

PART II: The Gang of Five, the fight against smoking and sexual discrimination, and a major power perch – Labor Committee chair.

TF: Well, after my second term, there was some movement in the Legislature, the longtime chair of Assembly Judiciary Elihu Harris left. I don't know if it was to run for mayor of Oakland or because he was elected mayor of Oakland. And that's the committee I really wanted to chair. By that time, I sort of figured out that this was something that could make a real difference in fashioning the law and consumer protection and a variety of other areas. But I was number two on the list behind, it's escaping me now, who was, oh, no, Phillip Isenberg was interested in chairing the Assembly Water Committee, but I think changed his mind, and he was certainly senior to me in every respect. I mean such a spectacular, able legislator. And when he expressed his interest in chairing Judiciary, Willie then said, "Well, if not judiciary, what would you be interested in? Would you be interested in the Labor Committee"?

TF: And I thought about it and agreed, because I had it in my mind at that time to pick up the baton that had been Art Agnos's, who had been the longtime author of legislation, I think he called it AB 1, to ban discrimination on grounds of sexual orientation in employment. And that was something that I believed strongly in, and so I thought, well this is a good reason to chair that committee, because I will... That's the bill I'm going to introduce. And that was really what I spent 1991 through 1993 working on...

DM: Was this AB 101, and this was legislation that sought to prohibit discrimination in employment on the basis of sexual orientation?

TF: Correct. Correct.

DM: And Gov. Wilson, who was elected in 1990, vetoed that bill.

TF: He vetoed it in, I think it was 1992. I think it took two years to get it to him. It was quite a challenge, because not all Democrats were for it. There were some Republicans that voted for it, but, and the leadership was for it. And Willie, was actually helpful to me, he made some changes on the Ways and Means Committee when it looked like it might not get out to help to get votes to move it to the floor. But yeah, so the governor vetoed it in 1992. Creating mass protests around the state, which I thought were excessive when they changed from being peaceful to being much more disruptive. But be that as it may, because I thought that his veto message provided a path to trying again. That he had boxed himself into a corner and providing some... And indicating what he thought was a better approach.

TF: I don't know if he expected that we would pick it up or not, but I thought that the more disruptive demonstrations, including an apple being thrown at him when he was giving, I think, the commencement speech at Stanford, I was fearful it was just going to doom any chance we had to get him to sign the next version. But we got it through and it did pass and so in 1992, I also was interested in doing something about exposure to secondhand smoke.

DM: Okay. So but before we go there, you ended up getting the AB 101 successor ... ?

TF: 2601

DM: 2601, and Gov. Wilson did sign that in to law.

TF: He did sign it.

DM: And do you remember what the tweak was? Do you remember what the change was?

TF: It was using a different provision of the Labor Code or the codes, and it was in the Labor Code. I really never quite figured out what his reasoning was. I don't know if it was a... I think what he said in his veto message was, this provision of the Labor code already protects gays from discrimination in employment. Well, it wasn't clear that that was the case. It was certainly not an express protection. And so what we did was to make it express, using that provision. And I think that he would've had a lot more egg on his face if he had vetoed what he essentially said should be the way to protect from that form of discrimination.

DM: Yeah. Well, there was quite a demonstration in Sacramento. I remember shoulder to shoulder parade all around the Capitol after 101 was vetoed. And so...

TF: In Los Angeles, if I may, right after the veto, I was sick in bed. I think I had some bad flu, and I had to do a press conference the next day, criticizing what happened, and calling for our side to stay together, and come back again the next session. And, I don't know if it was that night or the next night, I was home in bed and feeling lousy, I'm sure I had a fever. And the phone rings, probably at night, I'm probably asleep, and my friend, then LA City Councilman Zev Yaroslavsky, called and said, "Terry, I'm in Century City. There's a couple of thousand people here, and it looks like things are going to get ugly. Can you come and quiet the crowd?"

TF: [laughter] I said, "Zev, I can barely stand up."

DM: Yeah.

TF: He said, "Well, I already told LAPD that I'm going to call you, and if you don't come, they're going to go after the crowd." So, I'm not trying to make myself into a hero, I thought, Oh, this is going to be quite an experience.

DM: Yeah.

TF: So I drive myself over there and things were pretty loud, and somebody hands me a megaphone. I'd never been in a situation like that before, and Zev says, Okay...

DM: You're on.

TF: You're on. And I tried to give some speech about, this is terrible, but it's only one setback and we're going to fight and we're going to go on. And at that point, things did quiet a little bit. And I think that, at that point, I do think the LAPD announced that it was an illegal Assembly, and the crowd began to dissipate, and nothing bad happened. I went home and went back to

sleep.

DM: I see. Well, anyway, so that... You go from AB 101 to banning smoking in workplaces. And you introduced a bill in 1992, and it didn't get very far. Tell me what happened with that.

TF: Well, I thought as Chair of the Labor Committee, I could at least get the bill out of the committee, and get some attention to the issue.

DM: So why was it a Labor issue?

TF: Well, we made it a Labor issue to get it into the Labor Committee. So we made it in workplaces rather than public places, but most public places are also workplaces. And as we discussed, that became the way to deal with some necessary exceptions without creating preemption problems, but we'll get to that. And this was right when the EPA was about to release a study about the dangers of secondhand smoke.

DM: So that was released in December of '92, but your bill, your first bill died before December?

TF: Before that.

DM: Yeah.

TF: Right.

DM: And you couldn't get it out of the Labor Committee.

TF: We couldn't get it out of my committee. Several Democrats voted against, I'm out. I don't remember if I got a courtesy second or not. And I didn't prepare very well. I had some good groups supporting it. The Heart, Lung and Cancer Associations were for it at that point. The State Federation of Labor was for it. I had forged a good friendship with Jack Henning, who was the long-time head, and I don't remember when, but around that time, his wife passed away from lung cancer, having been a lifelong smoker, and so he was committed to it because of his loss. And he knew that the chair of the committee that was most important to him was pushing the issue, but I think he did it for his own reasons. I can't remember other groups, but I had not reached out to any business groups. The restaurant association, the hotel association -- they were against it. I mean big tobacco was obviously against it, but they didn't need to have their phony-baloney front groups oppose the bill, because they had these legitimate lobbies. And the Chamber of Commerce was against it, the manufacturers association was against it. So...

DM: So you got squished?

TF: I got squished. But then in the off session...

DM: Okay, so Henry Waxman in Congress, clearly a friend of yours, is making tobacco an issue. And the EPA in December of 1992 issues a report in which it declares that secondhand smoke is

a carcinogen.

TF: Responsible for 50-, 60-some thousand deaths caused by... exposure to secondhand smoke.

DM: So you got re-elected in November of '92, you rewrite your bill.

TF: Right. And we did other work in that off-session too. Realized that we needed to peel off the opposition of as many of the business groups as possible, and not just have the support groups be the usual suspects. Because if it was the usual suspects, the usual result would happen.

TF: And tobacco was one of the big players and a very important donor to the Speaker and to the Democratic majority. And to most Democrats in the Legislature, I mean there were a number of us that did not accept tobacco money, but most Democrats did. The thought was if we could at least peel off opposition from these legitimate non-tobacco opponents, we'd have less pressure on Democrats to vote against the bill or to take a walk.

TF: And so we began working on the California Restaurant Association. The head at that time was a guy named Marv Saul, who owned a deli in Westwood called Junior's. And he was a gregarious guy interested in politics. He knew all of us, and he came to understand that it wasn't such a great idea that his deli in Westwood had one set of restrictions on smoking, a competing deli a couple miles away in Santa Monica or Culver City or Beverly Hills had other restrictions and some maybe were less restrictive in than Los Angeles to his deli's disadvantage. And so he came to appreciate that there was some value in having a statewide standard. Now that was a controversial point, because to have a statewide standard would essentially pre-empt local governments from enacting strict, or stricter, protections.

TF: And that's what those who had been in the trenches of smoker, of non-smokers rights had been fighting for a long time before I got involved. But there was a way to ... the Americans for Non-Smokers rights had been a supporter of the bill, the first go around. But as we began, as we crafted the new measure, we defined it as covering all workplaces with a 100 percent restriction on smoking. So there was no way for there to be a weaker law enacted in a local jurisdiction if 100 percent of workplaces were covered. That satisfied cancer, heart and lung associations. And it satisfied the California Medical Association. It did not satisfy Americans for Non-Smokers Rights, who made their living pushing local city councils to pass anti-smoking legislation. So they came out against the bill along with Big Tobacco. The California Restaurant Association supported it along with all of our other support groups. The Hotel Association remained opposed.

TF: But the tailwind that we had with the EPA report and having the restaurant association on our side, strengthened the bill immensely. The Labor Committee membership switched a little bit. There were a couple of new members, I think Hilda Solis and who? One other new member whose name escapes me. And so I was able to... I had the Democratic votes on the Labor Committee, even though one of the members of the Labor Committee was a strong pro-tobacco Democrat, Curtis Tucker Jr. But there was a very conservative Republican on the Labor Committee, Dean Andal, who came to me and said that he was interested in supporting the bill.

DM: Were you surprised?

TF: I was stunned. I came to learn why, later on when I was able to negotiate a vote for the bill from Pat Nolan who I don't know if he was still the Republican minority leader or not, but he had been indicted. Was he indicted in the 'Shrimpgate' matter?

DM: Yes.

TF: Well I think, they thought that this would be a way to embarrass Willie and have Willie on the wrong side of a public health measure. So they were willing to vote for the bill. And I think Pat must have thought this that I need to look like I'm doing something on the public health side while I'm under indictment. So Dean Andal has voted for the bill, it certainly canceled out Curtis Tucker's opposition. But there was the hearing, it was still no sure thing, because I mean I was fearful of what the powers that be might have, what pressure they might have put on other Democrats on the committee. But the tobacco lobbyists realized that they had a fight on their hands in '93, that it wasn't going to be like '92, that they could just defeat the bill without it even getting a second. And they kept calling Curtis Tucker out of the hearing room. It was in the Annex, I mean in the...

DM: The old building...

TF: In the old building, not in the annex. I can't remember the room number. And they kept calling him out. I wasn't out there, but I assumed he'd come in and he would come up with some argument or some amendment or whatever. So he was getting the marching orders from this crowd of tobacco lobbyists. But we got the bill passed.

DM: You got it out of the Assembly.

TF: Out of Assembly Labor and then it went to Ways and Means. And...

DM: So just back up a little bit. So you're carrying this bill that goes against the tobacco industry, which was a powerful force that provided a lot of campaign money to Democrats and Republicans, to Democrats, including Democratic leaders. Did Speaker Brown or Bill Lockyer or anybody in leadership on the Assembly side say, "Assemblyman, what are you doing?"

TF: No.

DM: Nobody told you to...

TF: Nobody told.

DM: ...slow down?

TF: No, I think they thought that they could, kill it. And my experience with Willie, it wasn't his way. One of his skills, I think, was knowing what he could get someone to do and knowing what he could not get them to do. And for all of the disputes that we had, on the Napkin Deal and other legislation, I have to say, he never came and asked me to cast a vote that I wasn't willing to

cast. And maybe he didn't want to, maybe on a budget, that cut programs that I cared about, but for a higher goal of getting a budget passed. So, no, he never did. But what he did do is he came up with the strategy that the tobacco industry utilized, that they thought would kill the bill.

DM: So nobody spoke to you, from leadership about spiking this bill?

TF: Correct.

DM: You said.

TF: Correct.

DM: So you never had a conversation with Speaker Brown, about going slow with AB 13 or killing AB 13?

TF: The only time we spoke about it was much later. When the bill passed the Senate and came back to the Assembly for concurrence and Senate amendments, we had a conversation, but that was the only conversation we had.

DM: Why do you... I mean that says something about how he operated the Assembly.

TF: I think so. I mean I...

DM: But what does that tell you about his leadership style?

TF: I mean, what was most important to Willie was having 41 votes to remain speaker. There certainly is as a good reason for members to want their party to retain a majority. Who the speaker is a little more personal. And that's all about the alliances that individual can put together, I'm sure, especially considering the circumstances by which he became speaker in the first place. Stepping in, after Howard Berman seemed to have defeated Leo McCarthy, and using Republican votes to beat Howard and to become speaker, Willie did not want to have those who were aligned closely with the Waxman-Berman faction of the Democratic Party eyeing his speakership.

DM: And you were part of that.

TF: I was part of that. I was never going to be somebody that would be a challenge to him, but I was part of a group that conceivably could. So I'm sure that was part of it. And, he knew, with Burt and with me and I'm sure some others, let them do their policy. If I agree with it, fine. If I don't, I might have ways of blocking it, but I'm going to let them do their thing. But he had a way he thought, I think, to block, to stop the bill.

DM: To stop AB 13.

TF: To stop AB 13. And it was what he had told the tobacco industry when he and Floyd went to New York. I don't know what year it was, and I don't think they were talking about AB 13, but

they were talking about how to stop the anti-smokers' agenda in Sacramento. And at the top of that was to come up with a Trojan horse bill, that looked on its face to be protective of public health and non-smokers, but in truth, would be a retreat and would contain a preemption provision, no law to stop all the skirmishing that the tobacco industry was facing in every little and big city around the state.

DM: And so when you say the skirmishing, the... There were ordinances being passed and cities around the state that prohibited smoking in restaurants?

TF: Correct or...

DM: Different places.

TF: Or set up non-smoking sections and in some workplaces, and it was all a patchwork. There were probably no two jurisdictions that had the same rule. And they were spending a lot of money trying to put out all these fires, and it was creating problems for a lot of businesses that didn't know what they were going to... What they're supposed to comply with. So, but the tobacco industry's desire was just to stop all of this as much as they possibly could before it spread. Because it was spreading. I don't remember the timing, but I think it was right after AB 13 got out of Assembly Labor Committee that Curtis Tucker amended some other bill, and I think it was 966 or 996, one of the two. And the tobacco industry obviously wrote it and it was their dream, preemption backslide measure, and now they had a further reason to do it, they could say, the Friedman bill goes too far, it's extreme, this is the common sense way to protect non-smokers rights in California without hurting business. And the bill wasn't assigned to the Labor Committee, of course, which had just passed AB 13 out of committee. It was assigned to the GO Committee, Government Organizations Committee.

DM: And which was chaired by then Assemblyman, Dick Floyd.

TF: Correct. And I think...

DM: Who was among many things an inveterate smoker.

TF: On the floor of the Assembly.

DM: On the floor of the Assembly. [Chuckle]

TF: So the GO Committee, as government organizations was called, was stacked with legislators of both parties who were friendly to tobacco, horse racing, liquor, and all of those industries. So it came as no surprise when Curtis's bill passed out of the committee. It might have passed out unanimously, I don't remember exactly, but it was greased on its way to the Ways and Means Committee. Both bills had to go to Ways and Means, because they had some fiscal impact. And Curtis's bill, as I recall, the two bills came up on the same day. And Curtis's bill passed out and mine was a couple votes short. And so we placed a call for absent members to come and vote, which meant that the final tally wouldn't be announced until the call was lifted, which gave us time to find out where they were, if they were supporters of the bill, [chuckle] and get them

down to the Ways and Means hearing room. One of them was Vasco, the chair of the committee.

DM: John Vasconcellos.

TF: Vasconcellos, who told me he was going to vote for the bill, but he obviously had some discomfort about some things with it. And he had our team put together a special presentation to him about why the bill was good policy. But he was a busy guy, so I don't know exactly why he hadn't voted the first go around and I assumed they went back to his office, because he had a lot of other things to do. I assumed that if I was one vote away, there'd be no doubt that Vasco would vote for the bill. He was close with Willie, but Willie did not have him on a short leash. Nobody could keep him on a short leash. He was his own man, and he was a courageous champion of the causes I believed in. But I certainly noticed his absence. The other person that hadn't voted was Pat Nolan. And I had had the lunch that I'd alluded to earlier with Pat and Dean Andal, where they essentially said that they would come on board, but what Pat wanted was there's some amendments related to...

DM: So you're at lunch with Pat Nolan and Dean Andal.

TF: So, to make it legitimate. They wanted, or Pat wanted, some amendments, regarding hotels, and I don't remember the details now, but I think it had to do, he was willing to, have the rooms, guest rooms, would not be defined as workplace, but the public areas, the lobbies, the restaurants and all the rest would be deemed part of workplaces. And that was always, by the way, our strategy that I don't think the tobacco industry ever figured out with all their lobbyists falling all over themselves. It was too many of them. Nobody was really focused clearly on what we were doing. And we were making some exceptions by defining certain places as not being workplaces.

TF: So we could still maintain 100 percent non-smoking in workplaces. Therefore, local jurisdictions could not water it down using the argument of state preemption and to get various obvious workplaces out of the control; we ended up doing the same thing with casinos for a period of time. And it was really just a slight of hand to make some minor deals that, in truth, did reduce the coverage of the bill from a 100 percent to maybe 95 percent, but did not allow for the bill to actually be preemptive.

DM: So the big fight, as I recall, it was over preemption, whether locals could go farther than what the state dictated in AB 13. Right. Well, tell us what did you do on preemption?

TF: Well, we said that we're preempting, the bill was preemptive because it covered 100 percent of all workplaces. You couldn't get more than that. We just chose to define certain controversial spots for some limited period of time not to be workplaces. We had to make a distinction between bar bars and restaurant bars. And Kathy Leonard was just all on top of that.

DM: Kathy Leonard, was your chief of staff.

TF: She was the chief staff person for the Labor Committee.

DM: Chief staff person on Labor.

TF: On the bill. Pat Henning was the chief consultant to the Labor Committee at that time, son of Jack Henning. So, we made a deal that, the bars had an extra year or two before they became workplaces.

DM: Right. So of all the lobby groups that were supportive of this effort, the doctors, California Medical Association, California Labor Federation, the Restaurant Association, who was in your view most significant?

TF: I think that the Restaurant Association and the Hotel Association, which switched from opposing the bill to supporting it with the amendments that we took. And I can't remember the name of their chief lobbyist...

DM: Probably Victoria Horton.

TF: No. It was a guy who was such an honorable advocate and did a ... I mean really went to work for the bill. And the restaurant association did. Jack Henning was essential to keep the pro-tobacco Democrats, at least many of them, in line. And we'll get to what happened in the Senate side and where he was critically important.

DM: Well talk a little bit about Jack Henning. What was his significance?

TF: Well, Jack Henning was this heroic figure in California politics and in the labor movement. And he'd been the head of the State Federation of Labor for many years. He was this old school orator that could bring down the House with a fiery address. And he's a great man, and an honorable and effective leader for a long, long time. And it was hard for Democrats who he supported to go against him, and you'd usually lose. And the few times that I was against him, I lost. The speaker was loyal to him and the membership was loyal to him, for the most part. I mean certainly the Gang of Five went off the reservation, and some others did on AB 13 But I would say he was of historic importance as an individual. And then the two hospitality businesses...

TF: The chamber went neutral, and that was in no small thanks to the efforts of their lobbyists. She was then Roxanne Gould, and then her name was Roxanne Ohlgren or something like that. She had gotten the chamber to actually support the gay rights legislation that I brought, and she got them to be neutral and she was behind the scenes, very helpful on AB 13 as well, but she couldn't be public about it.

DM: And so anyway you're at Ways and Means; we jumped around a little bit.

TF: Right, right.

DM: You're at Ways and Means and Curtis Tucker's bill got out, and yours is on call.

TF: It's on call.

DM: And you need Pat Nolan's vote.

TF: And so Pat Nolan and I sat at the corner of the Ways and Means horseshoe for what seemed like a day, but it was probably an hour or so, talking through the amendment that he was insisting upon. And the timing for when I would take the amendment, I couldn't, I think it was probably at the Ways and Means deadline. I could not afford to try to get a rule waiver to get a bill out of a committee passed the deadline. That wasn't going to happen since the Rules Committee controlled by the speaker would just never, never allow that. So I had to convince him to trust me that I would do it immediately after the bill got out, and before it went to the floor. And he agreed. I mean, he finally said yes, and he voted for the bill and it got out.

DM: And how did Vasco vote?

TF: He voted for it.

DM: He voted for it.

TF: And by that time, Vasco must have come down? I think it came down to Pat. I mean, it didn't come down to Vasco.

DM: Okay.

TF: I think I was just being paranoid, but who knows?

DM: Well, sometimes they *are* after you.

TF: They are sometimes, especially in that place.

DM: And so among the lobbyists who were on the opposite side, who were the most significant?

TF: Well, I didn't spend any time with them, so it's hard to say.

DM: Did they not try to talk to you?

TF: No, no, no.

DM: They knew you were a lost cause.

TF: Yeah. I mean I probably would say hello to the Joe Lang, who I think was pretty central to the tobacco lobbying campaign but no, I mean they... I wasn't going to take a tobacco amendment in a million years. And I think one of the things we had going for us is that we had sort of the mean lean team. You know we would meet every week in my office and there were maybe 10 of us that were planning the week's strategy.

DM: So it'd be the Labor Federation, the Restaurant Association et cetera.

TF: Yeah, and Kathy, and I'm not sure, and probably either Karen Caves or Colleen Beamish from my staff, all of whom were as brilliant and essential in crafting our strategy and tactics. The best I can tell, the tobacco industry -- I may have alluded to that before -- were just falling all over each other. And there were dozens of them, and no one was really in charge. It was the colonials against the red coats. And we could take our pot shots, and we could affect a strategy, because there weren't that many of us and everybody was on board. And they were just all over the place. So if they had somehow created some command and control, they might have beaten us. A lot of their mistakes were with the Curtis Tucker bill or how they handled our bill. I'm not sure what they would've done, but they had some pretty savvy strategists.

DM: Well, one of the issues was the standard set forth by the heating and air conditioning organization. ASHRAE, was it?

TF: Yeah. Yeah, yeah.

DM: And their contention was that they could do the vents in such a way that smoke would be separate from you, could have actually non-smoking and smoking sections, and somehow the smoke would not go past the line of demarcation. Was that something to overcome as far as you were...

TF: Well, it was an issue. I mean, I would say who are you going to believe, me or your lying eyes and nose? I mean, it was obvious to anyone that you couldn't rid a section of a workplace of smoke if it was allowed in another section. And I'm no expert on that but we had experts who said that ASHRAE standard was BS. And that it had been in place in a number of work places, and it wasn't doing the trick. And these carcinogens are, many of them I was informed, are very tiny particulates that travel through ventilation systems and through whatever screening devices there are. And even if you can't smell the tobacco, doesn't mean you're not inhaling the carcinogens. I don't remember who we used or who we relied on, but we had experts who had a very different view of the ASHRAE standard.

DM: So you referred earlier to Joe Lang. He represented Philip Morris still does, I think.

TF: Oh, so he, I mean, because I heard that he had some health issues, but if he's still working, I mean that's good to know.

DM: Yeah. But you had an okay relationship with him? I mean...

TF: Yeah. I mean...

DM: Enough to say hello?

TF: Yeah, I think so. I mean, I'm sort of a friendly person, and in that confined environment of the Legislature it's kind of foolish to cut off a relationship with somebody that could be helpful at some point, or with somebody that's going to conceivably vote for your bills. You know, I did have some strained relationships with members, including in the Democratic caucus. You mentioned Dick Floyd. That was one. But I wouldn't go out of my way to break off a relationship

with someone. I mean, there's that old Jesse Unruh line, "If I slain all my enemies yesterday, I'd have no friends today." A bit overstated, maybe not for a speaker, but I didn't see any point in giving the evil eye to somebody that was on the other side. Especially when we were prevailing. I mean, we were getting there's no reason to gloat.

DM: So there was a day when your bill AB 13 fell short of the votes, and it came back the next day or the day after, something like that.

TF: Close to. Oh, I remember that very well.

DM: And so, tell me about that. What happened?

TF: Well, we were on the floor both AB 13 and AB 996.

DM: The Assembly floor.

TF: The Assembly floor, the Curtis Tucker 'Trojan horse' Bill. And we're probably, I don't know, getting close to the deadline to get Assembly bills off the floor and onto the Senate. And we present our bills and I think Willie was presiding, and he was rushing through it. And neither of us had much chance to present our bills. And both bills failed on this first go around. I think this was on a Monday, we had sessions Mondays and Thursdays. And I started to go to work to try to get votes. I think I must have gotten in the high twenties or the low thirties.

DM: 34.

TF: And needing 41. (But got) 34 at the first time. Okay. On Thursday. So you could bring a bill up once for reconsideration. On the Thursday session. Unexpectedly, to my mind, Curtis brought his bill up for reconsideration and it passed with votes to spare. That sent chills down my spine. That was because a lot of Democrats voted for it. And so I figured the handwriting is on the wall. You know, the leadership has gone to work, he's twisted the arms, we're screwed. Our only hope was to make the biggest deal possible out of what happened. And the press publicized what happened, that the tobacco back bill passed and my bill was still held back, and had not passed.

TF: And the LA Times ran an editorial naming names of the Democrats who voted for Curtis's bill that had voted against mine, and how much money they had received from the tobacco industry. I assume other papers did the same. I'm sure you wrote a very good article. I can't remember the details of it, but I know you fully reported what happened which led to the editorial, I think. Yeah, I think that's exactly what happened. So after your article, and that editorial and the other stuff ran on the Friday, and maybe over the weekend, on Monday, I come back figuring, okay, I've got three days until Thursday, the deadline to get this bill reconsidered.

TF: Democrats start coming up to me when I came onto the floor. 'Terry, you're going to bring it up for reconsideration today. I thought about the bill, and you know I think it's a good bill, and I think we ought get this bill off the floor and send it to the Senate.' So I mean one after another, they practically were lined up. [laughter] Mr. Speaker, I asked for reconsideration of AB 13 and I don't remember what the votes were, but it wasn't 41. It was a number past 41. You may know

how many votes we had to get it off. So I mean that was extraordinary. Louis Brandeis (said) that sunshine is the greatest disinfectant. And the press saved the bill.

DM: Which, of course, raises an issue. I mean, I do think the Sacramento Press Corps is very much alive and well, but with the diminution of the number of reporters, I wonder whether that would happen today...

TF: Yeah. It's...

DM: So, you're then on the Senate side. What was happening over there?

TF: Well, what's happening over there is at the Senate Rules Committee. I think at this point, Lockyer had succeeded Roberti as Senate President Pro Tem. And I had known Bill Lockyer for a long time. We didn't overlap in Young Democrats, but each of our roots and relationships derived from that. I mean, he's with the Burtons who were involved in YDs, and at the same time as Henry and Howard were and active in YDs. And actually, in 1972, I was chair of the Students for McGovern in the June primary presidential campaign and Lockyer was running the campaign in Northern California. And I don't know what I did or what I said, but one day Bill Lockyer, who I probably had never had a conversation with, confronts me in the campaign headquarters. And starts, as only he could do, screaming at the top of his lungs, "I'm 20 years old, I'm 21 years old." Threatening my political career, which, I mean, I was still in college [laughter], because I had... I don't know what I had done and crossed his, crossed him. So, I knew of Bill.

DM: You had felt Bill Lockyer's wrath.

TF: I had felt his wrath. And I had voted against his pro-death penalty bills for several years. He didn't like that. We had a couple breakfasts where he reamed me. Willie never did. "But how could you do this? We're allies, blah, blah, this is important to me." So, we, on the other hand we worked together on some consumer protection measures, and trial lawyer matters. But it was a fraught and tense relationship in which he had the upper hand and much more power.

DM: As Pro Tem.

TF: As Pro Tem. So, he gets the bill double referred to Senate Health where we wanted it to go, where the chair was Diane Watson, who was a long-time champion of public health issues and nonsmokers' rights. And to Senate Judiciary, where he was still a member. And I think Roberti maybe became the de facto chair, but Lockyer controlled the Committee. I mean, those issues were very... those were his issues. And Senate Judiciary had not just civil law issues but criminal law issues. So, it's a very powerful spot. So the two bills go to Senate Health. Diane kills Curtis's bill. And then, but I think I had to hold mine up because... I had some problems in Senate Health. I'm trying to think if the Art Torres thing arose in Senate Health or Senate, I think it was Senate Judiciary. Anyway, we had problems in Senate Health but eventually got it out, but later in the session.

TF: So, it really made it much less likely that I could get the bill to the Senate floor in time to pass before the end of session in '93. Oh, I remember in Senate Health, I think, that was... I had

just had knee surgery, and we had a three-hour hearing. And I had to stand at that podium for three hours... Oh, that was just torture. Anyway, we got the bill out. Goes to Senate Judiciary, which was a stacked committee. Lockyer was on it. Roberti. Diane might have been on it. I don't remember for sure. Art Torres, who we'll talk about. Milton Marks, who was really not all that with it even if he was physically present. And Nick Petris, who was an ally, but a mild-mannered gentleman. And I don't remember who the Republicans were. And I had Republican allies in the Senate. Marian Bergeson, and what was her name from Silicon Valley? She was great.

John Howard: Rebecca Morgan?

TF: Yes. Yes, Becky Morgan. So, I was hopeful about the Senate floor, because I had both of them, and they were, I mean, they gave you word, their word. And they were, I think Marian even became a co-author. But it was Senate Judiciary. And the ASHRAE was rearing its head there. And I know what really scared me. I saw a guy named Miguel Contreras, who was a lobbyist for the Hotel and Restaurant Employees Union Here, H-E-R-E, that were supporters of the bill, and part of the federation. He was there and Jack Henning came up to me and said, "I don't know why he's here, but it's not a good sign."

TF: And so I called María Elena Durazo, who was the head of that union, and I'd worked with her on labor legislation. She was great. We were allies. And I said, you know what's... And Miguel and Maria were married. And I said Miguel is here. Jack says, "Beware. What's going on?" And she said, "I have no idea, but I did not send him there." And she made some joke about if he opposes the bill, he's going to have a hard time when he comes home tonight. Something to that effect. So, and I didn't know Miguel, it was Jack's heads up.

TF: Then I see before the committee starts, Torres sitting at the corner of the dais, talking over the rail to Art Carter, who is a lobbyist for... What? Some union, I can't remember which. I don't know if it was the union that did... Maybe it was the pipes, something like that. And they were talking for a long time. And Art Carter, then when the bill's called, Art Carter comes up and speaks against it on behalf of his union, and Jack is steaming. I mean this Carter's being a traitor to him. And Miguel Contreras comes up and says, "This is going to cost jobs of hotel and restaurant workers, we're opposed." So, the steam's coming out of Jack's ears, I'm apoplectic. And...

DM: Do you think you're losing the bill at this point?

TF: Yeah, because I thought, because of the Carter, Torres conversation. They weren't disagreeing. They were plotting. So and then Art starts offering amendments.

DM: Art Torres?

TF: Art Torres. And I don't remember the specific amendments, but they were unacceptable. And they were all in the guise of protecting workers. But that was total BS. So I pulled the bill. I said I because the amendments passed, or a couple of them did. And I said, if these amendments pass, I'm not going forward with this bill. And I think Tony Najera from...

DM: ... Lung Association.

TF: And the other, I mean they were all on board with that. And that just reminds me of something that happened with Lung and Bill Lockyer that I should get back to, because it's a good story. But in any case to finish this, so I mean I just couldn't believe that Art Torres, who was running for insurance commissioner, a liberal champion, a public health champion, would do this. I mean, the fix was in. You wrote an article and Molly Selvin wrote an editorial in the LA Times the next day that was entitled something to the effect, "A Rape in Sacramento," not mincing words.

TF: It didn't take long for Art Torres to call me and say, 'I made a mistake, I thought these were good amendments, I thought this would strengthen the bill.] I said, 'Art, you've gotta do something. I'm not moving the bill until those amendments are out and you're the only one that can take them out. I'm not going to do it. I can't do it.' Did it, did the session close, and we were still in Judiciary? It took six months. And he had to figure out how to save his campaign.

DM: For insurance commissioner.

TF: For insurance commissioner. Ironically, one of his primary opponents who he beat actually to get the nomination was Burt Margolin. But he eventually lost in the general to Chuck Quackenbush. So I just figured it's been a great fight. We'll come back in another way at another time, but we worked on it over the break, building up...

DM: The break, '93 to '94.

TF: Correct. So from...

DM: Becomes a two-year bill.

TF: Became a two-year bill. In '94, I think, we come back and we're in Senate Judiciary and some local Lung Association person, I think in Hayward, I mean somewhere in Lockyer's district, attacks Lockyer.

DM: Verbally, not physically.

TF: Right, right. I mean it was clear to me that Lockyer orchestrated this whole thing. Torres was not the strategic guy to do it. This is exactly what Lockyer lived for and was good at. And I wasn't the only person that smelled that rat. But I didn't say anything about it publicly.