down their throats because it took away volume. You know, they were always telling us, "Volume is the name of the game. We've got to build up volume." And of course, volume is important, but they messed up a great deal by taking as their models the chains. And the chains, on the other hand, were at least sensible enough to look over our operations and take for themselves things like coffee bars, and whatnot, that they thought might be useful for them.

Larsen: What was the ultimate power of the board? To fire the manager?

Treuhaft: Yes, right. Although the Left group that I was a part of during part of the time I was on the board had a majority and could have done it, we didn't have the nerve to do it. We didn't know really what we would do in its place if we did fire the general manager.

Larsen: Who was the Left group?

Treuhaft: Well, I want to get to the point where politics, to my knowledge, really entered into the operation of the Co-op, two years after I was sort of co-opted to the board, in that uncontested election. Why I never put out any literature or anything; I was just elected as a matter of course. My unexpired term expired. I'd filled somebody else's unexpired term.

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Campaign for Co-op Board of Directors

Treuhaft: In filling the unexpired term, I happened to be in London for a month with my wife; and when we got back, I was rather surprised to find that I had not been renominated. And I was told that this was the first time in history that anybody could remember that an incumbent, who was willing to serve again, was not renominated by the nominating committee. So then, what had been a very apolitical situation before became very intensely political; I believe from things I learned later there was politics involved in my not being renominated. The people who had been running the Co-op for years, that is, the management with their friends on the board of directors, I think, felt uncomfortable about having somebody who had been denounced as a "red" on the board. They were afraid that this would lead to intensified politics. Well, it did. Not in the way they expected, to have me off the board.

I got myself nominated by petition and an intensely political campaign. The house here was turned into a campaign headquarters. Decca, who is a very good organizer, got into the fray. She'd not been at all interested in the Co-op before, but she now decided to go around to the Co-op and ask questions, just in the supermarket. And she learned that those who were against me were against me for political reasons, for red-baiting reasons, anti-communism, although I had not been a member of the Communist party for over ten years at that time.

My wife and I had both dropped out of the Party in 1957, just quietly. We remained on friendly terms with a lot of the Party people. In California, unlike the East especially, and the rest of the

Treuhaft: country, you could leave the Party and still remain on friendly terms with some of the Party people. In the East that was impossible. You were a pariah if you dropped out of the Party. Usually they wouldn't let you drop out. If you dropped out, they would then hold a meeting and expel you and so there was a total non-association, no social association of any kind. That was not true here.

Dropping Out of the Communist Party

Larsen: What were your reasons for dropping out?

Treuhaft: We both dropped out. The Khrushchev revelations had come in 1956 about the horrors that Stalin had been perpetrating, the persecution of Jews, the execution of many, many people. We knew that there was turmoil in the Soviet Union, but we thought that it was in the interests of breaking up anti-government factions, which were becoming too powerful. Well, the Khrushchev revelations made it quite clear that this was the work of a madman dictator that had been followed by an entire country. It was really not unlike some of the horrors of Nazi Germany.

So, American Communists (I'm deviating now, going away from the Co-op a bit), the American Communist party -- its major weakness, then as now, was the fact that its leadership had been in place for a very long time, they were getting older -- they tended to be foreign-born Russians, Eastern Europeans, who were very much dedicated to the Soviet Union, and felt that they were obliged to follow the Soviet Communist party in every detail. Now that didn't affect us very much because we, the people on the lower level, were trying to run an American party that was different.

When these Khrushchev revelations came in 1956, when he made his report to the Twenty-First Congress, I think it was, it created a tremendous stir, of course, in the United States, and in the American [Communist] party. And the Party held a congress for the first time in about seven or eight years in 1957 in New York. It held this national convention in New York. My wife went to it as a delegate. People who went to the convention were delighted because they were promised all sorts of basic changes in the Party. The old New York leadership allowed a couple of younger people to be elected to the national committee. One of the symbolic things that was voted for unanimously at that convention was to move the headquarters of the Party from New York to Chicago. That meant a lot to many people because it meant really nationalizing the Party, taking it out of the small clique in

Treuhaft: New York that dominated it and ran it. Just physically moving the Party to Chicago would have been great. Unanimously voted to do it. Never done; never happened.

So, in the next year, after the convention, '57 to '58, we had lost all of our illusions about the Party, and just felt that it was not accomplishing anything. That's why we left it, because it became more and more a waste of time. Why go to meetings and put all your energy into working for Party organizations if you were butting against a stone wall in the national leadership of the Party? And in the local leadership of the Party too, actually, after a while? So we dropped out on a fairly amicable basis. We told the county chairman here that we were leaving. We asked for a meeting with him to explain why, and he became rather angry, but a couple of friends of ours dropped out too.

Of course, after the Khrushchev revelations, very large numbers of people began to leave the Party. We used to call it "defecting" from the Party at first, until we did it ourselves. And so, after '58, we still received the Party newspaper. We had won a life-time subscription, in fact. And we continued to get *The People's World*, which was a weekly at that time. A couple of years ago, when it was cluttering up the house and we really were rather tired of reading it; then when it became a daily, and it came too often, and it was edited more and more from the East, we wondered how we could get rid of this life-time subscription. We thought we might have to produce proof of death or something like that [laughter], in order to do it. Anyway, we did stop it. So that's the Communist party background.

Now, individually, and publicly, I never announced that I had left the Party. I never avoided red-baiting by saying, "Well, I'm not a Party member anymore." As a matter of principle, I didn't think it was a thing that needed to be publicly discussed unless it was relevant to whatever came up. And, of course, it did come up when I ran for district attorney in 1966. I was red-baited by the incumbent to some extent there.

I remember appearing on the Dunbar Talk Show.[6] [Jim] Dunbar had invited me to be on it to state my position. Before I went on the air -- it was a TV program -- he said, "Look, are you still a member of the Communist party?" I said, "No, I haven't been for eight or nine years." He said, "Well look, why don't you say

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[6]Jim Dunbar co-hosted the show, "A.M." ("A.M. San Francisco") on ABC TV in the 1960s.

Treuhaft: so? It would make all the difference." I guess he thought it would make a difference. He'd feel more comfortable, but he felt sincerely that it would make a difference for me in being elected. I said, "Well, I don't think that whether I was a member of the Communist party eight or nine years ago has anything to do with my qualifications to be District Attorney of Alameda County. I don't think it has any public significance." So, I wouldn't. I refused to say it.

And I think I did tell you that during the Free Speech Movement -- no, I didn't go into that perhaps. Being arrested by Ed Meese?

Larsen: We'll get to that.

Treuhaft: OK.

Larsen: One question about ex-Party members. Did they find another organization to channel their energies into? Or did they go diverse ways?

Treuhaft: Well, there were the Committees of Correspondence. People wrote public letters to other people who had dropped out, and they were trying to form something new. They formed Committees of Correspondence, that sort of thing, but nothing ever did really become of it. People went different ways, of course. We are talking now about the late '50s, when a lot of them, as I did, drifted into the new movement of the '60s, the new-Left movements.

The Left-Wing Faction on the Co-op Board of Directors

Larsen: OK. So you were up for re-election with the Co-op and this issue came up.

Treuhaft: Well, the issue of my having been a Communist never came up overtly in the Co-op. What happened was, when I decided to run, I think I told you, I needed 250 signatures, which I got very easily. We formed an election committee, and we got all of our former Left friends and our new-Left friends and people, the Co-op people, and the Funeral Society people, too. We must have had sixty or seventy people here working on this campaign. It had never been done before. And the result was that, for the first time that anybody could remember, I, who had not been nominated by the official nominating committee, was re-elected to the board of the Co-op.

And that started a period which continued for about eighteen years, I guess, when every election was bitterly contested. So the following year, I participated with other people, with a Left point of view, in putting together a slate, so that we ran three or four

Treuhaft: candidates, as many as there were vacancies each time. We had some indifferent success, and finally, by '69 or thereabouts, I think we had a majority of our people on the board of directors: Larry Duga; and Bob Arnold, who became President of the Co-op [Board of Directors].[7] He was a labor union activist. Ray Thompson, who is still alive, is a Black man who had been in the Communist party.[8] I remember John George was elected as an alternate. He is on the [Alameda County] Board of Supervisors now.[9] We did not have a majority at that time. We had four out of seven, I think.

Larsen: George was on the left?

Treuhaft: John George was elected an alternate, I think. He never remained very active in the Co-op. So we did not have a majority at that time. There were a couple of people who were fairly neutral politically on there. But when we did obtain a majority, a majority of the so-called Left faction, I don't think we accomplished very much. The only way you could accomplish anything would be by firing the general manager and getting a whole new management team. We didn't feel ready to do that, and we didn't really think we had a mandate to do it. I guess maybe we didn't have the energy to do it; but anyway, we didn't. I don't think we could have saved the Co-op by doing that.

I don't think the Co-op politics is what killed off the Co-op. Palo Alto had a very large co-op population and three or four markets; they went down the tubes in the last couple of years the same way the Berkeley Co-op did. It was market conditions and changing situations in the supermarket area; that sort of thing, I think, was responsible.

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Minorities on the Co-op Board of Directors

Larsen: There were two board members on the board of the Co-op that were Black -- Ray Thompson and, I forget his name, [Clinton] White. Did they contribute anything special to the way the Co-op Board operated, or do you have other comments about how they contributed to the atmosphere there?

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[7]Robert Arnold was interviewed on tape by the Berkeley Historical Society for the CCB Oral History Collection.

[8]Ray Thompson died in his eighties in 1988.

[9]Alameda County Supervisor John George died in December, 1989.

Treuhaft: Yes. Clint White lived in Berkeley. He was a painting contractor and I knew him fairly well. Ray Thompson was on the board for a number of years and I knew him very well. Going way, way back, they made some contributions. I think I can put it more fairly this way: Clint White was a businessman and he identified himself very much, I think, with the business community. He was fairly prosperous. He was an investor in real estate and he became a member of the board of the Co-op's bank, the Twin Pines bank. I don't think that he played much of a part in drawing in the Black community.

There were people who were not board members who played much more of a part. There was Matt Crawford,[10] who still lives in Berkeley, who was also involved with the Twin Pines Board of Directors, who worked for the Co-op for some years. I don't think that he was ever on the board although he was always prominent in Co-op politics. When we ran so-called left-wing slates, he was always a very important figure in our consultations. He knew the Co-op very well from the inside and from the outside. He was very well connected with the Black community in Berkeley. I think that he did play a part in attracting more Blacks to the University Avenue Co-op store, which was in a neighborhood that was rapidly becoming a majority Black neighborhood, in any event.

Ray Thompson was a left-winger from way, way back -- a militant, radical Black nationalist. And he did push very hard for Black employment, one of the things that attracts the Black community to membership in the Co-op. They shop where they can get jobs, especially if you're in and near a Black part of the community. I think that all of the board members generally, even the more conservative ones, had liberal enough views to feel that the Black population should be more involved than it was in the Co-op's activities.

But we always felt that we should extend into other parts of the community. And that's why we put pressure on to buy a store, and operate a co-op center in North Oakland, right near the Berkeley-

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[10]Matt Crawford has been interviewed on tape by the Berkeley Historical Society in 1988-89 for the CCB Oral History Collection.

Treuhaft: Oakland border. That store, however, that center, was never a success, although it had the enthusiastic participation of a lot of Blacks who lived in that area. It could have survived if the Co-op in other respects had been run more effectively. It never lost nearly as much money as the outlying co-op centers in Walnut Creek and Castro Valley.

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The Failure of the Co-op

Larsen: Do you think the Co-op could have been saved?

Treuhaft: No, I don't. Because, you see, the Co-op, you have to understand that cooperatives in the United States -- I don't know whether I discussed this before -- are different from co-ops in the rest of the world. The consumer cooperative movement is meaningless in the United States. It's so tiny, it doesn't mean anything. The proof of that is that, by far, the largest consumer co-op in the U.S. was the Berkeley Co-op. We had seven or eight supermarkets, we had maybe 150,000 members, family members, and we were the largest in the U.S. It's not an accident that the Berkeley Co-op was a big co-op. It was in Berkeley at the University of California, it was the eggheads and the middle-class background of people who built the Co-op and supported it. Same thing is true in Palo Alto.

The three largest [consumer] co-ops in the United States are all adjuncts of universities: Berkeley Co-op; Palo Alto Co-op; Hyde Park, Chicago. Two of them are now gone. Because I don't think you can maintain an organization which doesn't find solid support among the people who need it the most, which are the poorer people, the minorities, working-class people, who are not really interested in the co-op.

Larsen: You did not change the management, but you did change the personnel director.

Treuhaft: Oh, yes. Now that had something to do also with the education director, Emil Sekerak, and not the personnel.

International Cooperative Movement

Mannila was the general manager and Sekerak was the education director. And one of the areas where the Co-op differed from other markets was, I think I said last time, that we had this education department, which had a budget which amounted to the

Treuhaft: equivalent of what the Safeway store would have as a budget for advertising. The education director was supposed to be in charge of consumer education -- lobbying for consumer protection, for legislation in Sacramento, and also attracting people to the Co-op, and selling the co-op idea to draw people into the Co-op. So one of the things we did do was to get rid of Sekerak.

Now this was around the time that some things were discovered about the Co-op's connection with the CIA [Central Intelligence Agency]. In 1965, roughly, *Ramparts* magazine exposed the fact that the CIA was funneling money to target organizations, including labor unions and student organizations; it turned out later, also to the Co-op through charitable foundations, using them as conduits to get the money through.

Well, in the late 1960s, I was in touch with people in the South who were involved in SNCC [Student Nonviolent Coordinating Committee] and CORE [Congress of Racial Equality], the organizations that were fighting for the right to vote in the South. The right-to-vote movement resulted in many Blacks who dared to register to vote losing their jobs; and, if they were businessmen, losing businesses like gas stations, that were put out of business by being boycotted. So there were calls upon us from time to time to help organize co-ops in the South to take care of these dispossessed people. We would call upon the Co-op League, the national umbrella organization of the co-ops, to send help.

We were contributing money to the Co-op League. We knew that the Co-op League was spending hundreds of thousands of dollars on cooperative education in Southeast Asia, in Africa, and South America. This raised a number of questions in my mind. The Co-op League would come to us and say, "We want you to raise money for our thing, Worldwide Co-op Partners. We want you to contribute. Your dues to us are being used to send people to Southeast Asia."

So we had a dozen people abroad selling the co-op idea, and they couldn't afford to send anybody into the South in the United States. Why was this going on? What expertise did we have to begin with, when we were the most backward country in the world from the point of view of co-ops? The Co-op League could never build a co-op movement in the United States. What were they doing in Southeast Asia and South America?

So, I explored this, and I was familiar with the fact that it was national public knowledge, it was a major public scandal, about the CIA funneling money through foundations. Some of the recipients

Treuhaft: were student organizations, who were considered anti the most radical students. The National Newspaper Guild received money from them for some special project. I corresponded with some of the people who were looking into it, and Neil Sheehan, a *New York Times* reporter, finally came up with the information that the Co-op League had been receiving large amounts of money from the CIA through a foundation. Looking into it, I found that their budget would run $200,000 to $300,000 a year for overseas work. All of that money and more came from the CIA through the foundations. They received over half a million dollars in a couple of years from one foundation. I forget the name of it, but it was a foundation that had some rather shady connections, and had a lot of money in it. But this was CIA money. The foundation didn't use its own money. It acted as a conduit for CIA money.

So when I raised this, when I publicized this in the Co-op newspaper [the *Co-op News*], and I had a resolution passed cutting off our funding for the Co-op League, at first it was to limit our funding for use only in the South, only in the U.S.; then it was cut off altogether. The response that we got from the Co-op League, and from people in agreement with Sekerak, was at first they denied it. Then when the *New York Times* came out with the story, so they couldn't very well deny it anymore, in essence they said, "Well, we'll take money from the devil. We don't care what the source is. We know that we're using it for a good purpose to improve standards of living in India," and whatnot.

The Co-op, I think, lost a great deal of credibility in that situation. Sekerak, I think, was one of those who lost credibility, so we were able to fire him.[11] I forget what other things he had done. But there was a lot of heat about that because it was very hard to change anything in the leadership there. And we did take on a more friendly character, Don Rothenberg.

Larsen: What was he like?

Treuhaft: Well, he had been a political organizer in southern California. He had worked, I think, as a paid organizer in [Tom] Bradley's first campaign for mayor in Los Angeles, and he was up here as a political organizer. I think he'd worked also for Wayne Morse, [U.S.] Senator from Oregon, and we appointed him. We also made him independent of the general manager. In the past, the line of authority was such that the education director would report to the general manager. We thought that education should be a separate function, a separate department, so that he didn't have to report to the general manager.

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[11]Emil Sekerak has added his remarks about this issue to his taped oral history by the Berkeley Historical Society.

Treuhaft: It did change things, I think. There was much more lobbying in Sacramento for consumer legislation. We started some lawsuits, consumer protection lawsuits, started by the education department, and I think the work was intensified. They did a satisfactory job until they ran out of money.

Larsen: You did not create a personnel director?

Treuhaft: No, no. The personnel director came along later on, really. I think it was after I was off the board, actually.

The Hayakawa Letter

Larsen: About the election campaign of 1966-67, wasn't that a watershed in your memory?

Treuhaft: Well, when I look at the *Co-op News* for those years, it seems to me that it wasn't until '69 or '70 that we achieved a majority. It was a watershed only because, I suppose, that was the year I ran in the contested election. S.I. Hayakawa and his wife, Marge [Margedant] Hayakawa, lived in Marin County, and one day during the election campaign -- these campaigns went on for a couple of months, much too long, and they culminated in an election sometime in January -- an article appeared, sometime, I guess in late November -- not an article, it was a letter in the *San Francisco Chronicle*. A long letter, it occupied the entire letters column.[12] This one long letter was signed S.I. Hayakawa, Berkeley. Well, to begin with, S.I. Hayakawa never had anything to do with the [Berkeley] Co-op, except through his wife. Also, he never lived in Berkeley. But it was the Berkeley Co-op, and for reasons of his own, he [the noted semanticist] signed it "S.I. Hayakawa, Berkeley." The letter was an attack on me and my Left supporters.

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Larsen: Did it mention you specifically?

Treuhaft: Oh, yes. I was identified as a "petition candidate" running against nominated candidates.

Larsen: He mentioned that you had been the attorney for the students at Berkeley?

Treuhaft: No, but he deplored the introduction of politics into Co-op elections, and warned that the election of people like me would result in all sorts of ungentlemanly kinds of conduct -- sit-ins in the stores, lie-ins, pray-ins, picketing, marching, and boycotts. We were

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[12]Refer to the Appendix for a letter signed by S. I. Hayakawa, appearing on page 48 of the *San Francisco Chronicle*, dated January 3, 1967.

Treuhaft: absolutely amazed to see that letter, and thought it would be a crucial thing perhaps in the election.

Luckily, my wife and I do know some people at the *Chronicle* also, and we put together an answering letter. We raced down there the same day and saw one of the editorial writers who was in charge of the Letters section, and he put our letter in, which appeared the following day.[13] He persuaded us not to make it as long as Hayakawa's. He thought that Hayakawa's was too long, so ours was about half the length. But it was an answer, not the Dukakis kind of answer. We didn't deny that we were Left and liberal, but we thought that politics would be a good thing in the Co-op, politics of this kind.

The people who were against political change in the Co-op always quoted the Rochdale principles. The Rochdale principles are those that were developed in the original Rochdale Co-op in this little village in Lancashire in the nineteenth century. One of the principles was: there shall be no political requirements for membership. In other words, you can't keep somebody out because he's a Tory or a Labor party member, and that's all that politics means. But it doesn't mean that since politics are really a part of life itself, that there's no reason why politics should be excluded from the way the Co-op is run.

At any rate, I was elected. In the Co-op elections, like the San Francisco elections for Board of Supervisors, you don't run against any individual. It's the top five who are elected. So I was elected, and Marge Hayakawa was also elected. I came in ahead of her. It was a record turnout. There had never been nearly as many people voting as voted in that election.

Larsen: Did you and Marge get along after that point?

Treuhaft: Oh, no, not at all. No, I had no use for her. Well, whenever anything was proposed, she was in favor of setting up a committee and studying it. Whenever we proposed anything, any changes, she was able to deflect it by getting committees appointed. She never wanted to do anything actually. She was very much status quo, conservative, on the board, the kind of member that the management loved. And we were sort of a thorn in the side of the management and people like Marge Hayakawa.

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[13]Refer to the Appendix for a letter signed by Robert E. Treuhaft, appearing on page 40 of the *San Francisco Chronicle*, dated January 5, 1967.

The Student Movement and the Co-op

Larsen: You mentioned the student movement. Was the student movement an asset for the Co-op or irrelevant?

Treuhaft: Oh, we had little to do with each other. Now in the '60s, there's a student co-op in Berkeley, a housing co-op. At that time it was a very large and substantial housing co-op. They had probably close to a thousand members in co-op housing in Berkeley, which was a very important thing. And the old board of directors had always talked in terms of getting some support from the student co-op. It never did anything at all because the students had no interest in the way the Co-op was run. That is, they didn't feel welcome. They didn't feel like part of the crowd, which was generally a much older crowd.

Well, we did succeed in getting a student member elected to the board of the Co-op, Fred Guy, who remained on the board some years after I was on it. He was, I think, the most effective board member we had for years. And I think that he had something to do with bringing more student co-op people into the Co-op, but not very much. I don't think that was his main contribution. He just had fresh ideas.

But in the '60s, I think, the thing that attracted students to the Co-op was the fact that we were in the midst of rough and tough politics, mainly the grape boycott. All the other markets around carried grapes, and the Co-op was the only supermarket chain that didn't carry grapes at all. And as a result, we had tremendous support from the Farm Workers Union and from the students. There was a very large radical student group in Berkeley at the time, in the '60s, and this attracted them to the Co-op. So we lost some of the older members by affiliating ourselves with the grape boycott, but I think we gained many more. I think we had some good years, financially, at that time. In the '60s. Certainly in Berkeley.

The Polarization of the Co-op Board

Larsen: If I understood what you said, it sounds as if the polarization of the board really made the board become ineffective because no program existed.

Treuhaft: Well, I think so. But the board had been ineffective before, also, because it was a rubber stamp for management. As the management went, so went the board. And the management was very much against change. They were for growth, but you know, some

Treuhaft: of the "radical" things that I proposed -- for example, when I was on the board and when I was one year chairman of the management committee, which was supposed to be the key committee, and I tried to get a few friends on the committee also, I proposed getting away from the great big supermarket idea. Supermarkets in the '50s were a novelty, and people went to them because it was a place of some more excitement than a little shop. I thought that the day of the specialty shop was coming back, and that especially with all the membership of the Co-op being in the higher income brackets, we should appeal to them.

So in 1969, or thereabouts, I think, or 1970, I proposed that we set up a cheese shop, where we'd have nothing but cheese and where we have people actually cutting the cheese for you so you don't have to buy it in those little packages; and that we get into a delicatessen also. Well, absolutely, total rejection of it by management.

They said, "No, we can't do it." I said, "Well, there's one or two places that seem to be doing it." "Well, yes, but we can't compete with them." "Why can't we compete with them? You always say volume is the name of the game. We have the volume. Why can't we compete?" "Well, they're non-union and they're smaller and they. . . ." Whatever you said.

There was also a lot of complaint about the produce department. The produce department was staffed by some old-time Japanese vegetable people, who spent all their time making beautiful piles and pyramids of oranges, and whatnot. We were against that. We were in favor of having great big tubs of oranges and making people feel that they were getting bargains and doing more basic shopping. Well, that on the one side, and on the other side appealing to the elite, and getting some of the money from the elite people, and the higher income people and the cheese shop.

After that, dozens of cheese shops opened in Berkeley and this area. One of them, the largest one, the one on Shattuck Avenue in Berkeley, is a cooperative. The people who own it, run it. That's an owner cooperative. It's a huge shop -- I think you know the one -- it's on Shattuck Avenue right near the Shattuck Avenue Co-op [the Cheese Board]. Does ten times the cheese business that the Co-op does. Things like that. Not very radical in the old-fashioned "Red" sense, but change of any kind was unwelcome.

Larsen: Did you run for re-election after your term?

The Associated Cooperatives Board

Treuhaft: Oh, yes. After that, I was nominated by the nominating committee, but I was elected to two terms. I think that's all you can have. And then, as a member of the [Co-op] Board, I became a member of the Associated Co-ops Board.

The Associated Co-ops was not very important. They were wholesalers for canned goods, and whatnot, and their function was just to get the canned goods from the producer co-ops and the other suppliers and have a warehouse and supply us, and Palo Alto, and half a dozen tiny co-ops up and down the state with co-op merchandise.

Well, the Berkeley Co-op owned about three-quarters or seven-eighths of Associated Co-ops. In other words, it supplied that proportion of Associated's operating capital. But, the way it had been set up years and years before, they had adopted a "one-person, one-vote" policy, each member organization of Associated having one vote, based upon a specious application of Rochdale principles. But by 1970, the Berkeley Co-op was, by its purchases, funding 80 percent of the Associated's business, Palo Alto Co-op perhaps 15 percent, and the others together did maybe less than 5 percent. But each of the seven co-ops in the state had one vote -- Berkeley had one vote, Palo Alto had one vote, and Fort Bragg had one vote. And a tiny little shop in southern California would have one vote.

Well, the old-timers and the status quo people had from time immemorial been the representatives of those little shops on the Associated Co-op's Board of Directors. So Associated Co-ops was being run by a small clique historically connected with the management of the Berkeley Co-op. Associated really duplicated a lot of things that the Berkeley Co-op could do better. We didn't need it. And I was on the Board of the Associated Co-ops as the Berkeley Co-op representative, but was unable to accomplish anything because I was outvoted by the one-member, one-vote arrangement.

Later, in the last couple of years, one of the things that did the final blow to the Co-op was litigation between Associated Co-ops and the Berkeley Co-op. There was a lawsuit which resulted in Berkeley having to pay a lot of money to Associated Co-ops, which threw it finally into bankruptcy.

Bob Treuhaft as a child
in Hungary

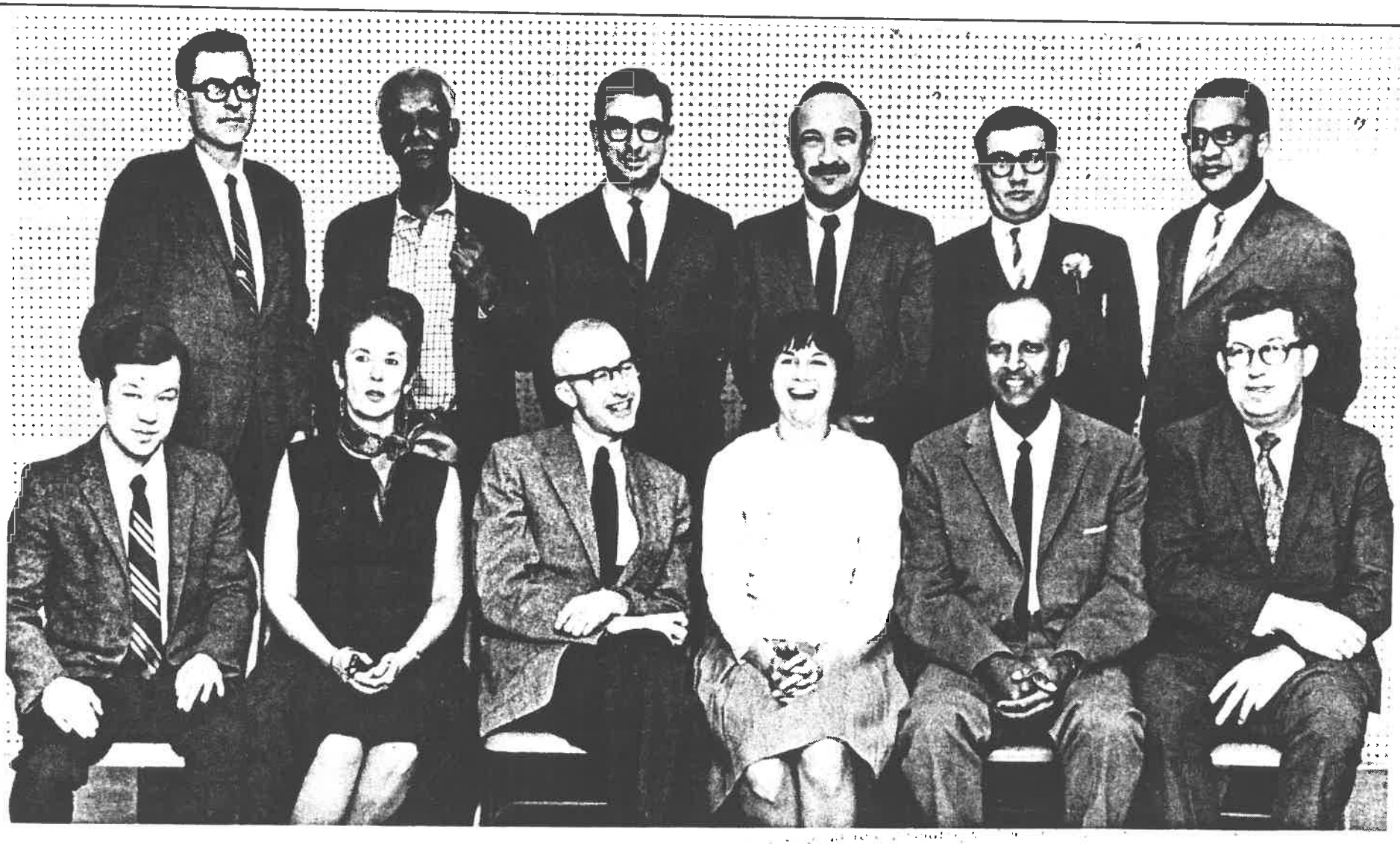
Bob Treuhaft and his mother, Aranka
(New Year's Eve, 1966)

Bob and Decca Treuhaft
in Greece, 1972

Bob and Decca Treuhaft
in England, 1977

Left to right,
Senator Wayne Morse
and Robert Treuhaft,
1966

Campaign for Alameda County District Attorney, 1966.
Left to right, Bob Scheer, Bob Treuhaft, and Willie Brown.



THE BOARD, 1969

This is the official photograph, taken last spring, of the 1969 Berkeley Co-op Board of Directors. Seated, from left: Ron Lai (alternate), Anne Dorst, (treasurer), Bob Arnold (president), Anne Frentz, Clinton White, Charles Holt (alternate). Standing: Oliver Gilbert, Raymond Thompson (vice president), Lewis Samuels, Robert Treuhaft, Lawrence Duga, John George (alternate).

Photo by Sam Ehrlich

Berkeley Co-op Board of Directors, 1969. (Printed with permission of the *Co-op News*.)

V POLITICAL ACTIVITIES IN ALAMEDA COUNTY; DEPORTATION FROM PORTUGAL; HOUSE UN-AMERICAN ACTIVITIES COMMITTEE INVESTIGATION

Conflict with Alameda County District Attorney's Office

Larsen: We'll go on to some other things. Let's talk about kicking in the door of the D.A.'s office.

Treuhaft: As a result of the Cold War, the anti-Communist atmosphere, of the '50s, my law practice, which had been dependent entirely in the past on representing labor organizations, labor unions, began to lose those clients because the left-wing unions had been expelled from the CIO, and we had been representing only the left-wing unions. Left-wing unions were Cold War victims like many other progressive institutions. As a result, the financial base on which our law firm operated was dwindling.

Now the same situation back East destroyed many lawyers and drove them out of practice. And here, we were saved from that fate by the fact that in the early '50s, I had become rather well-known in the Black community as a result of representing Jerry Newson in the murder case I talked about some time ago. Surprisingly well-known, always surprising to me was how well-known I was in the Black community. And the result was that the gaps in our practice that had been left by the attrition of losing some of the labor union work were filled by a very large number of Black clients coming in as individuals. So that, by 1960 or so, at least three-quarters of our clients were Black. And there was no Black lawyer or law firm in the area that had nearly the number of Black clients that we had.

Also, during the '50s and '60s, my partner, Bertram Edises, and I, and whoever was associated with us -- we always had five, six, seven people in the law firm -- became enemies of the Oakland Police Department. I think I mentioned before all that -- the campaign against police brutality. We were disliked by the police department. Also, the '50s, before the Warren Court came along,

Treuhaft: was a period when we got into more and more criminal defense work and criminal defendants had very few rights. They lacked rights; they had as little right as the present administration would like to have them have. They had no right to immediate counsel. The constitutional safeguards were ignored by the police, and very much by the courts also.

So it was a struggle even to get in to see a client who was charged with a felony; you had to go through all sorts of absurd requirements. Now this was especially true in Alameda County because we had this extremely right-wing district attorney, J. Frank Coakley, who had a lot of control over the police and police procedures and over the judges in the courts. So I was asked one day by the mother of a young man, an eighteen-year-old, who had been arrested for rape, to represent him. Well, the newspaper carried the story about five boys, Black youths, having attacked the occupants of a car that was parked up in the Oakland hills, and they were accused of raping a white girl who was in the car. The girl was the daughter of the owner of a big laundry chain, and she was there with her boyfriend. The boyfriend had his pants down, and these five young Blacks came along, and they found them in the car in that condition. They pulled the man off, and sent him down the road with his pants off, and were accused, at least, of finishing the job, of having intercourse with the girl.

Now I knew nothing about it except what I read in the paper, so I went down to the City Hall to see my client. I was told by the police inspector, "You can't see him. He's not in jail now." So I said, "Well, if he's not in jail, he should be home." "Well, no." "Well, where is he?" "He's in the district attorney's office." I said, "Well, that's where I want to be. I've got a right to be there." "No, you can't do that. You have to wait until they're through with him."

While he was telling me this, there was an old-time Irish lawyer from San Francisco, who was waiting to see one of the other boys in the same group. He'd been waiting there for hours. We both were waiting in the police inspector's office. You had to get permission from the inspectors, and it was very hard at that time to see a client. And the jail, at that time, was in the City Hall, at 14th and Washington streets.

So I went out into the hallway to cool off a bit. It was about six o'clock, and I met a lawyer out there, a criminal lawyer whom I knew, and he says, "What are you doing around here?" And I said, "Well, I'm trying to see those kids, to see my client." And

Treuhaft: he said, "Oh, I know where they are. They're in the D.A.'s office. They're all in there right now." So I got this other lawyer, the San Francisco lawyer, and I said, "Come with me." So we went there. Also there was somebody else, my client's mother. I said, "You go down and get whoever's in the press room and have them come up."

I went to the door of the D.A.'s office, and I knocked. The upper half of the door was glass reinforced with metal, so I knocked on it and kept banging on it for five minutes. Finally, I heard people in there, somebody opened the door just a crack, and I put my foot in the door and said I wanted to see my client. I could see him in there. He was talking to the D.A. Somebody grabbed me and shoved me across the hallway so that I slid on the floor, bounced up against a railing, and he slammed the door. So I got up and pushed my foot through the glass door and made a hole in it. And I looked in there, and I could see my client. And a few minutes later, everybody was gone from that room.

And a reporter came by a few minutes later, and he said, "I think you can see your client now. He's back up in the jail." So that made the newspapers, and of course that brought a whole flood of new clients in because, you know, the Black clients especially loved to hear the story of somebody kicking in the door of the D.A.'s office. So it kept us going for some time. They never even sent me a bill for the door. They knew they were in such a bad position. A lot of illegal activity was going on in the police department. It wasn't until the Warren Court came along that they had to establish some decency and the enforcement of constitutional law rights for criminal defendants.

Deportation from Portugal

Larsen: Do you want to tell about your experience in Portugal?

Treuhaft: Let's see. 1964. Nineteen sixty-four was a busy year for me because that was the year of the Free Speech Movement.

Earlier, in April, 1964, I was in Portugal, as one of four lawyers who had gone as representatives of the I.A.D.L., the International Association of Democratic Lawyers, which was actually a left, really Communist lawyers' international association. In other words, the Soviet Union was very important in it, but the National Lawyers Guild had a delegation affiliated with it, and English lawyers that I knew were affiliated with it. So we were at a convention of the I.A.D.L. in Budapest in April. There were some Portuguese lawyers

Treuhaft: there, expatriates, who were living in Paris, who said they would like to have a delegation go from our international organization to Portugal, which was at that time run by the dictator, [Antonio de Oliveira] Salazar, to look into the violations of human rights and the mistreatment of political prisoners in Portugal.

So, I volunteered, and also Bob Kenny [Robert W. Kenny], who had been Attorney General of California. When Earl Warren was governor, two terms, or three terms,[1] Earl Warren always had a Republican slate elected with him, but the only Democrat who was elected was Bob Kenny. And Bob Kenny was a very brilliant lawyer. He had been a judge. He was Attorney General of the State of California for at least four years,[2] and later, in the '60s, was chief counsel for the Hollywood Ten. So he and I volunteered. We were the only U.S. lawyers on the delegation, and there was one Canadian lawyer and one Brazilian.

The four of us met in Paris with the emigré Portuguese lawyers, and they briefed us, and arranged for us to go to Portugal, and we got there. They briefed us to try to visit, first, the families of prisoners. We did that the first day. Then the next day, they said, "Try to visit some of the government authorities, try to see the Minister of Prisons and the Minister of Justice, to see whether you can visit some of the political prisoners in jail. You probably won't be able to, but then you'll meet some other people, historians, and whatnot, and press people there, and you'll meet the lawyers. And then on Saturday, you should have a press conference. You just call a press conference at your hotel, and invite the international press and the Portuguese press and you tell them about your findings."

So, we went through all this. It was very much a police state at the time. We met with the families of the prisoners, and we heard some heart-rending stories, and we met with the lawyers, all of whom had been in jail at one time or another. The Minister of Justice was out of town for the weekend, but the Minister of Prisons was happy to show us all the prison building that was going on. And we said that we wanted to visit some of the prisoners, political prisoners. He said, "Well, we don't have any in my Department. The political prisoners are held in special jails run by the

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[1]Earl Warren was Governor of the State of California from January 4, 1943 to October 5, 1953.

[2]Robert W. Kenny was Attorney General of the State of California from 1944 to 1947.

Treuhaft: secret police, the P.I.D.E. They have their own prisons, and I can't give you permission. You have to get it from them." The following day was supposed to be the press conference. Bob Kenny and I put our heads together. He said, "Look, it's actually ridiculous, we haven't learned anything; we can't make any sensible kind of statement."

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Larsen: So Bob Kenny said, "You haven't learned anything. It's ridiculous."

Treuhaft: Yes, and I agreed. And the Canadian lawyer agreed also. The Brazilian lawyer was a sort of much more stolid person, and you couldn't really explain it to him. But anyway, we made the decision. We thought the best way not to have the press conference was to have the secret police stop us from having it.

So, while the others went out to a nightclub -- we were staying at a large hotel -- I got the staff of the hotel first to type up invitations to all of the foreign and domestic press and do the translation, and deliver them by hand to the various newspapers. Well, we knew that this would have to get to the secret police. "We are going to have a press conference tomorrow morning at eleven o'clock. Be at the Tivoli Hotel, in the lobby. We will have explosive and interesting things to tell you about what we've learned about the treatment of political prisoners." So, the others had gone out to a nightclub, as I say, and I was feeling sort of under the weather. I stayed home. And around midnight, great pounding on my door. Bob Kenny and [Norman] Endicott, the Canadian attorney, showed up elated because attached to each door, their doors and mine, as well, was a note saying, "You are not permitted to have your press conference tomorrow." Signed, P.I.D.E, secret police.

The following morning, we assembled at eleven o'clock in the lobby of our hotel and none of the Portuguese press showed up. But the *New York Times*, the United Press, Reuters, and international press people did show up. Bob Kenny was the spokesman, and he said, "Well, here are the notices we received from the secret police, forbidding us to have a press conference. However, we intend to go ahead. . ." And just at that point these figures in dark, tight-fitting suits emerged from the shadows, put the arm on each of us, and said, "Upstairs. You're leaving right now. You're leaving Portugal."

So, I went up to my room accompanied by a young soldier, and I called the American Embassy. There was an English-speaking operator who got the Embassy for me. As soon as the soldier

Treuhaft: realized I was talking to somebody outside, he came with a karate chop and knocked the telephone out of my hand. The Consulate man heard that and he came rushing over. So I packed. I think they [the P.I.D.E.] even paid our bill at the hotel. The Embassy man was down there and he said, "Why are you being arrested? Why are you being deported?" "I don't know. Ask them." He said, "Well, they won't tell me. Can I help you? If you'd like to stay another day, maybe I can get them to let you stay another day." "No. No, I think we'll leave." [Laughter] So they very efficiently got us onto a plane. They did let us choose our destination. As Bob Kenny was going to Nice, they put him on a plane going there. Very efficient, because we were arrested at eleven o'clock, and at one o'clock I was on a plane to the U.S.

My wife had a call that night from the U.P. [United Press]. They woke her up in the middle of the night, and said, "Do you know what's happened to your husband?" And she was absolutely horrified. She thought, what could have happened to me? "No, what happened?" she swallowed hard. And they said, "He's been arrested and expelled from Portugal." And she said, "Oh, thank God!" [Laughter] So, as we expected, our arrest made the story because when I got to New York, there was somebody from the *New York Times* waiting to interview me, and I gave them the story. It made the national press and it made the local papers, and it made a much better story to be kicked out than to tell -- we were able to do both that way -- we were able to tell about the treatment we had heard about of the prisoners, but the main story was the expulsion. It made, you know, the front page of the *Oakland Tribune*.

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The Robert Condon Campaign for Congress

Larsen: You mentioned some time ago that you had been a law partner of Robert Condon. Is there a story there?

Treuhaft: Well, actually, there's an interesting political story. Immediately after the war, it must have been '47 or '48, when Bob Condon, whom I hadn't known, of course, because I came here only during the war, had lived in this area, in Lafayette. Bob was in the armed services, and he came out and back to California about 1947, thereabouts. It was right after the unfortunate Wallace Progressive party campaign for president.

Treuhaft: At that time, I was practicing law in Oakland in partnership with Bertram Edises, and we remained partners for many years afterwards. Edises, one of my great mentors, had been an important figure in labor law. He had been in Washington in the National Labor Relations Board, one of the early attorneys for the board. When he came to California, he moved in with the other labor lawyers, left-wing lawyers, all of them members of the Communist party. And when I joined up, we represented all of the CIO unions in the State of California. Bob Condon had also worked for the National Labor Relations Board in Washington, so that he and Bert Edises had gotten to know each other.

When Bob came out of the service, we happily took him in as a partner. He was an extremely attractive, brilliant lawyer, an able man, prematurely white haired, a war hero, a perfect candidate to run for political office. And he was being pushed by Progressive party people to run for something. He was resisting that. He wanted to get into something more mainstream.

Well, at that time, all of the congressmen in this area were Republicans -- Alameda County and Contra Costa County also. He lived in Contra Costa County. The Democrats used to run either nobody or run somebody just as a matter of form. Never did any campaigning because there was such a strong Republican seat. So, Bob had no trouble being persuaded to accept the Democratic nomination for State Assembly. I don't think he even had to run in a primary. Nobody ran against him. He was going to put up a campaign, but he knew that he had no chance of winning.

Just at that time, the Oil Workers Union went on strike in California; they struck all of the refineries in California. We represented them. That had been one of Bob's assignments. We sort of parceled out the unions, and Bob was representing the oil workers through the negotiations, which broke down and then went into a strike situation. It was late summer, and Bob said, "Well, that's the end of my chance for running for Assembly because I'm going to spend all my time in court on these damned injunction cases."

There were a number of refineries in Contra Costa County, as you probably know. There was Standard Oil and there was Union Oil and Tidewater Oil, Texaco. All of them had refineries there. Well, of course, his prediction was all wrong because he was in court every day, it was true, fighting injunctions; but he was fighting against the oil companies on behalf of labor, and he became a labor hero and very well-known in the press of Contra Costa

Treuhaft: County. Even though the press wasn't friendly, it couldn't avoid running the stories about him -- the lone fighter in court against squadrons of imported lawyers for the oil companies, and whatnot. The result was that without campaigning at all he won the election rather handily, and he became State Assemblyman. He served for a couple of terms in Sacramento.

Now upon his election, he had been living in Saranap, just outside of Lafayette. That's where his parents had lived. The family home was there, a very nice place, and he was living there with his wife and daughter. He decided that he had to have a Contra Costa County base if he was going to be in politics there. So he, after being in partnership with us for less than a year, not more than a year anyway, set up his own office in Martinez, and practiced there for many years afterwards. At that time, the State Assembly wasn't very taxing. You didn't have to be there more than a couple of months a year as I recall, maybe three or four months. And you could handle your law practice very well. Also, it never hurt a law practice to be elected to office. So he was doing pretty well.

But shortly after his election, a photographer came around when we hadn't removed his name from the door yet, and he took a picture of the door which had Edises, Treuhaft, and Condon on it. We didn't notice anything outstanding about red-baiting while he was an assemblyman. He was very successful as a legislator. He was in for about two terms. Then the Democratic party pushed him to run for Congress. Well, again, it was a safe Republican seat. They did run a very good campaign. He had Democratic party backing, and he won. So for the first time in maybe twenty years, there was a Democrat representing the district.

He did brilliantly in Congress. He was President of the Freshmen Congress club, he won favor with the house leadership; Sam Rayburn, who was Speaker of the House, put him on the Labor Committee, and complimented him on the work he was doing on it. Everything was going swimmingly. He had gone into debt, as everyone does, to get elected to his first term; but once you're elected, it's almost a guarantee that you'll be re-elected. I think there's less than 1 percent, certainly less than 5 percent, loss of incumbency in Congress and the House of Representatives.

So he was a cinch to win a second term. But toward the end of his first term, he accepted an invitation to go to Nevada to witness the atomic bomb testing. And having done that, when he was preparing to go, J. Edgar Hoover issued a public blast against

Treuhaft: his presence there because of the fact that he was a dangerous Communist, and went into his Communist history. Of course, the papers took it up immediately, and went into his connection with my partner and me, who were known to be Communists, fairly generally. And the sad thing about it was that without this he would have been a cinch to win; even despite it, he had a chance of winning, but toward the end of the campaign, the Democratic party publicly repudiated him. And that public repudiation did it. The result was that he lost by just a small margin. I think it was a couple of thousand votes. He lost, and a Republican took the seat back, and held it for several terms afterwards. But he was a wonderful person. A good friend, humorous, and could have gone on to be almost anything in politics because he was very handsome, prematurely white haired, and witty, quick. Just a wonderful fellow!

House Un-American Activities Committee Investigation

Larsen: Does the FBI have a dossier on you?

Treuhaft: Oh, yes. I have it, just about 270 pages. But it's not very revealing. It consists largely of things like this [gestures to book on coffee table]. This is from the FBI files, what a field of information file looks like. This is by an ex-Communist. The book I'm showing you is by Junious Scales, who was the only person ever to go to jail under the membership clause of the Smith Act. At any rate, I do have my FBI file. As I say, it has things in there like "In 1943 married ------," so my wife's name is stricken out in order to protect her privacy, you see. And a number of pages, everything is stricken out except, "Seen entering Berkeley Co-op," -- very subversive [Laughter]. The trouble is, as Communists, we were never really terribly subversive. We were awfully law-abiding people.

Larsen: John Dos Passos made it in there.

Treuhaft: In where?

Larsen: Into one of the FBI files.

Treuhaft: Oh, sure, he would, because he was a socialist. He was an anti-Communist socialist, but he was a socialist for a long time.

Larsen: How did this lead into the House Un-American Activities [HUAC] investigation?

Treuhaft: Well, I'd represented HUAC witnesses, and I had the thing out the other day, as to what year I was subpoenaed -- about 1956, I think, something like that.

Larsen: How did you first learn that you were being called before the committee?

Treuhaft: There was a State committee before that, called the Tenney Committee, a little Smith Act committee. They subpoenaed my wife, and she tells in her book about the hilarious experience she had testifying before them. (That was a year or two before I was called before HUAC.) I'd learned that there was a subpoena out for me, and I just didn't stay at home for a week until the committee left, so I was not subpoenaed for the State hearing. For the HUAC hearings, we had rather short notice that the committee was coming, and I was just handed a subpoena, that was all. After that happened, my law partner also was subpoenaed, Bert Edises. We had represented numerous witnesses in other hearings before the committee. So when I was subpoenaed, we were building a law practice, and I wanted to maintain my position with other lawyers in town. It was generally suspected that I was a Communist but that didn't seem to frighten anybody terribly, although I know there was some animosity on the part of some judges.

At any rate, I wanted to put on as good a showing as possible. Most people who were subpoenaed in those days had a hard time getting lawyers. The result was they usually had members of the National Lawyers Guild, who usually were Communists, representing them. I wanted to broaden out a bit and to get some rather respectable lawyer to represent me.

So I made a list of ten distinguished lawyers in the area, all of whom I knew personally, and went to them one after another. All of them, each of them, expressed a desire to represent me, but each of them had a pretty good excuse. One of them was Monroe Friedman, who had been a superior court judge, and for a short time was a federal court judge. He was appointed, but his appointment expired before a new Republican president came in, before he could be confirmed. But he was an elder statesman, and he was somebody I could go to. There was another man who had been President of the American Bar Association. His name was [Charles] Beardsley, one of the old firms, and I went to him because he had some reputation in civil rights. He had been involved in a couple of civil rights cases. I went to see him at the Claremont Country Club, and he said, "Oh, you want somebody younger.

Treuhaft: I'm too old for this." He was retired, and safe, and he wouldn't do it. So I went to somebody younger, and, of course, the younger people said, "Well, I'm too young. Get somebody more mature."

So, I went to Monroe Friedman, who was not too old and who was mature and safe. He was practicing law. He had been a judge. He had no more political ambitions. And he said, "Oh, absolutely, Bob. I do want to represent you and I will represent you." I went up with my wife also. She had been subpoenaed. "I'll represent both of you, absolutely." And I said, "Well, Monroe, I want to pay a fee. So I want you to tell me what the fee is." and he said, "Absolutely not, I won't accept a fee." So the arrangements were all made. We had a couple of sessions with him discussing the approach. He knew that we were not going to be friendly witnesses, that we would when the point came, take the First or the Fifth, or whatever amendments we thought necessary, and he was thoroughly in agreement and in sympathy with us.

Five days before the hearings, I get a telegram from him, saying, "Regret will not be able to represent you or Decca at hearings." Well, getting a telegram from him was pretty strange because his office was only about two blocks away from mine. So I stormed over there. I was just furious, and said, "What's up?" And I sat down with him. Before the session was over, he was in tears. He said, "Bob, I just feel like an awful shit. I don't know what . . ." He wouldn't use a word like that, he wouldn't use that word. He said, "I feel just terrible about it, letting you down, but my partner who was away in Hawaii when you were in here, when I agreed to this, just came back the other day. And when I told him I was going to be representing you and Decca, he said, "If you do that, I'm going to jump right out of that window. Don't you know that the Internal Revenue [Service] is going to be on top of us? And if the Internal Revenue looks through my books, I'm going to have to jump out of that window. What are you trying to do to me?" He was crying by this time. He said, "I really have no choice. If there's anything I can do to make up for it." "Well, there's nothing you can do."

So, having been turned down by ten lawyers, I prepared a statement explaining why I was representing myself. I decided to go without counsel. So when I did go, the meetings were heavily attended in San Francisco, and the committee was very tough in those days; the law was very tough. You couldn't make a statement. You could just answer questions. So when I sat down, the Committee Counsel quoting the rules says, "Mr. Treuhaft, are you represented by counsel?" I said, "I will answer that question." So

Treuhaft: I started to read a three-page statement and they say, "You can't read a statement. No statements. You'll have to submit that." I said, "No. I'm answering the question. The question is, do I have counsel?" So I read the statement in which I didn't name the ten lawyers, but told about each of the situations and what a shameful thing it was that I, a lawyer, was unable to get counsel, and how much worse it would be for most people who were not acquainted with lawyers, who were subpoenaed by the committee to get counsel.

And then I quoted Harry Truman. The committee was trying to subpoena him, you know, at that time, also to show what a "Red" he was. He issued a statement, a rather ringing statement, denouncing the committee and supporting the First Amendment. This was right after his term of presidency was over. And so I quoted from his statement, and there was applause. Well, you are not supposed to be applauding witnesses, and upon the applause, the hearing was cleared.

Well, I thought I had done all right, but the following day, the *Tribune* had a front page headline saying, "Lawyer Creates a Disturbance in Hearing." I was really rather badly put out by that because it gave the impression that I was acting like a clown, and actually I tried to behave with great dignity, and I didn't know what effect it would have on my practice, and whatnot.

It turned out that, in time, we did lose all of our labor union clients. The national CIO and the State CIO had expelled the left-wing unions. Well, we didn't lose all our clients. We retained some of them who had been expelled like the ILWU. But the others were under heavy pressure not to have any connection with us. There was a strong anti-Communist feeling, a cold-war feeling in the labor movement at the time. And also, of course, there was the McCarran Act, which made membership in the Communist party by union officers a crime, and a number of union officers went to jail on the allegation that they were members of the Communist party. So, our practice suffered to some extent there. I think we made up for a lot because of the fact that most of our clients at that time were already Blacks, Negroes, and they weren't too much impressed by the HUAC and Communist connections.

The one thing, that I remember out of that . . . I don't know whether I mentioned this before, but one of my law partners at that time, Ed Grogan, was down at City Hall, and he heard two cops talking. It was the day that headline appeared. We had been on terrible terms with the police. We had been suing the police.

Treuhaft: We were hated by the police; we hated them. One cop said to the other, "Do you think Treuhaft is trying to overthrow the government by force and violence?" And the other one said, "No, but I think he's trying to get somebody else to do it." The inference being that these lawyers are too smart to do it themselves. [Laughter] So that was HUAC.

Larsen: Did they ask you anything you couldn't field?

Treuhaft: No, all they asked was, "Are you a member of the Communist party?"
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Treuhaft: "Aren't you aware that so and so testified and so and so testified?" Well, I just took the Fifth Amendment on all of those.

Larsen: Is that what you would have done if Friedman had represented you?

Treuhaft: Oh, yes, I would have. That was 1956. Well, that was probably my last year in the Communist party anyway, I think. I dropped out about that time, I might even have been out of the Party. It wouldn't have made any difference to me. I was just not answering as a matter of principle. I knew I was in no danger if I testified that I was a member. Like other people who were in the Party, I mentioned before, about being terribly law-abiding. I never cheated on income tax, one of the few lawyers I know who didn't; and the reason was I just didn't feel that I wanted to go to jail, and if I did go to jail, I wanted to go on something principled and not on something like income tax.

And the thing is, like that lawyer who said, if Internal Revenue comes around, he's going to jump. He was perfectly right because at the HUAC hearings there was always a section on the side, right near the committee, where there would be seated local law enforcement people, representatives of the Immigration Department, representatives of the Internal Revenue. They would be there at the invitation and request of the committee, and whenever there was a witness who refused to testify, they would say, "Now look, you people in Internal Revenue, I want you to pay attention to this. Look into what this fellow's doing." They did it openly like that so that we knew that we were vulnerable, and this lawyer was quite right. There was a good chance that they would have gone through his books and found something there that he didn't want exposed.

VI THE BERKELEY FREE SPEECH MOVEMENT

Larsen: That's very interesting. Tell us about your involvement in the Free Speech movement [FSM], being counsel for SNCC [the Student Non-Violent Coordinating Committee].

Treuhaft: Well, we're now in the '60s, about eight years later, 1964. And I'd been out of the Communist party for about seven years; but as I said, I never admitted being out, I never publicly said that I was out of the Party. When I ran for District Attorney in 1966, some of my backers were very anxious for me to say publicly that I was no longer in the Party, but I wouldn't as a matter of principle. I didn't want to. I felt it would be in a way betraying old friends, who were still in the Party, if I said I'm not in the Party to people who didn't really have any business asking me.

So, we were developing a reputation in the '60s as so-called "movement" lawyers. That was the word, "movement." There was the Black Liberation Movement and there was the Women's Movement in the '60s. And we in the East Bay and Charlie Garry and his partners in San Francisco were the "movement" lawyers in the Bay Area. We regrettably had almost a monopoly at the beginning representing SNCC; CORE [Congress of Racial Equality]; and people arrested in the sit-ins and the boycotts that were taking place in the early '60s. So I was following just as a matter of general interest what was happening at the University [of California]. And a point came, after Jack Weinberg had been in a police car, which was surrounded by the students trying to prevent his arrest by the police. I won't go into the whole story of the Free Speech Movement, although I could.[1] Maybe I have to explain a bit about it.

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[1]Elaboration on this and other events discussed by Robert Treuhaft in his oral history can be found in the book: Miller, Michael V. and Gilmore, Susan, Eds., Revolution at Berkeley (New York: Dell Publishing, 1965, p. 118).

Mistakes by the Administration

Larsen: Mostly your participation in it.

Treuhaft: Yes. Anyway, a point arrived when the movement had gathered a lot of support because of stupid mistakes which were constantly being made by the administration using a heavy hand. Every time they did, the students got more support, because after all, they were asking for something rather simple. Just for the right to do conventional, ordinary politicking on the campus, to have tables there in support of candidates. So it grew to be a very broad movement.

So I was asked by Mario Savio, would I be interested in representing them? They had reached a point where Clark Kerr, who was the President of the University [of California], had agreed to set up a tri-partite committee to discuss setting campus rules on free speech. This committee would consist of six students, six professors, and six administrators. Kerr appointed all of the administrators and professors, and he appointed three or four of the six students. The other two were Free Speech Movement students. And Savio spoke on behalf of the FSM steering committee, a committee of about thirteen. One of the members of the steering committee was Bettina Aptheker. She was the only known Communist on campus. She was the daughter of a very famous Communist, Herbert Aptheker, and I think she's the one who suggested me to Savio. There was to be no fee in this. And I readily accepted. I was awfully interested.

He said the administration people have the university counsel with them. The faculty has a law professor, Professor [Ira Michael] Heyman (now the newly retired Chancellor of the University of California at Berkeley). He was one of the [Boalt School of Law] faculty people. And he [Savio] said, "We need a lawyer also." He said, "Now I want you to understand that we do not want your advice on strategy or tactics. We want to take care of that ourselves. We want you to give us legal alternatives so that we can make selections, and we can decide on the strategy and tactics."

Well, I respected him greatly for that because I think the reason that he raised it with me that way was that he knew I was old-Left. They of the new-Left were quite suspicious and very often hostile to the old-Left. But they didn't have much choice if they wanted a civil rights lawyer or an experienced negotiating lawyer in political situations. They didn't have many lawyers to go to, maybe just half a dozen around here at that time. I respected him because any political movement that takes advice from a lawyer is doomed to failure. A lawyer's job is to say no, just like an accountant, to protect; by protecting the client, you protect your own ass.

Treuhaft: So here was a movement of students who felt the pulse of the university, who knew exactly what was happening. And they very sensibly, since they were so successful until that moment in anticipating what mistakes the faculty and the university would make, decided to keep strategic and tactical matters in their own hands. And that's the way we operated. I sat with them during these negotiating sessions. It was very interesting. One of the things that they said was, "Now we're going to meet tomorrow, have our first meeting where they're going to lay down the ground rules. And we consider that very important. And one thing we want: we want no limitation on debate and we want no time limit in ending the sessions." Well, they knew that they were younger and spryer than the professors and the administrators, and they were going to run them into the ground. They were very wise and skillful negotiators.

And, the sessions were interesting because we very soon won the support of the faculty. There was no way of reaching the administrators because all of them were under instructions. You could never take a vote without them taking a recess and checking with the chancellor to see how they should vote. So they had no freedom at all. We had the support of the students on the committee and the faculty; and we finally worked out a formula that was proposed by Heyman, I think, and which, to his surprise, we accepted. And that was very simple as a solution.

The basic rule would be that students on campus shall have the same right to political expression as they have off campus, subject also to the same restrictions under the constitution and the law generally. When we proposed that with the support of the faculty, it was turned down unanimously by the administrators. Since all three sides had to agree, the negotiations broke down, and the students decided that a strike, the tactic they opted for, a sit-in, was the only solution.

The Sit-in

Treuhaft: I was not privy to the sessions in which the students decided what to do. They didn't consult anybody; they wouldn't consult a lawyer about whether they should have a sit-in. They knew all about sit-ins. Mario Savio's experience in this came from having been in the South in the summer of '64, in the Mississippi Freedom summer. And that was his first exposure, really, to civil rights, civil problems. He came back with a passionate feeling for justice, and

Treuhaft: that made him an ideal leader for the Free Speech Movement. He's somebody who in private life stuttered, who was not at all accustomed to leadership, but he became a natural leader in this. When he was up on a platform and speaking, he spoke beautifully and he lost his stutter, and he was a real charismatic leader.

So, when the sit-in took place, I didn't even know exactly when it was going to happen, and I was here at home with my wife playing Scrabble around ten o'clock at night. The phone call came and it was Savio saying that the Steering Committee wants to meet me. "They're sitting-in there, and there's 700 of us sitting in here, and we want you to come. They're letting people out but they're not letting anybody in; but they'll let you in." So I went right over. I told my wife I'll be back in an hour or so.

Larsen: That was not prophetic, right, that you'd be back in an hour?

Treuhaft: Right. So I went there and the police -- the university police -- were in charge. And they were around the building and they were not letting anybody enter. But they were letting a few people drift out, who were leaving, and I went to the side entrance where the press room was. The police there knew me. I identified myself as a lawyer for the students, and they let me enter.

And there was a very colorful scene there. There were teach-ins, and Joan Baez was singing, and movies were being shown. They'd been sitting in, I suppose, for about twelve hours by that time. I met with the steering committee, which was an interesting committee, and had on it not only a Communist, but it had the head of the Conservative Club, a young woman named Mona Hutchin, who was head of Students for Goldwater on campus. The movement had become that broad. So that Bettina, who was the only known Communist on the steering committee, was known to be one of the conservatives on the committee because the new-Left movement had gone far beyond Communists and Communist thinking.

So, having met with the committee, I answered some of the questions that they wanted answered about what problems they would face if there was an escalation, and what would happen if they entered or broke into some of the administrative offices, that sort of thing. They decided not to do it on the basis of what I told them. They were keeping the building clean. They had walkie-talkie connections with the outside. It was a well-run operation. They were sending word out, "Command Central, send us some brooms. We want to sweep up." So they would pull stuff up through the windows and brooms would come. I stayed there out

Treuhaft: of interest for a while. Then I learned that in the meantime they were trying to find out whether the police would be called in, whether the governor would call the sheriff's office to clear the building because the university police couldn't do it alone.

The district attorney had been pushing the chancellor and President [Clark] Kerr to take action. Kerr couldn't make up his mind. The students had somebody in Kerr's office who was friendly and who would give them word from time to time. I remember one time they said, "Well, don't call us again until he makes up his mind." Well, he never did make up his mind. He decided -- one of the few wise decisions that Kerr made -- not to call in the police because the fact is that one of the things that the students expressed when I met with the steering committee was, "This thing is going to fall apart if we have to stay here all night. Most of the people who came, came on impulse, and by morning we'll have a few dozen or maybe a hundred people here, and it'll be a disaster. We need the police to come in." [Laughter]

And so, around towards midnight, we did get word through the walkie-talkie that the police were coming. Now in the building, when I learned that things were becoming tense, I was told that the students would be sitting-in on the two upper floors of the building. None would be on the main floor. They expected the police to come in on the main floor and I would be stationed down there to meet with them. They would send certain people down from upstairs for me to persuade to leave the building -- people who were under eighteen, who didn't have constitutional rights like other people, and who, if there was a trial, wouldn't have a right to a jury trial, that sort of thing. Mario Savio wanted all those people out. Also, anybody who had dope on them they wanted out. So people would straggle down, and I would arrange for them to leave the building with the campus police there.

There were two other people on the main floor -- one of them was Ed Meese and another one was Lowell Jensen. Lowell Jensen is now a federal judge; Ed Meese and he were deputy district attorneys, deputies of Frank [J. Francis] Coakley, who was the extremely reactionary right-wing District Attorney who had held that office for about sixteen years. I knew Jensen fairly well, having tried a murder case against him, in which he was prosecutor. I didn't know Meese at all because Meese wasn't in court very much. Meese spent most of his time in Sacramento as a lobbyist for the Police Officers' Association, and the D.A.'s Association, trying to get tougher legislation. The joke used to be that he was trying to get the Legislature to prescribe the death penalty for possession of marijuana.

Treuhaft: Anyway, he was a paid lobbyist in Sacramento in addition to being a district attorney deputy, so I didn't have much to say to them and they didn't have much to say to me. But I learned later that it was Meese who telephoned Governor [Edmund G., Sr.] Brown sometime after ten o'clock and said, "The situation here is out of control, and you're going to face a lot of responsibility if you don't have the police come in and clear the building." So it was at that point that Brown gave the order for the sheriff's people to go in and the police to go in to clear the building.

Well, when I learned that the police were coming, there was nothing more for me to do. I was expecting them to come through the front door, but they didn't -- they went up from the basement, bypassing the main floor. I started to leave the building the same way I entered, the side entrance. Just as I got to the entrance, which was next to the press room, I saw the sheriff of the county, Sheriff [Frank] Madigan, reading a statement to the press. There were about a dozen reporters in there. I was anxious to hear that statement, so I stopped and listened, and he was telling about how the governor had authorized the police to come in to maintain order.

And at that point I heard Meese come up from behind, and he said, "Sheriff, there's somebody here who is not a member of the press." So I turned around and said, "Well, that makes three of us." The sheriff didn't think it was funny, and he sort of pushed me into the arms of a cop who grabbed me and handcuffed me from behind and -- no, before he handcuffed me, I heard the sheriff say to Meese, who was still behind me, "Should we arrest him?" And Meese said, "Yes." I was the first person arrested.

I went to Santa Rita with the first batch, which included Mario Savio and other important people. They refused to let me be released on my own recognizance as I expected, and I was treated just like any of the other prisoners. I was charged in the same way. As a matter of fact, when I got to Santa Rita I was put in a solitary cell with about three others. And for some reason, they took my shoes off, maybe fearing that I would try to kill myself with my shoelaces or something like that. [Laughter] Well, anyway, I was in there until -- my wife tried through the night to reach the judge in charge, Judge [Rupert G.] Crittenden, and he had to make two telephone calls to get me released. I was finally released around ten o'clock the next morning.

Larsen: What charges?

Treuhaft: Trespass and resisting arrest. No, the charges against all the students were trespassing and resisting arrest. The charge against me was only trespass, being there without authorization and whatnot, and being there after the call came to clear the building. I'm not even sure I heard that call, though. At any rate, as a result, a group of lawyers volunteered to represent me: one from San Francisco, one from Portland, and one from Los Angeles. They were indignant about my arrest. They filed suit against Meese for $400,000 for false arrest. In the meantime, all of the defendants went to trial and were all found guilty.

My case was sort of on hold for a couple of years. Then a couple of years later, my attorneys came to me and said they'd had an offer from the District Attorney that they would dismiss the charges against me if I'd drop the suit against them; and I did that, somewhat to my regret. I followed their advice. My wife has never forgiven me for it. She thinks I might have changed history by going ahead and suing Meese. I sort of doubt it.

Larsen: Were your experiences after that with the movement important?

Treuhaft: Well, throughout the '60s we represented "movement" causes. The movement after that became very much an anti-war movement; and my law firm, like a number of other law firms, was very much involved in representing draft resisters, and later taking military cases and people charged with being AWOL, and that sort of thing. All sorts of anti-war activists and all of the Free Speech Movement people drifted right into the anti-war activities, and were involved in the sit-ins and in the huge demonstrations against the war that developed in the '60s. So it changed my orientation very much from old-Left to new-Left.

VII CAMPAIGN FOR ALAMEDA COUNTY DISTRICT ATTORNEY; FUNERAL DIRECTOR'S LICENSING BOARD; PROBLEMS OF LEFT-WING ATTORNEYS

Campaign for Alameda County District Attorney

Larsen: How did you decide to run for district attorney?

Treuhaft: Well, that was in 1966. That was the year that Bob Scheer decided to run for Congress in the district that includes Berkeley. The district was represented by a Democrat, Jeff Cohelan, who was an officer in the Milk Drivers' Union. I think they were still called the Milk Wagon Drivers, even in '66, and he was generally considered a liberal, but he was pro-war. Bob Scheer, very brilliant and young, who had been an editor of *Ramparts* [magazine] and one of the founders of the *Ramparts* of the '60s, decided to run against him for Congress. That was a very daring thing, the idea of running from the Left against a liberal Democrat.

So he got a great campaign going, and I figured at that time that [J. Francis] Coakley, who had been sixteen to eighteen years without any opposition at all, would be re-elected without opposition, partly because he was a heavy vote-getter, and also partly because who runs against the District Attorney? He'd have to be a lawyer, usually a criminal lawyer. The criminal lawyers generally, the conventional ones, like to get along with the police and with the D.A. They make their deals with the D.A. and they didn't want to oppose him politically.

So I decided that somebody should run against Coakley. I tried all of the Democratic judges that I knew and the Democratic politicians, to get them to run against Coakley because it's a position that carries a lot of prestige and a lot of political clout. Earl Warren had been District Attorney before Coakley and Earl Warren had gone so far. So the office had a lot of prestige, in spite of the fact that Coakley was considered, generally speaking, a pretty right-wing prosecutor.

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Larsen: I'm interviewing Bob Treuhaft in his home in Oakland. It's January 30, 1989.

Let's begin with our topic of last time. We were just beginning to talk about your campaign to be district attorney here. Your closing comment was that you thought you had nothing to lose if you ran. Can you pick it up at that point?

Treuhaft: Yes. That wasn't my comment. That was the comment of a judge I talked to. He was a municipal court judge, and I thought that he could further his career by running for district attorney and that he had a good chance of winning, a far better chance than anyone else. When he declined, saying, "Why don't you do it? You've got nothing to lose," that became for me part of the picture. I wasn't running really because I had nothing to lose. I was running because I thought somebody should get the word out about the anti-consumer, anti-people attitudes of the current incumbent District Attorney, who had been in office for fourteen years without ever once being challenged -- except that fourteen years before he was challenged by Bertram Edises, my former law partner.

So the only people who ever ran, I suppose, in a period of twenty years, against the incumbent, right-wing District Attorney J. Francis Coakley, were two Communists, or former Communists, Bertram Edises and myself, and we did that about fourteen years apart. Bert, of course, had lost, and I had no expectations of winning, unless something dire or drastic should happen to my opponent before the election.

However, we put on quite a campaign. It was the year that Bob Scheer ran for Congress against Jeff Cohelan in the district that included Berkeley. He ran a very exciting campaign with very wide participation, and he almost won. Made it possible the following election for Ron Dellums to win, the first Black to run for Congress and win in this area. In my campaign, our house here was the campaign center. My wife put in a terrific amount of work; my daughter came out from the East to work on the campaign. We had hundreds of people involved doing door-to-door work, and we meshed in with the rather big machine that was running the Scheer campaign and worked together to some extent. It was an exciting time, and we got a very substantial vote.

The district attorney runs for the entire county. It's a nonpartisan, supposedly, office; but the county includes Hayward and goes all the way down to Milpitas and Pleasanton and Fremont.

Treuhaft: It's got a large agricultural and suburban backwater. Oakland is by no means dominant in Alameda County politics. I spoke in Black churches. I spoke on radios, television. I think I mentioned that I was red-baited by my opponent, and never responded by denying that I was a member of the Communist party although this was 1966, when I had not been a member for at least eight years.

I may have mentioned this earlier in our interview. I remember [Jim] Dunbar and a TV program I was on. Before I went on, he said, "Look, why don't you say that you're not a Communist?" And I said no, I didn't feel that would be a principled way of approaching it. If I was asked that question, I would say it was a non-partisan campaign, I'm not running as a Communist or a non-Communist, and I want to speak to the issues and this is a diversion from the issues.

Anyway, in the election I had one bit of bad luck in the timing, because this was the year that a man named [Ronald] Reagan decided to run for Governor of California. He was considered a laughable proposition a few months before, but he did get into the campaign. And the result was that there was a very large Republican turn-out in the county in the primary election. And there was a very small Democratic turn-out in the primary because Pat Brown was a cinch to be renominated by the Democrats. There was no opposition. While on the Republican side, there was a lot of excitement because there were a number of Republican candidates, including Reagan. And, as history proved, a very large number of votes turned out for Reagan.

So that, in the Republican parts of the county, which means everything outside of Berkeley and Oakland, I was absolutely sandbagged. I got very few votes. But I did carry Berkeley! Had I been running for Mayor of Berkeley, I would have won. I carried all of the so-called flatlands in Oakland. In other words, every Black precinct, every precinct that had substantial Black votes, I carried. So, the end result was, I got about 30 percent of the vote countywide.

The results were summarized afterwards by Coakley, the winner, who at some communion breakfast told a friend of mine who asked him what did he think of the election result: "Well, I figured Treuhaft for 15 percent of the vote. That's the usual anti-incumbent vote. Anybody who runs gets 15 percent of the votes, but he got 30 percent. He got over 75,000 votes. I never realized there were that many 'Commies' in this county." And he did this with an absolutely straight face. He really believed that. [Laughter]

The Campaign Strategy

Larsen: Did you have someone who helped you plot strategy for this?

Treuhaft: Oh, yes. I raised about $17,000 in the campaign. I had a campaign manager, who was paid; I had one in Hayward and one in Oakland, and then the rest of these people were all unpaid. Of that $17,000, I think that my partners and I put up about $8,000, and we raised the rest. In connection with that, you have to do the honest ballot stuff, you have to file an accounting of all of the fund-raising within a few days after the election.

It had one very unfortunate result. We were rather naive politically, in a way, because perhaps unlike the other candidates, I was scrupulously honest in reporting the contributions. You're supposed to report every contribution to your campaign. We just sent in the list of contributions.

As a result, a few months later, I got a call from somebody; he came up to see me. He was a graduate student at the University of California, and he had applied for a job with the labor section of the United Nations. The, oh, what's it called? [UNESCO, United Nations Educational, Scientific, and Cultural Organization.] Anyway, it was a U.N.-affiliated job, and he found that he had to have a FBI clearance. In getting that, they asked him to explain a contribution that he had made to my campaign. And he produced a canceled check for $2 that he had contributed. [Laughter] I felt absolutely awful when he told me this, and I said, "Now be sure to tell me if you *don't* get the job." Well, apparently he was able to convince them that the check was only $2 and he wasn't that much of a Communist. I didn't hear from him again, so I assume that he did get the job.

Larsen: That's an incredible story. Was there any other fallout from this election? Were you disappointed not to have won?

Treuhaft: Well, in every election, I now realize that you begin to get excited towards the end and you begin to think well, maybe there's a chance of winning. For one thing, you're talking to your own people a great deal and you're trying to enthuse them. Also, I think it tends to cause a candidate to veer towards the center in the hope of being elected. And I'm afraid I did that also, unconsciously. But I remember being rebuked by people on my committee for having contracted "electionitis," and for perhaps saying things that I wouldn't ordinarily have said because, hey, I'm going to get those extra votes.

Treuhaft: And one other result that it had was that an item appeared in *Ramparts*. This was the heyday of *Ramparts,* once an obscure Catholic magazine, which in the '60s became a national phenomenon and a very important slick paper -- a left-wing journal, imaginatively run and edited by Bob Scheer; Warren Hinckle, now with the [*San Francisco*] *Chronicle*; and Dugald Stermer, who was the art director (he designed the Olympic medals for the last Olympics in Los Angeles). Anyway, it became an important national magazine.

Phone Tapping

It [*Ramparts*] ran a big story about me and my candidacy. Oh, sometime after the election, there was an article in there by a man named Turner, who was a former FBI agent, and he was telling all.[1] Now, in reading the article, I saw that he said that he'd been at a cocktail party in San Francisco, and he'd heard a voice that was familiar, but he couldn't connect it with any face there. And then he was introduced to me: "This is Bob Treuhaft, who ran for district attorney earlier in the year." He then recognized that I was one of the people whose lines he had been tapping when he was an FBI agent in this area, and that he had spent several months tapping our telephone.

So I looked him up. My wife and I, and another lawyer friend of ours, had lunch with him. I met him for the first time as a result of reading that article. He told me about the whole practice, the way they went about tapping the lines. He named ten or eleven other people who were Communists or suspected of being Communists in this area whose lines he had been tapping at the same time, and how they had a crew of six people tapping. At that time, the electronic equipment was not as sophisticated as now, and they didn't have voice-activated equipment, so they had to have somebody listening all the time. They spent most of the time listening to our kids calling their friends and playing phonograph records for their friends. [Laughter]

Larsen: Did you suspect that you were being tapped?

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[1]William W. Turner, "I Was a Burglar, Wiretapper, Bugger, and Spy for the FBI," *Ramparts*, Vol. V, No. 5, November 1966, pp. 51-55.

Treuhaft: Oh, yes. We always assumed that we were being tapped. Everybody in the Left who was halfway knowledgeable knew, well, assumed that they were being tapped. So that you never discussed anything on the telephone or even near a telephone or even inside of a house you felt might be of interest to the people who were doing the tapping.

Larsen: How would you communicate then?

Treuhaft: On very important things, you'd do it in an open field. And of course now we learn that the equipment is sensitive enough that they can pick up something a couple of hundred yards away. But anyway, the open field was the kind of thing. Or, if you had to do it in the house, you would tap a pencil [Taps] while you were doing it, which was supposed to spoil the reception at the other end. Also, we had people who were into electronics, who would go through the house from time to time to try to find out if we were being tapped. You couldn't find out where the telephones were being tapped. That was very hard because that was done with the cooperation of the telephone company on the lines outside your house. They didn't have to come into your house to tap your line.

Larsen: Did you ever find one?

Treuhaft: No, but a rather well-known private eye in this area was very good at it. He found a number of places where they were tapped. But I know mine was tapped. When I got my FBI file through the Freedom of Information, there wasn't a word in there about the tapping. Yet I know from the source that my line was being tapped.

Funeral Directors, Licensing Board

Larsen: We were going to talk about your being on the licensing board for funeral directors.

Treuhaft: Oh, yes. That was when Jerry Brown [Edmund G. Brown, Jr.] became governor. Of course, a great change took place for us who had left-wing backgrounds because that sort of thing never troubled Jerry. He was terrifically interested in developing a strong consumer affairs department; and the head of it at the time I was appointed was Rose Bird. She was the head of the government branch under which consumer affairs operated, and I understand that she was one of the people who suggested my name. Of course,

Treuhaft: it had some connection with the fact that my wife was known to be the author of The American Way of Death, and that I was known to be the organizer of the Bay Area Funeral Society.

Well, at the time The American Way of Death was written, the licensing boards consisted entirely of industry members. That was true of all licensing boards. Then, when Pat Brown was governor, legislation was put through which put one public member on each of the licensing boards, other than the important ones -- law and medicine, no public members there. Then, when [Ronald] Reagan was governor, two more public members were added so most of these boards were expanded to seven or more members. When Jerry Brown became governor, the law provided that on all the unimportant boards a majority of the members had to be public members. That was when I was appointed. There were seven on the board, and, let's see, how many were there? Every time they added members they would enlarge these boards, so that there was a fluctuating number of people on the board. There were seven, I think, when I was appointed.

I understand there was a great howl from the industry when I was appointed, and somebody told me that as far East as New Hampshire the word went out. When Jerry Brown was running for president, he encountered in New Hampshire attacks on him by funeral directors for having appointed me to the board. And, of course, he liked to do shocking things anyway, politically. This kind of thing really didn't hurt him -- strong, pro-consumer kinds of appointments. Brown's appointments, I thought, were very good all the way down the line. He did a great deal to change the face of justice in California with his judicial appointments.

Larsen: What were the kinds of issues that the board would discuss?

Treuhaft: When I was appointed, there had been three public members on there as the result of the earlier legislation. There were three public members and four industry members. However, those three public members had been appointed by Governor Reagan, and they were all people who were closely connected with, or friendly with, funeral directors. Although they were not licensed, their hearts were on the other side. When I was appointed, I was the first consumer-oriented public member. And for the first year, I couldn't get a second to any of my motions. I wasn't trying to be disruptive in any way, but it took the board a long time to feel that I had any place there. I said, "Well, aren't you interested in consumer issues?" "Well, look," they said, "We, this board, is financed by our

Treuhaft: money. We represent the funeral directors. And we don't see what interest anybody else should have. The public doesn't pay for these boards."

That's why licensing is so popular with business in California. Everybody wants to get licenses; people stand in line. Various occupations from wigmakers, to barbers, to funeral directors, all want to be licensed because under the licensing laws, as they used to be, they would run the licensing business. It was like having a little, private club. And the reason that it sold itself to the legislators was that it didn't cost the taxpayers anything because the licensing boards are financed entirely by the license fees that are imposed by the board. The fees are very small generally, but it's enough to run the board. The directors don't get paid. It's all a non-paying job. Usually the staffs are rather small.

So it wasn't until the following year when the law became effective that provided for a majority that some of the old timer public members' terms expired. They were not reappointed; consumer-oriented people were appointed to replace them. Also, surprisingly, a couple of funeral director members were appointed who were consumer-oriented. One of them had a substantial funeral home in Modesto -- Lew Franklin, a Harvard Law [School] graduate, who never practiced law because he went into his father's very prosperous business, and he knew a great deal about the funeral business. He used to boast that of the three funeral homes in Modesto, he was the only one who hadn't gone to jail for stealing money from before-need-funds that were deposited with them by funeral directors.

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Larsen: Who ran the board as the consumer people came? Not as the majority, but at least substantially there? Were you able to get some things done?

Treuhaft: Yes, we did. We were able to sort of nibble away at the edges and to get some publicity on some of the issues. We were able to get a rule, adopt a regulation which required funeral directors to tell the truth to the public about embalming, for example. The big money-maker for funeral directors is embalming -- the whole idea of presenting the dead body, embalmed and beautified, as the "beautiful memory picture," so-called. So that people can come in and look at it and say what a nice job we've done. This attracted new business for the funeral director, and also it made it important to buy a suitably elegant casket to go with the suitably beautified

Treuhaft: body. The impression was general in the public that embalming was required by law. The fact is that it is not. The public didn't know anything about embalming. So we did adopt a regulation that required not only that the public be notified in every case that embalming was not required, but also to say that it was accomplished by the injection of chemical fluids into the body, and that sort of thing.

Anyone who has seen embalming done would never dream of having anyone close to him embalmed because it's a kind of butcher's operation. They slit the torso. Take out the contents of the stomach. Wash it out. Clean it out. Put it in a plastic bag and put it back in, just like a chicken you buy with the entrails. I had not only seen it when I was working on the research of The American Way of Death, because I used to hang around the embalming college in San Francisco, using their library and meeting some of the young embalming students, but I saw a film of it that was made by the embalming school. Anyone who saw that would be so horrified that they wouldn't think of having it done to anyone near or dear to them. So I think we did something in education in that way.

Also, we got out regulations which prohibited advertising of caskets as being waterproof or prolonging the preservation of the dead body. Then, getting out the word that embalming does not prevent the spread of disease, because many of these myths have been propagated by the funeral directors. We did get out regulations which prohibited that sort of stuff. Any pathologist will tell you that disease is carried by live bodies and not by dead bodies. It's live people that spread disease. The most common infectious disease in the U.S. is gonorrhea; very few people acquire gonorrhea as a result of contact with a dead body. I suppose a few do. We had a few of those cases. When we were prosecuting, you see, the board not only issued licenses, but it conducted hearings and acted like a court in disciplinary actions. And we had very few cases of, oh, what's the word for it?

Larsen: Necrophilia?

Treuhaft: Necrophilia, yes, very odd cases. But the law is so written that the board, when you really come down to it, doesn't have very much power. I don't think that we took the licenses away from more than two or three people during the four or five years that I was on the board. We issued maybe one-month suspensions to a few, but just very much like in the law, the licensing of lawyers -- unless you're convicted by a court of fraud and stealing -- you're not likely to be disciplined by a board. It's much harder to get disciplined by a board than to be convicted by a court.

Present Activities

Larsen: Would you like to discuss your present work?

Treuhaft: Well, from the time I was first admitted to the bar in California, in 1943, started private practice in 1945, I'd always been part of law partnerships where my partners were all politically congenial, and where we practiced the kind of law that was dictated by our political consciousness to some extent and practicality on the other. We never had any corporate clients. We always had high overhead and low income in the partnerships in which I participated.

I rarely made more money than was made by people just out of law school, even though I was practicing for twenty years, and had an active, busy practice. I don't think I ever made more money than what was being paid to people in their first year out of law school who went to work for the corporate firms. In other words, they're now making $60,000 to $70,000 a year, the top students in their first year. I never made that much; when they were making $20,000 a year, I was making maybe $20,000 a year.

I remember about fifteen years ago, Harvard Law School did a survey of my graduating class, which showed that the median income that year was $76,000. In the lowest bracket, "under $20,000," there was only one person in my class; of course I knew who that was. I was pulling down the class average.

However, the practice was interesting, and we were at the cutting edge of the law in a number of areas. During the Vietnam War, we were very actively involved in representing people who were resisting the draft and later in representing people who were in the army and wanted to get out. In disciplinary cases, we became very good military lawyers, very good constitutional lawyers. We handled tough cases. We acquired good reputations. Ten years or so ago, I left the partnership in which I had been. The partnership generally split up, partly because of some subtle political differences, but mostly because I had had enough of worrying about overhead. I was an important business getter for the law firm. I found that I was spending more and more time getting business than actively trying cases. Worry about overhead, all of the administrative problems in a partnership, just weren't worthwhile.

Treuhaft: So for the last eight years, I've been practicing alone. I found that the best way to do that was to specialize, and I've been specializing in workers' compensation. I found that I can do that by myself with one full-time secretary. For one thing, because it's practice before the Workers' Compensation Board where they're very obliging, if I want to be away for six weeks or so, I let them know that I'm going to be away. They won't set cases for trial during that time and I'm able to handle it by myself. I hadn't done a great deal of workers' compensation law before. But as a result of doing a lot [since], there's now a specialty in workers' compensation law where you have to be certified and that sort of thing. I just passed the examination for certification. There are very few certified specialists. I think I was one of only three or four in California certified in the last year. So that's what I'm doing now.

Larsen: But you're in a firm?

Treuhaft: No, no, I'm practicing alone. I did find that in the first year of practice alone my income doubled, and in the second year it doubled again. It's far more satisfactory in every way. It's less work and more money.

Larsen: You handed me a brochure the first night I came.

Treuhaft: That's to some extent a paper partnership. I'm quite independent of them and they're independent of me, but it's a way of my being able to refer cases to them ethically and for them to refer cases to me. They refer compensation cases to me. I refer other cases to them, in which I retain some sort of interest. But it's not a partnership. No.

Larsen: We've come to the place where you have an opportunity to leave behind any advice that you might give.

Treuhaft: Well, I think that's the point where I'll leave you because I'm not very good at that. I told you I'd gone over some notes in connection with lecturing to some law students last week. I wonder if I told you about some of my experiences with judges?

Left-Wing Attorneys and the Courts

Larsen: No, you haven't.

Treuhaft: I think that's of some interest. As left-wing lawyers, we always suspected -- me and my partners -- that we were struggling in court and in dealing with judges who generally were very, very conservative, former prosperous lawyers and that sort of thing; that we

Treuhaft: were swimming against the tide, and that we had to do better than other people did in order to get the same results. We could never prove that. Some judges, of course, were out and out, were pretty obviously politically prejudiced, part of the cold-war anti-communism. But it was very hard to prove. We could tell when other lawyers were, but the judges find it easy to maintain an appearance of judicial restraint.

There was a judge out in Hayward Municipal Court, where we had a fair number of cases. His name was [Thomas L.] Foley. He was on the bench for a long time, and I found that I could do nothing wrong in his court. I would go there on cases that I was expecting to lose and I'd win them. I remember one case where I was suing, an ordinary automobile accident case defended by an insurance company lawyer. It was a jury trial, which I lost. I made a motion for a new trial on the ground of some really far-out judicial error, an error in the instructions. The judge granted me a hearing on it to my surprise, and at the hearing I came not too well prepared. I cited a case which had appeared recently in the advance sheets to support my position, but I didn't have the volume with me. The other attorney said, "Well, I don't know anything about that case." So Judge Foley says, "If Mr. Treuhaft says it, I believe him." And he granted me the new trial just off the bench.

He had done that a few times, and he also did it for my then partner, Ed Grogan [who] noticed that he was getting special treatment out there. And you can't help noticing that, it's so rare. Finally I was out there one time, and I had a talk with him. I said, "Look, I know it's dangerous of me to say this, but you do seem to be giving Ed Grogan the breaks that we never get in other courts, and me, too. Is that something I'm imagining?" He said, "No, it's not. I'll tell you this off the record. I meet with the other judges, and I hear them talking about you 'Commie' lawyers so much, and I know that they're screwing you from time to time. I feel it's my obligation to make it up to you." [Laughter] I thought that was pretty marvelous.

Well, we had a chance, despite our left-wing connections and during the time that we were both active in the Communist party, to have a hand in the appointment of a couple of judges. When Pat Brown became governor, oh, when was that? About '54, somewhere around there.[2] There'd been Republican governors for a

[2]Edmund G. Brown, Sr. began his first term as Governor of the State of California in January, 1959.

Treuhaft: very long time. There were hardly any Democratic lawyers in town, so that when Brown was unexpectedly elected, he was a real long-shot. All the people who had wanted to be judges had to be Republicans because the appointments were made by a Republican governor. Well, Pat Brown had a hard time finding Democrats to appoint. People started to switch, but only the younger lawyers were Democrats.

His first appointment came up. I wasn't following it very closely because I hadn't thought about being a judge, but [there was] a friend of mine who had worked at OPA, an acquaintance; Louie Lercaro was his name. I'd met him at OPA in Washington. He was no legal scholar of any dimensions. He was one of the first lawyers, though, to do medical malpractice in the Bay Area because he had a connection -- a doctor who was willing to testify, who was shunned by all of the doctors, and was the first doctor in this area who was willing to testify against other doctors. So he began to make some money in that field. Well, I saw very little of Louie in Washington.

There was a tradition of nicknames in Washington going back to the New Deal. Tom Corcoran, one of FDR's presidential advisors, was called "Tommy the Cork." Well, Louie Lercaro we used to call "Louie the Lurk" because he was always lurking. He wanted to get back to California, where he'd make a lot of money in the practice of law because all of his pals were being drafted. He would tell me how he was getting letters about all the money people were making. He was one of the first people to get out of OPA after the war and to get back, even before the war was over, into practice.

So I hadn't seen much of him. He asked me to lunch one day, and he said, "Look, Pat [Governor Pat Brown] wants to appoint me to the first judgeship opening here. It's a municipal court opening." He said, "Now I haven't been involved in Democratic politics very much, but my wife and Pat's wife are good friends and they play bridge together, and I've known Pat for some time. He said he wants to appoint me, but Bob Kroninger, President of the Democratic Lawyers Club in Alameda County, is being supported by four of the five assemblymen in the judicial district. Pat says that if I can get one Assembly member to support me, he'll appoint me."

Well, the only one who hadn't declared himself for Kroninger was Byron Rumford, who was the first Black elected official in this area. He was an assemblyman for many years. I knew Rumford;

Treuhaft: he was a rather strong anti-Communist. But Louie said to me, "Can you help me get Rumford? You have connections in the Black community." He knew that most of my clients were Black. I said, "Look, why should any Black elected official support you, Louie? What do you have to offer?" He said, "Well, I went down to Municipal Court to see what's operating down there after Pat [Brown] talked to me. Most of the defendants down there are Blacks, and they don't even have a colored clerk there." He said, "I would appoint a colored clerk. I would lower the jail time, lower the bails, and lower the fine in some of these cases. I would be fairer than some of these judges are." So I said, "Louie, I'll try to help you."

Well, I didn't tell him if I were to approach Rumford, I'd be the kiss of death. If I recommended him to Rumford, that would sink him. But I did know two people who were influential, and who were sympathetic politically. One was Carlton Goodlett, who was the publisher of the Black newspaper in S.F. (the name escapes me for the moment).[3]

The other was C.L. Dellums, who was the uncle of Ron Dellums. Ron Dellums wasn't yet in politics at that time. And C.L. Dellums had been President of the Sleeping Car Porters Union, was very much in politically, was a strong political force.

So, with my partner, Aubrey Grossman, also a Communist at that time, we had a talk with Dellums and with Goodlett and said, "Look, here's a guy who we can't recommend terribly highly for intellect or anything else, but he will know who his friends are. If you can get the appointment, if you can talk to Rumford and have him get this guy appointed, he will pay you back. He'll be a friend in court. He'll appreciate the sponsorship. On the other hand, if you support the other guy, there's nothing in it for you." Well, they saw that immediately and they went to Rumford. Rumford, who hadn't met Louie at all, sponsored him and he was appointed. He got the first appointment.

Well, there was another case where it became embarrassing because whenever I appeared in his court, he couldn't do too much for me. In fact, he said, "Bob, I want you to come to me *before* you appear in my court to tell me what the case is about." [Laughter] And of course, I knew that this is the way other judges operate, and he wasn't more corrupt than the others. He was just being frank with me, and I was getting these little favors from him. He's dead now, I can talk about him, he was a very sweet guy.

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[3]The Black newspaper in San Francisco was the *Sun-Reporter*.

Treuhaft: In time, an opening in the Superior Court came up. Louie didn't even have enough sense to put himself in solid with the Black community in the interim, although he did appoint a Black clerk, and whatnot. Louie came to me again and said, "Bob, there's an appointment in Superior Court coming up. Pat [Brown] wants to appoint me. Can you talk to your friends again?" Six years on the bench and he hadn't done anything for himself. I said, "Sure, Louie." He got the appointment to the Superior Court. And there, too, there he was spreading his favors around in a rather dangerous way, I thought, not only to us but to other friends. That's one little aspect of it.

Another was that even before that, there was a Municipal Court judge named Chris Fox, who was a stupid and corrupt man, vicious and nasty and narrow-minded. We were always at odds with him. Bert Edises and I were partners at the time. One day he called Bert Edises and said, "Bert, I'd like to come up to your office and talk to you." So Bert says, "Look, Judge, I'll come down to your chambers and talk." "No, I'd rather talk to you in your office." Well! We'd never been on friendly terms with this guy. Never saw him socially.

He came up to the office to meet with us, and he said, "Bert, Bob, I'm going to run for Superior Court. I'm going to run against James Quinn. He's over the hill now and I want to get some labor support. And you guys represent the unions. Can you get me some labor support?" So Bert said to him, "Well, look, Judge, why should we support you? Whenever we have a labor case before you, if we ask for a jury trial you jump the bail from $50 to $500. You've never shown any sympathy at all for the labor movement. What can I expect from you?"

"But look at it this way. You don't understand," he said. "I hear those cases down in the Municipal Court. If I get up to Superior Court, I'll be hearing divorce cases. I can do you more harm down here than I can up there." He was being perfectly straightforward and sincere about it. He didn't realize what a stupid thing he was saying. So, we had to say, "Well, look, the trouble is, unfortunately, you can't get labor interested in judgeship elections and that sort of thing. There's no labor vote, the labor vote's a myth."

Summing-Up

Larsen: Well, we're about to the end of the tape. Maybe [there's] room for one more story.

Treuhaft: I hadn't thought about drawing any conclusions from this ragged and checkered career. I got into law rather accidentally, but I'm glad that I did. I really have tremendously enjoyed my career in the law. I found it extremely satisfying. The trouble with law is, you have to charge fees. I thought one of the things that is basically wrong with the legal system is that you have to pay for the privilege of having justice done. I've often felt that the times I was acting most professionally as a lawyer were when I wasn't getting a fee, and those were many times indeed.

I think that my experience in the licensing board of undertakers makes me feel that lawyers are in a rather similar situation, and I am very much in favor of removing the barriers to practicing law. I would be in favor of removing licensing requirements -- not only for undertakers, but for lawyers as well. I think a law license, a license to practice law, is no guarantee whatsoever, no assurance whatever of quality or ability. It's merely proof of ability to pass a law exam. It gives lawyers a monopoly, which they unfairly have. I think that I can make strong arguments for a non-licensed bar. And I think that the bar is tending in that direction now.

In terms of long-range conclusions, I don't know. Politically, I have no regrets whatsoever about my past. I don't regret my period of time in the Communist party, fifteen years of devoted work in the Communist party. I do regret the fact that while I was in the Party, I didn't ask more questions, didn't take more risks.
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Guide to Tapes—Robert E. Treuhaft

APPENDIX

Letters to the Editor, *San Francisco Chronicle*, January 3, 1967, p. 48

LETTERS TO THE EDITOR

Behind the Co-op Issue

Editor — For the past three or four years the Berkeley Co-op has been under increasingly heavy fire, not from profit-enterprise competitors, but from groups of its own members.

Angry delegations descend on directors' meetings. Wrangling and disputes at district ("center council") meetings have driven away interested members, who expected cooperation to be somehow different from this.

Staff members — management professionals and dedicated career cooperators — find themselves attacked as enemies of the consumer. Stores have been picketed by their own members. Co-op elections, once decorous and unexciting, are currently occasions for heated electioneering . . .

The nearly 40,000 members (each representing a family) of this largest urban consumer cooperative in the United States are but little aware of the pressures being exerted by groups within the membership in the current election campaign.

Their cooperative business, which operates seven supermarkets in East Bay cities, four service stations, a repair garage, a hardware-variety store, and a children's clothing store, had a volume of some $23 million in 1966. . . The Berkeley Co-op is both a model and an inspiration to the rest of the cooperative movement in the U.S. In its 35 years of existence, it has operated its democractic machinery well, procuring for the consumer commodities of reliable quality at fair market prices, carrying on a steady program of consumer education, and advancing fair employment practices.

The Co-op was the first business to hire Japanese-Americans in "visible" jobs on their return from relocation centers during World War II. The Co-op has had the policy of recruiting and training Negro employees long before the civil rights demands of the 1960s.

Why then the present turmoil? To answer this question, it is necessary to examine what may be called the "new Berkeley mentality." . . .

It is a kind of dogmatic zealotry about the big problems of the world: racial prejudice, economic inequality, and war. The thinking of the Dogmatic Zealots (hereinafter called the DZs) is almost entirely polarized around a cluster of highly-charged terms.

One of these terms is "the power structure." The world, according to this view, is run by a "power structure" that profits by existing injustices and is therefore determined to perpetuate them. And who is this "power structure"? It is, by a curious extension of C. Wright Mills' concept of the "power elite," anybody who is in charge of anything. That of course covers President Johnson and his Cabinet, the directors of General Motors, the Regents of the University of California, the city council of El Cerrito, and the directors of the Berkeley Co-op.

The "power structure" is by definition bad. Because it has a vested interest in the status quo, it cannot be reasoned with. It will never change unless forced to do so.

One way of forcing the power structure to change, according to the DZs, is by activist involvement. Eschewing the ordinary democratic processes of discussion and debate, they seek "confrontation," by which they mean that if enough angry people join together in sit-ins, lie-ins, pray-ins, picketing, marching and boycotts, the "power structure" will be compelled to "negotiate" and ultimately yield to the "just demands" of the demonstrators. This is known as "bringing the power structure to its knees."

The other way to influence the "power structure" is for DZs to gain control of organizations. Not able, of course, to gain control of General Motors or Safeway, the DZ's naturally pick on handier targets such as the Co-op (or KPFA).

The present election campaign for three Co-op directors, which will continue by mail and in the stores until the annual meeting of January 20, is shaping up into a battle between the "new Berkeley mentality" and the traditional Co-op attitudes of patient, practical idealism and good will.

This fact is not easy to discern, because a number of smokescreen issues—alleged indifference to the needs of the poor, alleged gimmickry in pricing, alleged racial discrimination—have been raised by the six petition candidates who are running against the nine nominated by the member-elected nominating committee. Lables of "liberal" vs. "conservative" and "radical" vs. "liberal" have been applied by reporters trying to clarify the confusing picture, but only confuse it further.

Basically, what is at stake is the fundamental conception of the Co-op. Is is to continue to be a broadly based consumer organization uniting all sorts of people on the basis of their consumer interests, or is to be made into an "activist" political organization? . . .

The petition candidates all expressly advocate the Co-op's "taking its proper role in community issues," specifically, protesting the war in Vietnam, boycotting Dow Chemical Company, supporting the Delano strikers, and taking stands on local bond issues.

Candidates with the more traditional Co-op view—like Dave Bortin, Anne Dorst and Clinton White—believe that these causes may be worth supporting in other ways, but that for the Co-op to take stands such as these is to divide the membership, drive customers out of the stores, and destroy the Co-op.

They do not believe that a better world can be created by anger, hate, and denunciation, but that it can be created only a little at a time, by the building of institutions which, like the consumers cooperative, practice in economic terms the justice and brotherhood we all want.

S. I HAYAKAWA.

Berkeley.

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