NINTH JUDICIAL CIRCUIT

HISTORICAL SOCIETY

ORAL HISTORY PROGRAM

JOHN VINCENT LEMMON

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February 17, 1998 at 1:40 p.m.

Judge Shubb: We're talking with John Vincent Lemmon, prominent Sacramento attorney with the law firm of Knox, Lemmon & Anapolsky and the son of former U.S. District Judge Dal M. Lemmon who was also on the Ninth Circuit Court of Appeals. How are you this afternoon Vince?

Mr. Lemmon: I'm just fine Judge, how are you?

Judge Shubb: I'm fine too. I'd like to ask you some questions about yourself, some of your early recollections as a attorney in Sacramento and some of your memories of your father. You were born in 1917?

Mr. Lemmon: Right.

Judge Shubb: You are 81 years old.

Mr. Lemmon: My father's draft exception.

Judge Shubb: How many brothers and sisters did you have?

Mr. Lemmon: I had two brothers and one sister.

Judge Shubb: What are their names?

Mr. Lemmon: Maryalice Lemmon is the sister. Richard Lemmon is one brother, second one to me and Donald Lemmon is the baby.

Judge Shubb: What are some of your earliest recollections of growing up in Sacramento as the son of a prominent lawyer who also was a judge?

Mr. Lemmon: Well I think my earliest recollection of my relationship with father was the constant reminder he made, once he was a superior court judge, that we his children couldn't do anything that would adversely reflect on his reputation. And so I think that I and my brothers and my sister missed some of the monkey business that young kids in their teens enjoyed. Simply because we were certain that if we went to places or did these things they would reflect adversely on our father's reputation we would go against his wrath.

All of us were proud of him presiding on the Sacramento County Bench, his presiding on the Sacramento Rotary club and the recognition that he was a real lawyer's lawyer.

Judge Shubb: And your father emphasized the truth.

Mr. Lemmon: Always. The truth was the guiding spirit of his life. He would remind us continuously, and especially when we had violated the rules in some respects that we had to tell the truth.

Judge Shubb: Was your father always a judge as far back as you remember or can you recall before those days?

Mr. Lemmon: Oh I can recall very well his days practicing, he practiced law on the sixth floor of the, what was then called the Capitol National Bank Building on Seventh and J Street in Sacramento. He practiced with another attorney by the name of Fontaine Johnson. The two men had rather sizeable offices on either end of the building with the secretary combinations in between. And there were at least two sometimes three secretaries taking care of them.

Judge Shubb: How old were you when you first recall either going to that office or seeing it?

Mr. Lemmon: I was very young. I suspect five or six. Because I have definite recollections of wanting to take home some of the paperclips that I could find in one of the drawers.

Judge Shubb: What else do you recall about the office?

Mr. Lemmon: Well I think the other thing that interested me was the typewriters. Of course, we had no typewriter in our home. But these girls were sitting at these machines typing away and I was fascinated that they could press a little button and a letter would show up there on the top on a piece of paper. That was to me something different and new. And then I also somewhat, probably not that early it was a little bit later, recognized the fact that the lawyers would talk into tubes. This was called a dictator or dictation machine and it had a tube plugged into

it and the voice went onto a circular cylinder which went round and round as they talked and the cylinder was then taken by the secretary and put on another machine where the voice was heard by the secretary and typed up.

Judge Shubb: What kind of a practice did your father have?

Mr. Lemmon: I think it was general practice, but then it seems to me that everybody was practicing general law. My father never practiced criminal law for example. He would have nothing to do with what was called divorce law in those days. But real property, the run of the mill problems that business people run into. And of course wills and trusts and that sort of thing.

Judge Shubb: I think you told me about a letter that you saw written in 1910 talking about your father and his partner as experts in the field of appellate practice.

Mr. Lemmon: Yeah, that's rather interesting I think. My father passed the Bar in 1910 and right after that formed an association with a couple of other young attorneys in Sacramento. One of which was Stephen Downey. And Stephen wrote a letter to - that was broadcast to all attorneys in California that if they would like to have some really expert use of a very fine library that this young firm could take care of their appellate practice in Sacramento. The library of course was the State Law Library and it just so happened that my father was the administrator of that library.

Judge Shubb: As I understand it as soon as he graduated from law school that he was chosen to be the librarian.

Mr. Lemmon: Yes, he was primarily chosen because his father was Chairman of the Republican Central Committee and the Republicans were running the show at that time so it was easy enough for his father to get him appointed at the State Law Library.

Judge Shubb: Do you remember who the other lawyers were besides Stephen Downey?

Mr. Lemmon: No I don't.

Judge Shubb: Eventually he went into partnership with Fontaine Johnson. Is that right?

Mr. Lemmon: Yes.

Judge Shubb: And how long was he with Johnson?

Mr. Lemmon: Until he went on the bench in 1935.

Judge Shubb: Tell me about your family life in those days.

Mr. Lemmon: Well I think the family life was very normal. My Mother and Father had a set practice that Father would be picked up downtown by my Mother every evening by five o'clock - five sharp - us kids were bundled into the Essex automobile and driven downtown in front of the Capitol National Bank Building and Dad would be waiting and away we'd go home. We'd have dinner by six and my Mother always cooked the dinner. After dinner Dad would lie on the rather large davenport we had - now today called a couch - and read the newspaper. And in due time would fall asleep reading. The newspaper would fall over his face and give him some comfort from whatever noise we kids were creating. But we kids, the kids of course were required to do their homework at this point. So after dinner each of us had a desk some place in either the dining room or in the kitchen where we sat down by ourselves and did our homework and if we ran into problems we went to Mother. Both Mother and Dad were college graduates, BA degrees and could handle most of the stuff we kids would run into that might present problems.

Judge Shubb: But you went to Mother instead of Dad.

Mr. Lemmon: Well Dad generally was asleep. Mother was sitting there darning socks. Everyone of us three boys had trouble with socks, including Dad of course. A hole would develop. We wouldn't buy new socks. Mother would sit there in the evening and knit them back and knit across the hole so the sock was wearable again.

Judge Shubb: How far from where he worked did you live?

Mr. Lemmon: We lived on Fourth Avenue, which intersected with what today is called Freeport Boulevard. Right where the Western Pacific tracks crossed Freeport Boulevard. That put us about three to four miles from downtown.

Judge Shubb: Was that on the outskirts of town in those days?

Mr. Lemmon: Yes it was. It was a new subdivision where they bought a home. It was called Curtis Park.

Judge Shubb: And then later you moved to Brockway Court?

Mr. Lemmon: Well that's well after the war and we kids were all gone and I was a young lawyer at the point - I was involved in the real estate transaction. My father wasn't going to touch it with a ten foot pole.

Judge Shubb: What kinds of things did you do for recreation as a child?

Mr. Lemmon: Well, one of the major things we had was to dig forts. Well before I became a teenager it was very proper to dig a fort and cover it over with little pieces of wood and then put dirt on top of that and get down inside the fort and roast potatoes in a ten-gallon tank cut out for a stove, with a stove pipe going up above. And we found those potatoes to be remarkably edible and we kids would sit around eating the potatoes.

Judge Shubb: How deep were those forts?

Mr. Lemmon: The fort was about well, I would say, seven or eight feet square.

Judge Shubb: So seven or eight feet deep?

Mr. Lemmon: Oh no, deep would be three or four feet.

Judge Shubb: How many kids would fit in a fort at one time.

Mr. Lemmon: Well all us four kids plus our friends. There'd be six to eight maybe ten kids in there.

Judge Shubb: And of course it was covered up so nobody could see you.

Mr. Lemmon: Exactly. There was nobody that knew you were there unless they saw the smoke coming out of the smoke stack. And then we would have wars, the guys were always the soldiers, the girls were always the nurses and they had red cross bands on their sleeves and wore skirts. They didn't wear pants. And we boys would have a war with the Third Avenue gang. We were the Fourth Avenue gang. The Third Avenue gang and we would at spring time of year yank up the big tall weeds that were growing in this vacant lot and fire them at the opponents so these clods would be coming at you from a distance of ten feet or twelve feet away.

Judge Shubb: Sounds like you were the inspiration for Spanky McFarlane and Our Gang.

Mr. Lemmon: Oh, I'm sure you're right.

Judge Shubb: What kinds of things did you do for vacations?

Mr. Lemmon: Well, my mother at first wanted to go down south. Her mother lived in Monrovia in Southern California on the orange ranch. She owned a beach house at a place called Hermosa Beach. And so my mother would truck us all down, I shouldn't say truck us, because Dad did the truckin', she would fill up a big trunk with whatever clothes she thought we were going to need, and how she thought we were going to need much down on the beach I don't know. But in any event, she'd fill up this trunk and ship it by railroad to Hermosa Beach. My father would pile us and his wife and generally a maid into the whatever car we had at the time and travel down to Los Angeles. And you could bet that was a long trip. We generally stopped over night at San Luis Obispo and went on and we also did stop at Lebeck two or three times that I can remember. And then went on and Dad would never stay. He might stay for the weekend, but he turned around and drove back to Sacramento all by himself to come back again at the end of summer to take us home. But that was early on. It became too much of a job for my Dad, and my Mother missed him because he would be gone all summer. So the family then went up on the American River and rented a cottage of cottage it wasn't, it was a home, up on the American River at a place called E

F Rancho owned by a man by the name of Forbes who was also a partner with a guy by the name of Folger who was the coffee magnet in San Francisco. And we had a lovely home all summer long. I remember, I'm just guessing without knowing, that the rent was very reasonable since Mr. Forbes was a good friend of my Dad's and of course by modern standards it wasn't much of a place. There was no television. There was no telephone, there was no electricity. There was no gas. And if you wanted to heat the place, you had to fire up the fireplace and/or the kitchen stove, but rarely did you have to do that. We sat around in the evening when it was dark with kerosene lamps. Thought nothing of it. It was - that was the way it was. If you're going to go to the mountains, you're going to go and rough it a lot more than you would if you stayed at home. I think my Mother especially loved to get away from the telephone and Dad would come up every Friday afternoon after court and bring up perishable food and stay until Monday morning and travel back to Sacramento. That was the way we spent most of our summers. At least to the teenage years that's where we went.

Judge Shubb: I understand you remember your father chopping wood?

Mr. Lemmon: Well you see, they had no way of heating, but more particularly cooking unless there was something to burn in the stove, an old fashioned stove with steel lids. So Dad had to cut these big trees, and in those days, cutting a tree was nothing. You just cut it down, and you knew how to cut a tree and fall it down and then cut it up. He would get a big saw that took two persons my size to handle and he would cut up these circular pieces and then begin to split them. The boys job was to take the darned things and put them in a pile so they were ready to be taken into the kitchen when Mother needed them. Dad did that every weekend just to guarantee that his wife could cook for the family while he was gone.

Judge Shubb: Your brother Donald was an attorney also?

Mr. Lemmon: Still is.

Judge Shubb: Still practicing?

Mr. Lemmon: Well no not very active.

Judge Shubb: Tell me a little bit about him.

Mr. Lemmon: Well of course he was the youngest member of the family and the butt of all his older brothers jokes. But he grew up as a very loveable person that was a humorous sort of a guy. He went to all the schools we went to in Sacramento. Then went down to Stanford University and before you knew it he followed me into the U.S. Air Force and from there returned back to California. Took some law school courses and passed the Bar and joined the Attorney General's Office.

Judge Shubb: And Richard, what about him?

Mr. Lemmon: Well Richard followed a different course. He went to Stanford like the rest of us. I was going to say had to, mother and dad of course kept saying, since they were both graduates of Stanford, that if we didn't get B's or better we weren't going to go to Stanford, so that necessity of getting a B or better became a very demanding part of our lives. Each of us in turn went to Stanford as did Richard. But instead of following a polysci course or general education, he began to be very interested in chemistry. And the things you could do with it. He'd come home and talk about these various concoctions they'd put together. Young people of course, they'd have explosions and everybody would laugh and carry on. And so he became apparently a very well liked and popular chemist at Stanford. And when the war took place, he was picked off rather quickly and taken down to the Pasadena Institute, now called California Institute of Technology. There he spent the whole war working on some aspects of the atomic bomb that needed chemical attention. He spent all his life primarily in research. I remember very well him telling us that they are working on the method of turning sea weed into some form of butter which would have all the nutrients in it that you needed to sustain life. If they could just work this thing out they'd have - they'd lick all those problems. But I don't think that they ever quite

advanced that far.

Judge Shubb: Your sister Maryalice worked for Governor Earl Warren. Is that right?

Mr. Lemmon: She sure did. And several governors after that. At first she was a secretary in the pool. Then she became a secretary in the Governor's office and there were four or five girls. And gradually she was put into the position of being the appointment secretary. Meaning, if you wanted to see the Governor, you had to see her first. And if you were on the list, you probably could get in if she could squeeze you in, but you had to be on the list to begin with. So many a prominent person in California wanted to see the Governor, including John Wayne, but didn't make it. And this encouraged her to remember some of the language that was used when she refused entrance to the golden portals of the Governor's Office.

Judge Shubb: Do you have a specific recollection of anything she said about John Wayne?

Mr. Lemmon: Yeah, she was not very complimentary about him because he wasn't very complimentary about her. He had called three or four times seeking to talk to Governor Pat Brown who he claimed to be a good friend of his. He was not on the list, the Governor was otherwise occupied, and my sister flatly told him no. And after the third time he lit into her with some four letter words, told her he was going to fix her clock and hung up. Well his ability to fix clocks in the Governor's office was somewhat more limited than his ability to shoot Indians on the western plains.

Judge Shubb: Do you remember anything she had to say about anybody else in particular?

Mr. Lemmon: No one that I can think of.

Judge Shubb: She must have gone to work for Governor Warren at a fairly young age?

Mr. Lemmon: Yes, she must have been in the first of her twenties. The things of course that I remember are the events that she's talked about and I've

encouraged her to write a small book on her memories. Her memories of Earl Warren are rather startling beginning with the proposition that she was the only secretary in the office at night and the first night she had the job, the Governor decided to work late. And so she stayed there as she was told to not realizing she had more things to do than just type letters. After a long time the Governor announced on the intercom that he was leaving and he left. Shortly he came back storming. The limousine was not in its proper place. Where was that no good lousy highway patrol driver. That's when my sister suddenly realized that her job was to notify the officer that the Governor was ready to go. So she ran around the place and found the driver practically asleep in the other office. He got the car and drove the Governor back to the mansion. And the next day to Governor said to his private secretary whose name was Helen Gallagher "who is that young woman that was here last night". And she told him. "I won't forget that name in a hurry", he said.

Judge Shubb: But she ultimately came into good favor with the Governor.

Mr. Lemmon: Oh she did, yes she did. She was always having the problem I think of violating the rules. One of the rules was that the Governor when he was at the mansion, was not to be disturbed whatsoever. I don't think there was anything about a national emergency, the rules there must have been, but the way I heard the story, he was simply not to be disturbed until he got down to the office. Then the business of the day would begin. On this particular morning my dear sister trembling telephoned the mansion, got Mrs. Warren and said "would the Governor please come to the telephone." Mrs. Warren was furious that this young secretary should have bothered the Governor at that hour of the morning when he was taking a shower. And my dear sister was saying, "but but but but" all through the tirade that Mrs. Warren was giving her and finally she got her "but" in: "would it make any difference if it was the President of the United States wanted to speak to Earl Warren?" And of course, much flurry followed. You could

picture the Governor of California with a towel wrapped around his wet body standing in the hallway with a telephone to his ear hearing the President of the United States inviting him to be Chief Justice of the Supreme Court.

Judge Shubb: That of course was Dwight Eisenhower.

Mr. Lemmon: Yes, it was Dwight Eisenhower.

Judge Shubb: And did he accept on the spot or did he say he wanted to think about it?

Mr. Lemmon: I don't know that. That's not part of the story.

Judge Shubb: Well she would have known shortly afterwards if he said he was going to go to the Supreme Court.

Mr. Lemmon: I think it came out really fast after that.

Judge Shubb: Well that's very interesting. Do you recall anything else that she had to say about her experiences with Earl Warren?

Mr. Lemmon: Well she always regarded him as a very severe and distant man who would permit of no monkey business in his office. He expected protocol to be followed. When he arrived and business began, and when left business stopped. During the course of the day she had begun to handle his calendar so that whoever came in had to see her first. She continued to do the same with subsequent governors.

Judge Shubb: Did you ever meet Earl Warren?

Mr. Lemmon: Oh yes.

Judge Shubb: What are some of your early recollections of him?

Mr. Lemmon: Well I remember a big burly sort of a guy with white hair, very cordial, real, seemingly a real politician type. Pat ya on the back and say "oh your Judge Lemmon's son - well, well, well, I know him well" sort of thing. I don't think we had anything in common, but the fact that I was the judge's son made a difference to him.

Judge Shubb: Did your sister have any interesting stories about Pat Brown?

Mr. Lemmon: Oh well she had hundreds of interesting stories about Pat Brown. Pat Brown of all of the governors was her real favorite. They had their ups and downs though. They weren't always happy together. She resigned at least twice from his employment. And at least twice he told her that was ridiculous she had to come back to work tomorrow. These were little tiffs that took place. One time, when he had somebody in the office but he was running over time, and there were people out in the reception office waiting to come in and he kept piddling around with whoever it was that was in his office and my sister would go in and put a notice on his desk that Mr. Joe Blow was waiting. And he didn't pay any attention to it or to her. So finally she just walked in and said "Governor you are being disrespectful to the people in the other room" and he said "what". And very shortly said goodbye to the man who was in the office and began to take his calendar as he should have in the first place. And she went back to her office with tears in her eyes and well she just thought that's the end of me. She thought she was going to get fired. But by the next day Pat Brown being the Irishman that he was, forgot all about it and never said a word about that interruption of his office. A similar thing happened later on where another guy was in there taking up his time and this time she didn't wait to make the announcement she just told the other person that was waiting at the reception that the Governor was too busy he'd just have to come back another day. So that solved that problem rather than confront the Governor with it. The fact that he was not paying attention to his schedule, was the problem.

Judge Shubb: She also worked for Governor Goodwin Knight?

Mr. Lemmon: Oh yes she sure did. She liked Goodwin Knight. He was the sort of a happy interlude between Earl Warren and Pat Brown. He would dance in his office when he would come back from a meeting. He was a great dancer.

Judge Shubb: What kind of dance?

Mr. Lemmon: Sort of a clog dance.

Judge Shubb: Just by himself?

Mr. Lemmon: Tap, yeah. He'd tap and clap his heals together up in the air, that sort of thing. But it was always, just in the office, nobody else around. My sister of course knew what was going on because she probably had just come from it or was going into it as the case may be. It didn't ever bother him that she was watching him. He was happy and that was it.

Judge Shubb: And you said she has put her memories into a book?

Mr. Lemmon: Well at this point it's a very rough book.

Judge Shubb: But we can look forward to reading it some time in the future, can we?

Mr. Lemmon: I'm not going to say that. I think that sort of thing in our family is a very private situation for the family. She'll give you quotes out of it I'm sure. But that's about as far as it goes.

Judge Shubb: Your father and mother both attended Stanford, did they?

Mr. Lemmon: Yes they did.

Judge Shubb: How many of your siblings?

Mr. Lemmon: All attended Stanford.

Judge Shubb: And they met at Stanford, is that right?

Mr. Lemmon: Yep. Her brother John Dunn, the son of the State Comptroller, John P. Dunn was in the same fraternity as my father. Two fraternity brothers. My father, apparently, was without a date on some particular occasion so John suggested that my father take my mother out to the dance. Which he did and that was the end of that. The beginning of something new.

Judge Shubb: Your grandfather John P. Dunn was a Democrat.

Mr. Lemmon: Oh yes. Oh yes. And that resulted in some rather violent discussions around a dinner table at night. My dad would take the Republican position

on some kind of a political question and my mother would take the opposite position. We kids would sit there listening to the two sides. I think we all felt, I shouldn't say all, a few, myself and my youngest brother, chose the Republican as Maryalice did. But my other brother Richard, chose the Democratic side.

Judge Shubb: The chemist?

Mr. Lemmon: The chemist. The scientist. I should add to what I just said of my mother and dad. When they got to that point in their conversations that they didn't want us children to be listening in, they switched to German. Both were relatively fluent in German, which they had taken at Stanford. So they could converse very well with us kids you know wondering what the Sam hill they were talking about.

Judge Shubb: You attended public schools in Sacramento?

Mr. Lemmon: Yes, sir.

Judge Shubb: Do you have any favorite teachers that you recall?

Mr. Lemmon: Well yeah, yes. The principal. A fellow of the name of Jensen. Arthur Jensen.

Judge Shubb: What school?

Mr. Lemmon: Sacramento High School. I don't recall when I was there, he was any favorite of mine except that he was the principal. And then on occasion, one occasion I can think of, I was sent to the principal's office together with three or four other young bucks who had been shooting spit balls at this particular girl. And he started by saying that was not the gentlemanly thing to do, we should straighten up and fly right and all of us knew we should anyway. And I left high school with a kind feeling towards Mr. Jensen. I got back from the war, who should show up at my office and want his estate put into order by an attorney, but Mr. Jensen. I was flabbergasted to think that my old principal would come back to me to have his legal work done. And I took care of him and his wife ever after ...

Judge Shubb: What were your favorite classes in school?

Mr. Lemmon: In high school. I think public speaking. I was pretty much of a good blabber mouth I think. I guess the thoughts weren't too bad either. Because I won the, oh shucks what do they call that outfit,

Judge Shubb: Toastmasters?

Mr. Lemmon: Golden West - Sons of the Golden West. They had speech contests and a fellow by the name of Archie Mull who was a practicing attorney was the president of the chapter in Sacramento . . . . Sons of the Golden West. And they had a contest and I won it. And Archie Mull presented me with a pen and pencil set. They were Parker 51's. And that, you had reached the top when you had a Parker 51.

Judge Shubb: Did you ever consider being anything other than a lawyer?

Mr. Lemmon: Never did. Well I guess I should retract that a bit. Because at the end of my military experience, I had sufficient rank to be pretty much my own boss and so many amenities rolling around my shoulders that it was hard to say "goodbye" to all these things. I had a private automobile. I had a private airplane. I spent the weekends in Colorado Havana, or up in, or wherever I might wish, I ever come back to California in my airplane. . . . at the expense of the federal government. And ah, a house on a lake, with a sailboat on it. Um, spent other weekends with fellow officers and their wives going out on clambakes to the islands in the Tampa Bay. You know I had it so good I could taste it. You know it was just a wonderful experience. Oh yeah, I had a job, but the job was not very demanding. It caused me to go to Colorado Springs every three months to report in, but that wasn't overpowering. I'd take a C-45 and fly up there and spend a few days and take the commanding general's secretary out to dinner. Cute little chick as I remember. So I really, I never had it so good. Leaving all of that and going back to school was a hard choice to make. But my father kept reminding me, letter

after letter, you're going to have to make up your mind. You can't be sitting out there acting like you got the world by the tail just because you're an officer in the Air Force. If you're going to stay in the Air Force, which I don't advise, but if you're going to stay there, ok, go ahead for it. Go full bore. Get to be a general whatever it takes. But don't just sit there twittling your thumbs. Which of course is what I was doing. And he reminded me time and time again that the law was a jealous mistress and you had to put your nose to the grindstone. If you were going to be a lawyer, you had to do this, that and the other thing, but that the rewards were a lot more than they would be in the Air Force. You would be helping people achieve their objectives, and/or protecting them from some legal for complications which they shouldn't have been in the subject to first place. With his urging and my sister's, who was sent back to Smith College in Massachusetts. I think on purpose to get me to come home, with the two of them on my neck, I finally resigned and went home.

Judge Shubb: When did you join the Air Force?

Mr. Lemmon: 1942.

Judge Shubb: And was that after you graduated from Stanford?

Mr. Lemmon: Oh yes.

Judge Shubb: Had you done anything after you graduated before you joined the Air Force?

Mr. Lemmon: I was a year into law school.

Judge Shubb: So you'd been to law school already?

Mr. Lemmon: Oh, the basics, you know criminal law, contracts, torts. . .

Judge Shubb: What was your major in college?

Mr. Lemmon: Political science.

Judge Shubb: Were there any professors in college or law school that stand out in your mind?

Mr. Lemmon: Yeah, there are two or three of them that stand out in my mind. The Dean of the law school Kirkwood by name, was a fine guy. A young attorney who taught contracts named Hurlbut. Those are the two that stand out. You know there was an older man by the name of Osborne and he taught real property.

Judge Shubb: What was it about them that made an impression on you?

Mr. Lemmon: Oh I think primarily that they were real gentlemen and learned. You could tell by just listening to them. They knew what they were talking about. So many times in college I felt that the professor was a professor, but he didn't know what he was talking about. And I would go in and discuss these things with my dad and others and they would agree with me that the particular instructor was way over board in what he was saying. Generally this happened when he got into politics one way or the other.

Judge Shubb: You graduated from law school when?

Mr. Lemmon: 1952.

Judge Shubb: What did you do then?

Mr. Lemmon: Well, took some courses and thereafter took the Bar.

Judge Shubb: Did you go out into practice in Sacramento?

Mr. Lemmon: Yes. In the same law office that my father had left.

Judge Shubb: Who were the lawyers in that firm at that time?

Mr. Lemmon: Well, Fontaine Johnson was the senior partner and he was my father's old partner, and he always said he would hold things down until I came, until I showed up. Although it didn't look like I was going to show up. He was a very charming man. Took good care of me and his staff. He was an older lawyer who had a lot of dignity and he never did the things that a lot of lawyers were doing in those days by going to the bar after five o'clock

and that sort of thing, never. He would go home every time. I look back on it and think I was lucky to have had my first two years with him.

Judge Shubb: The Sacramento County bar wasn't that large at that time was it?

Mr. Lemmon: No, about 300.

Judge Shubb: Most lawyers knew each other?

Mr. Lemmon: Oh yeah.

Judge Shubb: Who were some of the lawyers that you remember when you started practice that were the people that you looked up to?

Mr. Lemmon: Well, Stephen Downey of course. Bill Lally who was my father's law clerk and also became the United States Attorney. Bob Zarick who was in the same building I was in. And there was a terribly friendly person, every time I would run into him, Archie Mull. Archie was quite a guy. I remember one day as I was going to the courthouse on a criminal matter, he was coming back and he was mad. When Archie Mull gets mad, boy the whole world reverberated. He was mad because he had gone over there with a decent citizen who had been picked up for drunken driving. I think the citizen had just left a country club. Del Paso Country Club. And the police picked him up. And charged him with a 502, as they called it in those days. And Archie had gone over, and in those days you could go up to the judge and say, "look judge." The judge would listen to what you had to say, and then he would decide right then and there whether it would be a guilty plea, decide what to do about it. So that's what happened, but the important citizen got two weeks in the bucket. And Archie Mull undoubtedly told the guy he would fix it up so he wouldn't get any time. Archie was furious. And I was going over there with a young fellow who had done the same thing, but in this case, the young fellow had killed somebody going through the intersection that night. Drunker than a hoot owl. So with great trepidation I approached the judge in his chambers. I often think about that, but it was the way to practice

law in those days.

Judge Shubb: Who was the judge?

Mr. Lemmon: I'd have to look at the list. And, I told him the young man's story. The story was that he had a row with his wife, young wife. Two babies. And she packed up, took the two babies and her clothing and went back to mama's and the young man promptly went to the nearest bar over in Carmichael and sat there through the day and half of the night until they closed the joint up. So by the time he started home in his automobile he was well along I'm sure. Well he never saw the car coming through the intersection ahead of him. And he hit it square right in the middle. Killed, fortunately I guess you could say, a young unmarried driver, who was on his way to work on the 2:00 a.m. shift. And I pointed out to the judge that this man had no prior record. He didn't drink as a matter of course. He was drinking his sorrow away with the loss of his wife and that it wouldn't do any good to throw him in the bucket. It wouldn't teach him anything, he already had been taught everything that needed to be taught. I presented a letter from the minister saying the guy was a real solid member over at whatever church was involved. I got his father to talk to, to put in an affidavit of what he thought about his son. And I got his wife to tell me, so I could tell the judge that she'd come home and she would drive him, I figured he was going to take his driver's license away. And that's what happened. He got his driver's license suspended for two years and fined I don't know, a very small fine and then that case was then dismissed. And I always look back on that thing. I believe that was substantial justice under those circumstances. Other circumstances warrant different treatment.

Judge Shubb: Of course, you never appeared before your father.

Mr. Lemmon: No.

Judge Shubb: Do you have any recollections of any of his cases?

Mr. Lemmon: Oh quite a few I think. The first one sticks into my memory because I was incensed that the

government for which I had spent seven years fighting would take the steps that it did. It seems that there was an elderly gentleman, whom I ultimately met, up in Modoc some place next to the Indian reservation that is up there. And he had agreed to go out and get an Indian a bottle of whiskey and he was to get fifty cents for doing this. He had no other visible means of support. He walked into the courtroom with a pair of coveralls on, with shoes where the sole was flapping away from the top of the shoes. Long white whiskers, disheveled, and dirty. The picture of poverty. And I knew that the United States Marshal, two of them, had driven all the way up to Modoc County to arrest this man for this heinous crime and bring him all the way back to Sacramento to face justice. I'd been in the military by that time and I didn't think that a pint of whiskey was worth all that monkey business. So the old gentleman stepped up in front of the court when the case was called and my father asked him whether he had an attorney and he said no. My father asked him questions about whether he had any money to get an attorney, he said no. There were several lawyers sitting inside the rail and my father looked up and down this group of lawyers and said "Mr. Mering, will you step outside and talk with this gentleman and represent him with respect to his plea before this court." Mr. Mering was a prominent Sacramento attorney.

Judge Shubb: Was that Phil Mering, Sr.

Mr. Lemmon: There is a younger Phil Mering.

Judge Shubb: The father of Phil and Peter.

Mr. Lemmon: That's right. You know all about that. But anyway he stepped outside with this "gentleman," no guards went with him. There was no security involved. My father seemingly was taking a risk and so was Mr. Mering, but an aging man like this, he must have been well in his 80's. There probably wasn't too much risk. In any event, after the calendar had proceeded, Mr. Mering came back in with his client and stepped up to the podium and addressed the court, and said "Your

honor, I'm sorry to say that I have no alternative, I'm going to have to plead my client guilty of having sold a pint of liquor to an Indian on a reservation." He said "you know Judge he is without money to buy food, he had nothing to eat, this money provided with a loaf of bread and some cheese which would get him through another couple of days. So he took the chance. Seems to me that he's already paid whatever penalty there was to be executed." So my father, he said "Mr. Mering I agree with you, I find him guilty and sentence him to time served and dismiss the case." And we all presumed that Mr. Mering would go back to his seat. And the gentleman would leave the courtroom. But Mr. Mering kept right up there, he said "Your Honor there's another problem. He said this man has come all the way down from Modoc, hasn't got a dime in his pocket and how is he going to get a bus ticket back to Modoc?" My father, with a very puzzled look on his face, thought for a few minutes and said "Mr. Mering have you got a hat?" And Mering said he did. He said "well pass it among these lawyers here inside the bar and collect a dollar from each, that'll be enough to get him back to Modoc." So Mering did that, the lawyers obliged and that's how the man went back to Modoc on the Greyhound bus. And that was U.S. justice at that time in our history.

Judge Shubb: There was a famous trial that your father had involving several individuals charged with violating the California Syndicalism Act. Can you tell us about that?

Mr. Lemmon: Well that was in the time of the depression and my father was on the Superior Court. And it was in the time of the great furrow in California where labor was trying to organize an opponent force in the country. The opposite was the Southern Pacific and of course mercantile interest. And in this particular the farms, the big farm interests. And these defendants were all activists, as we call them today. They were, they were guys and gals that went out among the farm workers and preached the gospel of unionism. I don't believe that there was ever any evidence ever produced that they preached the overthrow of the government by force of arms or whatever, but they were

organizers and they were getting some response. And they were causing strikes at certain farms and this sort of thing and the big farmers were opposed no end to it. And so they were arrested here in our county in Sacramento. And charged and with violation of the Criminal Syndicalism Act. And the district attorney was a man by the name of McAlister, Neil McAlister, Sr. and his Chief Deputy Chris Johnson were the prosecutors. The chief defending counsel (although there were a couple others) was a guy by the name of Gallagher from San Francisco. And he was what you'd call a something to look at. He was different. He was an activist himself, very much so. He was one of those lawyers that when I speak that's the law. He would shout the law at you and expect you to take it as the gospel truth, but which I'm sure my father had read before. Because my dad knew exactly what those guys were talking about. But he was doing his very best in his own nature to defend these several people. One or two of them were oriental and according to him couldn't even speak English. They had interpreters, but I didn't think they were interpreting very well. But in any event, the case dragged on and a lot of things happened in that case. There were tampering with the jury allegations. Somebody climbed upstairs above the jury room and looked down on them and this was reported to the judge. Oh, but before deliberation, someone was alleged to have given one of the jurors a brace of ducks. That was the season of the year when ducks were in great demand. And they had a separate series of hearings to determine whether that gift of a brace of ducks was going to cause this juror to change his mind one way or the other about the guilt or innocence. There were a lot of flamboyant things. I was a high school kid then and I was simply amazed at what went on in that courtroom, because I'd been in courtrooms before and in this particular case these men, these grown men, Chris Johnson for example, would walk behind Gallagher's chair, walking from one side of the court to the other and said "quack quack, quack, quack, quack". And Neil McAlister in his final summation to the jury would go up to the United States flag behind the witness stand and wrap the flag around himself and plead the Declaration of Independence and the

Constitution of the United States and so forth and so on, very flamboyant. And of course, this guy Gallagher was equally flamboyant in the other direction, claiming that these people were being denied constitutional rights and so forth and so on. And this trial took along time. Six weeks, which was rather unusual in those days. My father was observed taking pills during the course of the day. It was printed up in the newspaper that the judge was taking pills to calm his ulcers. Well of course, the bloody newspaper reporter didn't know what these pills were or what ulcers he was calming. He just assumed that any judge sitting up there listening to that garbage and trying to keep it under control was going to have ulcers. And I guess in a way, my father felt the strain, but he was a young man at that point. And he was withdrawing from the smoking of cigarettes, which had been a life-long habit. And instead of smoking when he felt that way, he popped in a lifesaver. Of course, that's what was observed the lifesaver. In any event, seven or eight of these defendants, not all of them, were found guilty. My father accordingly sentenced them to two or three years in the penitentiary. The prologue to that was the Supreme Court of the United States held the California Syndicalism Act unconstitutional. They did that within two years after this trial had taken place. And so these ladies and men were then released from prison and all the labor that went into that trial was something of historical importance only.

Judge Shubb: Of course, that was when your father was sitting on the Sacramento County Superior Court. I understand he served there from 1933 to 1947.

Mr. Lemmon: I should add another anecdote that I forgot to tell you before. It's part of the history of California. In those days the death penalty was not unconstitutional. For murder of the first degree, the likelihood of you being executed was very great. There was a guy that was really a bum. Riding the rails. But he needed a few bucks to buy food and clothing. So he went to this bakery shop here in Sacramento. An old German man and his wife ran the bakery shop, making their living that way. And he hid behind the door of

the shop until the old man came in. And then he stabbed him to death and the body rolled down the stairs to where the bakery was. He rifled the cash register. He got a few dollars. He ran out, and wasn't too far from the railroad tracks. Got on the next freight train leaving town and was gone from Sacramento heading east across the Sierra Nevada. And while he was going he was feeling no pain; no remorse because he bragged to a young hobo on board. And I should be careful when I say hobo because, an awful lot of men, especially young men, who weren't able to support themselves or their families in their homes, had traveled to California to be part of the labor force of the valley to pick the fruit and the vegetables. So anyway this murderer told his tale of how he had gotten away with killing this old baker and taking a few bucks, and suffered no penalty for doing it. At the next train stop, the young hobo got off the rail, got enough money to call the Sheriff in Sacramento and told him the story. And of course the Sheriff had the Nevada Sheriff at the next stop meet the train and arrest this man. Brought him back to Sacramento for trial before my father. Of course, there wasn't much in his defense. All the evidence was out of his own mouth because they brought this young man back as a chief witness. Out of his own mouth he had confessed. And so he was found guilty. And that was the first time that my father had to face the question of the death penalty. I remember that my father entered into this part of his judicial duties with great trepidation. He pretty much walked the floors that night trying to make up his mind, because he could have sentenced the guy to life in prison rather than to death. In those days the judge had that alternative. Finally he screwed up enough courage, if that's the proper word for it, went back in the courtroom the next day and sentenced the man to be taken from there, to a place designated by the Sheriff in Sacramento County to be hung by the neck until dead so help you God. And so it happened. And after that, my father faced that same problem a number of times, but would not fail to carry out his duty as he saw it.

Judge Shubb: Did he ever discuss that decision or similar

decisions with you?

Mr. Lemmon: I don't recall that he did. Except as I said, he said that it was a very hard decision for him to make. That taking the man's life was not something that you could just willy nilly do. Regardless of what the law said, if you had the power to do something less than death, then maybe he should think about it. Which is what he did that night. I suspect he did the same thing on all the subsequent cases that he had. But, as far as I know, all of those men were hanged.

Judge Shubb: There was another trial over which your father presided while he was on the Superior Court involving six or seven prisoners in Folsom Prison who were charged with torturing the Warden, I understand.

Mr. Lemmon: The Warden's name was Larsen. He was a good friend of my father's. As a matter of fact, I met him out on a houseboat that some friends owned up on the Sacramento river. That's where they'd go out and have a party once every six months or so. And Warden Larsen was a big tall husky guy, real football kind, he could have been quarterback on anybody's team. I met him of course, because I was invited to be present at at least one of these parties. At this particular party, Warden Larsen fell into the river. There was just a plank between the shore and the boat, and you had to balance yourself pretty well to get across the plank. Of course, as a young kid I didn't have any problem with that, but older men, especially one who's equilibrium was tall and thin, he fell; he just went down into the river. Just you know up to his knees maybe because we were very close to the shore, and everybody got a big laugh out of that.

But in any event, these six or seven convicts got control of the yard as they called it. They struck down all the guards that were in the yard; they did this simultaneously. The only protection the public had was the men in the towers and there were four towers on the four corners of the yard. In the old prison. And they captured the Warden who was in his office and they brought him out

into the yard and they told him to tell the men in the tower to open the gate. And he wouldn't do it. But then they would stab him with a knife that they had hand made in the prison shop. They did that eleven times. Of course, he was down on the floor bleeding to death by the time they finished with him. By that time, the gates were not open. The guards had formed enough men, to undertake a defense measure to swarm into the yard, and capture these guys and get the Warden off to the hospital in Sacramento. He lived for a number of days after that with eleven stab wounds all through his torso. And so these guys were tried in front of my father. I can recall as a kid going into my father's visitor's room one day. I was going to watch the trial. I wanted to see what was going on. And I walked into the room and here are these seven guys sitting in seven chairs with balls and chains all around my father's visitor's room there. Some with bandages around their heard or necks, I was sort of shocked; I didn't expect that kind of a situation. But they were really shackled both hand and feet and when they went into the courtroom, their feet were unshackled, but their hands were not. And when they got to their seat in the courtroom they took the shackles off their hands and ankles. And a prison guard, as I recall, was behind each one of them in court. It was a relatively simple trial. There was a few witness and guards who testified and it was fairly obvious in due time they were found guilty and my father sentenced them to be hung by the neck, until dead. And so it was done.

Judge Shubb: What do you remember of your father's colleagues on the Superior Court bench?

Mr. Lemmon: Well I distinctly remember Peter Shields. He was at that time in the last part of his seventies. Matter of fact I tried a case in front of him about that time when he was about eighty. Little tiny guy, about as big as a minute. The story goes that he as a young man had tuberculosis and they'd given him little or no chance of survival, but he did. Not only did he survive, but he was a good lawyer; and he was appointed to the bench; and he occupied that bench for I guess, twenty some odd years. He left the bench only after the

lawyers gave him a testimonial banquet. He pretty much had to leave after that. The other one was Malcolm Glenn. Tall thin, drink of water. Very serious, posture made the young lawyers creep around and tip toe. I can distinctly remember the first time I ever showed up in his courtroom with a divorce on my hands and the young lawyer in front of me had put on all of his evidence and it seemed to me that he had a pretty good case. The guy had beaten up his wife and all of that kind of stuff. Judge Glenn said "divorce denied". Just bang - like that. I was thinking, gee I haven't got as good as evidence as that. I stepped up and put my case on. And the divorce was granted. To this day, I've thought about that many times. I can't understand why he granted one case and denied the other. But that's the last time I ever saw a divorce denied. Then there was John Brown. John Quincy Brown, his son is a practicing lawyer who is not too far from retirement now.

Judge Shubb: His grandson is practicing also. He's John Quincy Brown the third.

Mr. Lemmon: Is he? The third? Well anyway. He was sort of a jolly, happy go lucky sort of a guy. Smile on his face all of the time. A lousy one to be on the criminal court, because you couldn't smile in the that court. Handled most of the civil matters that were tried in court.

Judge Shubb: That was the court at that time, quite small.

Mr. Lemmon: Yeah, my father was the fourth one you know. They had to develop a new courtroom. There were only two courtrooms in that building. There were light, big, nice courtrooms, but they could get along in smaller courtrooms.

Judge Shubb: That . . .

Mr. Lemmon: There's another one, Irishman, I can't think of . . .

Judge Shubb: That courthouse was where the county jail is now.

Mr. Lemmon: Yes.

Judge Shubb: And you said it had only two courtrooms.

Mr. Lemmon: Two major courtrooms. My father's chambers was the former office of the WPA. The war having put an end to the WPA, they didn't need that space. So that became my father's chambers after some remodeling. Upon the door they put my father's name. And then the Anteroom to that place was originally where the clerk of the board of supervisors had an office. Now my father's clerk had his office there. Interesting I suppose is that when they tore that place down, on the pile of rubbish they had thrown outside, I found my father's door and I removed it. I have it to this day in my home.

Judge Shubb: I should point out that we're having this discussion in the Dal M. Lemmon memorial conference room of your office. And we have hanging on the wall his appointment to the District Court signed by President Truman and his appointment to the Court of Appeals signed by President Eisenhower. We also have on the other wall a testimonial signed by a number of people. Can you tell us about that?

Mr. Lemmon: Well that was a dinner for the Bar Association which was sort of a thing that was done occasionally. Where they got all the lawyers together and more or less congratulated themselves that they were alive and well. And everybody signed it, this testimony. There hangs the story about the Sacramento Bar Association commemorating its many years of existence.

Judge Shubb: I was looking at that as we came in. It contains the signatures of a number of very prominent lawyers and judges in California history, including Earl Warren.

Mr. Lemmon: Goody Knight.

Judge Shubb: Many others. How was it that a Democratic president appointed your father to the District Court?

Mr. Lemmon: President Truman appointed my father to the District Court. In those days, as it is now, the

senior senator from a state was the one who could make the nomination. Senatorial courtesy being what it was. The senior senator from California a man by the name of Sheridan Downey. He was a well-known Senator who was an activist in many ways, but he was the brother of Stephen Downey, a member of the Sacramento Bar and a very good friend of my father's. He was the same man who wrote that letter I spoke to you about . . . About the young lawyers having the corner on the library here in Sacramento. Well, of course Stephen Downey was my father's best friend in the law. Sheridan was his brother. Sheridan knew my father very well. Even I had met the Senator on occasion. So there was a family relationship going on here. So when it came time for the nomination for a new judge in Sacramento, Sheridan Downey stepped forward and nominated my father. Martin Welsh being the first judge, was retiring. I don't want anyone to think that it was sort of a family deal, because both the Sacramento Bee and the Sacramento Union, the two papers that were being published in this town, came out in favor of my father, as did the Sacramento Bar Association. So my father was moving towards this job with a very big group of people wanting him to be the judge. Of course, that meant also that the junior senator should take a stand and the junior senator happened to be a republican. He happened to be a Republican who was the editor of the Oakland Tribune. And of course, he seconded the motion of the democratic senior senator and the poor President didn't have much alternative. So he appointed my father to the federal bench here in Sacramento.

Judge Shubb: I wanted to ask you about some of your father's cases while he was on the district court. There's one published case that has been brought to my attention, *U.S. versus Public Utilities Commission of California, 141 Fed. Supp. 168,* that I think has an example of his literary style. Quoting from that decision "to get thar fusts with the mostest men" was the recipe for victory announced by General Nathan Bedford Forrest the confederate calvary leader. He goes on to say there's as much military wisdom in that dictum today as there was a century ago. In this atomic age speed and the

movement of men and supplies is still necessary. Do you have any comments on your father's writing style as a judge?

Mr. Lemmon: Well I think if I was to comment on his writing style I would say that he tried to make written decisions not too weighty. Not too filled only with the law, but bring into whatever human foibles might be involved in the facts surrounding the legal aspects of the case. Almost to the point sometimes of using humor as a way of releasing tension and I've seen a few cases anyway where that's exactly what happened. One was up in Modoc County. I think it was Modoc County where a guy sued the insurance carrier, excuse me, his widow sued an insurance carrier for refusal to pay the death provision of the policy because the man had committed suicide. The question was whether he had committed suicide or whether he had just stumbled on the trigger and pulled it unfortunately at the wrong time. My father had a lot of fun with that one because this guy also had another gal in another town and he was bouncing back and forth between the two and my father thought that there was sufficient reason to commit suicide.

Judge Shubb: For quite a while he was the only federal judge in Sacramento.

Mr. Lemmon: That's correct.

Judge Shubb: Was there enough work here to keep him busy or did he travel?

Mr. Lemmon: You know, that's one of the things I distinctly remember. My Dad was forever going down to San Francisco. He would clear his Sacramento calendar and have nothing to do for three or four days and he'd go down to San Francisco. He would call up his friends down in San Francisco and say can I help you and they'd say you sure can we're loaded to the gills. So he'd go down to San Francisco and he had his own courtroom down there in San Francisco in that place that's called the Post Office. It was a beautiful chambers. He had a chamber that was carved redwood walls. Redwood highly polished burl redwood and the bookcases

were all redwood, all highly polished. It was a real fancy place and I wondered, I often wondered whatever happened to that particular set of chambers that my Dad used.

Judge Shubb: That was in the present building?

Mr. Lemmon: No, it was at the Post Office.

Judge Shubb: No, but that's where the Court of Appeals sits now. Was it in that building?

Mr. Lemmon: It was there at that time.

Judge Shubb: Seventh and Mission?

Mr. Lemmon: Yeah.

Judge Shubb: There is a room in the Court of Appeals called the Redwood Room. That may be it. It is a beautiful room.

Mr. Lemmon: This was gorgeous.

Judge Shubb: There are a couple of district court opinions authored by him in the early 1950's when he was sitting by designation as a District Judge in the Western District of Washington. Did he travel?

Mr. Lemmon: You see, he was always looking for a job and when he was out of a job in Sacramento, he was looking for a place to light. He lit a number of places. Wherever the Chief Judge would send him. Where they were having trouble and somebody might have passed away or they were just overloaded as they were down in San Francisco. He loved to travel that way. He'd fly with his wife to that city and live in a hotel, live the life of Riley primarily as he took care of the cases that were assigned.

Judge Shubb: In those days they didn't have bankruptcy judges or magistrate judges.

Mr. Lemmon: They had referees.

Judge Shubb: Referees in bankruptcy? Do you remember the referee in bankruptcy?

Mr. Lemmon: Quite well. His name was Evan Hughes. He was I think graduated from Stanford University. And a friend, close friend of my father's. At least he thought an awful lot of my father and he seemed to be always around the fringe someplace. I would visit with my father in Evan Hughes' home. They had a son, and I think a daughter. And Evan was the only bankruptcy referee for this district and so if you had a bankruptcy matter that you filed in the Northern District in California you were going to end up with Evan Hughes, but he would hold hearings here in Sacramento in the little, what do you call it, Federal Courthouse, but really the Post Office, and then he would travel up to places like Eureka and hold hearings up there. Quite a distance to go in order to take care of people who were filing bankruptcy that far away. He was another one of those little wiry guys. Good sense of humor. Pretty much he lived on the edge of his seat. I mean by that he was nervous. He was trying to do his best. He was working to get the job done. He was at it all the time.

Judge Shubb: There's another picture of your father at the entrance way to this room which appears to have been taken while he was holding court. Can you tell us about that?

Mr. Lemmon: That was a picture taken by a photographer of the Fresno Bee. My father had gone down to Fresno to sit on a famous libel case. My recollection is that a guy by the name of Peggler, who was a columnist, was suing the Fresno Bee for libel. My father went down to take care of the case. During the course of the trial, this photographer opened the door closest to where my father came into the courtroom and just wide enough so he could use the camera without being seen, and he took a picture of my Dad which is an excellent picture. That's the one you speak of Judge. And after recess was declared he went into my father's chambers and said "judge can I print this"? My father said "absolutely not and I hereby confiscate that picture". That's why I have it.

Judge Shubb: I understand that there was a time when somebody at the Bank of America decided that they were

going to charge the court fees for keeping its money.

Mr. Lemmon: That's not exactly right. My father deposited substantial sums of federal money in the Bank of America for the activity of the federal court in Sacramento which included the Marshal's office, the referee in Bankruptcy, and attendant support mechanisms. It was quite a substantial sum of money. And when I came back from the War, Dad told me to put my money in the Bank of America because they were not charging the federal government, nor would they charge me a charge for each check that was written, which was becoming common practice at the time. So I put my money into the Bank of America for whatever it was worth and things went along fine until the manager was transferred elsewhere and the new manager came in. The new manager could see no reason why this young whimper snapper by the name of John Lemmon should have special privileges and accordingly notified me that from that time out I would be charged for every check I wrote. I spoke to my father about this, my father forthwith removed all the federal money from the Bank of America and put it in Crocker Bank. And so it died of course and that was the end of our association with the Bank of America.

Judge Shubb: What was it like for your father to be the only federal judge in the Sacramento Valley?

Mr. Lemmon: Well, he was an awfully big frog in a little pond. He was the federal judge. There weren't any other federal judges around. You had to go to San Francisco and who would travel that far away, you know in those days a trip to San Francisco wasn't a couple of hours. It was four or five hours to get to San Francisco on the little ole' two lane road between here and that part of the world. So he really ran a judicial situation here that was empowering itself. He was the big shot. The big pooh bah. Or anything else you wanted to call him. He was in charge of all judicial activities in the Sacramento Valley and all the way up to the border line of California.

Judge Shubb: How did that effect the way that people related to

him?

Mr. Lemmon: Well I think basically everybody knew because of the papers. Everybody knew that Judge Lemmon was the federal judge. And he was handling all federal matters in this area. And as a result of that he became very well known. I walked down the street with my Dad on a morning and shucks it seemed to me that every other guy that came by or gal would say "good morning judge" to him as he walked down the street. At least there was an awful lot of people saying hello to him. I remember the story that's told that my father would start from our home on Fourth Avenue to walk; that was his only exercise walking to court. And he did this every morning, reading appellate decisions as he went. And everybody would stop, blow their horn, open their door and ask him if he could get in and take a ride. And after awhile they all learned that Dad was not interested in riding with anybody, he was interested in the exercise and the chance to read the reports without interference. So he walked all the way every morning.

Judge Shubb: I understand he belonged to just about every social and service club there was.

Mr. Lemmon: Oh yes he did. He was the president of the Sacramento Rotary Club at one time. Maybe 1930 - 31 I think it was. He was the exalted ruler of the Elks Fraternity. Which in those days was pretty powerful in this community. They built that big building that J & 11. Those were two of the organizations I remember.

Judge Shubb: Lyons Club, Del Paso Country Club?

Mr. Lemmon: Rotary Club, Del Paso Country Club. You know you have to buy your way into the Del Paso Country Club. In those days it was expensive. I think it was $15,000. Nowadays it's a heck of a lot more expensive than that. But in any event, they just gave him membership in the club. They wanted him in. He was the federal judge.

Judge Shubb: Same with the Sutter Club?

Mr. Lemmon: Same with the Sutter Club.

Judge Shubb: Do you remember how it was that he got appointed to the Court of Appeals?

Mr. Lemmon: Well of course a vacancy existed. The Court of Appeals was stationed in San Francisco, although it covered the eleven western states including Hawaii and Alaska. It was a big and important court and surely was the next step from the district court. And when the opening occurred the Sacramento Bee began right off the bat beating the tom toms for father. The United States Senior Senator was Bill Knowland who was a staunch republican and the junior senator was Tom Koakel who was likewise a staunch republican. Of course, the republican president, Dwight Eisenhower made quite a trio when it came to saying who would be appointed to the bench in the Ninth Circuit. I don't know if there was any opposition. The story I heard was that almost overnight the President got the message from Knowland and Koakel and the job was his if he passed the Senate Judiciary Committee. The Senate Judiciary Committee had to review his qualifications and he went back to Washington and was interviewed by the committee and passed and thereafter came the presidential order appointing him to the Ninth Circuit Court of Appeals.

Judge Shubb: Did he keep his office in Sacramento?

Mr. Lemmon: Yes he kept his office here and used it pretty much as a place he could retreat to work on cases. He would bring his law clerk and one or two secretaries with him. So there was quite an office for the circuit judge and the succeeding district court judge. They were good friends and they both shared the same federal library here in Sacramento.

Judge Shubb: That was Judge Halbert.

Mr. Lemmon: Judge Sherrill Halbert.

Judge Shubb: And they were in the Post Office Building.

Mr. Lemmon: Third Floor. Beautiful courtroom.

Judge Shubb: Did your father keep his chambers or did Judge Halbert take those?

Mr. Lemmon: No Judge Halbert took over those chambers. My father's chambers was specially made for him just beyond those chambers.

Judge Shubb: Did you know Judge Halbert when your father was a Circuit Judge?

Mr. Lemmon: Yes.

Judge Shubb: How did they seem to get along?

Mr. Lemmon: Well. Very well.

Judge Shubb: How was the workload at the Ninth Circuit when your father was on that court?

Mr. Lemmon: I don't think it ever bothered him. I don't recall him ever saying there was too much to do. I think their workload on the Ninth Circuit was pretty average when he went on the court. Because he kept asking them to send him out to try a case here and there. Consequently, he would go as a circuit judge out to Hawaii or up to Seattle or someplace else and try cases. So that means to me that the Circuit was not overloaded.

Judge Shubb: How do you think your father felt about the difference between being a trial judge and an appellate judge?

Mr. Lemmon: Oh I think he really wanted to be a trial judge. He liked the give and take of people. He liked to share understandings of the law with learned lawyers. He had no patience for a lawyer that would stand up and quote some case that my father had read, and know the guy was full of malarkey -- that he wasn't quoting the right source to begin with. My father would tell him that. So he really enjoyed that kind of activity. His idea about a judge's responsibility was basically you cannot, sitting without a jury, delay the decision; you must get that decision out speedily. In my father's case, within twenty-four hours after the case closed. Justice delayed is just lost. . . my father would say to me. And he was

just; I thought in a sense, always shooting from the hip. I mean if you don't like what I've decided, you can go to the appellate court, they'll take care of you.

Judge Shubb: Contrast that with the way he looked at his role as a appellate judge. He can't shoot from the hip there.

Mr. Lemmon: No, and that I think was one of the main reasons why he maintained this office here in Sacramento. He could retreat to it; sit down and work out the answers to the cases that had been assigned to him.

Judge Shubb: Do you think his relationship with others in the community changed at all after he went to the Court of Appeals?

Mr. Lemmon: No. If anything they increased the . . .

Judge Shubb: He still had the high profile?

Mr. Lemmon: Oh definitely.

Judge Shubb: Did your father ever talk about his relationship with any of his colleagues on the Ninth Circuit bench?

Mr. Lemmon: Yeah he did, but I'm not going to repeat what he said about some of them.

Judge Shubb: Any that you care to repeat?

Mr. Lemmon: I don't recall what he thought about the other circuit court judges. I saw so much of people on the district court like Louis Goodman and Oliver Carter - - people that played a part in his life. They were his close judicial friends. There was another one, I can't remember now.

Judge Shubb: Okay, let's talk about Louis Goodman and Oliver Carter then.

Mr. Lemmon: Well what do you want to know about Louis?

Judge Shubb: What can you tell me?

Mr. Lemmon: He was a . . .

Judge Shubb: He was chief judge.

Mr. Lemmon: Yes, he was chief judge. Well liked in San Francisco. Well liked by the attorneys and other members of the bench. He was very friendly sort of a guy. A smile on his face. He was not a big man, he was basically a little man. He probably was about 5'5" something like that. But ah Paddie Rooster. He moved with a clarity and his judicial thinking I think was excellent. He was no dummy when it came to writing opinions. Ah he did that sort of thing with clarity and I think was one of the reasons he was so well liked. He was not a politician in the sense of getting the senator of thinking of him as a possible appointment afterwards. And I don't think Louis Goodman wanted that. He loved San Francisco. He was familiar with a lot of the people who were the movers and shakers of that City and belonged to all the clubs. I can remember going to the Pacific Union Club with him and my Dad and having a sumptuous lunch. Goodness gracious. Cigars and brandy afterwards. Eye Yi. It was a performance. And that's the kind of a guy he was. He had a charming wife. They lived in a beautiful home. He was a good friend to my father's. He was always promotive of my father's hopes and dreams.

Judge Shubb: How about Oliver Carter?

Mr. Lemmon: Well you know, I tried so many cases in front of him that his treatment of my father sort of fell to the back ground. Because every time that Dad couldn't sit on the bench because I was involved in a case, Oliver would come up. And it got so that I knew him and knew what kind of a decision he was going to make in a sense I could predict because this kind of a case and I know this is the kind of answer you're going to get.

Judge Shubb: You could predict how he was going to decide the case better than you could predict when he was going to decide the case.

Mr. Lemmon: Well that's true. But he was very sympathetic with the rules and troubles of man kind and

specifically of the rules of the individual litigant had who was in front of him. I should at this point tell you about the case I had involving the tomatoes. That was up in Marysville where this farmer had a contract with Hunts Food Company to take all of his tomatoes at picking time. That meant by custom that they would get all the boxes necessary for all the field pickers to put the tomatoes and then trucks to carry them off to the juice factory. This particular year, they didn't get the boxes there. And the farmer screamed, and screamed, and screamed, and they kept giving him lame brain excuses of why they couldn't get any boxes. Finally, the farmer saw his crop, his whole crop just drop on the ground. It was useless and non-marketable. And he was mad and he went to an attorney up in Alturas, really an astute sort. And this guy decided that he was going to sue the Hunts Food people. But he didn't want my father sitting on the case. So he hired me. That meant that my dad got off and Oliver Carter came up. And when it was all over the man that the senior attorney represented the farmer, got off. My two young guys were stuck with it. Maybe it was because of my inexperience, but maybe it was other things, but I remember a lot of high intrigue in that particular case. It all began with a yellow Cadillac top down convertible with a guy and a ten gallon egg blue shell Stetson driving into town with the car filled with scantily clad females. And he let it be known that he was a Hollywood magnet and that he wanted to do business with these people so that he would get places where they could take pictures. He wanted to hire the local people. How it got from there to his suggestion to the young farmers that I represented? I bet they'd made a million. If they would just let him take their potatoes, which they knew had been bought by the government and which they had received a price. The Agricultural Adjustment Act. And which had been into underground bunkers and they probably didn't recognize that the potatoes had been dyed. Federal purchasing authorities of the Agricultural Administration had thrown a blue dye all over these potatoes which had been taken from the farmers.

Judge Shubb: Potatoes or tomatoes?

Mr. Lemmon: Potatoes, and ah, I got mixed up with potatoes. Well let's go back.

Judge Shubb: Well finish the potato case first. Then we'll go back to the tomato case.

Mr. Lemmon: So one dark night the a trucks arrived up there in Modoc County and the young man and a bunch of workers loaded the trucks with these government potatoes and there were FBI all over the place. And they watched them and followed them all the way to San Jose where they dumped the potatoes into a factory where the potatoes were to be made into potato chips. Eggo potato chips it was. And at that point the FBI confiscated the truck, and all the potatoes. The FBI went back up to Modoc county and arrested the farmer and the kids and all the people who had been working there. Well the United States Attorney couldn't find anything wrong with the people that were working, he just didn't - they just wanted to get the money and went out at midnight to work and probably got a peculiar kind of a thing, didn't know why there were working at midnight. And then the farmer claimed he didn't know what was going off and he got off on that basis. Where the two young men were stuck with it. They had made the arrangements with the cowboy guy in the egg shell blue ten gallon hat and of course that guy had disappeared never to be seen again. I guess the Cadillac and the girls went with him. But they were found guilty. I made my plea to Oliver Carter, pretty much on the grounds that these were young men not very well experienced in the world. They had a chance to make a killing and so they fell for it. Even knowing that they had already sold the potatoes to the government to begin with and Oliver was very very lenient with them and it is my recollection that he fined them, it wasn't really much money you know - couple thousand dollars each. They didn't have any money. Couple thousand dollars each and that was it. That was the end of the case.

Now the tomato case that was before the same judge. It got to the point where one of the

agents, the agent of Hunts, he was the chief witness on behalf of Hunts. And Hunts didn't know a dad gum thing about what was going on. And Hunts, or their other agents, were afraid that he was gonna turn state's evidence and side in with the farmer. And so they told him that they would give him I think it was ten thousand dollars and they would give him this money at the race track at Santa Anita in a day or so. Maybe it was tomorrow. And then he would promise not to kick over the case . . . that he would represent that he had no knowledge of about . . . that there was no boxes, he didn't even know that they were suppose to be in. Hunt's might have contracted with, they had lots of other people they had to serve then, so forth and so on. He was going to try and get them out of the problem. Well Vext and I, I don't remember how I got a hold of that . . with any event, the next day, it might have been the United States Attorney told me, but in any event the next day I went to my father and he immediately called the FBI. The FBI were stashed around the bushes at the Santa Anita racetrack on the day of the delivery. And the fellow from Hunts produced the dollars and handed them over to this double agent, if you want to call him that. And the deal was solidified and FBI stepped out of the bushes and said "you're under arrest". That was the end of the tomato case.

Judge Shubb: Did your father ever work with George Harris?

Mr. Lemmon: Ah, no, not that I know of. He was a friend of George Harris'. And I think they collaborated on one or two cases. I have no knowledge of what that was.

Judge Shubb: How about Judge Wallenberg. Was he on the court at the same the time?

Mr. Lemmon: No.

Judge Shubb: Well let's mention some of the judges on the Ninth Circuit to see if you can recall your father ever discussing any of his cases with any of them. How about his relationship with a Judge Stevens?

Mr. Lemmon: Yes, yes. He was a friend of my father's. Good

friend.

Judge Shubb: What do you recall about him?

Mr. Lemmon: Well I, my recollection is that he and my father would collaborate in a sense that they'd have this particular problem in front of them and they'd sit down and discuss and come up with a solution for that particular problem.

Judge Shubb: Judge Chambers.

Mr. Lemmon: Yeah, he was a good friend of my father's. Um, often did the same thing. They'd sit down together and discuss cases together. My father thought quite a bit of him. He was a younger man. Matter of fact, if I'm not mistaken, after my father's death he took over my father's secretary. She was a very capable legal secretary.

Judge Shubb: Judge Stanley Barnes.

Mr. Lemmon: No, that name doesn't even ring a bell.

Judge Shubb: How about Judge Hamley?

Mr. Lemmon: Vaguely, but none.

Judge Shubb: Judge Hamlin?

Mr. Lemmon: No.

Judge Shubb: Judge Jertberg.

Mr. Lemmon: Nope.

Judge Shubb: What about your father's relationship with his law clerks? Judges rely heavily on their law clerks today. How was his relationship with them?

Mr. Lemmon: Well when he was on the appellate bench he had a law clerk that was foreign born with an accent. A astute sort of a guy. And after my father's stroke, he was an immense help in helping to write up and suggest the terminology to be used in particular opinions. Can't remember the guy's name, I'd have to search around to find it. Now in the district court of course he had Bob

Woodward, who became an Assistant U.S. Attorney and finally a bankruptcy referee.

Judge Shubb: Both.

Mr. Lemmon: Bob was a hard workin' sort of laid back easy going sort of a guy. He and my father never got along too well because Bob was simply too easy going.

Judge Shubb: Bob was an Assistant U.S. Attorney for several years and for a time he was the only prosecutor in the office in Sacramento. Did he ever appear before your father in the U.S. Attorney's office?

Mr. Lemmon: Not that I remember.

Judge Shubb: That might have been after your father was on the Court of Appeals.

Mr. Lemmon: I remember Bill Lally though.

Judge Shubb: What do you remember about him?

Mr. Lemmon: Well, he was the federal prosecutor when I tried some cases in federal court. I would speak to him about the potato case. He was the prosecutor. I distinctly remember, and I don't know which case, but probably the potato case, Bill was there as the prosecutor and I was defending somebody. I had gone to the podium and argued with Halbert about his ruling on some matter of interest to me. So I gave this argument and Judge Halbert said "it doesn't change my opinion you're overruled." So as I was walking back away from the podium to get my seat, somebody went "huh ump" - and Judge Halbert you know, he's looking to this young kid who probably was too big for his britches because he was the son of a federal judge and he said "Mr. Lemmon what did you say?" I was you know, I was shakin in my boots. I didn't say anything. About that time Lally sat forward and said "Your Honor I'm sorry - I cleared my throat as he was going back to his seat." But Sherrill Halbert and I were good friends.

Judge Shubb: Tom Martin was another Assistant U.S. Attorney.

Mr. Lemmon: He was before my time.

Judge Shubb: How about Andrew Shotsky?

Mr. Lemmon: Oh I don't remember if he was a member of the federal administration set up. Was he?

Judge Shubb: You mentioned him when we met the other day.

Mr. Lemmon: Well his father was on the Third District Court of Appeals. And Chuck, he was a practicing attorney. I don't know how he figures in.

Judge Shubb: Was there an assistant named Harlan Thompson.

Mr. Lemmon: He was an Assistant to the United States Attorney. And he was the son of a very distinguished Third District Court of Appeals Justice. A real character. He drove around town in a little automobile, which put him about maybe a foot off the highway. Really low slung, top down, real classic character. One night, when were having one of those parties out on the boathouse, he was there, and getting sufficiently oiled up. It was a summer night and he just jumped into river with all of his clothes on. And of course, even at that time of year the river was flowing by pretty swiftly, and if it hadn't been for a friend of mine reaching down and grabbing him by the scuff of his neck as he was going past the boat, why we might have had a real tragedy out of that situation. My father was livid over the whole thing. Never did that guy ever get an invitation to go out to that boat again. That was on the front pages of the paper the next day.

Judge Shubb: You mentioned a stroke your father had. He died in 1958?

Mr. Lemmon: Right.

Judge Shubb: When did he have the stroke?

Mr. Lemmon: About two years before.

Judge Shubb: And did he . . .

Mr. Lemmon: He was on the Ninth Circuit then. It took him off

the bench for about six months, but he had such determination that he was going to go back, that he did. His left leg and arm were not as limber as they had been before. And you will see a picture of him in the Sacramento Bee putting his briefcase in order in preparation to going Hawaii to sit as a trial judge over there. And you can see that his left cheek sags. But outside of that I don't think it really affected him. He was determined to go on and he went on. He'd sit with the court en banc, or he would go home and work on opinions with his law clerk independently, and I asked him the last time he was in the hospital: "What happens now Dad?" and he said "I'm going to ask to be permanently assigned to trial court work."

Judge Shubb: I had the privilege of doing Judge Halbert's oral history a few years back and he had pictures in his chambers of Abraham Lincoln, Dwight Eisenhower, Herbert Hoover, and Dal Lemmon. Those were the people that he idolized. Did your father idolize anybody?

Mr. Lemmon: I don't think idolized would be the word. He thought an awful lot of Louis Goodman for example. He was a good friend of ah Judge Carter, Oliver. Stephen Downey was the one with whom he walked on the beach during the war. I heard that story so many times. They were in Carmel at some hotel. Right away my father would get up in the morning and go get the San Francisco Examiner and see what was going on over in Europe. There would be this flamboyant account of a raid by two hundred B-17's and he and Stephen Downey would walk on the beach together and Stephen would try to get my father out of the mental valley he was in. This was because of the losses which they were reporting at that time as being astronomical. We'd go over there with two hundred planes and sixty would be lost. And that's an awfully high percentage of loss. And so you could see what was running through my father's mind and Stephen would be right by his side trying to buck him up - that sort of thing. I think if I had died in that war when Stephen was with him, he would have been the first one to hold my father's hand.

Judge Shubb: Did your father maintain a relationship with Earl Warren?

Mr. Lemmon: No. Only a relationship in the sense that they wrote letters back and forth.

Judge Shubb: But before Warren was appointed to the Supreme Court they were fairly close?

Mr. Lemmon: Yes, they had lunch together at the Sutter Club.

Judge Shubb: I understand that Governor Warren would consult with your father on state judicial appointments.

Mr. Lemmon: Yes.

Judge Shubb: You told me about your father's funeral and the the Chief of Police.

Mr. Lemmon: I had quite a relationship with the Bishop at that time. His name was McCuckin. He became Archbishop of San Francisco. In any event, when my father died, I called the Bishop. He set it up so that the funeral would be in the Cathedral downtown on 11th Street. And so it was, and a Monsignor by the name of Higgins officiated and he gave the Eulogy. The Bishop sat on his throne as Bishops are want to do, and participated in the sense of his presence. Afterwards, there was a great crowd of people out in front of the Church and the family was to get into a particular limousine to follow the hearse and I noticed that among the crowd was one of my Dad's dear friends. I can't remember his name. He was a big hefty lawyer from San Francisco that my father thought a lot of and he was out there all by himself in that crowd. My partner was out there and I leaned out the window and told Bill "get that guy and put him in one of these limousines" so he could go out to the graveyard. So he did and that particular man was grateful for that kindness. We drove from the Cathedral out to St. Mary's Cemetery - it was located in those days on the very fringe of the City - under a police escort. A motorcycle police escort of about six or seven officers. When we drove through the gates to the cemetery they were all lined up. The Chief of Police, Joe Rooney, had known Dad quite well. He stood at attention

and saluted as we went by.

Judge Shubb: Do you think there has been much change in society's attitude about the law over the years that you've been in practice?

Mr. Lemmon: Oh, I think there has been a lot of change Judge. I think there's been a lot of failure to assume that the legal system of this nation knows what it's doing. There's been a lot of criticism directed at that system and the individual judges. Alleging the usual things that people criticize for, the delays. But more particularly the suspicion that the judges, some of them anyway, were being bought by the big bosses somehow or another. And turn out greedy. Following the legal dictates of the past, by inventing new ways of getting around things so that somebody could make a buck. Now that's just my thoughts about a lot of people who think about all the judiciary in this country as being, subject to being bought. You can always produce some bad apples like that, I guess we could prove that some judges have been bought across this country. But you see the general attitude is that they're a bunch of knuckleheads. They like to argue the same way they did in Shakespeare's time. People who like to argue on particular points without really coming to the human problems that were involved. And I think that's probably the major failure of our judiciary in the present time, because so many judges find themselves bound by such technical rules which shouldn't be followed. What their conscious tells them should be followed, and yet they don't. One, because it's the easy way out and two because it's the rule.

Judge Shubb: You've given us a copy of the letter that your father wrote to you on October 10, 1956 with his advice to you as one about to embark on the practice of law. I know your son practices law with you. Is there any advice that you gave to him or that you would give to young lawyers starting out today?

Mr. Lemmon: Well that's a big order. I would almost begin by

saying, take all that stuff you learned in law school, with the exception of the technical things you learned, throw the rest of it out the window. You've got to deal with human beings in a way that you can relate to them and communicate with them. If you throw a bunch of legalese at somebody who has never had any experience with the law, you've wasted your time and their time. What you need to do is to talk. To explain why certain rules work in certain ways. And what is the thought behind the rules. Why were those rules necessary. And then work out with them how they can comply with that rule and still not be injured in the process. You always remember that it's people you serve as a judge or lawyer and then if you don't serve people you are wasting your time.

Judge Shubb: Thank you Vince, I've learned a lot from this discussion and I know that the people who read the transcript of this interview will learn a lot as well. I'm sure there's a lot more we can say, but our time has run out. Thank you.

Mr. Lemmon: Thank you Judge.

(3:45 p.m.)