David Knight: Just me give your name; spell out the last name and your title.

Steven Stone: I am Steve Stone, Stone is spelled S-T-O-N-E. And I am a retired Presiding Justice of the Court of Appeal.

David Knight: And Justice Beach, if you could give me your name, spell your last name and your title when you were on the bench.

Edwin Beach: Alright, I am Edwin F. Beach, B-E-A-C-H. I was an Associate Justice, the Second District Court of Appeal, Division Two, and the presiding justice of that division was Lester Roth.

David Knight: Great. Justice Stone, you can get started whenever you're ready.

Steven Stone: All right. Again, for the record, I am Justice Steven Stone, and this is a part of the Appellate Court Legacy Project, which is an oral history of the Court of Appeal—interviews being conducted by appellate justices and former appellate justices, mostly of retired appellate justices, with some exceptions. I welcome you here, Ed.

Edwin Beach: Thank you.

Steven Stone: We have known each other for longer than probably each of us remember. It happens to be 46 years. Just for the record, I think it's appropriate before the interview gets moving very far to indicate that Justice Beach and I have a long history. I graduated from law school in 1961 and Ed hired me at that time. Ed was a solo practitioner, and I went to work for Ed; and we formed a partnership a couple of, three years later. When Ed went on the bench in 1969 he then went to the judiciary and I remained in the practice of law till 1976. And I say this only to indicate to whoever is going to see this and hear this tape that you and I have known each other for a long time.

Edwin Beach: Both as lawyers and friends.

Steven Stone: Both as lawyers and friends, as judges. And I will say this, that to the extent I have ever had any success, it is largely due to Ed Beach, who taught me how to be a lawyer. He taught me the value of integrity as a lawyer and that there is no other way to engage in the practice of law or to be a part of the judiciary than completely honest and with full integrity; and that alone is almost enough to guarantee you success. I have learned that from you, Ed.

Edwin Beach: Thank you. You're very generous, Steve; you're kind.

Steven Stone: You taught me that—you know, to tell the truth, and I'm telling the truth. *[laughing]*

Edwin Beach: You always had. *[laughing]*

Steven Stone: Because I'm not smart enough to lie. So Ed, I know that you have . . . when was it that you went on the Court of Appeal?

Edwin Beach: September 17, 1973.

Steven Stone: Since 1973. And you served there how long?

Edwin Beach: Thirteen years.

Steven Stone: I would like to ask you a few questions and discuss with you a little bit of your background—which we all know how we were raised and the circumstances informs us often as to who we become and what kind of judges we are, in terms of an unspoken judicial philosophy. Whether we think we have one or not, we have one. Often you can describe it as who we are, as what we are, and what we do. So tell me a little bit about your life as a young person, where you were born, and your history in that sense.

Edwin Beach: Okay. As you know, I was born in Lima, Peru, May 19, 1924, and I came to the United States with my mother and sister in 1930. We lived as a family with my father and mother and sister until 1930 in Lima, Peru.

Steven Stone: What were your parents doing in Lima, Peru?

Edwin Beach: Well, that's an interesting thing. Actually it was my grandparents who had migrated there from Spain and France and on my father's side, during the great migration when a lot of people were going to South America for industrial purposes or going mining, et cetera.

(00:05:08)

Steven Stone: Was that in the late 19th century?

Edwin Beach: Yes.

Steven Stone: Or early in the 20th?

Edwin Beach: Late 19th. Yes, my grandparents on my mother's side came from . . . her mother was born and raised in London, England, and her father was an America sea captain, my mother's father. How her parents met I don't know, but they stayed down there for a while and my mother was born in Peru, and so was my father. And in any event—

Steven Stone: So they were Peruvians of European descent?

Edwin Beach: Yes. My mother would have been European and American descent; her father was actually American. Let's see, we came up here in 1930 and I've been here ever since, so to speak.

Steven Stone: What were the circumstances when you arrived in this country in terms of your living arrangements, your schooling—where, and under what circumstances?

Edwin Beach: Well, I don't know for sure too much about it because I was only about six years old, but I do remember coming up on the ship; it was a Japanese vessel, the *Charcas Maru*, I think. And my family was probably sponsored by a very dear friend of my mother's family, who happened to be a missionary down in Lima, and he contacted some missionary in California to be sure to welcome us when we came aboard in San Pedro. We stayed with them as friends and we had no family or anyone else that we knew of here in the United States. So a pretty brand-new, just plunk, immigrants here we are.

Steven Stone: Was your mom an American citizen?

Edwin Beach: She may have been by derivative citizenship from her father, but I'm not too sure. That's an unknown item, but I think she lost her citizenship when she married my father down there. The reason I say lost is because much of her bringing up was down in Peru and Argentina with a brother who lived in Argentina of hers. Her father was an American sea captain, I think, and she was educated partly in Peru and partly in the United States, and as a matter of fact went to Hamline University in Minnesota. I forget where Hamline University is. She got her degree there, then went back to Peru at the behest of this missionary, who wanted her to come teach school down there. She met my father and then got married, then had a family, and then as far as I know she never did teach school down below.

But when we came here I think it was her intent to go to school, but she was unable to go. I meant to say it was her intent to teach school, but she couldn't because she didn't get a degree here in California in 1930. California didn't allow anyone who did not have a California certificate, I guess, to teach. So she went back to night school here in California. My sister and I were placed in a children's home during that period of time, while she was going back to school at USC School of Education, I guess it was. And so when she finally got her teaching credential she had to work and go to school at the same time; she did interpreting for a . . . I forget the name of this language school, very famous language school.

(00:10:04)

Steven Stone: Berlitz?

Edwin Beach: Berlitz, yes, here in California. Anyway, so when she finished that she obtained a job and was able to get my sister and me

back living with her regularly. So we spent four, five years at this children's home in Sierra Madre.

Steven Stone: After that was it Pasadena where you—

Edwin Beach: Then we went right to Pasadena, where she obtained employment, and then I went to the schools in Pasadena. I had gone to elementary schools of Sierra Madre close by.

Steven Stone: Now, I understand it, that if I recall correctly, one of the trustees of the children's home where you were was a judge by the name of Park Stilwell. Is that correct?

Edwin Beach: No. Parker Wood.

Steven Stone: Parker Wood.

Edwin Beach: He was, indeed; you have a good memory. Parker Wood was a trustee of the little church. The church had some kind of an organization called the Plaza Community Center and they tried to do good work for orphans and poor people and et cetera. It was again through this friend, this missionary friend who happened to be a good friend of Parker Wood, Dr. and Mrs. McHolmes, who were friends of Parker Wood. They introduced me to him—not until I came back years later from the Army. I didn't get a chance to meet him until months later.

Steven Stone: Was he any influence to you in terms of your career or future career in the law?

Edwin Beach: Not directly. But perhaps, I remember, after I came back from the Army, one of the members of the Plaza Community Center—that was the organization that Parker Wood was a director or chairman, introduced me to—took me down to see Parker and I met him. I was impressed with what a nice gentleman he was, dignified and yet friendly and interested in talking with me about what my thoughts were. That sort of impressed me as going into the legal profession might be pretty nice.

Steven Stone: Now, you served in the Army in World War II. Now, you had an unusual assignment in the war, certainly the only one I knew of; tell me a little bit about your Army experience in terms of when you were involved with critters or animals. Weren't you with what were left of the horses in the Army?

Edwin Beach: Oh, I'd forgotten. We used to have some horses and mules and that's where I became acquainted with horses and mules and learned—

Steven Stone: You were assigned to a unit which dealt with horses and mules?

Edwin Beach: Not particularly. I was assigned originally just to the Army, and then the Army was chopped up into different units, as you know, and I was assigned to a training unit that was to teach men to use all kinds of weapons in all kinds of terrain—mountains where you couldn't get a Jeep or the prairie where you had to use a Jeep if you could. Then some of the mountainists in field terrain, they used horses to pull this or that if we couldn't then steal a Jeep somewhere. So I began my love of horses and horseback riding.

Steven Stone: I knew that you do love and did love and do love horses and have been involved with them over the years.

Edwin Beach: Right.

Steven Stone: Now, you went to USC Law School, is that correct?

Edwin Beach: Yes.

Steven Stone: What years were you there?

Edwin Beach: 1947, 1948, 1949, 1950. The three years . . . When did I go into law? Then the fall of 1947 to—

Steven Stone: To June 1950, 1951, something?

Edwin Beach: June of 1950.

Steven Stone: Okay.

(00:15:06)

Edwin Beach: Excuse me, can I take a recess?

Steven Stone: Sure.

David Knight: And we're ready again.

Steven Stone: Now, after law school I was reading some of the material, and I knew this in any event—that you worked for a while at Port Hueneme.

Edwin Beach: Yes.

Steven Stone: As a civilian employee of the naval base.

Edwin Beach: That's right.

Steven Stone: Well, what it is that you did there in preparation for the law?

Edwin Beach: Counted nuts and bolts. *[laughing]*

Steven Stone: There you go.

Edwin Beach: And learned to count, that's about it. We worked in some kind of a supply department, because I didn't know if I'd passed the bar. Fortunately—

Steven Stone: What took you from Pasadena to Port Hueneme?

Edwin Beach: Oh, the most important part of my life we kind of glossed over. Before graduating from law school in my second year Janet and I were married. I married Janet Freeman of Pasadena. Her dad was an automobile dealer there and I met her when I came back and I took a class in public speaking and she was there. Forgive me, there's tears in my eyes.

Steven Stone: It's all right.

Edwin Beach: She died after 51 years of marriage. Anyway, after law school I came up to Santa Paula. And you were wondering what brought us here; before I went into the Army, I was a gymnast with the Pasadena Junior College gymnastics team and we were reasonably good. The rest of them were really good. And we used to come to Santa Paula.

Steven Stone: I understand you were very good on the rings.

Edwin Beach: Yeah, I did pretty well on the rings. *[laughing]*

Steven Stone: Your fame precedes you.

Edwin Beach: Thank you. I still have a set of rings at the house, as you well know, a big set. Anyway, I had been here before the war and before I went into the Army, as a student at Pasadena Junior College. And I visited Santa Paula a couple of times and the only person I knew in the whole doggone city was the gym coach. So of course I had to naturally move here; I didn't know anybody. But I remember seeing Santa Paula as a beautiful little community, tree lined, and it reminded me of Sierra Madre, where I had gone to elementary school for a few years while my mother was in college at USC. Sierra Madre was a beautiful little town—still is for that matter, close to Pasadena, Altadena there. Santa Paula reminded me so much, and the quietude. As you know, when you—

Steven Stone: Yes, it moved us. It was charming, and it was much like in the *Twilight Zone* series. Rod Serling often wanted to capture the peace and quiet of a small town, and it always looked like Santa Paula.

Edwin Beach: Yeah, right.

Steven Stone: So you worked at Port Hueneme while you were waiting for bar results.

Edwin Beach: Waiting for results. And as a matter of fact I was working at Port Hueneme, and this was in 1950 and it was the middle of December, I think, and I didn't know whether I passed or didn't pass. But some friends called up, told my mom that I had passed, and she called Janet. But they couldn't get through to Janet, but the bar's committee called up and reported it to the *Star Free Press*. And the *Star*, the reporter called Janet and they called me and they said, "The three of you guys from Ventura County have passed the bar." And the superintendent out at Port Hueneme asked me, "Now, does that mean you're a bartender now?" "No, I won't be that lucky," or something. *[laughing]*

Steven Stone: Who were the other two?

Edwin Beach: Nagao Fujita and Fred Ferro.

Steven Stone: I remember, I knew Nagao was . . . he worked with you at Port Hueneme, didn't he?

Edwin Beach: No, he didn't.

Steven Stone: But I knew that he was of your class in Ventura County in terms of passing the bar, I didn't know it was Fred Ferro.

Edwin Beach: Fred Ferro was the third one.

(00:20:04)

Steven Stone: So you started a practice in Santa Paula, a solo practice?

Edwin Beach: I went immediately home when they called me to the telephone at Port Hueneme. I turned in my smock to the man, the department, said, "Thanks, Al," or whatever his name was, "I appreciate your being nice to me. I'm quitting because I passed the bar and so I'll be going home." I went right home.

And I had met . . . in the meantime, I had come to Santa Paula looking over, and just in case I should be lucky and passed. I met some of the older lawyers, and one of them, Arthur Blanchard, who was a very kindly gentleman, and his wife had kept in touch with us. They knew another lawyer, a man by the name of I. Parker Veazey who had been a lawyer for the Southern Pacific Railway. and Arthur said, when he knew I passed the bar he said, "Well, here is a place where you might be able to have a chair and a desk. Mr. Veazey doesn't use the office except once a week on Thursdays." And Thursday afternoon it was sort of a vacation for him.

Sure enough, Parker Veazey said, "Sure, use my office till you get yourself organized and get some money." So I did for about a month or two and I made a sign. I meant to bring it; I made myself a nice sign that I lettered myself and I still have it.

Steven Stone: What did it say?

Edwin Beach: Edwin F. Beach, Attorney at Law, and it was a foot and a half long and two inches high, and I was very proud of that.

Steven Stone: Eventually you shared a building with Blaine Romney, didn't you?

Edwin Beach: No, I never . . . oh, yes, yes, I beg your pardon. In between that building there were a couple of other offices that I did share with Arthur Blanchard to begin with, then I had a couple of my own while Blaine was building a building, of which I became a tenant and you and I started our partnership there.

Steven Stone: We did, we did. Now, during the period 1950 to 1961, during that period of time, you became a justice of the peace, didn't you?

Edwin Beach: Yes.

Steven Stone: Tell me a little bit about that.

Edwin Beach: Well, the official title wasn't justice of the peace. Justices of the peace were done away with by a constitutional amendment, so they just called them the justice court.

Steven Stone: Right.

Edwin Beach: But it amounted to the same thing, and everybody used to say, "Oh, you're the justice of the peace." And sure, that's what it was—the justice court, the lowest level of judiciary, the first level of judiciary. And the level of that court was in every county. There would be either district, or if there wasn't a big population, the one justice of the peace for the whole county; here in Ventura County there were two or three: one in Ventura, one in Santa Paula, and one, perhaps, in Port Hueneme.

Steven Stone: It was Port Hueneme.

Edwin Beach: And at that time, I—

Steven Stone: How did you become a judge of the justice court?

Edwin Beach: Our friend, mutual friend Blaine and his partner Hugh Gallagher and some other people around said they would like to see a lawyer, because the only other person that might be running would be Alice Magill, who was rather elderly at that time. She had been an attorney but had not practiced at all, to speak of, in Santa Paula or Ventura County. She was about, I think, a 1913 graduate of USC Law school.

Steven Stone: One of the first?

Edwin Beach: Yes, very nice, decent lady, but sort of had not done any trial work or legal work at all. They said that she had been a good city court judge—there was such a position.

(00:25:00)

But they wanted someone who would be a little more knowledgeable, so they induced me to run. And I was—

Steven Stone: Did you run against Alice?

Edwin Beach: Against Alice, but we became friends; she was very courteous and nice.

Steven Stone: She was. You and I both tried cases in front of her later.

Edwin Beach: Yes, we did; and that was my first judicial position, 1968.

Steven Stone: Did you enjoy that?

Edwin Beach: Yeah, I enjoyed it. It was fun. And the circumstances of holding court were a lot of fun, because it was, as you may remember, in the agricultural building—half was the agricultural building and half of the building was the court and the court secretary and the court chambers.

Steven Stone: I remember it well. It was true, wasn't it, that when you had a jury there, you had to leave the building because there was no room for both the jury and the lawyers?

Edwin Beach: Yeah. *[laughing]*

Steven Stone: We had to step outside.

Edwin Beach: Oh, that's right. The lawyers would have to step outside. The holding sessions was pleasant, enjoyable. And I enjoyed, I've always enjoyed, what I've done; I've been happy with the law—an aside there. But it was amusing sometimes, because the train at that time still serviced that agricultural building. They would stop and get fruit that had been fumigated and so forth, and so the train would come chugging in, making a lot of chugging noise and blowing the whistle, right in the middle of a trial. So we'd take a recess for maybe half an hour while they unloaded commodities from the train. *[laughing]*

And as you say, it was kind of small, but as part of that same court we had a courtroom in Fillmore, a branch court in Fillmore. And that wasn't kind of fun to try cases over there as a judge, because the same cramped quarters obtained over there. And to add to the indignity of it all, there was no restroom for the jury to use. So when the jury wanted to go to

the restroom, the bailiff would line them all up, walk them half a block to the corner of the Union Oil station. *[laughing]*

Steven Stone: Well, you helped me try my first jury trial, which was in Fillmore Justice Court.

Edwin Beach: Right.

Steven Stone: A drunk-driving case in which Bill Peck prosecuted and I defended, with you helping us both. *[laughing]*

Edwin Beach: I remember that was fun.

Steven Stone: There must have been something . . . that you really wanted to be a judge as a matter of profession, because the day you offered me a job, you made it clear to me that at some point you were going to become a judge either by way of election or appointment; and that was in 1961.

Edwin Beach: That is true. I may have put it this way: "I would like to be a judge if I can get there," or words to that effect. Yes, I had always thought that it'd be fun to be a judge.

Steven Stone: Was that after you went into the law that you formed that view, or was that even as a youngster?

Edwin Beach: No, I formed that view during my early years because for various reasons, many of which I probably don't even remember now . . . but I think one of the things I liked about it, it was a little more organized than running a law office.

Steven Stone: Almost anything is.

Edwin Beach: Yeah, right. It was a steady thing, and I felt that you'd become part of the community, belong . . . various ideas such as that, I guess.

Steven Stone: You ran for the municipal court in 1968 and you won.

Edwin Beach: Yes.

Steven Stone: You took your seat in 1969—I think in January 1969, wasn't it?

Edwin Beach: In the superior court?

Steven Stone: No. Yes, you took a seat in the superior court, because you had what was considered the shortest career as a municipal court judge in the history of California. Tell us something about that. How did that happen?

Edwin Beach: Yeah. Well, I ran, I was a candidate for the municipal court in the Ventura County here, of course, and I was elected to that

position, I'd won a runoff against a real nice guy, Johnny Sullivan, you may recall.

Steven Stone: I do.

(00:30:06)

Edwin Beach: After the election, which was held in November, I was to take the oath sometime either at the end of the year or whenever before assuming my duties in 1969 there at the municipal court. But before the oath was to be given, Governor Reagan called—his office called—and said that they were thinking of appointing somebody to the superior court. And I thought it would be somebody else, and I said, "Yeah, who is it?" They said, "Well, you." And I said, "Oh, well, I'm honored." But I was a little shocked, but it was true. So I said, "Well, I would be honored." And I took the oath before—

Steven Stone: Was that a new seat, or was that somebody who retired?

Edwin Beach: Bill Reppy retired.

Steven Stone: Oh, Bill Reppy retired. All right.

Edwin Beach: And he went to the Court of Appeal and that made two vacancies in the superior court: Bill's and then another one. The other one was filled by Roy Gustafson, who was appointed; and then I was appointed to Bill Reppy's seat.

Steven Stone: What year did you go to the Court of Appeal?

Edwin Beach: 1973.

Steven Stone: What were the circumstances of that? Whose seat were you filling and who was up for it, that sort of—

Edwin Beach: Okay. I filled a seat of which had been left so to speak by Roy Herndon, who decided not to run or try to remain, or maybe he was nearing the age of retirement. And that was on Division Two. I was a superior court judge at that time. And again, I was sitting in superior court here in Ventura County and my secretary, Lois Moynahan, knocked on the door and said, "Somebody wants to talk to you from the Governor's Office." I said, "I can't, I'm busy with a jury trial. Can you ask him to wait?" She said, "You better talk to him. It's the Governor." And I said, "Oh." *[laughing]*

So it wasn't the Governor. It was either Ed Meese—I think it was Ed Meese—or another fellow. But I talked to both of them later on and they said, "We're thinking of appointing someone to the Court of Appeal." I said, "Yeah, who you have in mind?" I had no idea what it was about. That's what they wanted to know, and they said, "You." I said, "Ah, you got to be kidding

me. I never applied for this position. Not that it isn't a great and a wonderful position and a wonderful job; but you know me, I'm more of a people man. And as a lot of lawyers and authors have said, I'm not a great scholar; I don't write prose.

Anyhow, I didn't consider myself a candidate for it, nor did I really want it; I didn't want to move to L.A. I was very happy as a trial court judge. You've been through the same experience: trial court, Court of Appeal. I have enjoyed, as I say, everything I've done; but the trial court is a little more fun in one respect—you get to see people, especially in a smaller community like Ventura or Ventura County, and you see people and lawyers on both sides and you watch the interaction of the jury and where the action is. You go to the Court of Appeal, you're there, you're in the ivory tower. You can walk down the hall and throw a bowling ball just about 24 hours a day, you won't hit anybody. They're all working in their cubbyholes. It isn't quite that bad, you know, but you don't have a lot of—

Steven Stone: What made you decide to take it?

(00:34:51)

Edwin Beach: Well, he convinced me that I could handle it; I wasn't sure I could. Oh, I will tell you, I called up Bill Clark or he called me, because I told him, I went to his office. The first thing I did is, I can't remember . . . I called, I told Janet, "I'll be home early; got to tell you something." I said, "I got to tell you this" and said, "I don't think I want to do that."

And she said, "Of course you do." And "No, I don't want to." I had my doubts, and she told me take it, take it. You can do it, you can do it.

I'm not trying to play false modesty, but there is a lot of difference between being a trial judge and an appellate judge. And there's a lot of hard work to both ways, a lot different. And I had never done a lot of appellate work; I had done some. As you know, I had a murder case or a few other cases that we'd take in the Court of Appeal and in the Supreme Court. So I really hadn't been around the appellate practice a lot.

And then I didn't want to move to Los Angeles. I thought, no, I don't want to be driving down there all the time. But Bill Clark called me and heard that I'd had some reservations, because I told the Governor's Office, "May I have a—" I wasn't playing hard to get, but I wasn't sure. So I said, "May I have a day or two to think about this and give you—" And they said yes. They should have said, "Well, you dummy, if you don't take it, we've got plenty of others." Anyhow, they were very gracious.

I was sort of waiting around to give them an answer. Bill Clark called me from his offices, and he was up in Shandon or one of

his ranches at the time. And by then, when they called me, he was a justice on the Supreme Court and he told me what he did when he was appointed to Division One, I think it was.

Steven Stone: Right, he could work at home and just periodically go to Los Angeles.

Edwin Beach: Right. And he said he rented some quarters in the towers and stayed there, but he worked it out so that he could take most all of his work home and go for hearings and conferences. And that's about what I did. So I said, "Okay," and so I commuted.

Steven Stone: I understand that there is a story out there that you were a close friend and a respected friend of Jerry Berenson and told them that they should appoint Jerry Berenson.

Edwin Beach: I did.

Steven Stone: And that you wouldn't take it unless they would tell you that there is no chance that Jerry would get it from that administration. Did that happen?

Edwin Beach: That's exactly what happened. As a matter of fact, for years I kept a copy of the letter. I felt so bad and told Jerry, "I didn't ask for this." I had written a letter just a few months before urging the Governor to appoint Jerry. I took it around to several of my Republican friends and said, "Let's all get behind Jerry." But there had been some political unhappiness apparently of which I knew nothing and didn't want to show any bad feelings; but I kind of felt sorry for Jerry. I think you went sort of through the same thing.

Steven Stone: Exactly the same thing, yeah.

Edwin Beach: I don't why.

Steven Stone: I told the Governor, who was Jerry Brown, I said, "Jerry Berenson deserves it. He's earned it and he would be good at it and he wants it. And I'm not going to take it unless I'm assured and I'm given a reason why that I'll buy, you know, either I'll buy it or won't, why you're not appointing Jerry Berenson." He told me that he absolutely wouldn't do it. He was upset with Jerry about something and he wasn't going to do it. So I said, "All right, but let me be the one that tells Jerry," Jerry Berenson.

Edwin Beach: Yes, right.

Steven Stone: I said, "I want to talk to him privately. I want to tell him the circumstances, because I consider him one of my fine mentors and a man who I respect without reservation."

Edwin Beach: So I know what you went through.

Steven Stone: Yeah, I was just following you, Ed, like I always did. *[laughing]* Now, when you went to the Court of Appeal, Ed, who were the justices on the division when you were on the division at the time?

(00:40:09)

Edwin Beach: The presiding judge was Lester Roth; the assistant presiding judge would be Mack Fleming, Macklin Fleming, and Buck Compton with whom I became very good friends. And the seat, as I say, that was vacated was Roy Herndon's seat.

Steven Stone: Had you known those three justices before you assumed the bench with them?

Edwin Beach: No, not at all, but I learned to admire them, respect them. And I really loved Lester Roth like a father.

Steven Stone: Tell me a little bit about your relationship with Lester. He was well known, I know, as a lawyer who had integrity who would defend the defenseless. I believe that he was involved in the defense of the Sleepy Lagoon case.

Edwin Beach: I don't think Lester was.

Steven Stone: Okay. But he had a fine . . . and was he a big influence on you and your judicial philosophy?

Edwin Beach: Yes. He said many things that I remember. There's more than one way to write an opinion; there's 100 ways. And try to make it short and to the point. He was explaining that he couldn't give me the secret formula to how to write an opinion; I had to learn how to do it and make it fly and make it good. Number two was, keep it as short as possible. Number three, if you don't agree in this division . . . we disagree, but we do so agreeably; you don't have to write against your fellow judge. And we got along famously. I don't know what our reversal of the Supreme Court ratio was; we never cared to be honest. I don't think you did either. Excuse me again.

Steven Stone: Tell us now a little about Mack Fleming. What did you think of him? And not in terms of judicial thing; what did he teach you, what did you teach him? I know he was a highly respected scholar and author.

Edwin Beach: One of the most able and scholarly and intelligent men and lawyer and justice that I ever met; a real good guy. He could have been on the Supreme Court, I suppose.

Steven Stone: I think he was considered from time to time.

Edwin Beach: I think so.

Steven Stone: Always somebody else had the political jump on him.

Edwin Beach: Yes. He wasn't a political animal. He was a Yale man—that was his only problem, we used to tell him. *[laughing]* Very able, very bright, and a real gentleman, and we became friends. And he taught me more about getting to the point, getting it done, but always in a courteous way. He was head and shoulders above most everybody that was working down there, although Lester was just as bright in a different way, in a different capacity. And Buck was one of the most reasonable, practical, good, decent . . . intellect also. But Mack was a scholarly guy.

Steven Stone: Tell me something about your views and your relationship with Buck Compton.

Edwin Beach: Well, Buck and I became very good friends. We looked upon the law pretty much the same. He was a little more . . . he was not as much of a cop and aggressive as the defense bar might think. He was a very decent, practical guy, I thought, a real . . . he's one of the members of the famous Band of Brothers about whom the book has been written and about whom this movie has been made.

(00:45:14)

He was a real hero, a very low-key guy who doesn't think of himself as a hero; down-to-earth guy. And he and I had much the same kind of outlook on life and experiences of judging something, because we didn't come from families that were wealthy and connected—not that everyone else was, or did. But he was about three, four years older than I was. He was a real athlete; he went to UCLA. He would comment about the same things that I would sometimes worry about. And I'd go to him and say, ask him something about, "Well, why are we worrying so much about this law or that law? How are we keeping the public safe?" And I remember one conversation, he was a very practical guy and he said, "Well, I know, Edwin, we can't do it all; but we're just keeping a lid on things if nothing else. That's what the law does; it can't enforce everything."

Steven Stone: He certainly was that, and he was a gentleman. I must say this, when I went to the Court of Appeal he came to me when there was a dispute about where we should sit, and some of these other things that were just . . . he came to me and he said, "Steve, you are the presiding justice of this new division, and you ought to make these calls. Don't let us, don't let my colleagues push you around just because they do it in L.A. a certain way. You don't have to do it; you do it your way. If you have any questions or any doubts or anything else, you call me up and we'll talk about it."

I did, and he did, and he gave me the most wonderful, practical advice in terms of running the division, approaching opinions. We never became friends, because we didn't see each other that often, only at meetings, because as we know he was up there on his island a lot; but I would pick up the phone and call he and Bob Puglia up in Sacramento. Those were two people who had very different political philosophies; but I've got to tell, I must say, our judicial philosophies were not that dissimilar.

Edwin Beach: That's right; I'm glad to hear you say that.

Steven Stone: I admired that about your colleague Buck Compton, and I think you were very fortunate to have a fellow like him as a colleague.

Edwin Beach: That would be just like Buck. He was sincere about it. He wasn't trying to rub you up the wrong way.

Steven Stone: He didn't know how to butter you up.

Edwin Beach: Yeah.

Steven Stone: Or that was not Buck Compton; if he tried he would fail, because he had far too much integrity and sincerity.

Edwin Beach: Yeah. He was just a plain, old guy to himself. He thought that about himself—he was just another one of the gang.

Steven Stone: From what I'm hearing you felt very fortunate to have those three men as your colleagues.

Edwin Beach: Oh, I thought, boy, what an experience. And I was low man on the totem pole, really, but they taught me a lot. Another man came on by the name of Don Gates; he was a bright guy, and he had done a lot of writing as a research lawyer for the division. He could write real well. After Mack left, I used to go kind of tiptoe into Mack's offices after I had submitted an opinion, because Mack would tell me, "Why don't you tighten this phrase up and do this," always in a nice way. If the case wasn't worth monkeying around too much, Mack would look at it and say, "That's okay, that's fine," sign off.

With Don Gates, I did the same thing. And he had a lot of practical experience in what would fly and what wouldn't fly—especially, let's say, the public defender's office or a lot of the defense lawyers. He had been writs attorney and—

(00:50:15)

Steven Stone: Wasn't he the head of central staff for a while?

Edwin Beach: Yes, that's right.

Steven Stone: Before Dolores took over, or whatever her name was. I think he went from running the central staff to the Court of Appeal?

Edwin Beach: Yes. He went directly to the seat, Mack Fleming's seat when Mack retired. And he was a bright guy and very quick to discern what was the real problem—not that the others weren't, but I always remember he had a good strong ability to say it in good, terse terms what the problem was and what the remedy should be.

Steven Stone: Let me ask you about, ask you to discuss—there was a case you wrote which had wide publicity and was and is widely respected: the *Bouvia* case.

Edwin Beach: Yes, widely respected except in some circles. One of them was . . . I was reading in this notebook that we all received . . . excuse me, I didn't mean to interrupt you.

Steven Stone: No, no. I want you to know what it is. Yeah, I personally haven't run across anybody who has significant disagreement with it. For the legacy, what was the case about?

Edwin Beach: It was about a young lady who could not walk or move her arms.

Steven Stone: She was crippled with either MS or ALS, wasn't it?

Edwin Beach: I can't remember, but—

Steven Stone: Some neurological disease.

Edwin Beach: She was paralyzed in her legs and her arms. She could barely move her fingers and she was being fed through a tube in her nose into her stomach at the county hospital, because I guess she was a county ward. Finally she said, "I don't want this anymore, take the tube out." And the doctors refused. They said, "No, you've got to have it there, because if we take it out, you're going to die." She said, "I don't care, take it out." So they didn't and so she got hold of some lawyers; Legal Aid or some group assisted her in her petition to the courts. We held that she had the right to have the tube removed, that the doctors in the hospitals did not have the say, the decision. The decision-making power lay in her hands alone.

Steven Stone: That's what you decided.

Edwin Beach: Yes. And that was a hard case to write, and if I had it to do it over again, I wouldn't write such a lengthy case, because there is only one thing . . . I read some of the criticism, and I say yeah, they're right, I should have just said, "This isn't the reason." I shouldn't have gone into saying, explaining, all of these terrible conditions under which she was living. The only

thing that was important is who has the right. The one thing that was important was, is she mentally competent to make that decision—that's all. I guess the trial court and everyone said she was mentally competent, but she had all of this other debilitating condition. She couldn't turn; she had to be turned every so often.

Steven Stone: But there were nuances, weren't there? For instance, if the doctor . . . if she couldn't pull out her own feeding tube, a doctor had to do it, somebody had to do it. Is that the crime of assisting a suicide?

Edwin Beach: No, because he shouldn't have put it in in the first place if she didn't want it. But did she consent to it or not consent to it if he put it in—that's a good question.

(00:54:46)

Steven Stone: I don't know the answer. I had a similar issue here; I can't remember exactly how it came up. I was a trial judge and the Supreme Court hammered me, as they do from time to time. *[laughing]* But these are interesting issues, and I personally and many of my colleagues who are smarter than I am think or believe you wrote a seminal, important opinion.

Edwin Beach: Well, it became that looking back on it. I appreciate your thoughts and—

Steven Stone: Was the controversy with your colleagues about it, was it—

Edwin Beach: In several other divisions that had similar but not exactly the same cases, but just one degree short of it or what have you . . . Jimmy Hastings, who is a real, decent guy, he had a case similar. And I quoted his case in the *Bouvia* case. And most of the comment was in favor of our decision, but Bishop Mahoney, he took me to task and he said, this is a slap against all of the people who can't . . . who are semi-paralyzed and they're not respected; and it says that they're not worth living and all of that. We didn't say that, that had to be implied, but I guess that's why I would make my opinion much shorter this time. I'd just say she had the mental capacity it's her decision to make. Yes or no, it doesn't matter what the other circumstances were.

Steven Stone: Well, I read in your opinion, I think a lot of people did, it isn't a question of right and wrong, it's a question of who has the right.

Edwin Beach: Yeah, exactly.

Steven Stone: Because some people have the right to be wrong.

Edwin Beach: Right, correct. *[laughing]* But that was the best-known opinion that I wrote. There are several other opinions written by the

others that are just as important, but that became part of the ongoing right-to-die question and discussion.

Steven Stone: All of us can come up with scenarios that are more difficult, and because at some point you get into a conundrum where one's rights clash, and then you have to look at . . . And it gets hard and many people admire you for making that tough decision. If you had to do it all over again, would you do it all over again? And I'm talking about the law. Your career was . . . From start to finish, is there anything about it you would change?

Edwin Beach: Probably if I could stop and think, probably a lot of things I did that were dumb; but overall—

Steven Stone: Exclude all of those things; otherwise, none of us would do anything.

Edwin Beach: No. I've been happy in the law; I've enjoyed . . . Like when I hired you, then Lyman and Phil, that was a happy little game, and we got along well. The town knew us and we knew the town. It was before computers, which I still do not know anything about. And my son Tom, he enjoys his practice, but he works hard.

Steven Stone: Works hard. And there is a lot of people say now, Ed . . . and I perhaps . . . I don't want to get into good old days, and I don't mean to do that, and that's not my point. My point is . . . well, not my point, but I want to ask you, the practice of law has changed tremendously and some people think and not for the better. What is your view and why?

Edwin Beach: Okay. Well, I think the practice of law is an honorable, good profession and a needed profession, and everybody should read Macklin Fleming's books about some of the problems and a speech given by a man named Roscoe Pound in about 1916 or something like that. He jumped up on the lectern and he was invited to speak before the American Bar Association. Of course, not to get off the subject, but the professors all said—well, one professor at Harvard said . . . this is a speech. That the flame then lit the torch and the light is going on and its flaming sword of justice is going on to change the way we do things. The speech was about the dissatisfaction with the law, the popular dissatisfaction.

(01:00:09)

There always was and always will be dissatisfaction with the law, but there are crooked lawyers and greedy lawyers just as there are greedy refrigerator salesmen or inept teachers who just go there because they don't have anything else to do in their retirement.

Every area has that problem; all professions, I should say, to some degree. But the law has a lot more because there is a lot more greed in mankind, in the American culture. And everything is in a big rush, and of course the computer is here with us now. I would be lost, but if I had to do it over again, I'd have gone into the law—but I don't know how well I'd get along, because I don't know anything about computers. I don't like the mechanics involved. And there's a lot of just argument over petty things and we lose sight of what the purpose of the law is: the purpose of the law is to bring justice to the little guy and the big guy.

Okay. Well, as I was saying there, and as Roscoe Pound said in his very famous speech, which is still good philosophy and well worth everyone reading it, that there is the dissatisfaction in the law, there always has been, from the day one to the present in some form or another. But that's due to many reasons and now it seems to be more prevalent that the dissatisfaction with the law is a little more widespread—maybe, perhaps, it's because modern technology comes along and we have to deal with modern technologies in the procedural aspects. But also . . . I forget what I was saying, but I think people, many people, go into law who want to make a million bucks.

Steven Stone: It's become a business; some people say it's become a business and not a profession anymore.

Edwin Beach: Yes.

Steven Stone: More business than profession, I guess is the way they put it.

Edwin Beach: That's correct. But like you say, I would go into it, because if I were to do it all over again, yeah, I would. And I've always made a living, and haven't become rich, but I had good partners, a good office. We were lucky; we were in the small town of Santa Paula.

Steven Stone: You have an absolutely excellent reputation as a gentleman and a person who wanted . . . who always reduced the adversarial nature of what we do so that gentlemen can debate and disagree without being disagreeable.

Edwin Beach: Thank you, Steve; you are kind.

Steven Stone: That's one of the many important things that I was taught. You don't have to growl and bark and—

Edwin Beach: Right. That's what I . . . you're very kind. You don't have to be unpleasant to get your point across and winning isn't everything. Getting the feeling that justice has been done by what you helped accomplish.

Steven Stone: Is there anything you would like to add before we—

Edwin Beach: No, it was good to see you again and I appreciate your patience.

Steven Stone: Oh, no. I was looking forward to the day today so I can see you and chat about things.

Duration: 64 minutes
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