

- manly, young men left camp to find work outside, although some women also became employed in these jobs. See Masako Tashima interview, 7.
- 129 Matsunoto, *Farming the Home Place*, 142-145.
- 130 Japanese Americans on indefinite leave were initially barred from the East Coast, but this restriction was eventually lifted. *CWRAC*, 202-204, and *WRM*, *WRM*, 135-142.
- 131 Shizu Kamel interview, 69.
- 132 "G.I. Relocates to Leave for Cannery," *Poston Chronicle*, June 22, 1944, 1.
- 133 "G.I. War Plant Workers Wanted in Cleveland," *Poston Chronicle*, August 22, 1944, 1.
- 134 "Camp II Girl 1st Nisei War," *Poston Chronicle* December 18, 1943, 1, and "Poston Girl Joins Air War," *Poston Chronicle*, February 26, 1944, 1. The number of Japanese American wives is unknown but is unlikely to have exceeded the target goal of five hundred recruits. Brenda L. Moore, *Serving Our Country: Japanese American Women in the Military During World War II* (New Brunswick, NJ: Rutgers University Press, 2003), 29.
- 135 All industries had sworn loyalty to the U.S. and a willingness to serve overseas. Moore, 94-95.
- 136 Cynthia Newerton-Morton, "Scouring the Double V: African-American and Japanese-American Women in the Military During World War II," in Paula Nassen Poulos, ed., *A Woman's War: Top U.S. Women in the Military During World War II* (Washington, D.C.: National Archives and Records Administration, 1996), 331.
- 137 War Relocation Authority, "Japanese-Americans in Relocation Centers," 4, in Folder, "Memorandum, Order, etc. Washington Office (1-1)," Box No. 63, A9598, no. 75, Records of the Bureau of Indian Affairs, Irrigation District Number Four, Colorado River Irrigation Project, Records of J. W. Shepard, Fiscal Office of the Colorado River War Relocation Project, 1942-1948, From: Administrative Instructions To: Cost Accounting (file ind.), NA-128.
- 138 "Domestic Work for Couples Open in Onaha," *Poston Chronicle*, January 8, 1943, 5.
- 139 "Chief Job Open in University of Colorado Sorority House," *Poston Chronicle*, January 20, 1943, 2.
- 140 Yukiko Funata interview, 29.
- 141 Aiko Tanamachi Endo interview, 31-32.
- 142 *Ibid.*, 32.
- 143 *Ibid.*, 33.
- 144 Margie Fujiyama interview, 9.
- 145 Maki Kanno interview, 68.
- 146 Shizu Kamel interview, 75.
- 147 Mihne Yabuki Kaneko interview, 45; Shizu Kamel interview, 82.
- 148 For more on the postwar experiences of Japanese American women and their relationship to Southern California, see, for example, Elizabeth A. Wheeler's "A Concrete Island: Hisaye Yamamoto's Postwar Los Angeles," *Southern California Quarterly* 78 (Spring 1996): 19-50.
- 149 See Tetsuden Kashima, "Japanese American Internees Return, 1945 to 1955: Readjustment and Social Amnesia," *Phylon* 41, no. 2 (1980): 107-115.
- 150 See Mitchell T. Maki, Harry H.L. Kiano, and S. Megan Berthold, *Achieving the Impossible Dream: How Japanese Americans Achieved Redress* (Urbana: University of Illinois Press, 1999).
- 151 Chizu Omori, "The Life and Times of Rabbit in the Moon," in Erica Hart, ed., *Last Witnesses: Reflections on the Wartime Internment of Japanese Americans* (New York: Palgrave, 2001), 216.
- 152 Rabbit in the Moon, directed by Biniko Omori, (Hoboken, NJ: New Day Films, 2001).
- 153 See Gluck, *Raise the River*, 260-262; Amy Kesselman, *Fleeing Opportunities: Women Shipyard Workers in Portland and Vancouver During World War II and Reconstruction* (Albany: State University of New York Press, 1990), especially Chapter 4, "What Will Happen When the Boys Come Home," 91-103, and Chapter 5, "After the War," 105-133. Gluck notes on page 17, for example, the continued presence of women in Los Angeles aircraft industries following the war. For more on women's history in the post-World War II era, see Joanne Meyerowitz, *Not Just Cleaver: Women and Gender in Postwar America, 1945-1960* (Philadelphia: Temple University Press, 1994).

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## EARL WARREN'S FIGHT FOR

### CALIFORNIA'S FREEWAYS

Setting a Path for the Nation

By Daniel J. B. Mitchell

California's tremendous progress . . . has been due in large part to the steady development of its highway system. . . . We have been hard-pressed to keep up with the demands for new and improved highways. To meet these demands we are now spending nearly \$100,000,000 per year on our highway program. We must continue to spend this much or more for many years to come, to keep in step with our growing population and our expanding transportation needs.

—California Governor Earl Warren in 1950<sup>1</sup>

When Governor Schwarzenegger decided he needed an impressive-looking desk to sign key legislation for photo ops, his staff discovered the "Earl Warren desk," a massive piece of furniture used by Warren when he was governor.<sup>2</sup> In a June 2004 article about the desk, the *Sacramento Bee* ran a photo of Warren signing what was termed a "highway bill" in 1947.<sup>3</sup> In fact, the "highway bill" was the Collier-Burns Act that created the California freeway system by hiking the gasoline tax and earmarking it for both urban and rural highways. Warren's role in having that bill enacted was much more than adding his signature after passage.

Of course, to most Americans the name Earl Warren is now associated with the U.S. Supreme Court. Warren, as Chief Justice, presided over the

famous "Warren Court," which produced many notable decisions starting with the desegregation of the public schools.<sup>4</sup> Some may also associate the name with the "Warren Commission" that investigated the assassination of President Kennedy. But while California is well known for its freeway system, most people today would not connect construction of that system with Earl Warren. Warren's later national career tended to eclipse his accomplishments as a state governor.

If anything, California's freeways are likely to be seen as simply part of the nation's interstate highway system and associated with Dwight Eisenhower who was president when the national system was created in 1956.<sup>5</sup> The history of the national interstate system has been well documented. In essence, the federal financial role in highway construction was substantially enhanced, primarily by raising an earmarked gas tax over the opposition of

Governor Earl Warren signing the Collier-Burns Act in June 1947.  
California State Archives.



the oil industry. Yet that history follows what occurred in California in 1947.

California had a well-established reputation as an automobile-oriented state by the mid-1950s, and there was a substantial interaction of state and local road officials going back many decades earlier. So the fact that the federal government enacted a plan similar to California's suggests that the California model had something to do with the outlines of the federal plan. And the fact that Warren was the activist governor when the California model was developed would suggest he should receive some credit for what became the federal plan. Indeed, this paper argues that Warren—as governor of California—played a major role in establishing a model for highway construction that was emulated nine years later when legislation creating the interstates was adopted by Congress.

The Collier-Burns Act experience is also of interest because of its contrast with contemporary California politics. Starting with Proposition 13 in 1978 and continuing through the gubernatorial recall of 2003—with rolling back the "car tax" as a prominent issue—California has found itself in periodic fiscal crises. In contrast, Collier-Burns was enacted in an era when Californians were willing to make major tax-funded investments in state infrastructure: the hard infrastructure such as roads and water projects and the soft infrastructure of education from K-12 to higher education. Indeed, strange as it may seem from a contemporary perspective, Warren's role in passing Collier-Burns was to rally Californians to demand a hike in the gas tax to finance road construction and improvement.

In taking note of this episode of California history, we do not suggest that there was some magic bullet known to Warren that would resolve the state's contemporary fiscal or infrastructure issues. At the time of the Warren governorship, there was no two-thirds requirement in the legislature for a tax increase; that is a product of Prop 13 and the taxpayer revolt. Moreover, during World War II, the state's population had expanded rapidly while, under wartime restrictions, infrastructure construction was largely on hold. Warren—although a longtime, prominent Republican—had a great deal of bipartisan support. Despite public concerns about lobbyists and special interests in the legislature, Californians trusted their governor. Moreover, California had earlier produced notable achievements in public works, especially the water projects that fed the Los Angeles and San Francisco areas. In a period before widespread environmentalism, it could be asked: why shouldn't California do for roads what it had done for water?

Warren concluded that California needed a substantial program of road improvement but financed in a fiscally-responsible fashion.

#### WARREN'S VIEW OF STATE DEVELOPMENT

According to Howard Jarvis—the father of Proposition 13's property tax limitation and the more general "taxpayer revolt" of the late 1970s—Earl Warren advised him at a chance meeting in 1934 to move to California where he could "go into politics."<sup>6</sup> As it turned out, the two men were to have very different outlooks on the role of state government. Warren was a fiscal conservative like Jarvis. As governor, Warren insisted that California put some of the ample revenue generated by World War II into a "rainy day" fund.<sup>7</sup> Unlike Jarvis, however, he had grown up in a California heavily influenced by the progressive movement, that often was friendly to large-scale public works that would foster economic development.

Warren was elected governor in 1942 for the first of his three terms. By then, the state had moved out of the Great Depression and was experiencing wartime prosperity; California's population was growing rapidly. That growth continued after the war, as returning GIs settled in the state and strained California's aging and limited infrastructure. With the newcomers came issues of housing, health care, and transportation. Warren saw state government as an instrument of progress. And, distrustful of New Deal solutions to social problems, he preferred state action over federal.<sup>8</sup>

#### BACKGROUND ON AMERICAN ROADS AND HIGHWAYS

It would have been natural for any governor in the 1940s to view road construction and improvement as largely a state and local concern. The federal role before World War II was much more limited than it later became. During the nineteenth century, American roads were mainly dirt paths or were city streets suited for horses and wagons. There had been some notable road projects such as the Lancaster Pike in Pennsylvania and the federally sponsored (and controversial) National Road to the "west" (Ohio and Indiana). For long-distance hauling, other means of transportation were preferable: rivers and canals and, later, railroads. In America's rural areas, roads were mainly means to move farm produce to nearby rail stations or to ports. They were sportily maintained by local authorities. In some cases local residents were conscripted to carry out repair work.

Attempts to operate toll roads in the early nineteenth century were not particularly successful since it was hard to keep trespassers off rural paths.

Municipal governments in urban areas maintained streets that were often filled with mud or—given the general use of horses—worse. Although the Constitution gave Congress authority to build "post roads," roads were basically local matters.

By the late nineteenth century, bicycling as a middle-class pursuit gave rise to the "Good Roads" Movement, which advocated improving the limited road system that then existed.<sup>9</sup> Agitation from cyclists led to the creation of the federal Office of Road Inquiry in 1895. California created a State Bureau of Highways to undertake a road study in response to similar pressures the same year. But it was the arrival of the automobile and affordable cars such as the Model T Ford (first sold in 1908), that led to intensified demands for federal, state, and local governments to pursue road building.

Before World War I, automobile and tire interests were able to persuade local governments across the country to begin linking and upgrading existing roads, creating what eventually became the "Lincoln Highway" from New York to San Francisco (finally completed in 1930).<sup>10</sup> Route 66 from Chicago to Los Angeles was completed in 1926, mainly by linking local roads, although much of it was not paved at the time. (Federal money aimed at job creation completed the paving in the 1930s.) The demand for an improved national road network was increased by advanced engine technology that would allow long-distance trucking and bus transportation. But the new vehicles required improved roads. Paving technology advanced, opening new possibilities for road upgrades.

In 1914, officials from various state highway departments formed the American Association of State Highway Officials (AASHO). This new organization was designed to promote "a plan of Federal cooperation in road construction."<sup>11</sup> A federal Bureau of Public Roads and Rural Engineering was created in 1915. However, it had little funding or authority on its own. The bureau mainly provided a degree of information and coordination to the state highway departments. Thus, in the World War I era, road construction was still basically a local responsibility.

Given that reality, local automobile clubs evolved from social organizations for wealthy motorists in the early twentieth century to lobbying groups that could influence state and local authorities. In California, a group of "automobilists" held a meeting in 1900 and established what became the Auto Club of San Francisco. That organization in turn evolved into the Automobile Club of California in 1901. By 1907, the club com-

hined similar organizations in northern and central California to form the California State Automobile Association. Similar developments occurred in the south, where the Automobile Club of Southern California was created in 1900.<sup>12</sup>

The clubs initially performed such services as placement of road signs, issuance of road maps, and, later, roadside assistance and towing. They agitated for a statewide motor vehicle code. At times, however, the clubs were competitive, for example, sponsoring rival ballot initiatives in 1926 relating to highway finance and fund allocation. But they could also work together; a 1938 California initiative that earmarked the existing state gas tax for roads had both clubs' support. This principle—earmarking the gas tax/user fee for roads—foreshadowed the Collier-Burns Act.<sup>13</sup>

Over time, the limited federal role in road financing expanded, particularly during the Great Depression. During the Depression, road construction was seen by New Deal authorities as a means to create employment through programs such as the Works Progress Administration (wpa), not just an enhancement to transportation. A federal gasoline tax was imposed in the 1930s. Although the tax was for general budgetary purposes, not specifically for roads, the federal share of highway funding rose from below 5 percent in 1929 to over 41 percent in 1936.<sup>14</sup> And while job creation was a major motivation behind these expenditures, a precedent was set for more substantial involvement of the federal government in road construction.

The wpa was not the only or the first New Deal job-creation program; earlier versions were more ad hoc mixes of relief and public works, including road projects. The Roosevelt administration concluded after two years that a more permanent jobs program was needed.<sup>15</sup> The wpa, the result of that decision, operated from 1935 until 1943. During that period, well over a third of wpa-related funds went for roads. (There was some matching of federal funding by state and local governments.) Not surprisingly, during the Great Depression new-car sales fell dramatically from their 1929 peak and did not return to the prior peak until after World War II.<sup>16</sup> Yet over 650,000 miles of roads and streets, mainly rural, were either constructed or enhanced under the New Deal. In the words of one admirer of the program, "New Deal engineers beribboned the nation with scenic highways."<sup>17</sup>

California, it might be noted, was rather underrepresented in wpa road programs; the mileage involved in California was comparable to what was constructed or enhanced in Arkansas. About 4 percent of total wpa-related

funding in the U.S. was expended in California for all types of projects, but the state received only about 2 percent of total wpa-related highway funding.<sup>18</sup> Opponents of the wpa often charged that its allocations were politically based, and some recent research suggests that politics did play a role in its operations. Nonetheless, as will be noted below, wpa funding played an important role in the completion of California's first freeway in 1940.

By the 1930s, it was possible to drive across the country (albeit passing through the centers of numerous farm towns and major cities along the way). Even if the impetus for road construction during the Depression had been largely job creation, increased federal involvement in roads led to plans for a systematic approach. Federal planners began discussing the creation of a network of interstate highways before World War II. But these plans were suspended during the war. Thus, when the war came to an end, the federal portion of highway funding was back down to its 1929 share.<sup>19</sup> Thereafter, the federal role increased once again, although the grand plan for a national interstate highway system did not come to fruition until 1956.

At the state level, there were several funding options available. Roads could be constructed using general revenue on a pay-as-you-go basis. But road construction was expensive. Bond financing from general revenue or some specific tax could spread out the initial expense, but ultimately the cost had to be repaid to lenders. And newly-constructed roads entailed ongoing maintenance expenses once built. Tolls could be charged to raise revenue, an approach followed by a number of eastern states. However, available technology for collecting tolls—essentially a toll collector in a booth—was itself expensive. And toll collection could cause congestion and accidents. California state highway officials—while willing to accept tolls for stand-alone projects such as bridges—disliked the administrative set-ups that went with that revenue source. When toll roads were constructed in other states, an authority independent of state highway officials was generally created to collect the monies and operate the roads. Toll roads meant loss of control by established highway departments, not an enticing bureaucratic prospect for California highway officialdom or its counterparts in many other states.

Finally, "free" roads could be financed by "user charges" other than tolls. User charges were basically auto registration fees and gasoline taxes. Oregon was the first state to impose a gasoline tax in 1919; New York established a car registration fee in 1901. California's first gas tax was adopted in

1923. In that regard, California was not a pioneer, since nineteen states had already enacted gas taxes before 1923.<sup>20</sup> Despite opposition from oil companies to gas taxes—a point taken up below—such taxes had become a major source of highway finance in the period just prior to World War II.<sup>21</sup>

California did manage to complete what is regarded as its first freeway—the Arroyo Seco Parkway, now known as the Pasadena freeway—in 1940, largely due to pressure from local officials. But funds were scarce; the new freeway was financed by assembling a mix of funds with a notable portion coming from the federal WPA, local gas-tax allocations going to Los Angeles, Pasadena, and South Pasadena; and other miscellaneous sources.<sup>22</sup> The Auto Club of Southern California and other regional interests were by then pushing for a network of such roads. For example, in 1937 the auto club mapped out a freeway system with a strong resemblance to what now exists. The City of Los Angeles followed in 1939 with a map that also included rapid transit.<sup>23</sup> But what the Arroyo Seco demonstrated was that while such roads were feasible as major elements of a Los Angeles transportation system and would be popular with motorists, they were also expensive. The construction of a true network of freeways could not rely on ad hoc financing.

Before and during World War II, federal reports on the options for financing what later became the interstate highway system tended to downplay the reliance on tolls. The planning documents of this period—particularly a presidential report entitled *Toll Roads and Free Roads*—were impressive in length and seeming thoroughness.<sup>24</sup> *Toll Roads and Free Roads* was a milestone in American highway development. A more accurate title would have been “Toll Roads OR Free Roads,” since the report implicitly posed the issue as financing by tolls or financing by some other means. The implication was that roads would either be supported by tolls—which the report indicated was generally infeasible—or other means of financing would have to be found. Why roads could not be financed by a mix of sources, including tolls, was not clear. Contemporary public transit, for example, is often supported by a mix of tax revenue, bonds, and passenger fares.

Moreover, the methodology used to arrive at an anti-toll conclusion in *Toll Roads and Free Roads* was problematic. Subsequent reviews have found that *Toll Roads and Free Roads* made questionable use of information from surveys and existing toll road information.<sup>25</sup> But even accepting its basic

estimates, *Toll Roads and Free Roads* seems based on flawed economics from a contemporary perspective.<sup>26</sup> Nonetheless, the report tilted public policy away from tolls, especially in California and the West, thus necessitating some other means of financing highways.<sup>27</sup> Indeed, toll roads and toll lanes did not come to California until the 1980s and still represent a very small portion of the state's freeway system despite technological advances in electronic toll collection. In particular, California's 1947 Collier-Burns Act did not have a toll-road component; the California plan was to be based on the gas tax and other motor-vehicle-related fees.

#### CALIFORNIA'S COLLIER-BURNS ACT: HISTORICAL BACKGROUND

The Collier-Burns Act of 1947 has been termed “one of the most far-reaching postwar policy decisions of the legislature.”<sup>28</sup> In essence, the act raised California's gasoline tax and certain other car-related fees, earmarked the money thus raised for road construction, and placed it in a trust fund (the Highway Users Tax Fund) designated for that purpose. The law created the California freeway system, a network of limited-access highways that became the centerpiece of the state's transportation system and a model for other states and the federal highway program.

Various phrases were used in the era of Collier-Burns to describe the kinds of roads envisioned. Expressways and parkways were often the descriptors. In the late 1940s, the word “freeway” was often used to mean an urban limited-access road as opposed to a rural highway, although “freeway” also suggests that there is no toll.<sup>29</sup> But limited-access was really the key attribute from the transportation standpoint. California did not provide a legal basis for building a limited-access road until 1939; before that, when a road was built, adjacent property owners had access. Freeways had access only via their separate on-ramps and off-ramps. (The above-mentioned Arroyo Seco Parkway—whose construction started before 1939—achieved limited access in part by paralleling a river bed.) And limited-access roads connected with other streets and roads without the use of intersections using on-ramps and off-ramps; there were no traffic lights and stop signs, so traffic could flow without interruption and with greater safety.

In a sense, the legal and fiscal components embedded in Collier-Burns were already in place by 1947. Limited-access roads were legal. The Cali-

formia gas tax was already earmarked for roads. What Collier-Burns added was a significant hike in the gas and other motor-vehicle taxes sufficient to build a network of roads, including roads that would crisscross urban areas and not just lead to their outskirts. Simple as the act's financing mechanism may seem, the opposition to passage of Collier-Burns was intense. As one observer noted, "Opposition to the bill was strong and backed by a powerful lobby sponsored by certain vested interests. However, the Governor stood firm in his demands for passage of an adequate bill and took a most active part in support of the legislation. It was one of the most stubborn and dramatic fights in California legislative history."<sup>30</sup>

Although it had long been known as an automobile-oriented state, California certainly did not invent the idea of the limited-access highway. Early examples of limited-access roads included Robert Moses' parkways surrounding New York City in the 1920s and the within-city limited-access roads in New York constructed with an eye to job creation in the 1930s.<sup>31</sup> The Arroyo Seco Parkway—with its landscaping—was built in the Moses style. In Germany, the autobahn was built during the 1930s as a Nazi showcase. And, indeed, the autobahn attracted international notice, including that of American highway planners. The Pennsylvania Turnpike, built in part on an abandoned railroad right-of-way, opened in 1940.

Although California was not the first pioneer, there was much planning in California before and during World War II about constructing a more elaborate network of limited-access roads. These plans received national attention.<sup>32</sup> As noted earlier, in 1937, the Auto Club of Southern California produced a plan for "motorways" with surprising resemblance to current freeway locations in the Los Angeles region. In 1941, just before the U.S. became involved in World War II, the Los Angeles Department of City Planning produced its own version of a freeway plan.<sup>33</sup> Meanwhile, a politics of roads had emerged in the legislature involving rural vs. urban and north vs. south road financing.<sup>34</sup> The division between north and south for highway funds became known as the Monroe-Breed line, running roughly north and south of the Tehachapis. Reapportionment by population did not occur until the mid-1960s in California; thus, rural northern areas had disproportionate influence on legislative matters, including highway funding, at the time of Collier-Burns.

Given the pickup in the pace of pre-war planning, it was increasingly likely that the postwar period would see fierce debate over alternative road proposals for California.

Viewed from the perspective of the early twenty-first century, freeways are often depicted as creators of urban "sprawl," as sources of environmental problems, and as destroyers of mass transit. But that was not the perspective of road planners in the 1940s. Areas such as the San Fernando Valley, now often viewed as examples of sprawl, were largely agricultural or undeveloped. Providing automobile access to them was not seen as a problem; indeed it was seen as a solution to the dilemma of housing the state's increasing population and returning GIs. Better roads would enhance commerce and foster economic development. Industry could be sited in areas not serviced by railroads. Smog did appear as an issue during World War II in Los Angeles but was seen as a product of factory production more than auto exhaust. Early smog-control legislation focused on stationary sources of air pollution, not motor vehicles.<sup>35</sup>

Finally, freeways were perceived as a form of modern mass transit, albeit transit for people with automobiles, rather than as a replacement for mass transit. And even if residents didn't have cars, planners believed buses could provide rapid transit by using the freeways. In contrast, electric streetcars, which ran on city streets, were often caught in traffic and were less flexible than buses. They could not be easily rerouted without laying new rails and wires. And they could not avoid ordinary obstructions on the tracks. So what is now brightly termed "light rail" did not have a good image as a viable transit system in the 1940s, particularly since private streetcar systems were having financial difficulties. Peak ridership on California's streetcar systems had occurred in the 1920s. With a brief exception during the gas rationing of World War II, ridership trended down thereafter.<sup>36</sup>

An alternative for rail above ground could have been subways underneath. But freeways were and are less expensive than subways. Freeways did not require extensive tunneling. And what is criticized as freeway-engineered sprawl today was seen as affordable housing in the suburbs for the new families that were about to spawn the baby boom. Carey McWilliams, a close observer of southern California in the late 1940s, reported that "with more automobiles per capita than any other city in America, and with the worst rapid-transit system, Los Angeles was almost ideally prepared for a decentralization which it did not plan but from which it will profit in the future."<sup>37</sup> Moreover, freeway routes tended to converge in central cities. Thus, the new roads were perceived as preserving the city core by bringing cars to it, not eroding the core.<sup>38</sup> The Arroyo Seco Parkway, for example, brought people from an outlying area directly to downtown Los Angeles.



Still, whatever the perceived cost advantages of freeways relative to other means of transportation, in absolute terms they were still expensive. While California's state government was flush with cash at the end of World War II, Governor Warren, a fiscal conservative, did not want an orgy of spending. During wartime, Warren and the legislature had cut taxes, although notably not the gas tax, at the recommendation of a citizens' committee appointed by the governor.<sup>39</sup> However, the committee's report also called for maintaining a prudent reserve from the windfall wartime revenue.<sup>40</sup>

Despite the call for fiscal caution, in the postwar period it was hard for the legislature to restrain itself given its new-found monetary resources. What emerged was the so-called Christmas Tree Bill (the name is descriptive), a spending bill enacted by the legislature in 1946,<sup>41</sup> vetoed by Warren, and then passed over his veto.<sup>42</sup> Given that history, Warren was not likely to support building the freeways out of existing general revenue or even from bond funding. Loans through bond issues would eventually have to be paid back from tax revenue, and Warren wanted to protect state revenue from excessive claims. Warren wanted to deal with the problem of needed roads but only if a revenue source was added to provide the funding.

#### ENACTING COLLIER-BURNS

The eventual solution was the Collier-Burns Act of 1947. As noted earlier, this law increased the gasoline tax and other motor-vehicle-related taxes, earmarked the money for roads, and launched the modern freeway system in California. Collier-Burns carries the name of two legislators, State Senator Randolph Collier and Assemblyman Michael J. Burns. Of these two individuals, the initial actor in the legislature was Collier, who represented the Yreka area, near the northern border of the state, from 1938 to 1976. Collier was a Republican, although he switched to the Democrats in 1959. He was especially interested in road legislation as a means of protecting the share of state funding going to rural areas such as his district.

Prior to his involvement in the Collier-Burns Act, Senator Collier had actually proposed having his area of the state secede from the rest of California. The threat of seceding and then creating a new "State of Jefferson" was seen as a means of generating publicity and enticing the legislature to provide road enhancements to his constituents.<sup>43</sup> However, by the time the

Collier-Burns Act was under serious consideration, Collier had learned that he needed both urban and rural support for new roads, and he sought both. He also understood that a hare-brained scheme such as secession would not produce the highways he was seeking.

Burns, representing the Eureka area, on the northern coast, had his name on the bill primarily because he chaired the Assembly Committee on Transportation and Commerce. His role in the passage of Collier-Burns came in rescuing the bill from near death in the assembly. Burns did not go on to make a reputation in the highway area and is at least as well known for helping to create the veterinary school at UC Davis and for water projects as for his role in Collier-Burns. When the bill finally passed, however, Burns' resurrection of the bill was recognized by Governor Warren. Warren referred to the legislation as "Burns-Collier."<sup>44</sup>

Ultimately, Collier-Burns would have died, or would have been so gutted as to be effectively dead, had it not been for Warren's hands-on intervention. Longtime *Sacramento Bee* journalist Herbert L. Phillips, in his end-of-career reflections on California politics, noted that "... Warren's blistering radio attacks on entrenched lobby influence were sufficient to stir up wide public reaction and carry the vital freeway plan to enactment."<sup>45</sup> In a still-later interview, Phillips reported that "Governor Warren went directly to the people with the issue, and that's the reason that you have to give Warren great credit for starting this improved highway system and knocking these people's heads together a little bit... He called a spade a spade. It was pretty powerful stuff. And the legislation finally went through."<sup>46</sup> Warren's own opinion was that Collier did not have much to do with passage of the bill and that other senators were more significant.<sup>47</sup> Given the opposition, it is clear that absent Warren's efforts, there would have been no Collier-Burns, whatever the role of its namesakes.

Upon taking office as governor in 1943, Warren appointed Charles H. Purcell, the engineer who had overseen construction of the Bay Bridge, as his Director of Public Works. During the later legislative fight over Collier-Burns, Purcell sometimes spoke for Warren in denouncing oil-company opposition.<sup>48</sup> Warren also took control of the State Highway Commission by appointing three confidants to its membership initially: Verne Scoggins, his press secretary, William Sweigert, a personal advisor (and a registered Democrat), and Helen MacGregor, his executive secretary. Purcell and others in the highway establishment kept the issue of roads and trans-

portation alive in the legislature and before the general public during the war.<sup>49</sup> Collier-Burns then emerged as a result of efforts in the legislature at postwar road planning. The legislature established a Joint Fact-Finding Committee on Highways, Streets and Bridges in 1945 under Collier's chairmanship. Collier then traveled around the state, raising the road issue in public forums.<sup>50</sup>

In November 1946, the joint committee published a series of reports it commissioned including one on highway finance, noting that the state had become the major source of highway funding in the 1930s. Local governments during the Depression were not in a position to make major road investments. The finance report recommended a means of funding a major enhancement of the state's road system including substantial "expressway" construction. Specifically, it proposed raising the gas tax to 4 or 4.5 cents per gallon (up from 3 cents), depending on what was done with other fuel and vehicle-related taxes. Gasoline prices (including the Depression-era federal gas tax) were probably about 20 cents a gallon at the time, so each 1 cent of state tax was roughly a 5-percent price increase, assuming the tax was entirely passed to consumers. The report stressed the importance of reducing congestion and motor vehicle accidents as a justification for major road enhancements. It dismissed toll roads as "not practical" and not what the public wanted.<sup>51</sup> During the debate over Collier-Burns, Warren dismissed tolls as a funding mechanism: "The toll road idea goes back to another age," he said (ignoring the Pennsylvania Turnpike and other contemporary examples).<sup>52</sup>

Governor Warren, who under cross-filing had been re-elected in 1946 on both the Republican and Democratic tickets, called a special session of the legislature in January 1947 to consider long-term plans for highway expansion.<sup>53</sup> His call was part of an ambitious agenda for the state to "take into consideration the needs of 10,000,000 more people who . . . will come [to California] in the next few decades."<sup>54</sup> The resulting initial version of Collier-Burns (ss 5) was more ambitious than the joint committee had suggested. The gasoline tax was to be raised to 5 cents per gallon, a 2-cent increase, along with hikes in various other motor-vehicle-related fees and taxes. A network of expressways totaling about 3,200 miles was envisioned, including over 650 miles in metropolitan areas. From the beginning, Warren defended the concept of user fee finance, stating that "the people of California realize that our highway system benefits everyone who uses it and that all users should pay their fair share."<sup>55</sup>

Warren probably did not foresee the major battle that would erupt over this proposal while it was being formulated, although political observers predicted a fierce fight in the assembly as soon as the plan was announced.<sup>56</sup> In late 1946, his legislative secretary gave him a memorandum providing a preview of the issues that were likely to be entailed. But the memo focused on the inevitable controversy over dividing the pie between northern and southern California, rather than whether there ultimately would be a pie to divide.<sup>57</sup> Not projected in the memo was the intensity of opposition from some Los Angeles-area legislators who apparently feared their urban motoring constituents would be taxed to produce rural roads.<sup>58</sup> At the time, long before the principle of "one man, one vote" that was propounded by the Warren Court, rural areas were substantially over-represented in the legislature.

What emerged at the other end of the legislative pipeline was a cutback financing scheme. Under the final version of Collier-Burns, the gas tax would rise only 1.5 cents instead of the 2-cent increase originally proposed. But there was almost no bill at all along the way. And as part of the eventual compromise, Warren had to give the legislature a revamped California Highway Commission that would report to it rather than to the governor.

As it moved through the legislative process, each iteration of the bill was accompanied by reports from consultant Richard Zetzel showing the split in its funding provision across the various jurisdictions: north vs. south and urban vs. rural. After acquiring a master's degree in economics at the University of Washington, Zetzel had been director of research and statistics for the Washington State Tax Commission and had also developed expertise in highway finance issues at the federal level. His familiarity with the details of California highway and tax issues made his estimates authoritative.<sup>59</sup> But generally, despite the issues of divvying up the funds across areas, the senate was supportive of Collier-Burns. Opposition was centered in the assembly, which—as noted earlier—had been predicted by observers of the legislative scene as soon as the proposal was announced. At one point, the lower house gutted the bill by removing the funding component.

Various external players were involved in the bill's iterations. Trucking companies were concerned about the hike in diesel fuel taxes and other truck-related taxes; they preferred shifting as much of the cost as possible onto the gasoline that powered passenger cars (although diesel trucks create more road wear than gasoline-fueled cars). Utility companies wanted to



be reimbursed for the costs of moving electrical wires and poles that were in the path of the proposed new roads. However, the main opposition—and the most vociferous—came from the oil industry, represented by the Western Oil and Gas Association. Oil companies opposed raising the tax on gasoline. Despite their opposition, influential newspapers such as the *Los Angeles Times* supported Collier-Burns and its attendant tax increases.<sup>60</sup>

The detailed history of Collier-Burns as it moved through the legislature has been described in two unpublished theses.<sup>61</sup> Warren repeatedly intervened whenever attempts were made to kill or gut the bill. Ultimately, Warren's strategy incorporated various elements. He attacked the idea of special interests (oil especially) thwarting public needs for modern roads. He often invoked the notion of automobile safety: bad roads led to accidents. Warren suggested that those blocking the bill would have innocent blood on their hands. When the bill seemed to die in the assembly, Warren stated that "the bill may be dead and with it a great many Californians."<sup>62</sup> He referred to an interim version of the assembly bill, which had removed the proposed tax increases, as a "thoroughly dishonest bill."<sup>63</sup>

At least one respected news analyst, Herbert Phillips, hinted that if the legislature could not enact a bill, the issue would be put on the ballot as an initiative.<sup>64</sup> The efforts to kill Collier-Burns were termed by Phillips "the lowest form of lobby activity."<sup>65</sup> Warren used radio addresses to urge the legislature to cease yielding to the "hidden power" of lobbyists who represented "powerful, selfish interests." Referring to road accidents, he pushed the legislature "to end the slaughter."<sup>66</sup> It was this strong rhetoric, aimed at generating public pressure on a recalcitrant state assembly, that finally led to the enactment of Collier-Burns. Warren referred in his memoirs to commercial needs for improved roads, although this was not the thrust of his public appeals.<sup>67</sup>

As the battle for passage went on, the impact of Warren's harsh characterization of assembly opponents caused these legislators to complain. When Collier-Burns was revived in the assembly, opponents tried to keep the gas-tax increase to 1 cent, but Warren insisted that 1.5 cents was the "minimum" that could be accepted and "the least that could do the job."<sup>68</sup> One assembly representative complained that there was "pressure to thrust this bill down our throats."<sup>69</sup> Another proclaimed defensively that despite Warren's accusations about excess influence of special interests, his own conscience was "as clear as a baby's."<sup>70</sup> Actually, Warren did not cite par-

ticular legislative opponents to Collier-Burns by name; he kept the focus on lobbyists and interest groups. Thus, those who complained about gubernatorial pressures were "protesting too much." However, Warren was not above "horse trading" privately with particular legislators to obtain passage of Collier-Burns, quite literally. He reported in his autobiography making a deal with one assembly member to sign another bill requiring labeling of horse meat in pet food in exchange for a favorable vote on Collier-Burns.<sup>71</sup>

Earl Warren was never known for a lack of personal self-esteem. But when the law was enacted, he simply stated that "The Collier-Burns Act can be considered an important milestone in the life of our State. . . . It will keep our State among the most progressive and forward looking states in the Union."<sup>72</sup> Warren expressed the hope that "all of us—public officials and private citizens—can work together now to make our highways safe and their use pleasant for the traveling public."<sup>73</sup> The president of the Auto Club of Southern California was more effusive. He said that "In the years to come, 1947 will be remembered as a memorable year in California's motoring history because we are now moving forward toward the development of facilities over which the motoring public may move with greater rapidity and safety."<sup>74</sup>

#### THE PUZZLE OF OIL'S OPPOSITION TO COLLIER-BURNS

In retrospect, the fierce opposition of the oil companies to gasoline taxes as the means of finance under Collier-Burns is difficult to comprehend. Much of the incidence of the gas tax falls on the consumer, not the supplier.<sup>75</sup> And even that view is a static one; gas taxes under Collier-Burns were to be earmarked for more roads that would mean more cars, more driving, and more gasoline sales.

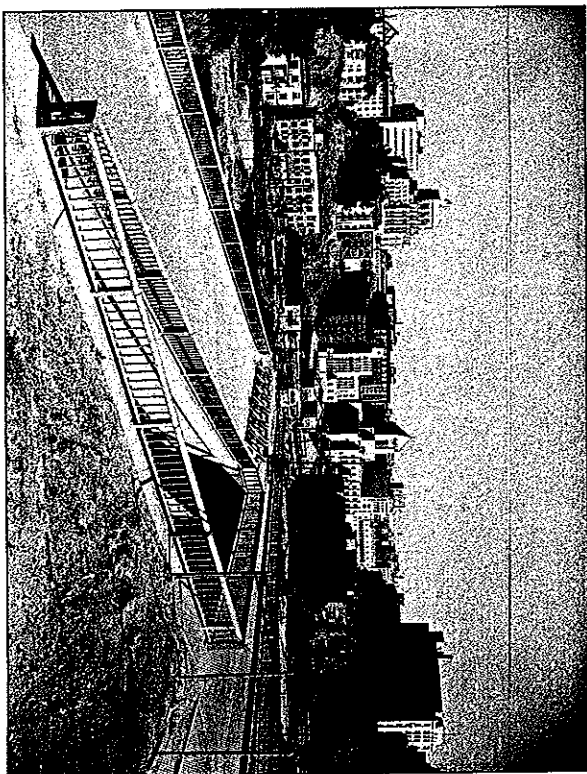
Efforts to explain this simple tax-roads-cars-driving-gas linkage to oil executives in 1947 were futile. A Collier associate wrote letters to heads of major oil companies—Standard Oil of California, The Texas Company, Union Oil of California—stating "it seems too obvious for argument that more automobile drivers will travel more miles on wider, safer and more numerous highways, resulting in the consumption of more gasoline."<sup>76</sup> In another letter, he wrote more strongly that "The fallacy of [your] position is indicated by a distinction which is apparent to almost every business executive except those in control of oil companies, and that is that this tax is going to be devoted to the improvement and extension of roads

which will directly result in their greater use and consequent sale of vastly increased amounts of gasoline and other products required in transportation."<sup>77</sup> In the understated view of one subsequent commentator, the responses of the oil companies to Collier-Burns "do not seem to have been very foresighted." Yet in spite of the fact that "sales of gasoline, and the revenue therefrom, soared"<sup>78</sup> in the years after the Collier-Burns Act was enacted, oil interests continued their political opposition to Warren.

The irony was that Warren's first job after receiving his law degree was with an oil firm, the Associated Oil Company; he had no desire to punish the industry.<sup>79</sup> But because of oil's opposition, he ended up casting the industry during the Collier-Burns battle as a villain. During one episode, when gasoline prices rose, Warren termed the jump a "political rise" aimed at killing the bill. The implication was that collusion of oil companies was behind the price increase. "This is a plain steal and an insolent disregard for the welfare of the people. While the slick lobbyists of the oil companies are overwhelming the capital with false propaganda and presumably are sobbing for the motorist. . . the oil companies have contrived to siphon off all of the loose change of the people before the Legislature arrives at a conclusion."<sup>80</sup>

To back up his claim and put additional pressure on the oil companies, Warren asked the U.S. Department of Justice to investigate the alleged price fixing.<sup>81</sup> Warren's attack on the oil companies was sufficiently popular that the charge of price fixing was touted by Irving Stone, Warren's semi-official campaign biographer, when Warren ran for vice president in 1948.<sup>82</sup> It was obviously not so popular with the oil firms that had announced a price increase, including Standard Oil of California, Shell, General Petroleum, and the Texas Company.

William M. Keck, president of Superior Oil, had supported Warren in his first campaign for governor in 1942.<sup>83</sup> Indeed, critics of Warren had labeled him "Oil Warren" for taking a campaign contribution from the petroleum industry.<sup>84</sup> Today, Keck's name is widely associated with the Keck Foundation he endowed to support scientific and medical research. But at the time of Collier-Burns, Keck—described as "a mountain sized, ruddy faced rugged individual," became a particular and lifetime opponent of Warren's.<sup>85</sup> Warren believed that Keck, whom he termed a "vitriolic millionaire," was behind efforts to thwart his bid for the Republican nomination for the presidency in 1952.<sup>86</sup> Indeed, a Keck associate charged that

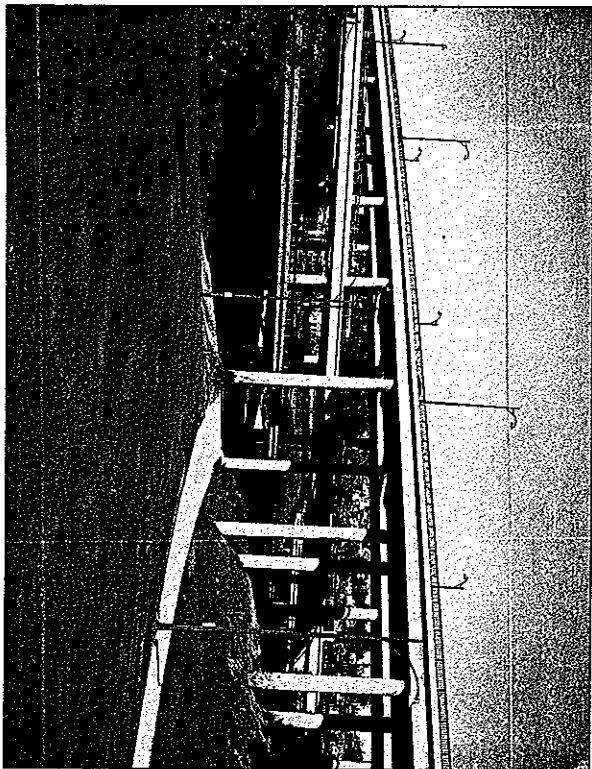


The Hollywood Freeway under construction, 1952.  
*Automobile Club of Southern California Archives.*

Warren had "abandoned Republicanism and embraced the objectives of the New Deal" during the 1952 presidential primary campaign. Later, when Warren became chief justice of the Supreme Court, Warren suspected that Keck and others in the California oil industry were continuing their vendetta by supporting the "Impeach Earl Warren" movement.<sup>87</sup>

Today economists justify the use of gas taxes on efficiency grounds, i.e., covering the hidden costs of pollution and congestion, as well as promoting conservation and providing resources for highway funding.<sup>88</sup> Efficiency and conservation are not considerations that would be expected to be attractions to oil companies. But it is not clear why the oil companies failed to back Collier-Burns from pure self-interest in 1947.

Of course, from the oil companies' perspective, it would have been better if the freeways could have been built from manna falling from the heavens. But that source was not an offer, then or now. Nine years after



Four-level freeway overpass, 1953.  
*Automobile Club of Southern California Archives.*

Collier-Burns, as will be noted below, road-building manna did fall on California—although from Washington, DC, rather than from above. However, the manna from Washington was also financed by a (federal) gasoline tax. And had California's road planners had their way at that point, the freeway system would have been far more extensive than it ultimately became once environmental concerns and rising costs checked their grand programs.<sup>89</sup>

The best that could be said for the vociferous oil-company opposition to Collier-Burns was that there was an earlier history of diversion of gas tax and other motor-vehicle-related taxes to non-car uses in many states. A study before World War II estimated the percentage of this diversion at around 15 percent.<sup>90</sup> But that tendency was not a California phenomenon. In fact, California officials looked at the diversion problem in reverse. The existing gas tax was supposed to pay for roads. But from their perspective

the state's problem had been that general-fund money had been diverted to roads indirectly to pay back highway-related bonds.<sup>91</sup>

California voters had already passed a constitutional amendment—Proposition 3 in 1938—designed to avert diversion of gas tax funds to non-road purposes. Although no rule can be ironclad—even one placed in the state constitution—almost two-thirds of California voters favored Prop 3. That margin of victory suggested strong political support for using the state-gas-tax revenue strictly for roads.

Moreover, the goal of the governor and the legislative proponents of Collier-Burns was clearly to expand California's road system. As a follow-up to Collier-Burns, the legislature passed another bill—SB 1423 of 1947—creating the Institute of Transportation and Traffic Engineering at the University of California, Berkeley.<sup>92</sup> Thereafter, the division of highways often recruited its technical personnel through the institute.<sup>93</sup> In keeping with California's progressive traditions, the bill's aim was to foster technical expertise for future highway planning. In particular, the new institute hired Richard Zettel as a research economist, an obvious choice since he had done much of the background research on Collier-Burns as it progressed through the legislature. Road-building was thus ensconced in state public policy with an academic base from which the state could draw as the freeway system was expanded.

Of course, recent state budget crises have seen diversion of funding from transportation—just as the oil companies feared back in 1947. But the state is now decades beyond Collier-Burns. The gas tax turned out to be a pretty good investment for the industry purely from a perspective of gasoline sales. Despite oil's opposition, the gas tax was subsequently raised to capture the half-cent portion that had been lost in the compromise necessary to pass Collier-Burns.<sup>94</sup> By the time Congress passed its legislation creating the interstate highway system in 1956, California already had constructed 330 miles of freeways within the state. If there is one lesson from oil's opposition to Collier-Burns, it is that sometimes special interest groups do not know what their special interests really are.

#### CALIFORNIA: A ROLE MODEL FOR THE NATION

Collier-Burns is often treated as a footnote in histories of the American interstate highway system. But it seems more likely that it was in fact a model—or at least a contributing influence—for the Federal-Aid Highway

Act of 1956.<sup>95</sup> That act created the 41,000-mile Interstate and Defense Highway system. The 1956 act substantially increased available funding for California's expanding freeways.

In official histories, the interstate system is often attributed to President Eisenhower and the impression made on him by the Nazis' autobahn in occupied Germany. Whatever the inspiration for Eisenhower may have been, actual debate in Congress mirrored what had occurred in California nine years earlier. There was debate over having a toll system versus a free system. Toll financing was a live option in the early 1950s for the federal government and in several northeastern states that had already gone down that path.<sup>96</sup> Indeed, tolls were the initially preferred option of the Republican Eisenhower administration.<sup>97</sup> The old (anti-toll) *Toll Roads and Free Roads* report was, after all, the product of earlier New Deal planning.

Despite this early inclination by the Eisenhower administration, tolls were eventually pushed off the table as the default financing mechanism. Indeed, in the House version of the bill, existing toll roads were to be included in the interstate system only if they were a "logical segment" of that system. The Senate version did not require the logical-segment test and eventually prevailed.<sup>98</sup> However, tolls were not to be the mechanism for most of the 41,000-mile system. There was instead to be a California-style earmarked gas tax going into a trust fund to build the system. The gas-tax proposal was, again, fiercely resisted by oil companies and by trucking firms battling to avoid a substantial tax on diesel fuel. But as in California's earlier model, the use of a trust fund was a way of assuring that the gas tax to be paid by motorists would be funneled back into roads for use by those motorists.<sup>99</sup> Warren-style arguments for enhancing the safety of the motorist public were invoked by proponents. And—as in California—subsequent observers were left to marvel at the opposition of oil companies—represented by the American Petroleum Institute (API)—to a financing plan that would lead to more driving and gasoline sales.<sup>100</sup>

Because the interstate system was being partly rationalized as a component of national defense (there were notions of roads to evacuate cities in the event of war), an argument was made that general revenues, rather than the gas tax, should be used as the funding mechanism. Indeed, API's position was that the existing federal gas tax should be repealed, not raised. API portrayed such repeal as simply leaving gas taxes to the states. (But, as in the Collier-Burns example at the state level, the oil industry was none-too-

keen on states' gas taxes, either.) And if there had to be a federal gas tax, API said, refiners did not want to collect it: "jobbers" (middlemen who supplied gas to service stations) should do the collecting.<sup>101</sup>

The gasoline jobbers, represented by the National Oil Jobbers Council, also testified against raising the federal gas tax and took the leave-it-to-the-states line. But they also opposed tolls.<sup>102</sup> Apparently, the jobbers' opposition to tolls stemmed from the tendency of toll-road authorities to control access to their franchised service stations and potentially exclude jobbers from supplying or operating such stations.<sup>103</sup>

The idea of financing by some means other than gas taxes appealed not only to oil interests but also to the American Automobile Association.<sup>104</sup> At the federal level, the notion that highways were part of national defense—and therefore should be charged off to general revenue—was attractive to road users. Given the opposition to the earmarked gas tax/trust fund/pay-as-you-go model, it took several years before Congress finally enacted the 1956 legislation that Eisenhower had described as "urgent" in his annual message to Congress early that year.<sup>105</sup>

Could Congress have been unaware of the California model as the debate transpired and history repeated itself? Vice President Nixon was a Californian and a former senator and congressman from the state. Before Collier-Burns, the Arroyo Parkway (now known as the Pasadena Freeway) passed through his congressional district. That freeway's high cost was among the influences that led to a search for an alternative to general-fund financing of such roads.<sup>106</sup> Nixon—although not citing California specifically—spoke on behalf of Eisenhower to both the ASHO and the Governors' Conference in 1954, stressing the deficiencies in the existing national highway system.<sup>107</sup>

Was there a source of information available to Congress about the California model in the mid-1950s? There were thirty California representatives in the House at the time and two California senators. One of the California senators, William Knowland, was the Republican minority leader. As a member of the California State Senate earlier, Knowland had, in 1938, backed Prop 3, which barred diversion of gas-tax and car-registration-fee revenue to non-road purposes.<sup>108</sup> So he clearly had an early interest in highway finance and was well aware of the California approach to it. The Roads Subcommittee of the Senate Public Works Committee included Senator Thomas Kuchel of California. A congressional represen-

tative from California—John Baldwin (Republican, Contra Costa)—served on the equivalent Road Subcommittee of the House Public Works Committee. The House Ways and Means Committee, where all tax legislation originated, included Congressman Cecil King of California (Democrat, Redondo Beach area).

Richard Zettel, the California highway expert who provided much of the background information to the legislature when the Collier-Burns Act was enacted in 1947, also acted as a consultant to the Eisenhower administration on highways as the 1956 act was developed.<sup>109</sup> In fact, Zettel, State Senator Collier, the director of the UC Berkeley Institute of Transportation and Traffic Engineering (established after Collier-Burns), and a group of California highway officials testified about the state's program before Congress as the federal bill was being debated.<sup>110</sup> California, with its head start on freeway construction, had a strong motivation to push for a federal subsidy to accelerate its highway program. Indeed, as noted earlier, after the federal legislation passed, the state's highway commission and the legislature adopted an ambitious plan of extensive freeway construction, much of which was never built.<sup>111</sup>

The president of the AASNO in 1954–55 was George T. McCoy, State Highway Engineer of the California Division of Highways. In an AASNO official history, he is described as heading the executive committee of the organization "that took an active part" in preparing relevant materials for congressional committees.<sup>112</sup> McCoy's public position on the financing issue was reflected in his presidential address to AASNO in December 1955; he noted that there would inevitably be resistance to user fees and other ideas for financing the interstate system but that compromise would have to be reached.<sup>113</sup> McCoy remained on the executive committee in 1956 after his presidential term expired. He also chaired the AASNO Subcommittee on Highway Finance from December 1946 to May 1959, a period covering both the passage of Collier-Burns and the legislation creating the federal interstate system.

Because of California's prominence in road building and automobile usage, technical types and state highway officials generally were well aware of Collier-Burns. The 1947 proceedings of the AASNO includes a report from its Committee on Highway Finance that notes "much interest in the studies of the Collier Committee," i.e., in the report outlining the funding mechanism at the heart of Collier-Burns.<sup>114</sup> At the 1948 AASNO, McCoy

presented an extensive review of the administration of Collier-Burns, by then a year into operations.<sup>115</sup> The 1950 proceedings included a lengthy paper by a California highway official on the economic impact of expressways. Not surprisingly, he concluded that the net effect was positive and that claims by local merchants on bypassed roads that they were losing business from motorists were exaggerated.<sup>116</sup> Two other papers dealing with road issues in California appeared in the same volume.

By the mid-1950s, California's developing freeway system had been well reported to national-level politicians interested in roads, to other states' highway officials, and to technical experts. It is implausible that the federal model ended up as a larger projection of what California had earlier done merely by coincidence. At the very least, if California's Collier-Burns model had somehow failed before 1956, the chance seems small that the federal model would have been based on an earmarked gasoline tax, a trust fund, and been largely focused on free roads rather than toll roads. Some California observers have not been shy about claiming that Collier-Burns served as the model for the federal government.<sup>117</sup> When the City of Yreka built a monument to the late state senator Randolph Collier, it eulogized him as the "Father of the American Freeways." (Italics added) Perhaps that phrase should more properly have been placed on Earl Warren's memorial.<sup>118</sup>

#### LESSONS FROM COLLIER-BURNS FOR CONTEMPORARY CALIFORNIA

The period of the 1950s and 1960s in California is often viewed as the high point for the state in infrastructure and economic development. During those years, the system of higher education was greatly expanded under the so-called Master Plan, freeway construction advanced (with a heavy infusion of federal money under the Eisenhower program), and new and extensive water projects were built. As Peter Schrag wrote in *Paradise Lost*, "... No state had ever invested in public services and development as California did in the 1950s and 1960s."<sup>119</sup> Such commentators despair of ever returning to that golden age—often identified with the administration of Governor Pat Brown (1959–67). But the Pat Brown era did not occur in a vacuum. "Warren's successes with the freeways and other state projects provided a legacy of public trust in the governor's office that strengthened his successor's ability to expand state infrastructure."

How had Warren rallied public support for passage of the Collier-Burns Act? As governor, he was able to use his personal popularity in his appeals to the public. But there are two other factors behind his success: 1) a jaundiced reputation of the legislature in the 1940s as a creature of "special interests" and 2) a still-earlier history of California in successfully constructing public works.

Notions of special interests thwarting the public good had long been a central theme in California, a state with a history as a center of the Progressive movement of the early twentieth century. And the electorate's image of the legislature in the 1940s was no better than it has been in recent years, with lobbyists viewed as a "third house" along with the assembly and senate.<sup>120</sup> A legislative bribery scandal in the years before World War II already had led to the "Philbrick report," an official exposé that dealt with the corrupting influence of bribes, campaign contributions, and lobbying activities.<sup>121</sup>

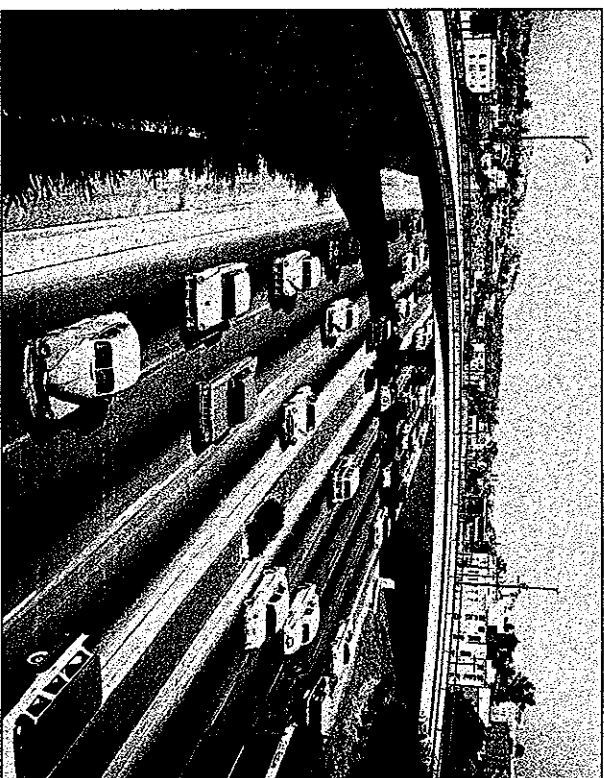
The part-time legislators of the 1940s often relied on lobbyists to meet their living expenses while residing in Sacramento. Infamous liquor lobbyist Artie Samish, prominently mentioned in the Philbrick report and later imprisoned, bragged openly that the legislature was like a ventriloquist's dummy in his hands. He even posed for a magazine photo with a dummy just to make the point.<sup>122</sup> A newspaper editorial, summing up the legislative session of 1947 observed:

Experienced lookers-on at Sacramento have no hesitation in pronouncing the actions of the Legislature this session the most flagrant in years . . . The amount of corridor-huddling with lobbyists that goes on is shameless, and what results from this wide-spread spirit of mal-government is a general attitude of do-nothing until the question of "What's in it for me?" has been asked and answered.<sup>123</sup>

Rallying public opinion against oil as a special interest intent on blocking Collier-Burns was made easier for Warren, given the negative perceptions of the legislature and its proclivities. But such public perceptions did not guarantee a success for Warren. In the same 1947 session that produced Collier-Burns, the governor was unable to rally public opinion sufficiently to enact universal health insurance for Californians.<sup>124</sup> An important difference was that California had a positive record in producing major public works but no past history of expertise in health insurance.

In the field of water, for example, the City of Los Angeles had completed its extensive Owens Valley Project in 1913. San Francisco had built its Hetch-Hetchy dam (1923) as part of its water supply system. And in 1941, the Colorado River Aqueduct began bringing water to Southern California through the Metropolitan Water District. As in the case of the freeways, environmentalists now look askance at these massive projects. But at the time they were built, the projects were seen as engineering miracles that fostered economic development.<sup>125</sup> California also had completed the architecturally acclaimed Golden Gate Bridge and the Bay Bridge in the San Francisco area.

Thus, when the Collier-Burns Act was being debated in the legislature, the public had every reason to think that if the funds were raised and appro-



The Harbor Freeway from the Third Street overpass, 1959.  
Automobile Club of Southern California Archives.



printed, the promised roads would be built. While the public knew that there could be corruption, waste, and special influence in state and local government, the overall record in public works was good enough. Warren could call on the public for support to pass the bill and obtain the response he needed. Moreover, the poor image of the legislature in the 1940s made credible Warren's charge that special interests were trying to deny Californians their needed highways. And since the taxpayer's revolt and Proposition 13 did not arrive on the scene until three decades later, he did not have to deal with constitutional restrictions such as a two-thirds legislative vote for a tax increase. In essence, the voters in Warren's time had a sense of trust that if they paid for projects and services, the projects and services would be provided.

## NOTES

- <sup>1</sup>Quoted in Kenneth C. Adams, ed., *California Highways and Public Works: Centennial Edition* (Sacramento: California State Printing Office, 1950), inside cover.
- <sup>2</sup>Despite the name, the oversized desk was in fact first used by Warren's predecessor as governor, Culbert Olson.
- <sup>3</sup>Margaret Taley, "Old Desk Gets a Front-Row Seat to More History," *Sacramento Bee*, June 28, 2004. An accompanying photo shows Warren signing the Collier-Burns Act on the desk.
- <sup>4</sup>Various staff members at the California State Archives in Sacramento were very helpful in providing access to the Earl Warren, Randolph Collier, and Harrison R. Baker collections.
- <sup>5</sup>Of course, not all California freeways are officially federal interstate highways.
- <sup>6</sup>Quoted in Howard Jarvis, *I'm Mad as Hell* (New York: Times Books, 1979), 230.
- <sup>7</sup>Warren stressed the need for accumulating a reserve for the wartime state surpluses as early as in his 1943 inaugural address and cautioned against the "constant temptation to everyone to spend it just because it is there." (Inaugural addresses of all California governors can be found at [www.governor.ca.gov/](http://www.governor.ca.gov/).)
- <sup>8</sup>Earl Warren, "Address to the Legislative Joint Interim Committee on Constitutional Revision and its Advisory Committee, October 29, 1947," in Henry M. Christman, ed., *The Public Papers of Chief Justice Earl Warren* (New York: Simon & Schuster, 1959), 9-10.
- <sup>9</sup>References on the history of American road building include Ton Lewis, *Divided Highways* (New York: Penguin Books, 1997); Mark H. Rose, *Interstate: Express Highway Politics, 1939-1989*, rev. ed. (Knoxville: University of Tennessee Press, 1990); James A. Dunn Jr., *Driving Forces: The Automobile, Its Enemies, and the Politics of Mobility* (Washington, DC: Brookings Institution, 1998); James A. Dunn Jr., *Miles to Go: European and American Transportation Policies* (Cambridge, MA: MIT Press, 1981); Bruce E. Seely, *Building the American Highway System: Engineers as Policy Makers* (Philadelphia: Temple University Press, 1987); James J. Flink, *The Car Culture* (Cambridge, MA: MIT Press, 1975); Janet F. Davidson and Michael S. Swerczyk, *On the Move: Transportation and the American Story* (Washington, DC: National Geographic, 2003); Russell Bourne, *Americans on the Move: A History of Warehouses, Railways, and Highways* (Golden, CO: Fulcrum, 1993); Dan McNichol, *The Incredible Story of the U.S. Interstate System* (New York: Barnes & Noble, 2003); U.S. Department of Transportation, *American Highways, 1976-1996* (Washington, DC: GPO, 1996); John L. Butler, *First Highways of America* (Iola, WI: Krause, 1994).
- <sup>10</sup>Supporters of the Lincoln Highway would find local prominent citizens to enlist in the endeavor. Local funding was raised, primarily for publicity purposes, to encourage local governments to cooperate. U.S. Department of Transportation, *American Highways, 1976-1996*.
- <sup>11</sup>AsstHO later became AsstHO (adding "and Transportation") to its name in 1973 to include mass transit, airports, and harbors. The quote is from American Association of State Highway and Transportation Offi-

- cials, AsstHO 1914-1989: *Moving America into the Future* (Washington, DC: AsstHO, 1990), 13. See also American Association of State Highway Officials, AsstHO, *The First Fifty Years, 1914-1964* (Washington, DC: AsstHO, 1965).
- <sup>12</sup>Tom Turner and John Sparks, *The Spirit of the Road: One Hundred Years of the California State Automobile Association* (San Francisco: VIA Books, 2000); Kathy Talley-Jones and Letitia Burns O'Connor, *The Road Ahead: The Automobile Club of Southern California, 1900-2000* (Los Angeles: ACSA, 2000).
  - <sup>13</sup>Proposition 3, entitled "Motor Vehicle Taxation and Revenue," was approved by 66.3 percent of the voters.
  - <sup>14</sup>Charles L. Dearing and Wilfred Owen, *National Transportation Policy* (Washington, DC: Brookings Institution, 1949), 109, 420.
  - <sup>15</sup>Roger Biles, *A New Deal for the American People* (DeKalb, IL: Northern Illinois University Press, 1991), 98-104.
  - <sup>16</sup>About 4.5 million passenger cars were sold in 1929. By 1932, the figure had fallen to 1.1 million. In 1941, the last year before car production was halted during World War II, 3.8 million were sold. Frederick E. Hosent, ed., *The Great Depression and the New Deal: Legislative Acts in Their Entirety (1932-1933) and Statistical Economic Data (1926-1946)* (Jefferson, NC: McFarland & Co., 1992), 278.
  - <sup>17</sup>William E. Leuchtenberg, *The FDR Years: On Roosevelt and His Legacy* (New York: Columbia University Press, 1995), 239.
  - <sup>18</sup>U.S. Federal Works Agency, *Final Report on the vva Program: 1935-43* (Washington, DC: GPO, 1947), 126-27, 135.
  - <sup>19</sup>Dearing and Owen, *National Transportation Policy*, 109, 420.
  - <sup>20</sup>Finla Goff Crawford, *Motor Fuel Taxation in the United States* (Syacuse, NY: Self-published, 1939), 3.
  - <sup>21</sup>See Philip H. Burch, Jr., *Highway Revenue and Expenditure Policy in the United States* (New Brunswick, NJ: Rutgers University Press, 1962), 37.
  - <sup>22</sup>David W. Jones, "California Freeway Era in Historical Perspective," research report UCA-rrs-ra-89-16. Institute of Transportation Studies, University of California, Berkeley, 1989, 167-80.
  - <sup>23</sup>David Brodsky, L. A. Freeway: *An Appreciation* (Berkeley and Los Angeles: University of California Press, 1981), 96-115.
  - <sup>24</sup>U.S. House of Representatives, *Toll Roads and Free Roads: Message from the President of the United States* (Washington, DC: GPO, 1939); U.S. House of Representatives, *Interregional Highways: Message from the President of the United States* (Washington, DC: GPO, 1944).
  - <sup>25</sup>Jonathan Lewis Gifford, "An Analysis of the Federal Role in the Planning, Design and Deployment of Rural Roads, Toll Roads, and Urban Freeways" (PhD dissertation, University of California, Berkeley, 1983), 113-41.
  - <sup>26</sup>The report purports to present estimates of traffic on toll roads with tolls set to maximize revenue and compares those estimates with others assuming the roads were free. On a linear demand curve, revenue is maximized at the half-way point. So traffic with the revenue-maximizing toll should be half of what would occur with a zero toll. Yet the report has the volume of tolled traffic at roughly one fourth the volume of free traffic.
  - <sup>27</sup>Charles H. Purcell, Earl Warren's Director of Public Works (see below) was a member of the federal Interregional Highway Committee, which continued planning for an interstate system during World War II. See W. Lee Meitz, "Origins of the Interstate," on the website of the U.S. Dept. of Transportation, [www.fhwa.dot.gov/infrastructure/origins.pdf](http://www.fhwa.dot.gov/infrastructure/origins.pdf). The Committee expanded on the Toll Roads and Free Roads report—with its bias towards free roads in the subsequent *Interregional Highways* document cited above.
  - <sup>28</sup>William Buchanan, *Legislative Partnership: The Deviant Case of California* (Berkeley and Los Angeles: University of California Press, 1963), 30.
  - <sup>29</sup>Various editorials in the *Los Angeles Times* favoring Collier-Burns seem to use freeway in the urban sense, i.e., urban freeways vs. rural highways. See, for example, "The Vote against Freeways," *Los Angeles Times*, June 12, 1947, A4.
  - <sup>30</sup>Richard H. Wilson, "Highway Progress Since 1943," in Adams, *California Highways and Public Works*, 135.
  - <sup>31</sup>Robert A. Caro, *The Power Broker: Robert Moses and the Fall of New York* (New York: Alfred A. Knopf, 1974).
  - <sup>32</sup>Fred J. Grunum, "California's Plan for Freeways in Metropolitan Areas," *Civil Engineering* 11 (October 1941): 569-72.

- <sup>31</sup> Brockly, L. A. *Freeway*, 96-115.
- <sup>32</sup> See Eugene P. Dvorin and Arthur J. Misner, *Introduction to California Government*, 2nd ed. (Reading, MA: Addison-Wesley, 1969), 56-58.
- <sup>33</sup> An editorial in the *Los Angeles Times* commented on passage of an early anti-smog bill—AB 1—referred only to industrial "smoke and fumes." It urged that industry be given a "reasonable length of time" to adapt to anti-pollution rules. Automobiles are not mentioned. See "Smog Will Not Vanish in a Day," *Los Angeles Times*, June 12, 1947, 44. Not only are automobiles absent from the many articles on smog legislation appearing in the *Times*, they are explicitly found not to be an important factor in smog in the opinion of no less than Nobelist Robert Millikan of Caltech. See "Governor Signs Anti-Smog Bill," *Los Angeles Times*, June 11, 1947, 1.
- <sup>34</sup> David W. Jones, "California's Freeway Era in Historical Perspective," UCPTRS-RR-89-16, Institute of Transportation Studies, UC Berkeley, 1989, 112-26. Once Collier-Burns passed, there were efforts in Southern California to have rail rapid transit included on freeway routes. The Pacific Electric Company—the private firm then operating streetcars in the area—was supportive of the idea, but it was not until the 1980s, 1990s, and 2000s that such rail lines were actually planned and constructed. See "Transit Lines with Freeways Urged in Report," *Los Angeles Times*, August 16, 1947, 8.
- <sup>35</sup> Carey McWilliams, "Look What's Happened to California" reproduced in David Farrelly and Ivan Hindertaker, eds., *The Politics of California: A Book of Readings* (New York: Ronald Press, 1951), 22.
- <sup>36</sup> See, for example, Scott L. Bortles, *Los Angeles and the Automobile: The Making of a Modern City* (Berkeley and Los Angeles: University of California Press, 1987), 211-35.
- <sup>37</sup> Gas-tax revenues, however, fell significantly during World War II, because gas rationing reduced driving.
- <sup>38</sup> Citizens' Tax Committee, *Report of the Citizens' Tax Committee* (Sacramento: Calif. State Printing Office, 1943).
- <sup>39</sup> "Sacramento News Project Proposal Vetted," *Los Angeles Times*, June 2, 1947, 22.
- <sup>40</sup> Passage of this bill, which provided revenues to local governments and districts, is described in Oliver J. Carter, "A Leader in the California Senate and the Democratic Party, 1940-1950," *Earl Warren Oral History Project*, 1979.
- <sup>41</sup> Wolfgang S. Homburger, "Harner E. Davis, Founder of the Institute of Transportation and Traffic Engineering," UCPTRS-MSC-97-1, Institute of Transportation Studies, UC Berkeley, 1997, 91.
- <sup>42</sup> Herbert L. Phillips, "Governor Gets \$91,000,000 Highway Measure," *Sacramento Bee*, June 21, 1947. (The Phillips columns are preserved in the Earl Warren Collection at the California State Archives. Phillips was a regular chronicler of Sacramento political affairs; his columns in the Warren collection thus provide an ongoing account of the passage of the Collier-Burns Act.)
- <sup>43</sup> Herbert L. Phillips, *Big Wayward Girl: An Informal Political History of California* (Garden City, NY: Doubleday & Co., 1968), 115.
- <sup>44</sup> Earl Warren Oral History Project, *See Perspectives of the Warren Era*, 1976, interview with Herbert L. Phillips, 72.
- <sup>45</sup> Earl Warren Oral History Project, *Conversations with Earl Warren on California Government*, 1982, interviews conducted in 1971 and 1972. On p. 174, Warren said, "Well, Collier has been mixed up with the highway program for many, many years. Even before that. He claims to be the father of the highway bills, but I know that in that particular instance, they blocked him clear out of the play, because they didn't have any confidence in the way he was acting. So they blocked him out, and he had nothing to do with the final passage of that bill. George Hartfield and Burch (Harold J.) Powers and the rest of them in the senate put that bill through, and they just kept him out of their councils even."
- <sup>46</sup> Chester G. Hanson, "Battle on Road Bills Impends at Special Session," *Los Angeles Times*, March 4, 1947, 1, 6.
- <sup>47</sup> See for example, C. H. Purcell, "The State Looks at the Current Highway Situation," address to the California Chamber of Commerce, December 4, 1946. Harrison R. Baker Collection, California State Archives, 83778/140.
- <sup>48</sup> California State Senate, "The Legislature Takes a Look at California Highway Needs" and Other Addresses by Senator Randolph Collier (Sacramento: California State Printing Office, 1947).
- <sup>49</sup> Bertram H. Lindman, *A Proposed System of Highway Financing for the State of California* (Sacramento: California State Printing Office, 1946). On tolls, see p. 100.

- <sup>57</sup> Warren quoted in Chester G. Hanson, "Move to Delay Action on Highway Bill Fails," *Los Angeles Times*, March 5, 1947, 1, 7.
- <sup>58</sup> California's system of cross-filing allowed candidates to run in the primaries of parties to which they did not belong. Warren always filed in the Democratic primary in his statewide elections, starting with his campaign for attorney general in 1938. In that race, he also won both the Republican and Democratic nominations. Although a lifelong Republican, Warren appointed Democrats to key positions in his administration and maintained good relations with Democrats more generally. Cross-filing was eliminated in the late 1950s when Democrats took control of the legislature.
- <sup>59</sup> Warren quoted in Chester G. Hanson, "Warren Sounds Calls for Era of Progress," *Los Angeles Times*, January 7, 1947, 1-2.
- <sup>60</sup> Warren quoted in Chester G. Hanson, "Gas Tax Boost Seen for State," *Los Angeles Times*, January 14, 1947, 1-2. This position was repeated by Warren as Collier-Burns moved through the legislature: "We adopted the policy long ago that those who use the highways should pay for them. I can't see where the money is going to come from unless we raise the gasoline tax." Warren quoted in Chester G. Hanson, *Boost in Gasoline Tax Again Urged by Warren*, *Los Angeles Times*, May 24, 1947, 2.
- <sup>61</sup> Chester G. Hanson, "Move to Cripple Huge Road Program Charged," *Los Angeles Times*, January 15, 1947, 2.
- <sup>62</sup> Beach Vasey to Warren, memo of December 9, 1946, Earl Warren Collection, California State Archives, Fg.640: 8396. The issue was the so-called Breed Amendment formula that allocated earlier funding on a north/south division.
- <sup>63</sup> Key opponents of Collier-Burns were Glenn Anderson (Hawthorne), Ernest Geddes (Pomona), Augustus Hawkins (Los Angeles), John Evans (Los Angeles), Ralph Dills (Compton), Vincent Thomas (San Pedro), Jonathan Hollibaugh (Los Angeles), and Laughlin Waters (Los Angeles). Files of Harrison R. Baker, member, California Highway Commission, California State Archives, "History of the Collier-Burns Highway Act of the 1947 (Extraordinary) Session," 17229.12.
- <sup>64</sup> Zerrul was notified upon his retirement from UC Berkeley in Wolfgang S. Homburger, "Harner E. Davis," miscellaneous report UCPTRS-MSC-97-1, Institute of Transportation Studies, University of California, Berkeley, 1997, Appendix H, 138.
- <sup>65</sup> "Let's Try a 5-Cent Gasoline Tax," editorial, *Los Angeles Times*, February 26, 1947. Oddly, the state's construction unions seemed not to be much involved in Collier-Burns, despite its potential for job creation. Traft's major study of California union activity in this era makes no mention of Collier-Burns. Philip Traft, *Labor Politics American Style: The California Federation of Labor* (Cambridge, MA: Harvard University Press, 1968). Labor unions, especially the more conservative AFL unions (which included construction trades), often supported Warren on legislative issues.
- <sup>66</sup> A chronology of the legislative history of Collier-Burns can be found in Jeffrey Richard Brown, "Trapped in the Past: The Gas Tax and Highway Finance," (master's thesis, Dept. of Urban Planning, UCLA, 1998), pp. 171-233; Wesley Duncan Vail, "The Legislative History of the Collier-Burns Highway Act of 1947," (master's thesis, Dept. of History, Stanford University, 1955). See also Nelson C. Price, *Digest of Testimony and Reports Considered in Enacting the Collier-Burns Highway Act of 1947* (Sacramento: California State Legislature, 1949).
- <sup>67</sup> Quoted in Brown, "Trapped in the Past," 228.
- <sup>68</sup> Quoted in Herbert L. Phillips, "Joint Action Is Urged On Highway Bill," *Sacramento Bee*, May 5, 1947.
- <sup>69</sup> Herbert L. Phillips, "Highway Tax Issue May Go Over to 1948," *Sacramento Bee*, April 12, 1947.
- <sup>70</sup> Herbert L. Phillips, "Future Action on Road Bill Is Uncertain," *Sacramento Bee*, April 9, 1947.
- <sup>71</sup> Quoted in Brown, "Trapped in the Past," pp. 229-30, and Herbert L. Phillips, "House Passes Badly Bartered Highway Bill," *Sacramento Bee*, April 8, 1947.
- <sup>72</sup> Earl Warren, *The Memoirs of Chief Justice Earl Warren* (Garden City, NY: Doubleday, 1977), 207-8.
- <sup>73</sup> Quoted in Herbert L. Phillips, "Assembly Tax, Road Bills Go to Senate," *Sacramento Bee*, June 13, 1947; Herbert L. Phillips, "Senate May Insist on 1 1/2 Cent Gas Tax," *Sacramento Bee*, June 11, 1947.
- <sup>74</sup> Ralph Dills quoted in Herbert L. Phillips, "Governor Gets \$91,000,000 Highway Measure," *Sacramento Bee*, June 21, 1947.
- <sup>75</sup> Chester Cannon quoted in Herbert L. Phillips, "House Passes Badly Bartered Highway Bill," *Sacramento Bee*, April 8, 1947.

- 71 Warren, *Memoirs*, 208-9. In true Warren style, he defends the deal by noting that labelling horse meat was "honest advertising" and therefore not a violation of his principles.
- 72 Quoted in "Legislation Provides \$76,000,000 Annually for New Construction on California State Highway System," *California Highways and Public Works* 25 (July-August 1947): 1-2, 7, 26. (The volume number appears to be mislabeled no. 26 in the original.)
- 73 Warren quoted in Chester G. Hanson, "Highway Bill Sent Warren for Signature," *Los Angeles Times*, June 22, 1947, 1, 7.
- 74 Quoted in Richard R. Mathison, *Three Cars in Every Garage: A Motorist's History of the Automobile and the Automobile Club in Southern California* (Garden City, NY: Doubleday & Co., 1968), 215.
- 75 Hayley Chouhrouh and Jeffrey M. Perloff, "Incidence of Federal and State Gasoline Taxes," Dept. of Agricultural and Resource Economics, University of California, Berkeley, Working Paper 952, 2003.
- 76 Letters of March 21, 1947, by Kemper Campbell to the presidents of Standard Oil, the Texas Company (Texasco), and the Union Oil Company (Unocal). Randolph Collier files in California State Archives, LP229112.
- 77 Letter dated April 15, 1947. Randolph Collier files in California State Archives, LP229112.
- 78 Buchanan, *Legislative Parliamentarism*, 33.
- 79 G. Edward White, *Earl Warren: A Public Life* (New York: Oxford University Press, 1982), 21-22. Warren did not particularly like his first job and quit after a year. However, the source of his dislike was his boss, not the oil industry.
- 80 Warren quoted in Chester G. Hanson, "Warren Blasts Gas Price Rise," *Los Angeles Times*, March 20, 1947, 1, 8.
- 81 Quoted in Herbert L. Phillips, "Week Brings Little Progress on Road Bill," *Sacramento Bee*, April 5, 1947. See also Warren, *Memoir*, 208.
- 82 Irving Stone, *Earl Warren: A Great American Story* (New York: Prentice Hall, 1948), 145-46. Warren hoped to obtain the Republican presidential nomination in 1948. He accepted the VP position only after the presidential candidate, Thomas Dewey, promised him a major role in a Dewey administration.
- 83 Ed Cary, *Chief Justice: A Biography of Earl Warren* (New York: Simon & Schuster, 1997), 140-41.
- 84 Jack Harrison Pollack, *Earl Warren: The Judge Who Changed America* (Englewood Cliffs, NJ: Prentice Hall, 1979), 77.
- 85 The quoted description, apparently from the San Francisco News, appears in Dean R. Cesary, *Party Politics in the Golden State* (Los Angeles: Haynes Foundation, 1954), 107.
- 86 Warren, *Memoir*, 249-50.
- 87 Cary, *Chief Justice*, 227, 390.
- 88 Martin Wachs, "A Dozen Reasons for Raising Gasoline Taxes," Institute of Transportation Studies, University of California, Berkeley, Working Paper UCR-ITS-88-2003-1, 2003; Pietro S. Nivola and Robert W. Crandall, *The Extra Mile: Rethinking Energy Policy for Automobile Transport* (Washington, DC: Brookings Institution, 1995), 48-50.
- 89 For example, a map of planned freeways in the Los Angeles area made from plans of that era shows a far more extensive road network than exists today. See Gilbert Estrada, "If You Build It, They Will Move: The Los Angeles Freeway System and the Displacement of Mexican East Los Angeles," *Southern California Quarterly* 87 (Fall 2005): 287-315, especially 309.
- 90 Charles L. Dearing, *American Highway Policy* (Washington: Brookings Institution, 1941), 176-82.
- 91 Brown, "Trapped in the Past," 96.
- 92 Homburger, "Harnet E. Davis," 115.
- 93 California Dept. of Transportation, "Highway Recollections of James E. Roberts," oral history interview, Caltrans, 1999, 7.
- 94 An effort was made by opponents after Collier-Burns passed to put a referendum on the ballot repealing its Oil Companies disclaimed knowledge of who was behind the repeal effort, and no such referendum occurred. There were, in any case, legal questions about whether Collier-Burns—as a revenue bill—was legally subject to a referendum. See "Road Bill Poll Petition Given Authorized Title," *Los Angeles Times*, July 23, 1947, A14.
- 95 An exception of the downplaying of the California model can be found in Brian Deane Taylor, "When Financing Leads Planning: The Influence of Public Finance on Transportation Planning and Policy in

- California" (PhD diss., Dept. of Urban Planning, UCLA, 1992). Taylor refers to California as the "prototype" for the country in 1956 because it had "led the nation in post-war freeway development." (p. 59)
- 96 Wilfred Owen and Charles L. Dearing, *Toll Roads and the Problem of Highway Modernization* (Washington, DC: Brookings Institution, 1951).
- 97 A history and analysis of the passage of the 1956 legislation creating the interstate highway system can be found in Gary T. Schwartz, "Urban Freeways and the Interstate System," *Southern California Law Review* 49 (1976): 406-513.
- 98 See U.S. House of Representatives, *Federal-Aid Highway and Highway Revenue Act of 1956: Conference Report*, June 25, 1956 (Washington, DC: GPO, 1956), 34-35.
- 99 Eric M. Patashnik, *Putting Trust in the US Budget: Federal Trust Funds and the Politics of Commitment* (Cambridge: Cambridge University Press, 2000), chapter 6.
- 100 John Chrymoweth Burnham, "The Gasoline Tax and the Automobile Revolution," *Mississippi Valley Historical Review* 48 (June 1961): 457-58; Lewis, *Divided Highways*, 111-12.
- 101 U.S. Senate, *Highway Revenue Act: Hearings Before the Committee on Finance on H.R. 10660*, May 17-18, 1956 (Washington, DC: GPO, 1956), 184-87.
- 102 U.S. House of Representatives, *Highway Revenue Act of 1956: Hearings Before the Committee on Ways and Means on H.R. 9075*, February 14-21, 1956 (Washington, DC: GPO, 1956), 436-41.
- 103 U.S. Senate, *National Highway Program: Hearings Before a Subcommittee of the Committee on Public Works*, February 21-28, March 2-3, April 1-15, 1955 (Washington, DC: GPO, 1955), 521-27.
- 104 Lewis, *Divided Highways*, 111.
- 105 Quoted in Lewis, *ibid.*, 110.
- 106 See the symposium on "Metropolitan Freeways and Mass Transportation" in *Transactions of the Commonwealth Club of California* 22 (August 1946); especially 113.
- 107 W. Lee Metz, "Origins of the Interstate," on the website of the U.S. Dept. of Transportation, [www.fhwadot.gov/instructure/origin.pdf](http://www.fhwadot.gov/instructure/origin.pdf).
- 108 Knowland was one of the signatories of the official "pro" arguments provided to voters for Prop 3. His biography describes him as a leading figure in the campaign. See Gayle B. Montgomery and James W. Johnson, *One Step from the White House: The Rise and Fall of Senator William F. Knowland* (Berkeley and Los Angeles: University of California Press, 1998), 24-25.
- 109 Zetzel was later interviewed about his role, but the transcription is poor and garbled. It appears that the California highway establishment did not particularly favor a federal role. The preferred approach was repeal of the existing federal gas tax so that the state could presumably raise its tax to replace it and then continue building its own system. Zetzel believed that the federal role led to highway construction around the country where interstate expressways were not needed. Nonetheless, he would have been a conduit of information about the California model. See "Oral History Interview with Mr. Richard M. Zetzel," February 28, 1988, available from the Institute of Transportation Studies, UC Berkeley.
- 110 U.S. House of Representatives, *National Highway Program: Hearings Before the Committee on Public Works on H.R. 4260*, Part 1, April 18-28, May 3-26, June 1, 1955 (Washington, DC: GPO, 1955), 120-55. (Zetzel's name is misspelled as "Zettle" and "Zetter" at various points in the transcript.)
- 111 Over 12,000 miles of freeway construction was planned for California. Much, of course, was never built due to rising cost and environmental opposition. Brodsky, L.A. Freeway, 119-26. California currently has about 3,800 miles of interstates and other freeways and expressways.
- 112 ASASHO, *First Fifty Years*, 187, 333, 344.
- 113 ASASHO represented states with toll roads and states without them. It basically reflected all the tensions surrounding road finance and shied away from endorsing particular schemes, while instead emphasizing the need for more roads. As a state-level organization, at one time it leaned toward leaving roads to the states. But as federal financing had come to play a larger role in resources for roads, it moved away from a state-only position without specifying the details of how the federal government should pay for its share of road construction. See U.S. Department of Transportation, Federal Highway Administration, "Origins of the Interstate," online highway history available at [www.fhwadot.gov/instructure/origin060.htm](http://www.fhwadot.gov/instructure/origin060.htm).
- 114 ASASHO, *Convention Group Meetings*, New York City, New York, September 24-26, 1947 (Washington, DC: ASASHO, 1947), 27. The convention proceedings also included an extensive paper on the impact of California freeways on adjacent land values.

- <sup>15</sup> G. T. McCoy, "State Highway Finance and Budget Procedure in California" in *AAASO, Convention Group Meetings, Papers and Discussions, Salt Lake City, Utah, 1948* (Washington, DC: AAASO, 1948), 48-57.
- <sup>16</sup> Frank C. Ballou, "Economic Impact of Expressways" in *AAASO, Convention Group Meetings, Papers and Discussions, Miami, Florida, 1950* (Washington, DC: AAASO, 1950), 119-45.
- <sup>17</sup> Buchanan, *Legislative Partnership*, 31.
- <sup>18</sup> Warren has a freeway named after him: a portion of state highway 13 in the Oakland area. Collier has a tunnel bearing his name in Del Norte County. However, such recognition was not confined only to those who supported Collier-Burns. Vincent Thomas, an assemblyman from San Pedro who opposed Collier-Burns, has a major suspension bridge named after him at the Los Angeles harbor.
- <sup>19</sup> Schrag, *op. cit.*, p. 35.
- <sup>20</sup> Jay Michael, Dan Walters, and Dan Weintraub, *The Third House: Lobbyists, Money, and Power in Sacramento* (Berkeley: Berkeley Public Policy Press, 2002).
- <sup>21</sup> H. R. Phillips, *Legislative Investigative Report* (n.p.: Edwin N. Atherton & Associates, 1938).
- <sup>22</sup> Phillips, *Big Wayward Girl*, chapter 18; Arthur H. Samish and Bob Thomas, *The Secret Boss of California: The Life and High Times of Art Samish* (New York: Crown Publishers, 1971). Doerr, *op. cit.*, claims that Samish helped push Collier-Burns through the legislature and makes a vague reference to Samish's autobiography. However, although Samish does refer to a bill in the late 1930s involving taxation of diesel fuel that he helped kill, there is no reference to Collier-Burns in his autobiography. It is nonetheless likely that Samish did have some involvement in Collier-Burns because of his relationship with the trucking industry and others have so suggested. See Earl Warren Oral History Project, "The Governor and the Public, the Press, and the Legislature. 1913. Interview of Verne Scoggins, press secretary, 60-61. Samish's ventriloquist analogy is somewhat ironic since the actions of certain legislators in "questioning" oil company representatives at hearings on Collier-Burns was compared at the time to a Edgar Bergen/Charlie McCarthy act. (Bergen was a celebrity ventriloquist on radio and in films.) The implication was that the witness had supplied the questions. See Vail, "Legislative History of Collier-Burns," 44.
- <sup>23</sup> Editorial of the *San Francisco Chronicle* of June 13, 1947, quoted in William Buchanan, *Legislative Partnership*, 33.
- <sup>24</sup> Warren had also tried to enact universal health insurance in 1945. See Daniel J. B. Mitchell, "Earl Warren's California Health Insurance Plan: What Might Have Been," *Southern California Quarterly* 85 (Summer 2003): 205-28.
- <sup>25</sup> Norris Handley, Jr., *The Great Thirst: Californians and Water, A History*, rev. ed. (Berkeley and Los Angeles: University of California Press, 2001).

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