

**Transcription of Videotape Interview with
John G. Gabbert
April 2, 1998**

Erickson: John, I would like to focus on your involvement and your thoughts on the early experiences at UCR and what that formation was like. Would you give us a little detail about that, please?

Gabbert: Well, the early period of interest in the community in the development of UCR, of course, starts back a good many years before anything was really objectively begun. In the thirties, there was considerable discussion in the community about augmenting the Citrus Experiment Station by getting a branch of the University here, a College of Letters and Science. And this was a kind of an undercurrent discussion. There would be an article in the paper once in a while by somebody, or the California Alumni Association would discuss it at a meeting, and so it went. There was always kind of an undercurrent among people who were interested in education and in the university and in the Citrus Experiment Station as to whether this might be the nucleus of developing a campus. And through those years and almost universally, the thought was we would be lucky if we got a small liberal arts college here, but a high grade one, you know—Swarthmore of the West, that kind of thing. That continued to rumble kind of in the background.

Erickson: That was in the thirties, you said?

Gabbert: Yes, and perhaps even earlier because I remember hearing my dad talking about, “They ought to get a branch of the university here. We need one in this part of Southern California.” That sort of thing. It didn’t happen with any frequency, and it just kind of rumbled along here and there. And then it would come up again, and my dad would put an editorial in the paper or something.

Erickson: Your father was part owner at the paper, is that correct?

Gabbert: Well, my dad was out of the paper in the thirties. He was editor/publisher of The Enterprise from 1912 to 1930. But when he was active with the paper, of course, he would have editorials on occasion.

I am sure, if one went back and looked through all the old files, you would find things like that in both The Press and The Enterprise, because there was a strong feeling in Riverside for such a program.

But there were also people who thought that such a thing would interfere with the junior college that we had then which had been established, I think, about 1916. I attended there and enjoyed it there in 1929 when it had about 350 students. And, of course, we know now what it is!

After World War II was when the real discussion about the creation of a branch of the University here came into full bloom because of the need for a program to accommodate the returning veterans. There was a very heavy demand at that time, so much so that the Legislature began to get into the act.

The man primarily responsible for really bringing the matter to public attention and really doing something about it was the Assemblyman from this district, Nelson Dilworth, who has really never gotten all of the acclaim that he should have received, even though there is a nice plaque to him in the library.

Erickson: In the library, yes.

Gabbert: But Nelson was a great believer in education, and he was a very homespun absolutely rigorously-honest legislator. He had the admiration of a lot of the freewheelers in the Assembly, because they knew he was an absolutely honest guy. He was Chairman of the Education Committee in the Assembly for some time. I don't know exactly what period. But at this time and even a little later when the Strayer Committee was in operation, he was the Chairman. He was very, very strong for a

Gabbert: branch of the University in Riverside. Phil Boyd, who was in the Senate, was likewise so inclined and so directed, and he was a very, very able legislator. So those two really were the focal point of getting the discussion going in the Legislature for Riverside, with other places being discussed also.

But when the Legislature decided to set up an investigative committee and hired Dr. Strayer from Columbia, retired, and head of their department of education. He came out, and then the Strayer Committee was constituted. He began a statewide examination of the needs of higher education and the possible locations of future campuses if they were to be created.

That is when everything began to come to a head in Riverside. The Chamber of Commerce had an Education Committee, and they were very active. It was headed by Cleo Thomas, who was head of the Commercial Department of the power company, Southern Sierra's Power Company, at that time. Maybe it was California Electric at that time, I am not sure, because there were successor companies. Cleo Thomas was very active and the Chamber began to write letters and contact legislators, and so forth. Then there were other groups, particularly the Cal Alumni under Harold Butterfield.

Erickson: And he lived here in Riverside?

Gabbert: Yes, he was a probation officer and an active Cal alumnus. Then later William O. Mackey, Bill Mackey, who became later the District Attorney, was the successor-President of the Cal Alumni to Butterfield, and he was active. And then there were others as individuals who were concerned. Then about the time the Strayer Committee got active, they came to Riverside unannounced.

Erickson: Oh.

Gabbert: And, it was kind of peculiar. The Mayor of Riverside, Walter Davidson, contacted Ira Landis, who was Superintendent of Schools and said, "There are some educators coming out to Riverside today. I don't know what they want, but I think it's

Gabbert: about the University.” He said, “What should we do with them?” Mr. Landis contacted the Director of the Experiment Station, it was Dr. Batchelor at that time and said these people were coming and what could he do. So, it is my understanding that Batchelor and his wife (I don’t know whether there were others) took these two men, Strayer and Dr. Jones, to lunch. They invited Mrs. Bonnett to lunch.

After lunch, Mrs. Bonnett took them for a ride out Victoria Avenue. They toured what was then the campus of the Citrus Experiment Station, and then she took them on a tour out Victoria Avenue. The Bonnett’s lived on the corner of Madison or Adams and Victoria. They had an orange grove there, a ranch of sorts, a substantial one I mean.

It was there that they met Mort Bonnett. Dr. Jones discovered that Mort Bonnett had been captain of the track team at Stanford when he was there, so they had a common interest. As a result of that, a kind of friendship developed. And that was the kind of catalyst that then brought the matter up to the Unified School Board.

Erickson: And Mrs. Bonnett was a member of the school board?

Gabbert: She was President of the school board at that time. I was a member of the board. Now, I think--and of course memory plays a trick on you after fifty years--but I think that Mrs. Bonnett, and we all had talked among ourselves not in an official meeting, thought that we ought to do something as the school board to assist the program to develop a branch of the University here.

Mrs. Bonnett suggested that we ought to try to have a unified committee, and we all agreed on that. Otherwise, we were working at cross purposes. We may have had two or three different groups meeting. The Chamber had already sent a group of a few to a meeting in Los Angeles with the Strayer Committee, which, I believe, was the first meeting. Cleo Thomas attended that, and I know that Tom Patterson, who was a reporter for the newspaper went. I can’t remember others

Gabbert: who may have gone, but they went down there to this meeting. Of all the locations of communities in Southern California that might be interested in this program, Riverside was the only community represented.

Erickson: My goodness.

Gabbert: That was actually before we did anything about trying to organize an overriding committee. So, Mrs. Bonnett suggested that we take steps to use the school board as the nucleus to get some group to organize a common committee. I made the motion, and it passed.

We got Howard Hays, Sr., who was the Publisher of The Press-Enterprise at that time to help organize a group, and then an ad hoc group was formed. From that, we rapidly began to expand into an Executive Committee and we had officers. And then the Citizens University Committee actually became established.

Erickson: That was the formation of it initially.

Gabbert: We started off, I suppose, with twenty or thirty people. Within a very short time we had a couple hundred people who were contributing money to help this effort we were in.

Erickson: Was it a costly effort?

Gabbert: Well, not by...

Erickson: Not by today's standards.

Gabbert: Not by today's standards of political efforts, but we sent a group virtually to, I can't say every meeting, but I think almost every meeting of the Strayer Committee no matter where it was held—in Eureka, in Redding, in Fresno, in San Diego. I remember going to San Diego. Of course, they met here two or three or four times and Los Angeles, Santa Barbara and other areas in the north.

Gabbert: Then we sent a representative to Sacramento, Chuck O'Neill, Charles O'Neill, to work in Sacramento. We did a lot of those things. I say we, but there were different groups and different people in the committee. We even sent boxes of grapefruits and oranges to all the members of the Legislature.

Erickson: Oh, tell me about that. Was that widely accepted then? They recognized Riverside after that.

Gabbert: Right. Those were largely contributed by local citrus people.

Erickson: Great idea.

Gabbert: I don't know where I have run after that initial question. I think I have lost track.

Erickson: Well, that was a good capsulization. So, the Citizens University Committee became the central focus and that group established the strategy for dealing with the Strayer Committee. Is that correct?

Gabbert: Right. By going to these meetings, we developed a rapport with the members of the committee. You know, we got to know them personally. Maybe fifteen to twenty people in Riverside knew every member of that committee personally. We were the only people who attended all the meetings. Usually, they were only attended by people of the community in which they were meeting, but we went to all of them. We always tried to sit in the front row so they would see us and know we were there.

Erickson: Did they let you speak or were you just spectators?

Gabbert: We didn't really intrude on the local situations. We just wanted them to know we were there. And then we entertained them here when they came.

Erickson: Tell me about that.

Gabbert: Well, the major entertainments were in a room at a house on Pachappa Hill. The home was owned by Roy Hunt who was the owner of the Riverside theatres. He and his wife Blodwin were very civic-minded people. They turned their sky room, which was their kind of a public entertainment room and which looked out over the whole valley—it was a beautiful view of the whole valley, particularly in the evening with the lights on.

Erickson: Were there orange groves all around?

Gabbert: It was mostly oriented to the southwest and north, so it was the city largely and the mountains and the surrounding valleys. He had a beautiful interior barbecue arrangement, and Roy really delighted in doing the steaks himself just the way everyone wanted them. It was a very nice thing, so when they would come to have their meetings, we would invite them to dinner. So, we would have a chance to keep up a friendly contact.

On the very first time that they were on the campus, the time when Dr. Jones and Dr. Strayer were here, they were shown over the campus and the landholdings of the Citrus Experiment Station, and that meeting greatly impressed Dr. Strayer because he saw that there was ample land and room for expansion. That was a very important thing—that we had the land here.

Erickson: Was that (land) owned by the University or the city?

Gabbert: Yes, although later the committee was very active in getting some small parcels added to fill out the land area. That went on for several years as well. We worked on land use, water rights and those matters to help where we could. And because there were so many community leaders and company executives as well as county officials who were active in this program, we were able to expedite things that really helped in establishing it later on as the University developed.

Erickson: Its sounds as though Riverside was more prepared than any other city in competition.

Gabbert: I don't think anybody else had anything that approached our attitude of a single minded, unified effort. I am sure in other communities there were many people who were anxious as we were to do something for their communities, but I don't think any of them had the direct impact of a single group that we did. That was the point that really helped us.

Erickson: So, that process was over the course of about a year?

Gabbert: No, it was over the course of several years. It extended even after the campus was established, because in the growth period of the campus, there were many times when the committee was of very great importance.

The Korean War came along. As a result of the Korean War, all construction ceased. Steel was impossible to obtain. Cement was difficult. At those times is when we really worked hard. The committee got the steel, we went to Washington, we went to Henry Kaiser, we went to Floyd Odlum, and those big industrialists helped us by various routes to get steel.

The War Resources Board, I think it was, stopped any construction because of cement shortages. And here we were with two cement plants in view of the campus as Dr. Coman pointed out, and we couldn't get cement. But we got those. And the acquisition of married students' housing.

Erickson: That was all military housing wasn't it?

Gabbert: Originally it was war worker's housing, I think. I don't know if at any time it was solely military. We finally got the government to turn that over to the University by a lot of effort in Congress.

John Phillips, who was the congressman, was very active on that. All the California congressmen and senators we contacted on that sort of stuff.

Don Adams, who had been one of the original members of the committee (he was my first law partner) was the Executive

Gabbert: Secretary for Congressman Phillips. He worked diligently for a long time on all these various matters that had to go through Washington.

He worked particularly hard on the married students' housing. I call it that because I guess that's how they name it today. Here these "temporary buildings" are still in use. They were designed for ten years, and they are still going strong!

Erickson: They sure are, yes. The Strayer Committee then made a report to the Legislature, is that how that worked, John?

Gabbert: They made a report showing the necessity for additional facilities for higher education, and among other things, recommended the creation of a campus here.

Now, at that time, I am not sure because I haven't reviewed that report, I am not sure what they said about the size, but in the thinking of everybody here, we didn't envision a big university on this site. Our views were that we'd be darn lucky if we got a really high-grade liberal arts college.

I think that the members of the faculty at the Citrus Experiment Station rather favored that idea, because they didn't feel it would be a competitive unit seeking funds for science and all other departments that might someday have an effect adversely to the Citrus Experiment Station itself.

There was a little friction by the thought that, "Gosh, if a big university comes in here, we are going to be pushed into the background." It wasn't true, of course, as it worked out, but I think there was a little of that.

The consensus always seemed to be, and I think it was the feeling of the University administration, Riverside should be a very high-grade liberal arts small college. I am thinking 1,000 or 700 or something of that sort, but high grade that would be the equivalent or better than the long-established small high-grade schools particularly in the east. There was always thinking that this should be "the Swarthmore of the west."

Gabbert: I even heard President Sproul talking about this being the best little college, and it would be a special college in the university system. Then when the first Provost was selected, Gordon Watkins, I think that was also his view and that the initial faculty acquisitions were based on that idea.

Erickson: Yes.

Gabbert: Many of the early faculty, as you will note if any of them are around other than Arthur Turner...

Erickson: There are actually quite a few.

Gabbert: You will find that most of those early faculty thought it was going to be a small, very high-grade school. When the students began to arrive, it was on that basis pretty much. The ratio of professors to students was so small. What was it that Watkins said? "Never have so few been taught by so many."

The scuttlebutt was that they were really giving these kids the works. In a measure, that was a dampening factor on early increase in the students. "Boy, Riverside is the toughest place in the system." You know, that idea began to develop, and it hung on for a long time.

Erickson: I think they were probably very selective in those early years. Well, they continue to be... How did the committee learn, was there an announcement made that Riverside was indeed selected, or ...

Gabbert: I can't remember how that announcement came out, but it was the cause of great jubilation in the community, particularly with the group that had been active. And in the community, too, and the newspaper was strong with big headlines. When it passed the Legislature, I remember, there were big headlines.

In that little article I wrote for the initial issue of the campus magazine, I pointed out in there that John Babbage was our Assemblyman. He just worked his tail off for this program.

Gabbert: When it passed, some of his brother legislators thinking to play a trick on him, passed a resolution rescinding it. It was going to be a phony resolution, but John didn't know that. And as he said later, he was in tears over this. One day the headlines in the paper said something to the effect that, "UCR Bill Passes." The next day it said something like "Bill Fails."

Erickson: Poor man.

Gabbert: Boy, I will tell you, everybody was in the dumps. We couldn't understand what had happened. And then of course later, the next day or an hour or two later, we found out that it was ok.

Erickson: Thank goodness.

Gabbert: Oh, boy. Hearts were stopping. Then Governor Warren in April...

Erickson: April of ?

Gabbert: I can't remember, '53, '55?

Erickson: No, I think he signed the legislation in '49, April of '49.

Gabbert: Ok. My mind is sure shot on that. I was there and Harold Butterfield. Oh, they had Don Adams...

Erickson: Did you say you went to Sacramento?

Gabbert: Yes. Four or five us went up when the Governor signed it. But he cut the amount. I think the amount was \$4.3 million, and he cut it down to a couple million thinking that that was all that could be used for the planning in one year. We understood that, but he didn't want to go overboard on it.

Erickson: I think it was Senate Bill 512, and I think it was \$6 million, and then it was cut to \$4.

Gabbert: Was that it? Anyway, it was cut down and we understood that. It was really the beginning of UCR.

Erickson: You mentioned Provost Watkins coming in from UCLA. What kind of relationship did the committee have with the new Provost?

Gabbert: He was like our brother, our father, our son.

Erickson: Isn't that nice.

Gabbert: We really put arms around him, and he put his around us, because we were really his dog bodies. We did everything he wanted.

Erickson: You talked about getting the cement and different things for the buildings.

Gabbert: Whenever he needed anything done, he came to us and we did our best. We didn't always succeed, I don't mean to imply that, but we did most of the time. He was a very, very energetic, outgoing man. Howard Hays, Jr. called him "the peppy little Welshman."

Erickson: Oh, that's cute.

Gabbert: He was a bundle of energy, and he bounced around. He accomplished wonders. He was the ideal initial developer of the campus. And he had boundless enthusiasm. That enthusiasm we now have in our present chancellor.

Erickson: Umm. It has just carried through, hasn't it?

Gabbert: Yes, you see, it is infectious, and you see what it does to the life and activities in the community. And Watkins had that. He was a marvelous speaker. He had been at UCLA for many, many years and had been much in demand as a public speaker at big public events. He wowed 'em! He was really good. And he was just as good in a small group.

Gabbert: He really energized the community. I don't think anybody can say enough about his enthusiasm and the impact that he gave to development at this school.

Erickson: It was critical, wasn't it?

Gabbert: Yes. It was just a blank piece of land.

Erickson: But he brought in the right people appropriate for the different areas.

Gabbert: I think he did. I certainly think that he had real vision.

Erickson: He stayed for a couple of years, didn't he?

Gabbert: He stayed until about the tenth... '55 was the first commencement, and he stayed a couple of years after that, didn't he?

Erickson: Yes, it was either '56 or '57. I think that he retired then.

Gabbert: And then he retired. You know, I tried my best to locate his papers.

Erickson: Oh, uh huh.

Gabbert: Of course, I didn't do that until about 1982 when I got interested to see if I could find some of this material. They didn't have anything here in the archives. I contacted the manager of his condominium. He died in Santa Barbara, he and his wife, very close together. We never found anything. And I am sure he must have had many, many records and papers from a long life in academia, and publishing books and speeches. I tried at UCLA and didn't get anywhere.

Erickson: My goodness.

Gabbert: I wonder what happened. Maybe someday something miraculously, like the Dead Sea Scrolls, they will emerge.

Erickson: They will emerge.

Gabbert: But I wish we had those. Even if he saved his speeches, which I am sure he must have, they would have dwelt on this development period. He was the ideal Provost.

Erickson: We were talking about the early faculty. Did you have interaction with them as new people came on board?

Gabbert: Yes. I think Riverside adopted these folks. There were many dinners, and they would be invited to private homes for social evenings. We became acquainted with a large number of them. And of course, they would speak. The new deans would come and talk to the committee, so we got acquainted with all of them. It was a rather close relationship.

Erickson: We were also talking about chief administrators. During the time of Provost Watkins, the title was provost, and I believe it changed...

Gabbert: Spieth.

Erickson: I agree. When it became a general campus. But you have known each of those administrators, haven't you?

Gabbert: Yes, some more than others. Herman Spieth and Ivan Hinderaker.

Erickson: Can you see that each of them had a different focus, or what kind of legacy do you think that each of them left?

Gabbert: Spieth was an Entomologist. I think initially there was a feeling that this was a good bridge between the Citrus Experiment Station people and the new college, because of his scientific background. But then, a kind of a difference developed between the two.

Erickson: Between the station...

Gabbert: Between the scientists and Spieth. Now, how strong it was, I have no way of knowing, but it became evident that they were not on same wave length. That persisted a bit, even in Ivan Hinderaker's administration. But then that began to dissipate. There was a little antagonism there between the station, as I mentioned before, and the college. Now, I am an outsider, I didn't know the situation between the academic community was not all cleared up. But those things began to dissipate over time.

Erickson: Did you know Chancellor Rivera very well?

Gabbert: Not as well as the others, but I did observe that he had a great impact on the acceptance of UCR in the minority community. He did a great deal in developing the good rapport between Native Americans, Hispanics, Black and other students of minority groups. That was a plus for the campus, and he was a good person to develop it, but in all too short a period.

Erickson: Yes, too short.

Gabbert: Really, the true impact of what he did didn't become evident until later on. I think that it continued over into Dr. Hullar's administration. Hullar was very receptive to that. One of my pleasant recollections is when they were having an American Indian day...

Erickson: That was the Costo celebration?

Gabbert: Yes, and Hullar was out dancing with the various tribes, which I thought was wonderful.

Erickson: That was a wonderful day. Well, with the establishment of the Riverside campus then, can you just think of some general things on how the university has changed the community?

Gabbert: Well, of course, it has been a leavening agent in every area of the community, in the area of the arts and all those fields, music, etc. It has raised the local interest and concern for those fields, literature, the various programs that are put on. The fact

Gabbert: that the library is here. A very large number of people use the library who belong to various groups that permit the use of the library by members of those groups. I don't know how many, but I would venture to say two to three hundred people probably use the library as a result of being a member of this, that or the other. The impact economically through the various fields of science and air resources, these things had an impact.

But the continuing impact, although it is probably not as important today as it once was, is the impact on agriculture. Now, the Citrus Experiment Station was the preeminent school or research center in the world for subtropical agriculture and citrus.

People came from all over the world—South Africa, Australia, Israel—to study at the Experiment Station. It had a big impact on the world citrus and other areas of horticulture, plant pathology development and all that sort of thing.

On the use of soils, Dr. ... Oh, gosh I am trying to think of names now, and I shouldn't try. Anyway, the great work was done here in ways of controlling alkali in soils, which resulted in the beneficial use of hundreds of thousands of acres of land that had been previously written off all over the world. Work like that made a tremendous impact on agriculture and pest control.

So, the citrus industry was one of the biggest boosters we had when we were even seeking another part of the university simply because they felt so friendly toward the Experiment Station for the things they had done.

If we needed funds and support or contact with various legislators, all we had to do was work through the citrus industry and other agricultural groups, too. So, that had great impact, which was here from 1907, continued over, and it still continues in the support of the university.

Erickson: Yes, it is still very vital.

Gabbert: And in modified areas now, as changes occurred, agriculture in the desert areas and so on. So, those things have been where the university has had a tremendous impact. Now, of course, there is just the straight economic impact—students, the payroll. The fact that students spend money here. And hundreds of students work part time in the community.

Erickson: That's true.

Gabbert: Giving us a darn good intelligent workforce in many areas. Many businesses have students who are able and do a good job to help their employers and help themselves.

Erickson: It's a nice balance, isn't it?

Gabbert: I think so.

Erickson: What are your thoughts on the way that the campus is growing? Are you in favor of that?

Gabbert: Oh, I am, yes.

Erickson: It's so different from ...

Gabbert: Well, I think we all had kind of a fixation, but then we began to see that there were larger vistas ahead as the demand grew for increasing the enrollment. And, I certainly think that everything you see now means that there is going to have to be increased enrollment in the university and that this is one of the key spots where it can occur and will and should.

Erickson: Are there some particular programs you would like to see developed?

Gabbert: Well, I would like to see the development of a law school. I think that it has real possibilities, because a law school, while it has some high impact financial requirement, is far less than a lot of other types of schools. Riverside is now really becoming the legal center of inland Southern California. We have the

Gabbert: Federal Bankruptcy Court, we are going to have the Court of Appeals here ...

Erickson: The family court.

Gabbert: The new Family Court and all the local courts.

Erickson: So, we are becoming a center, aren't we?

Gabbert: Yes, a vibrant center and a growing one. It would be an ideal place for a law school because there could be practical workshops and all these other things that are done today in legal education.

Erickson: Now, you were an attorney, John. Tell us where you went to school.

Gabbert: Well, I went junior college here. And let me put in a plug here.

Erickson: Please do.

Gabbert: I think that it was a very, very good prep school, and it had two functions: one, it acted as a school to help students get to the university level at low cost. At least fifty percent of all those who graduated in those days went on to a university, and a large number of them went to the University of California, probably the largest percentage.

Second, they had an innovative program that they began here. It was a cooperative program in which students who were going into some special fields, such as engineering, electrical engineering, for example, or chemical engineering or nursing or three or four other fields I am not sure of now, would work six weeks for a company in that field and come back and work six weeks at the college.

That was a very successful program for many years. So, it was really working for vocational and academic training. I must say, in my experience, I had teachers at the junior college who

Gabbert: were as good as any I had in college or law school or anywhere. They were a dedicated bunch of people.

Erickson: Exactly. They have the same dedication.

Gabbert: It was a very small school in those days. As I said, I think there were about 350 when I was there in 1929. Anyway, I went from there to Occidental College. The reason I went there was because I was hepped on debating, and they had a scholarship situation I took advantage of. So, I went there much to the small displeasure of my father, an old Cal booster who wanted me to go to Berkeley.

Then I went a year to Duke University law school where I had a scholarship. And then, even though I had a chance to go back, my dad wanted me to go to Berkeley, and I didn't have any real arguments, so I did and graduated law from Boalt in 1934.

And then I came here, and of course, those were Depression years. Very few law graduates were getting jobs in law offices, very few.

Erickson: Did you take the bar exam right after you graduated?

Gabbert: Yes, that summer and passed and came to Riverside in '34. Don Adams had graduated the same year at Hastings. He was the son of Dr. Adams of Riverside, a very well-known surgeon here. Don was older, he had been out working in the insurance business, married, and then went to law school. So, he was older than I was, and he decided that he was going to start out on his own. I found no place to go. Most of my brother graduates were working for mosquito abatement districts spraying oil on puddles, things like that.

Erickson: Just to get a job.

Gabbert: Just to get a job. So, I said ok, and Don and I started up together.

Erickson: You established you own firm?

Gabbert: Such as it was, a rather amateurish beginning, but we started out. After a year, I had a chance to get a paying job in the DAs office, so I went over there. In those days, there was no public defender in criminal cases, so the judges usually would appoint some younger lawyers if there were any.

There hadn't been any young lawyers come to Riverside for some time. So, they kind of bounced on us. Don didn't want to do any court work. Mary McFarland worked for her father who was a very, very well-known old-time attorney, largely in probate work.

Erickson: Now, he was a member of CUC, was he not?

Gabbert: Yes, he was one of the original people who supported us. He had the ear of the judges, and he said, "I don't want Mary trying any criminal cases." George Sarau, Chris... There were four of us who came to Riverside on the same year. Chris went to work for his dad. His father wasn't eager to have him spending his time for no funds down at the Courthouse. The net result was that I got more darned appointments.

Erickson: Do you remember what your pay was when you started out?

Gabbert: Nothing.

Erickson: Nothing at all?

Gabbert: No, they didn't pay. You had to do all your own investigating. No, there was no pay whatsoever.

Erickson: Oh!

Gabbert: Not a dime. You had to do your own investigating. You had to do everything. So, you can see that it was not a high-class criminal defense, but I found that it was about the best thing that ever happened.

Erickson: It was good training then?

Gabbert: You had to exist in court, and I enjoyed it, and I liked it. As a result of that, I got a job in a DAs office as a deputy, which lasted for three years. That helped me get started. Then I had a chance to go with Best and Best, Ray and Gene Best.

Erickson: It was called Best and Best at that time?

Gabbert: And then a year or two after that, they took me into the firm, and so it was Best, Best and Gabbert. We took in Jim Krieger, who I had known in high school in South Pasadena. So, it was Best, Best, Gabbert and Krieger.

Erickson: How does that work, John, when you become a partner in a firm, because every attorney is not a partner. Is that correct?

Gabbert: Well, that's right, but these big firms today have numbers of partners. I think BBK today has 110 or more lawyers, and I don't know how many partners. But that is determined by interoffice management arrangements that I don't know about.

My only experience was in a small firm where we said, "Well, we want to start and do this." One day they said, "We would like to have you be a partner on such and such a basis." When Jim came, we asked him, and he became a partner. After that, it's beyond me.

Erickson: Well, describe the managing partner then, how that differs.

Gabbert: Well, I think the managing partner is the one who checks on all the business operations and the personnel operations and largely, he is responsible for the operation of a business in a sense.

Erickson: I see. Do you remember some of the cases you handled? Could you give us any specifics?

Gabbert: Well, one funny case was the first jury case I tried. I can use his name because I think he has gone on to his reward. His name was Earl Kensinger. He was charged with the theft of

Gabbert: tool steel of a value of more than \$200, which made it Grand Theft and also with Burglary, breaking into a building where all this steel was stored. He stoutly denied that he had anything to do with it. He didn't know how they happened to get him and so forth.

I went around and managed to clearly get enough evidence to prove that the value of the tool steel was worth less than \$200, so that he wasn't guilty of Grand Theft. He may have been guilty of Petty Theft, which would have been a misdemeanor.

On the Burglary, we didn't have any testimony. The only thing they had to tie him into it was that they saw him walking in the vicinity and getting in the car. And in this car was this tool steel, which was pretty good evidence.

At the trial, they had everything. They had tool marks, marks of a chisel they found in his car. Of course, in those days they didn't disclose to the defense, and you couldn't find those things out. So everything went in. There were a couple days of testimony and everything was against him.

Finally, I leaned over to him, and I said, "Well, Earl, they have put in everything against you except finger prints." Then for the first time, he said, "Well, whenever I do a job, I always wear gloves."

Erickson: Oh, gosh.

Gabbert: Well, I did the best I could for him, but he was convicted. He got out of prison a couple of years later, and I was still in the DAs office. He came in to see me and say hello. He was a blithe character, and he was about half intoxicated. I said, "Earl, are you out now on parole? What are the conditions of your parole?" He said, "Well, I am not to drive a car, and I am not to drink." I said that he had had a few to drink, but he said, "Oh, that doesn't count." He staggered out of the office, and that was the last time I saw Earl.

Gabbert: That was quite a wake up to the facts of real life for a beginner. I had only been a lawyer for two weeks. Oh, dear. And there were other cases where there were strange things.

Erickson: Did you enjoy being in the courtroom?

Gabbert: Yes, very much. That was one of the reasons I was glad to be appointed a judge because I enjoyed court.

Erickson: How would you compare the trials when you were a beginning attorney to the trials of today?

Gabbert: Oh, they were much faster. But I am sure they were just as seriously entertained.

Erickson: You talked about not having to disclose as much information as they do today.

Gabbert: No, there wasn't the great period of the rights properly, so the rights to be accorded a person hadn't developed. Most of those began to develop during the era of the Warren court when the rules with respect to the Miranda rule where you have to be informed.

Erickson: Miranda Rights. Um mm.

Gabbert: Of course, before that there were other rules that were helpful to the defendant, the right against self incrimination. But the DA never disclosed what he had up his sleeve to the defendant, and the defendant never disclosed to the DA what he had up his sleeve. But even so, the trials were much, much shorter.

I think the longest murder case that I remember when I was in the DAs office was seven days, and it was a case against a fellow who had been a deputy constable in Temecula. He was a blacksmith there, his name was John McNeal.

McNeal was a powerful, powerful man, and he had gotten at-outs with his wife apparently and came home for lunch from his blacksmith shop in Temecula. He lived a block or two away

Gabbert: from his blacksmith shop. He beat his wife to death with a rubber roller out of a wringer of a washing machine, crushed her skull.

I was a Deputy DA, and the District Attorney sent me down with the investigator to check this place out. At that time, I was kind of a camera nut, and I always carried a little camera in my pocket.

When we got down there, I took a lot of pictures of the kitchen. There was a butcher knife there and a loaf of bread and some other things. The wringer was there, all bloody. At the trial, McNeal said that he had come home and that his wife, when he came in, was slicing bread and said something nasty to him and came at him with the bread knife. He picked up the nearest thing that was at hand, which was this roller, and hit her over the head. And that was that. He did it only to protect himself.

Among the pictures I took was this loaf of bread. On the waxed paper cover, it said: Sliced.

Erickson: Oh.

Gabbert: So, we pretty well blew his story that she was cutting or slicing the bread. Well, anyway, there were many other inconsistencies, and he was sentenced to hang. He was the last man hanged in California. After that they, of course, they went to the gas chamber.

Erickson: How do you feel about TV in the courtroom that we have today?

Gabbert: I have had two different views of it over the years. I am pretty much opposed to it, simply because it creates a circus atmosphere in which people are playing to the camera. Now, you and I aren't playing to the camera, are we?

Erickson: No, I would say not.

Gabbert: That's because we have restraint, and we aren't engaged in a combative situation, but if we were playing to the camera to impress somebody, we would be doing things differently than we are doing. And I think that is true in the courtroom. I am pretty much opposed to it. There are situations where it can be valuable, no question about it.

Erickson: Just in general.

Gabbert: In general, it detracts from the proceedings. On the other hand, I have seen situations where the reports from the courtroom are so biased and so incorrect, it would be great if you had it to counteract.

Erickson: You could see it firsthand.

Gabbert: Or even broadcast an audio tape of the testimony. But I think the dangers are greater than the direction of polluting the process of trying to be reasonably direct in our proceeding in the trials.

Erickson: Who contacted you about being a judge, John, and when was that?

Gabbert: Well, it was on a Saturday morning. I had no intention.

Erickson: You hadn't even thought of it?

Gabbert: We had two superior courts, and we had nineteen justice courts in the county in 1949, as I recall. I know we had only the two superior courts, and I am not quite sure about the justice court. Those were the courts.

The Legislature increased the number to three superior courts, so everyone knew there was going to be an appointment, but I really had not even thought about it. Actually, that's true. On a Saturday morning, the Governor called me on the phone.

Erickson: The Governor called you directly?

Gabbert: Uh huh.

Erickson: Had you met with him before? Did you know him?

Gabbert: Oh, I had met him when he signed the UCR bill.

Erickson: Oh, that's right.

Gabbert: And I had run into him a couple of times at public meetings, maybe he spoke to some group or at a Republican meeting, because at that time I was interested in politics to that degree that I went to those things occasionally. So, I met him. I mean, I had no impact with him, no rapport, no discussion with him. I will tell you in a minute what a memory that guy had.

He said, he called me Gabbert. He said, "Gabbert, I don't know you, but" he said, "if you are half the man as your Uncle Harry, you are all right. I would ask you to think about accepting an appointment as a Superior Court Judge." He said, "Go to church tomorrow. But don't discuss it publicly, and call me on Monday to let me know what your decision is." Well, all I could do was gulp a little bit.

Erickson: You must have been so excited.

Gabbert: Well, I first discussed it with my partners, and they didn't want me to do it. They gave many reasons, mostly financial which was correct.

Erickson: You would be affected financially, is that what you mean?

Gabbert: Yes, I would be making more money in a private practice than as a judge. And that was certainly true at that moment, 'cause the judge's pay was pretty small. Well, then I talked to my father, and he thought I should take it. "But," he said, "you should never run for any other political office, and I want you to make that an absolute commitment in your mind. If you run for judge, you are not going to run for any other political office."

Gabbert: Then of course, I talked with Kay. The thing that finally made me decide principally was that I would be back in court. I wasn't doing any court work particularly, just now and then. And I liked court work, and I thought being in court would be good.

It was what I liked to do, so I made my peace with my partners and called the Governor Monday and said that I would take it.

I never learned until about twenty years after that that the Governor (I found out later that other governors had) had an advisory committee of two or three people in the community that he talked to about these things, very much on the QT, people he trusted.

There was one that he contacted about me. And I am not ashamed to say that it was Phil Kustner who was a pharmacist and ran Kustner's Drugstore. I owe practically the fact that I am a judge to Phil Kustner, because Phil was interested in the courts, he was interested in law, he was interested in lawyers, and he and I had been very active together on the Present Day Club, which was a men's discussion club. We were on the board together, and I was the president of it. We were good friends, good acquaintances I should say. We didn't visit each other or anything of that sort. But he gave the governor a good report on me, and at the time I was President of the Bar Association. I guess those two things had some impact, so I was appointed.

Of course, later I found out that my Uncle Harry, who was Captain of the track team when Warren was at Cal, was a good friend of Warren's. And they both were going out with the same gal, and Uncle married her. But Warren continued to be a friend to both of them for all their lives.

Now, oh gosh, shortly before, a year or two before he died, he was given an honorary degree of Doctor of Laws from the University of San Diego, and my friend, Jerry Brown, who was the presiding Justice of the Court of Appeal in San Diego and had been in the firm here and was on the Board of Overseers at

Gabbert: San Diego Law School, invited me to come down to Warren's reception of the degree. It was at the Commencement of the Law School, and Warren spoke. Afterwards they had a reception and a line.

Now, I told you I would tell you something about this guy's memory. We were walking through the line. When I came up to Warren, without any introduction of me at all and without knowing who was coming, he said, "Well, Gabbert, how are you?"

Erickson: Isn't that something.

Gabbert: We had a short visit. Shortly thereafter, he sent me an autographed photo of him on the Supreme Court.

Erickson: How nice.

Gabbert: To me, he had a better memory than Jim Farley, the famous memory expert on the Roosevelt political team. But imagine. He had a tremendous memory, and everybody knew that. I didn't think anything about it, except I was absolutely bowled over.

Erickson: That's wonderful. How long did you serve as a judge?

Gabbert: From 1949 to 1970 on the Superior Court, and then I went to the Court of Appeal and retired in 1974.

Erickson: Currently, do judges or attorneys ask your opinion on different cases?

Gabbert: No, they don't, and I would not be competent to advise them! I have been out of the law in essence for so long, and it wouldn't be a very ethical thing to do either. However...

Erickson: Why do you say that?

Gabbert: They might talk to me about an ethical problem or something without reference to any particular case. But I have never had anybody do it.

Erickson: I see. I know your colleagues hold you in a high regard, and I have heard that there is a sculpture being made of you that will be unveiled at the reopening of the courthouse. Could you tell us about that?

Gabbert: I think it is going to be in October, October 5. Well, I am embarrassed...

Erickson: Well, I know you are modest, but please.

Gabbert: Well, I am because when I think there have been a hundred other judges, and now they are going to stick my picture up. I said no at first.

Erickson: Who approached you, John?

Gabbert: Dallas Holmes spoke to me, because he was kind of heading it for the committee, whoever they were. And I still don't know who paid for this. I said, "Gee, I am really reluctant to do it." Then the reasons and arguments were made, and I said, "Well, we have the figure of a generic advocate in the Courthouse." I said, "If I am the generic judge, that is ok."

Then later on, I went up to Highland, Utah where the sculptor Blair Buswell is located, and we had a session in which he took a lot of pictures and measurements.

Erickson: He is quite famous, is he not?

Gabbert: Yes, he practically specializes in athletic sculpture. He does the Baseball Hall of Fame, the Football Hall of Fame. He has a one and a half size figure of Mickey Mantle slugging a home run that is going to be installed in July, or maybe it's in May at the new stadium in Oklahoma City, which I have seen.

Gabbert: And he has done other non-athletic stuff, but mainly athletic. He was an athlete in track and football at Brigham Young and played on the same football team as Jim McMahan and is really a gifted sculptor.

He is a very nice guy. He came down here about three weeks ago for three days and did an oil clay model which is about 95% complete and then will make a latex form of that and then cast it in metal. Hopefully, it won't explode or something in the process!

Erickson: That will be wonderful. Where was your office when you were in the Courthouse?

Gabbert: You mean as a judge? It was on the 10th Street side just to the left of the 10th Street entrance.

Erickson: Is it designated in that way now? Is your name on a plaque?

Gabbert: No, there will be a new courtroom there now. They are re doing the old courthouse completely, and it is going to be nothing but virtually courtrooms; whereas in the old days, it encompassed all the county offices.

Short Break

Gabbert: Well, the sculpture is going to be finished about August.

Erickson: And you will get to see it first?

Gabbert: I am not going to be critical of it because anything he puts up there is alright with me.

Erickson: Tell us about a typical day when you were a judge, John.

Gabbert: Well, there really isn't any "typical day" because you do so many things. Currently, we now have sixty eight judges, sixty eight courtrooms in the county. That includes all of the

Gabbert: consolidated courts and the commissioners. I think there are sixteen or eighteen commissioners. It is sixty eight, so it is an entirely different operation than in my day when I started with three and we ended up with about six or eight departments when I left in '70.

The current situation is that judges more or less specializes. He is hearing criminal stuff or civil stuff, probate, family or any one of a whole series. He usually does that for a period of time until he gets tired of it and gets the presiding judge to put him on something else. At least, I think that is the way it happens.

In my day, you did everything. You were a universalist. You handled the calendars: criminal, civil, probate, juvenile, family; you handled naturalization adoptions and everything that came along, plus mainly trying criminal and civil cases. While you may have been trying criminal or civil or juvenile matters, you also handled these other matters either before or after the regular trials were concerned. In other words, you did a lot of different things.

Mainly, the major part of your time was occupied by trials, but I would say that one day a week you were working in other areas of the calendar, setting up cases, hearing the sort of short matters or law motion situations and so forth. Or if you were hearing juvenile court, you usually heard it one day a week. Nowadays, they have three or four juvenile judges sitting full time, all the time because of the increase in the work. So, it is really hard to say that you had a typical day.

Erickson: Ok.

Gabbert: But I will say this. They are inundated today, absolutely inundated.

Erickson: Well, I do have one burning question for you, John. What does a judge wear under his robe?

Gabbert: He wears anything he wants, I guess. However, you peel a robe off when you get off the bench in your chambers, so you have

Gabbert: to be decent to go out in public. So, I would say that you usually wear a pair of ordinary pants, a shirt and a tie or a jacket. But you don't have to wear anything more than you want to.

Erickson: Thank you, John, very much. This has been a wonderful interview.

Gabbert: It has been a pleasure. And I thank you for the opportunity of being on the tube.

Erickson: You are very welcome.

END OF INTERVIEW