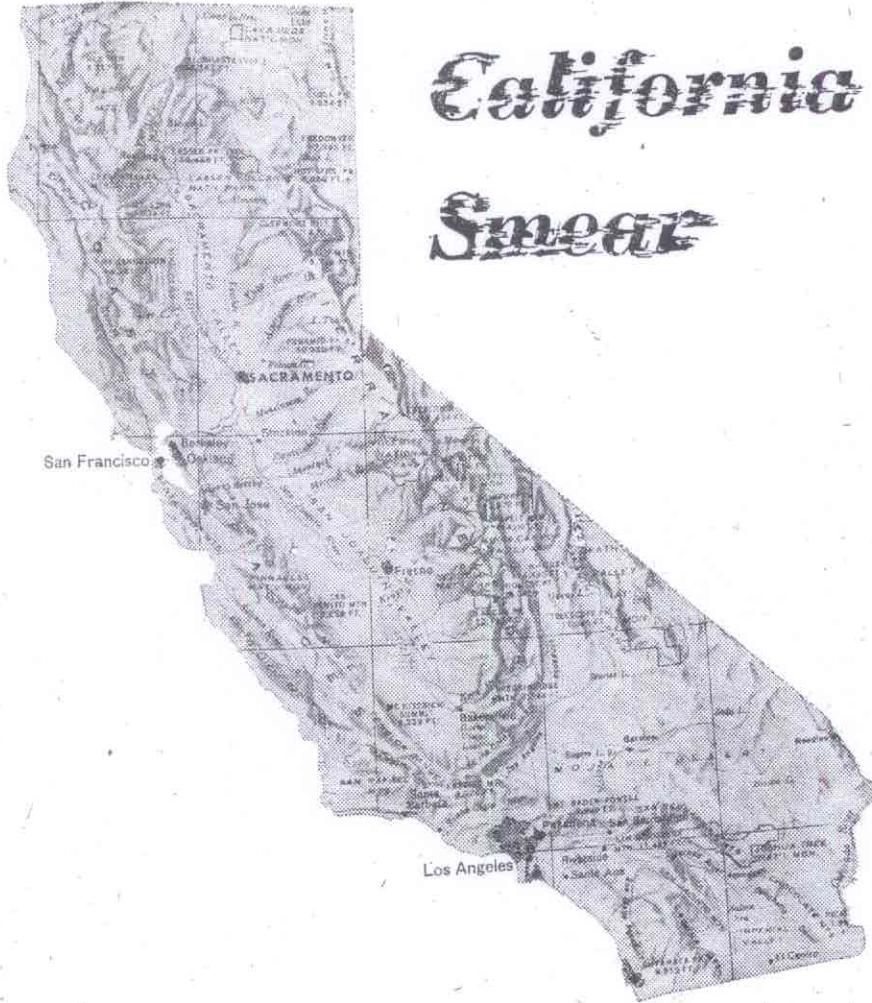


The  
Five

# California

Smear



By Lou Cannon

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IN THE DEPRESSION year of 1934, a mild-mannered vegetarian socialist won a Democratic Party nomination for governor and promptly found himself denounced as "an anarchist, a free-lover, an agent of Moscow, an anti-Christ."

The man was Upton Sinclair, the muckraking author who continued to write for another generation after his defeat. The state in which he ran for office was California, where political campaigners as long as a century ago pioneered in racial "bloody shirt" agitation against Orientals and the Southern Pacific Railroad.

The practices that made the cam-

paign against Sinclair one of the most notorious in modern politics have persisted and sometimes backfired in the peculiar politics of California.

In 1950, a 37-year-old congressman named Richard Nixon defeated Helen Gahagan Douglas for the U.S. Senate. "Mrs. Douglas has voted hand-in-hand with the notorious Communist party-liner, Vito Marcantonio of New York, too many times on issues affecting American security to permit any thought of her being a United States Senator," Nixon said during that campaign.

In 1962, Nixon ran for governor against incumbent Democrat Edmund G. Brown and lost resoundingly. Two years later a state court found that the Nixon campaign organization—and Nixon himself—had violated the state election code by organizing a dummy organization to disrupt the Democratic campaign under the name of the "Committee for the Preservation of the

Democratic Party in California."

And four years afterward, Gov. Brown—who should have learned from the ill-fated Nixon campaign, but didn't—hired a campaign specialist to dig up dirt on former San Francisco Mayor George Christopher on the dubious theory that Christopher, then a Republican candidate for governor, would be more difficult to beat than Ronald Reagan.

The result of the Brown effort was a

scurrilous attack on Christopher based on a 17-year-old violation of a milk-pricing statute that even the prosecutor had termed a technical violation. Christopher lost the primary in a landslide—and Brown lost by an even bigger margin to Reagan in the general election.

## "Swings and Sways"

HISTORIAN CAREY McWILLIAMS once wrote that California is "a state that swings and sways, spins and turns in accordance with its own peculiar dynamics."

Until the last decade, California was conspicuously lacking in effective partisan organization. It is the state that has always voted for the man, not the party, and the state which introduced into American politics the high-priced campaign consulting firms that have few ties to party and even less to principle.

"The lack of party structure means that on one hand we have an issue-oriented politics," says Tom Rees, a respected California congressman. "On the other side of the coin, we have the smear."

Smears are commonplace in American political history, of course, and they are hardly limited to weak-party states. But a unique combination of circumstances, operating almost since the birth of California, frequently has produced a political climate of "anything goes" in this vast nation-state that produced the politics of Richard Nixon.

For most of its life, California's population has grown so rapidly and its citizenry has been so mobile that few could identify their elected representatives. The state is so diverse, so far-flung, that politicians in statewide races rarely know how to find a common denominator for their constituency. And major political parties were dominated so long and so effectively by the Southern Pacific Railroad political machine that when Hiram Johnson and the Progressives brought down the

railroad, they brought down the party system with it.

### Artie Samish, Lobbyist

**T**HE WEAKNESS of the parties gave rise both to the idealistic, enthusiastic and largely uncontrollable volunteer groups that were vital in California politics until the last half-dec-

ade and to the bright, effective and sometimes ruthless political consultants who believed there was no substitute for victory.

Thus it was that the political movers-and-shakers of California in the '30s, '40s and '50s included master lobbyist Artie Samish, prototype campaign manager Clem Whittaker and initiative specialist Joseph Robinson, whom we shall meet again in Nixon's 1962 campaign.

Samish had style. In 1934, the same year that Republican Ralph Merriam defeated Sinclair, one of Samish's clients became enraged at a Republican state legislator who had voted against a bill favorable to the breweries. In the interest of teaching a lesson to the offending legislator, who was a scion of one of Los Angeles' most distinguished families, a brewer asked Samish to find an opposition candidate. Samish sent his aide down to the Sinclair headquarters and discovered a down-and-outer named John Pelletier tying handbills for 50 cents a day.

Samish determined that Pelletier, who spoke with a faint French-Canadian accent, was an American citizen. Then he fed him, cleaned him up, bought him two new suits and sent him to a dentist to fix his teeth. Pelletier won the Democratic primary.

As Samish tells the story in his autobiography, "The Secret Boss of California," the brewer then sent him a check for \$2,000 in expenses and informed him that the Pelletier campaign was now over. But Samish had only spent \$800 on the primary, so he invested the rest in Pelletier's general election campaign and Pelletier went on to win election and serve five terms in the California Assembly as a dependable work horse of Samish's legislature stable.

### Joseph Robinson "Initiatives"

**T**HEN THERE WAS Joseph Robinson, who after World War I formed an organization specializing in initiative qualification. "I was looking for a business with no competition," Robinson told Carey McWilliams in 1949, "and I found it. We are the only firm of our kind in the country."

Robinson was still in business in

1962 and, according to court records, received \$70,000 from the Nixon-for-Governor finance committee to conduct a postcard poll among Democrats for the supposed purposes of polling them on positions taken by the liberal California Democratic Council (CDC). The CDC views, as summarized by Robinson, included the heretical notions of "admitting Red China into the United Nations" and "allowing subversives the freedom of college campuses." A letter attached to the postcard said that it was "not a plea for any candidate" and solicited contributions to help "preserve our democratic processes and cut off the CDC handcuffs."

The court which returned the judgment against the Nixon committee and its campaign manager, one H. R. Haldeman, found otherwise. "In truth and in fact, such funds were solicited for the use, benefit and furtherance of the candidacy of Richard M. Nixon for governor of California," ruled Judge Byron Arnold.

The judge also found that the Committee for the Preservation of the Democratic Party in California was wholly the creature of the Nixon organization and that the postcard poll "was reviewed, amended and finally approved by Mr. Nixon personally."

### The Other Party's Primary

**P**ARTICIPATION IN the other party's primary has always been a feature of California political life. When Hiram Johnson was governor, he pushed through a cross-filing law which encouraged candidates to seek the nomination of other parties.

This so weakened the parties that groups like the CDC were spawned in an effort to distinguish among the variety of Democratic candidates, some of whom had never been Democrats. Cross-filing was abolished in 1959, but even today there is substantial legislative agitation for its re-enactment.

The looseness of the party system made it ideal for penetration by ideologues and cultists. The Communists had actually opposed Sinclair in 1934 because the party line then treated socialists and social democrats the world over as "social fascists."

But the Communist Party became heavily active in the 1938 campaign, and charges of Communist penetration and takeover of the state welfare agency and various Democratic organizations were frequent in the pre-war years. A decade and a half later, disciplined members of the John Birch Society found that Republican volunteer groups also were ripe for the plucking.

Several California political figures,

notably the current Los Angeles mayor, Samuel W. Yorty, came to prominence by investigating Communists. In Yorty's case, Communist leaders charged that he was disgruntled because the party had refused to support him for mayor in 1938 after Yorty had cooperated closely with the Communists as a state legislator.

Yorty made a remarkable switch, starting out as one of the most left-wing Democrats in public life and winding up as one of the most conservative Democrats in California. He won election as Los Angeles mayor in 1961 without the support of either the Democrats or the Republicans, let alone the Communists, and he has been mayor ever since.

The notion, sometimes factual and sometimes fanciful, that the left wing of the Democratic Party in the state was Red-controlled had wide currency in California during the late '30s and again in the post-World War II years.

In 1946, a five-term Democratic congressman with a liberal voting record named Jerry Voorhis was challenged by a newcomer, Richard M. Nixon. They held a bitter series of debates, in which Voorhis protested against a Nixon newspaper ad: "A vote for Nixon is a vote against the Communist-dominated PAC with its gigantic slush fund."

Voorhis said he had not been endorsed by the CIO's Political Action Fund, to which the ad referred, and had not sought its endorsement.

The type of campaign, however, was customary for its day, and it is doubtful if Nixon would have become a household word even in California except for his skillful investigation of the Alger Hiss case and his resulting decision to run against Mrs. Douglas for the Senate in 1950.

It was a sign of the times, remembered by few people who are aware of the Nixon charges, that Mrs. Douglas sought to defend herself against the Nixon "pink sheet" by saying that Nixon had actually voted with Vito Marcantonio more times than she had.

The climate was so hostile to Mrs. Douglas that she was unable to persuade the Democratic attorney general, Edmund G. Brown, to make platform appearances with her. But she received help from a hard-working Hollywood Democrat, who defended both her loyalty and her voting record. His name was Ronald Reagan.

The Communist issue lost its effectiveness in California in the '50s, but it continued as kind of a reflex action in some campaigns.

### "The Unbeatable"

**T**HE CANDIDATE who probably suffered from the greatest variety

of charges in a single campaign was Phillip Burton, a young San Francisco Democrat who was running for legislative office in 1956, two years after he had been defeated in another district by a deceased candidate whose name was still on the ballot.

Burton was opposing a labor-endorsed Republican assemblyman who had been in office so long that he was sometimes referred to as "The Unbeatable Tommy Maloney." During the campaign, Burton was disendorsed by the Democratic County Central Committee on the ground that he supposedly favored recognition of Red China. At the same time, campaign workers for Maloney distributed leaflets throughout the district saying,

"Standard Oil Wants You to Vote for Burton," an effort to link him to an oil initiative then on the ballot.

Burton nonetheless won a narrow victory and subsequently graduated to Congress, where he has been ever since. He has never lost an election since his first one.

Another California state legislator who survived a smear and subsequently was elected to Congress is Rep. George Danielson of Los Angeles. In a primary election for the state senate in 1966, Danielson faced six opponents, one of them Democratic "prankster" Dick Tuck, who was making his first and only run for public office.

Danielson's memory of Tuck is a bitter one. "He tells about the innocent jokes but not about the others," says Danielson.

In the 1966 election, Tuck issued leaflets alleging that Danielson spent his entire time representing clients in bankruptcy and was rarely in Sacramento, where he actually had good attendance and a moderately liberal record.

The Tuck leaflet was made to resemble a single document which Danielson had filed in court showing the times he had purportedly represented his client and the fees he had charged. "It was just a good paste-pot and scissors job, like Muskie's letter," Danielson recalls. "They pasted various documents together and made it sound like I had told the court I had devoted a solid year's work to this one case."

The leaflet attracted the attention of

a well-known Los Angeles political reporter, who talked to Danielson about the charges. "Fortunately, I have a very large signature," Danielson says. "It runs up into the text, even on my letters. When the leaflet was being prepared, they had cut the tops off the loops and tried to fill it in by hand, but you could tell the difference. I showed this to the reporter, and, hell, that was the end of it."

Danielson squeaked through by 500 votes over another challenger in that campaign, while Tuck ran a poor third with 10 per cent of the vote.

### Political Intelligence

THE CAMPAIGNS FACED by Burton and by Danielson are extreme examples. But other vaguely questionable practices have been legion in vari-

ous California campaigns, such as learning the opposition's telephone lines with phony calls, promoting distorted responses to radio polls and tapping down the opposition's campaign placards.

Political intelligence, though punitive by Watergate standards, also has played a consistent role in California electioneering. Even the most experienced and well-financed politician in a statewide campaign often feels that he is hopelessly out of touch with California's unclassifiable electorate and with his opponent's campaign.

In the 1970 U.S. Senate campaign between incumbent Republican Sen. George Murphy and Democrat John V. Tunney, reporters following Tunney often knew more than those in the Murphy campaign about what Murphy was doing.

Murphy ran a series of newspaper ads in the campaign, squarely in the "Red scare" tradition, which said that the decision was between "anarchy or law and order." Tunney called the ads "political terrorism." What Tunney didn't say was that he knew about the contents of the advertisements well before they appeared because he was phoned from the Los Angeles Times every time an ad was placed.

"It removed the element of surprise in the Tunney camp," recalls one staff worker. "It was genuinely important to us because it gave us the opportunity to prepare our response to the press."

More subtly, this campaign worker adds, the foreknowledge of the ads gave a "psychological boost" to Tunney, who ran a weak campaign in the primary and a strong one in the gen-

eral election. "When we got the anarchy ad, we said, 'Is this his toughest shot?'" the aide recalls. "We said then that this guy isn't going to win. He was just grasping at straws."

### The Backfires

THIS COMMENT illustrates a neglected aspect of California smear campaigns, which is that they are ineffectual more often than they are successful.

Pat Brown's attempt to defeat Christopher with an ancient milk pricing charge is perhaps the best example of a smear that didn't stick. "Some people thought that Pat Brown was indecisive or bumbling, but no one denied his sincerity or dedication," one of California's leading political columnists observed in retrospect. "After the Christopher smear he was just another politician."

Also dragged down in the same election was Allen Cranston, then state controller running for re-election. Cranston distributed a "white paper" containing such guilt-by-association habits as "Birch Society and Birch-oriented book stores peddle extremists' materials in the same catalogues that offer Reagan's pamphlets, books, bumper strips and long-play records."

Cranston was trying to associate himself in the public mind with Gov. Brown's campaign against Reagan. He succeeded beyond his wildest expectations and was dragged down in the Brown defeat.

Unlike Brown, Cranston's margin of defeat was a narrow one, and it was the general consensus among politicians afterward that he would have been re-elected controller without the white paper. Two years later Cranston came back and was on the receiving end of a nasty campaign by his Republican opponent, Max Rafferty.

Rafferty was swamped by Cranston in the U.S. Senate race of 1968, another example of a dirty California campaign that didn't work.

### "Something Else?"

IT IS TRUE that the classic California smear, the one that set the standards for all others, did defeat Upton Sinclair. It is also true that Sinclair might well have won the election anyway except for the presence of a late-starting third candidate.

Nixon won the election against Mrs. Douglas in 1950, but Republicans won every other statewide office except one that year and by wider margins where there were no smears.

Fifty-finished dead last among four candidates in the U.S. Senate primary of 1950, when his reputation as a Red-hunter was at its height. Nixon was dlobbered in 1962, and his dailying

around with the Democratic primary probably helped to close Democratic ranks against him. In the Burton and Danielson cases, the smear targets both won, although by narrow margins. Many Republicans believe that Tunney's margin was much greater over Murphy than it would have been if Murphy had spurned the "anarchy" ads.

These failures have not been lost on the people who run political campaigns, or at least on some of them, which represents the best chance probably for a cleaner politics.

Ronald Reagan, after all, had referred to Republicans who opposed Barry Goldwater as "traitors" in the aftermath of Goldwater's defeat in 1964. But Bill Roberts, the Reagan campaign manager in 1966, realized that such language would be the prelude to disaster. "We had talked the situation over a number of times with Ron, and all of us had the feeling that the Birch issue was over the hill," Roberts remarked in 1963. "People were as tired of politicians yelling about Birchers under every bedpost as they had been tired a few years earlier hearing about Communists. They wanted to hear something else."

The hope for the next generation of California-produced politicians—and for Americans everywhere—is that the "something else" is something other than a smear.