



**Transcript of Video Interview with Jerry Smith,
recorded August 2012.**

This interview is part of Earth Alert's Heroes of the Coast video archive, featuring interviews with leading California coastal activists, past and present California Coastal Commissioners and Coastal Commission staff. For more information, visit www.earthalert.org.

JB: Hi! I'm Janet Bridgers with Earth Alert. We're here today to interview Jerry Smith, former State Senator, Jerry Smith to talk about the coastal legislation in the early '70's. Jerry, thanks for joining us.

JS: Glad to be here.

JB: Jerry, what was the path that led you into the California State Senate?

JS: I practiced law in San Jose, California and then I was a City Councilman and then the mayor of the city of Saratoga. And then in 1974, there was a reapportionment and a Senate seat opened up that I ran for. There was an incumbent, Clark Bradley, who had been in there for over 20 years, and I was able to win. As a freshman, I came in December of 1974 to Sacramento.

JB: So you were not in the legislature before that?

JS: That is correct.

JB: OK. So what party were you?

JS: I'm a Democrat and was then, but as you know, local government is not partisan, so the first time I ran as a partisan was in '74, the election of '74 for the State Senate.

JB: Do you remember personally how you felt about the 1969 oil spill? And then what you saw as the political effect of the oil spill?

JS: I really think that oil spill, you know, hit it like a bomb shell for all Californians, of all parties. If you need proof, anytime they considered drilling again off the coast of California, there is immediate response and they mention the spill of Santa Barbara. And I felt the same way, I felt shocked by it. I was already in local government by that time and although I wasn't involved in correcting the transportation of oil, I did participate in the formation of governmental bodies, not just in Saratoga, but in Santa Clara County where we experimented with bringing multiple jurisdictions together; combining them on informal and formal basis to achieve environmental reform or environmental government.

For example, the bay lands, the hills, and various forested areas in Santa Clara County. And we did work in that area before I came to Sacramento.

JB: In 1970, two California Coastal Protection bills emerged in the California Assembly. And one was authored by Alan Sieroty and the other was authored by Pete Wilson. Do you remember what the primary difference was?

JS: No, I don't. I was not yet in the Senate, or in the legislature. But there had been, as you know, a series of bills introduced even before that time. Then a Republican by the name of Grunsky from Santa Cruz County, also introduced a bill, I think the next two years later. The problem was, with almost all of that legislation, was how to sort out the government of that? Would it be in the hands of the legislature? A new body? Or turned back to a local government?

And the passage of the initiative and then the ultimate passage of the bill, the Coastal Bill or Act, evidence of some of that where you have local government involved initially and then the plan being evolved and then ultimately a commission that operates to administer that plan.

JB: What was the attitude towards coastal protection, kind of before and after the spill? And then how did that manifest politically within the drive to get coastal legislation passed?

JS: I think you have to start really with...when you talk in those terms, with (I don't know if it's still true?) but in those days, 85% of Californians live within an hour's drive of the beach. And in many areas, there was no access. Zuma Beach or Malibu where there's no parking available and no way to get to the water.

As you know, it's clear from the mean high tide line, 3 miles out into the ocean is public land. So the people in California have a right to use that land. The question is, in many areas, how do you get access and provide access in the future?

So that was, if you had to bring it to a *nut shell*, that was really the issue that was discussed in all of the papers, in political circles. And how Californians felt or how government felt at that time?

I think they were kind of feeling their way about how; they were cutting new ground with the coastal issue. How they were going to solve the problem, so to speak, or how they were going to gain this access and preserve the coast?

So to the extent that I can generalize, it was a muddle or confusing period prior to the Act.

JB: But you said something about the bill as political capital in the oil spill? Could you repeat that in your own words?

JS: Right. That's when you really look at it in political terms. To pass anything during those days, I think you did have the anger and the complete *disgust* almost with Californians and their leaders. Making sure what happened and making sure it didn't happen again. I think that that was like a bank account of good will, so to speak, for an environmental protection act with regard to the coast.

You drew it down by the period between 1970 and 1976 when you were passing the Initiative and you were then passing the Act, because it took a great amount of lobbying, both sides were lobbying, and many of the efforts during that period probably couldn't be repeated, or couldn't be repeated successfully today. In other words, it would be very difficult to have passed another

initiative. Even reworked, and it would also be extremely difficult to get the Coastal Bill through the legislature in the atmosphere that exists today.

JB: So in the 1970 mid-term elections, the Democrats won a substantial margin.

JS: Right.

JB: This was a year after this. Earlier that year, they failed to get it through the legislature.

JS: Correct.

JB: But they took over the Speakership; they took over the Assembly; a substantial margin in the Assembly, took over Speakership and also won the Senate by one full seat. There was something that confused me. It said that Alan Sieroty was the leader of the Assembly, but he was not the Speaker. What's the difference between those two?

JS: I think they may have been referring to that he was the leader of this issue. Alan Sieroty was early for coastal protection; way before I got to Sacramento. And was known for that, but he was *not* the leader of the Assembly.

JB: OK. Or the party leader?

JS: Or the party leader.

JB: He's very self-effacing. Could you describe his role in coastal legislation in that period?

JS: Well, when asked before about this question, really if there were, you know, a judge handing out justice about who was to carry that bill, Alan surely should have carried the bill. He worked hard, he worked when it wasn't a popular issue, or when it was just starting to be popular. And he started to knit together some of the various interests.

But a lot of things happened between that period and the ultimate passage of the bill. And other authors were chosen, but that's just politics.

JB: The legislature enabling BCDC took four years to get through the legislature. But the coastal legislation failed in '70. But then there was a strategy to try and get it through in '71. Do you know anything about that?

JS: Well I had previously mentioned that I think Alan and David Grunsky, from Santa Cruz, co-authored a bill. A Democrat and a Republican: Alan the Democrat, Grunsky the Republican. And that failed also. And that was, I think, their major effort in '72.

JB: And so according to the report by Janet Adams, that they simultaneously, they were pushing on the legislation, but they had already drafted the initiative that took out all the compromises. Now what kind of compromises do you think that they might have been talking about in the legislation?

JS: I don't know.

JB: OK. And we're also trying to understand...this is for the less informed. The Senate works on the Senate Rules Committee rules.

JS: There are two different bodies and it was even more so in '70. You could capsule the Senate by saying the Senate Rules does run the Senate, but the Leader, President Pro-Tem, is the crucial vote of the five people on Rules. They try to split it usually three of the majority party and two of the minority party.

The Senate in those days was run in a much more collegial manner than say the Assembly. In that sense, there was a lot of freedom with regard to the introduction of bills. There wasn't straight party-line voting. A Democrat could vote for a Republican bill and all that sort of thing.

The Assembly in contrast, has one leader, the Speaker and he does have a Rules Committee, but he is in control of the Rules Committee. It's *much* more party-oriented. I'm talking about, you know, forty years ago. Today, I can't really speak for. And there's much more, as we do know—I can speak about this—much more party loyalty in *both* houses now, even in the Senate. The Senate has somewhat changed. I went as a freshman to the Senate in '74 and then within two years wound up carrying the Coastal Bill. It's a long story, but the story basically is unusual because a freshman Senator carrying a bill of that import and it was a set of peculiar facts. But those things happened in the Senate. I loved that freedom of being able to put a bill in, even as a Senator, and getting a real consideration for it.

JB: Now in your thoughts and impressions about this, if they believed there was the strength to pass an Initiative, why was the Initiative designed so it would have to go back to the legislature in four years?

JS: This is only an educated guess, but I think it made it much more palatable to the people generally and to interest groups, especially local governments. Cause I had some experience later going back attempting to gain support for the Bill itself or the Act. And we had the same problem, you were trying to get the local government to go along in some respects with this new entity, really...with a lot of power. Some have said, you know, the most powerful environmental body in the United States.

JB: There are a couple of things that were changed, major things that were changed in the process from Prop 20 to the Coastal Act.

JS: Right.

JB: One that I talked previously with Peter about was the Affordable Housing component. Do you remember?

JS: So very well.

JB: What are your thoughts about that?

JS: Now you're getting into areas... One of the votes we really wanted in the Senate, now remember, we needed 21 votes in a 40 member body, so we needed 21 votes. 25 at that point, I'm sure I'm right on that were Democrats; there may have even been 27. But it was well over 21. But one of the key votes was Dave Roberti's vote, and he was then, I think, majority leader at that point. And a good guy and a good vote, but he wanted this housing element into the bill. And it was done to try to get his vote, to put it right out on the table. It did not get his vote. I think ultimately he still voted up against it.

But there surely were other reasons.

JB: And then a second element that was very hard for us to understand was the transition from the regional commissions to the State.

JS: One State body. I hinted at that earlier. That was done to encourage local government to come along, to give them a role. You know, the six districts. They would come up with the local plan and then it would go to the regional commission and there was a time limit on it and then weave together the Coastal Plan for the whole coast. But would be administered not by these local entities, but would be administered by Coastal Commission. They, the local entities would ultimately fade away and then they would just have the one body.

So it was a hybrid. It was deliberately done that way, to hopefully get counties and cities to come along, because they were giving up some jurisdiction here and some power here, because the ultimate power was going to be, in the zone, with the Commission. So it was a major step. So that's why we came up with this plan.

JB: It's always been a sore spot with activists, because the regional structure allowed you to testify in an area close to your home or your area of activism.

JS: Right.

JB: Which for activists, of course, is more affordable than having to drive or fly to Eureka.

JS: or Santa Fe? (laughter from both) But this was not, if you're suggesting by your question, that this was done deliberately? To somehow inhibit activists...that's just not true because most of the aye votes, if not all of them, for the bill itself, were activists to the core.

So it was done to strike a compromise. Most good legislation is a matter of compromise.

JB: Did the regional commissions...did they phase out all at once? Or was there one month when you had regional commissions then the next month, you're to the State Commission?

JS: I haven't looked at that in 40 years, but I think the way it worked is that there was a time limit on them coming up with their local plan. And that could be extended. Some counties, as I remember, got some additional time; months, that kind of limited time. And then once that was

done and approved, there really wasn't a function anymore for the local commissions. So at that time, somewhere after the plan was together, they faded out. But I don't remember exactly how. I don't think there was a deadline, you know, where Thursday everybody stopped at the local level. I think it was piecemeal. That's my memory of it.

JB: How do you feel about support now throughout the State for coastal protection?

JS: You mean to change the Act?

JB: No, just in general. If you went out to take a poll or to guess what the results of a poll would be with regard to...

JS: Well, as we both know, you can word polls to get the results you want. But if it was a good poll, and good questions, and good sample of California, I think you would get a positive vote. But the problem comes not in getting a positive vote on an issue like...or do you want to save the Coast, the rub comes when the *opponents* come together and oppose whatever's on the ballot. The opponents we had in those days were the real estate lobby, the building lobby, the contractors, the unions and especially the trade unions working with carpenters or people who would benefit by it. Local government was opposed, especially the counties, and cities right up to the end...I think, toward the end they got some of the things they wanted and may have gone neutral on the bill. And oil companies, big developers; so you have a lot of interests, both financial and actually contacting the legislators in opposing any kind of changes or any kind of new act or that kind of thing.

So I would say today you would get a positive vote in the polling, but you would have to deal with *very* powerful lobbies today which are spending much more money today than they did years ago.

JB: Certainly is true. But there's more need than ever for coastal access, for ordinary people to be able to spend time recreationally and without spending a fortune, cause they don't have it.

JS: Well, that's why I totally agree with you and I had five young children at one point in my life, when I was in law school. I lived in San Jose and there was a very inexpensive day vacation by just jumping in the car and going to Santa Cruz and spending it at a public beach. I think all Californians should have that opportunity.

JB: Um humm..Do you see...I mean we're at the point where there are problems in California that are huge. The population keeps growing but revenues don't seem to be growing to help create infrastructure. The thing that's coming down very quickly for the Coastal Commission and for the whole state is the effect of sea level rise. Do you think elected officials are prepared for sea level rise?

JS: I don't know and I have no authority to answer that question. But I don't know if many people are really seriously thinking about it other than reading articles in the Los Angeles Times and the New York Times.

JB: Um humm...I remember Peter saying there are roads up near Eureka that are...they're sea level. It's Highway 1 and it's sea level.

JS: Sure.

JB: They sent a report to the Congressman in the area. He ignored it. It's kind of very interesting...(laughter)

JS: Well, Americans, as long as we're sort of philosophizing, Americans are crisis-oriented and we've got to see a crisis, then we'll act.

JB: So, you're a sculptor now.

JS: Sure, I did go for a time on the bench. I was on the Court of Appeals in San Francisco for 17 years. And then I'm a sculptor in the last 17 years and I work in bronze exclusively, and do everything from little tiny pieces to life-sized public art. I've done some public art, too; Santa Clara University and Bellarmine Prep in San Jose and other places. And a little politics sneaks into it. I have a couple that deal with the problem of the *hornileros*, the day workers in the fields. So a couple of my pieces involve that. And I enjoy it very much! It's not a hobby. It's really every day. In fact I thought about it today, you know, I was supposed to be taking a sculpting day, to come up here. That's how you feel when you love work; love your work.

JB: Where does the sculpture come from?

JS: I attended Jesuit schools and every time you had a free, open period, they would give you another language to learn or a math course. So they didn't have very good art departments. So I did it on my own. I always drew and then went to Cal extension here. And then San Jose State and then I just did it on my own after that.

JB: Jerry, thank you very much...

JS: Great to be here!

JB: for taking a sculpting day with us instead! And viewers thank you for spending your time with us as well.

[end of interview]