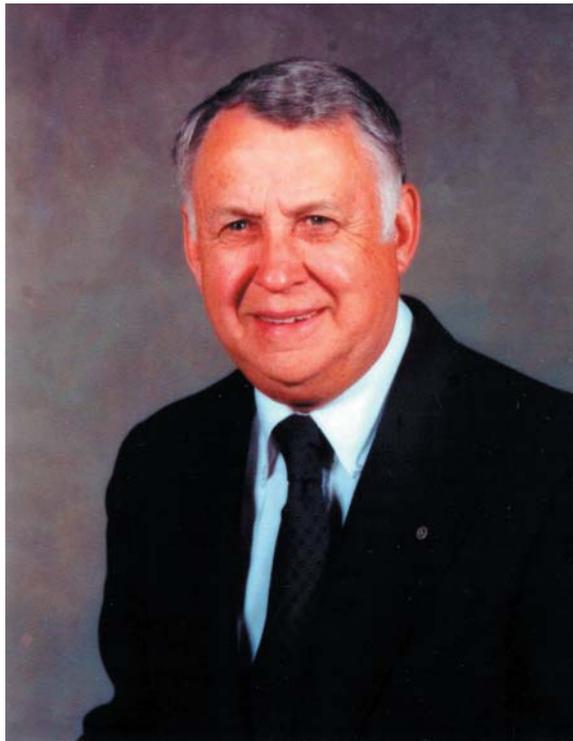


RICHARD O. WHITE: WASHINGTON STATE CODE REVISER

An Oral History Interview with Richard O. White,
Representative Tom Copeland and Gay Marchesini



“He laid the tracks that we’re still running on.”

Dennis Cooper, Code Reviser, 2004

Interviewed and Edited by Anne Kilgannon

Washington State Oral History Program
Office of the Secretary of State
Sam Reed, Secretary of State

Richard O. White: An Oral History

Mr. White: I'm Dick White, Richard O. White. My major career has been as code reviser for the state of Washington, from 1951 to 1978, when I retired. I rather backed into the position. I'm from California and I graduated from Hastings College of the Law, which is one of the colleges in the University of California.

I was in a wartime class, it was 1942. I immediately applied for a commission in the Navy and while that was pending, I came to Bellingham to visit my parents who had moved up here a couple of years previously. So, I did the Navy for almost three years and came back to Bellingham, but I now had a wife and a child, with another one on the way, and I needed a job. I was told that perhaps the Supreme Court was hiring people to become law clerks for one of the justices. And so my wife Jackie and I came down to Olympia in our little black Ford roadster and I went into the court absolutely cold and I interviewed with Chief Justice Walter Beals. Walter was a courtly gentleman, he was a lovely man, but, alas, had no openings.

Somehow or other, the talk got around to my having a Bellingham connection and there was a common name mentioned. This gentleman whose name was mentioned was a fellow who had brought my wife's family chocolates every Sunday, so I said to Justice Beals, I said, "My wife is out in the car." "Why doesn't she come in?" Well, it was old home week then and by the time Jackie got through talking to him, he said, "Well, we have one justice—Justice Mallery—who's never had a law clerk, but I think he should! Would you please go in and talk with Justice Mallery?" I did and I became Justice Mallery's law clerk. We had a wonderful relationship; he was a great guy.

Ms. Kilgannon: This would be the late 1940s?

Mr. White: This would be mid-Forties. Of course, that was more or less not a career job. So the Californian in me was pointing me south and I had law school connections and I ended up as a deputy district attorney in the little cow county of Yolo County. The county seat was Woodland, and so I was deputy D.A. and I had a little private practice on the side and it was much to my liking. But as I mentioned earlier, my dear Washingtonian wife was starved for a little greenery and water so we came back to Olympia.

I had made contacts in Olympia when I was with the court so I managed to get hired by Attorney General Smith Troy as assistant attorney general. At that time, the Legislature got its bill drafting help from patronage lawyers on a temporary basis, with each House having its own staff. The attorney general furnished a few lawyers to come over to the House and do that and that was one of the assignments that I got from Smith. That was more or less the beginning of my learning about legislation and bill drafting.

I did that for a session—I think a whole session, and perhaps an extraordinary session—and when that was over, I was given the task of indexing the session laws. During all of this, the location where I worked was in the Temple of Justice. About that time, 1951, the Legislature was beginning to wake up that perhaps they needed a state operation to take care of bill drafting and code revision. And I threw my hat in the ring and got the job.

Prior to the beginning of the 1951 statute law committee, the Legislature had their own little staffs and the codes were published privately. There was no official state code. There were two publications—one was [Remington Revised Statutes](#); it was cited as R.R.S. That was published in a series of hard-bound books and it was supplemented by a cumulative pocket-part supplement that folded into the rear cover in the back of the book. That was cumulative and was re-done every two years. Occasionally, it got too bulky and they would publish a new volume.

Frank Pierce had [Pierce's Perpetual Code](#), which was the competitor, and it was a huge tome—about a foot in length and very heavy. Both of these were annotated, that is to say, each section in the code was followed by a series of footnotes which summarized the various cases of the courts that construed that particular section.

The numbering systems used in both codes were peculiar to each code and neither one had, as a result, adequate room for expansion and you ended up with a real donkey's breakfast of numbers, like a string of seven numbers and then an alpha, maybe another number. They were badly outdated; they needed help.

[So the Legislature in 1951 created two committees.](#) One was a temporary—that was in the name of the bill—the Temporary Code Publication Committee and the other one—and this was in the name, too—the Permanent Statute Law Committee. The Temporary Committee was charged with preparing the code for publication. It soon went out of existence and the Statute Law Committee took over.

One of the first tasks we had was to decide the format and to sort of outline what we ought to be doing. I was given the opportunity to take a barnstorming trip to go to a few other states—I went to five states and talked with their revisers of statutes and got some idea what ought to be done.

Ms. Kilgannon: Can you tell me, did most states at that time handle it the way Washington did it, or was this search for a better way something common that was happening across the country?

Mr. White: It was becoming common. But when we got into the act, I think I went to five of the most prominent ones, which were: Wisconsin, Minnesota, California, Colorado, and Illinois. These guys were all very nice. So, that's where we started business.

The code itself had a rocky beginning. It had been revised by yet another committee that started in the early 1940s, which undertook to really re-write the code, to revise the language and set up a good numbering system. The code was presented for enactment in 1949, and the Legislature adopted it. There was a faction of old, crusty, well-established practitioners that had objected mightily to this revised language.

Ms. Kilgannon: Because it was changed somehow from the original?

Mr. White: They contended that it would change meaning. For example, those revisers would take what we would call a proviso and make a condition of it. There is a difference. A condition would be: you may have an ice cream cone if you wash your hands, and it would be stated: you may have an ice cream cone provided you wash your hands, and it becomes a true condition. A proviso, on the other hand, creates an exception. For example: All classes of cities and towns shall have a mayor-type of government, provided, however, that third-class cities shall have a council and executive manager type, thus carving out an exception from the general rule. And the guys that put this thing together did violence to the code, so these objectors got their heads together and went to Governor Langlie, and as a result, [Langlie vetoed the act](#).

Meanwhile, more work went on—1949, the 1951 biennium—1951—the code was again adopted, this time signed by the governor.

Ms. Kilgannon: Was it a different group of legislators pushing it?

Mr. White: Pretty much the same ones. But there had been a little improvement during that biennium by this temporary code publication committee. But it was enacted only as a *prima facie* expression of the law.

Ms. Kilgannon: Could you explain what that means?

Mr. White: Yes. What you got in the code was the law, unless someone could cite the language of the original session law and point out its differences, in which case the original session law language would govern. So, how could you rely on a code that had that sort of a handicap?

Ms. Kilgannon: It sounds like people can second guess it a lot.

Mr. White: Correct. So we got into business, and we had primarily three duties. One, of course, was to maintain for the benefit for the Legislature a professional, confidential bill drafting service. The other was to publish the code and supplement it at the end of the session. And the third one, which went on for a duration of ten years with much work, was to examine every word and every section in the entire code, to point out these differences that had occurred, document them, propose corrections, and take them before a subcommittee of the Statute Law Committee, which would invite specialist practitioners from all over the state to sit in and go over each title, word by word, sentence by sentence.

Ms. Kilgannon: Are we talking about thousands of pages?

Mr. White: Yes.

Ms. Kilgannon: I just wanted to get a sense of the magnitude of the task.

Mr. White: Ninety-one titles.

Ms. Kilgannon: A lot.

Mr. Copeland: What he is saying is over a ten-year period they went through all the entire revised code...

Ms. Marchesini: Title by title.

Ms. Kilgannon: A lay person would have not much of an idea, say, how many shelf-feet of paper we're talking about.

Mr. White: Well, it resulted in that set of telephone book-sized volumes, of a shelf that is at least two feet long.

Ms. Kilgannon: I ask this so that a person reading this can have a picture in their mind what we're talking about.

Mr. White: So, our enabling act provided that once the restoration of a title was approved, the committee could enter a so-called restoration order which detailed the whole thing and file it in the Office of the Secretary of State, and then re-publish that portion of the code, according to those results. And then that portion was relieved of its *prima facie* nature and thus became primary law.

Ms. Kilgannon: To make sure that I understand it, they take and compile all the different little pieces and then you make sure that there is one final reading of the different versions of the same thing—reconcile all the differences—and then say, “Okay, this is the version we are going with.”

Mr. White: Yes, “this is the authentic version.” And then those would be filed with the Secretary of State and printed in the code.

We were also authorized alternatively to restore a title of a code by presenting it to the Legislature in the form of a [revision bill](#) accompanied by explanatory notes.

Ms. Marchesini: Taking back, restoring what the law was.

Ms. Kilgannon: You had the authority to decide the final version?

Mr. White: We had authority to do this and we explained everything in the back of the bill.

Ms. Kilgannon: Okay, I think I have seen some of those.

Mr. White: Yes. Those are known as the reviser's bills and there was a tacit understanding among legislators that they were not to be a vehicle for their amendments.

Ms. Marchesini: They couldn't amend them.

Mr. White: It would have been a perfect thing for them to drop their favorite amendments on. And in fact, if an amendment succeeded, the bill was dead.

Ms. Kilgannon: Ah, well, that takes care of that.

Mr. White: I don't think that ever happened.

Ms. Marchesini: One was never touched. Never touched.

Ms. Kilgannon: These were not controversial things? They were more housekeeping measures?

Mr. White: Yes.

Mr. Copeland: First understand, when the reviser's bill came up, it would deal with one title only. And they had gone through that entire title, totally, and maybe made dozens of corrections in there or eliminated things that were duplications...

Ms. Marchesini: Yes, irrespective of subject matter, it went to the Judiciary Committee. Because it was, you know, “a clean-up bill.”

Ms. Kilgannon: Well, that's the committee where all the lawyers served.

Mr. White: Used to be, but now there aren't too many lawyers in the Legislature.

Mr. Copeland: By that time, it had a label: “code reviser's request” and you knew it had been really thoroughly gone

over. Then it was also a signal to the Legislature to “keep your hands off this, you do not amend this bill.” You go ahead and we just handle it, this thing: zing!

Ms. Kilgannon: So, those bills would just sail through, at that point?

Mr. Copeland: That’s correct.

Ms. Marchesini: And you wanted them passed fast because then that would become the vehicle that they would amend in a subsequent bill if they wanted to substantively change something, to amend that section of law as enacted in the reviser’s bill.

Ms. Kilgannon: Okay, here is another question: Would legislators be able to request: “We really want to do some legislation in this area; could you clean up those bills first and then we’ll work with them?” Or would you have your own order of working through the code, just going through it: one, two, three. Like that?

Mr. White: I’m not sure I understand what you are saying.

Ms. Kilgannon: There are all these codes—would you hop around in a subject matter, or do all the laws in one area at a time?

Mr. White: No, we took them title by title.

Ms. Kilgannon: So, just follow your own order; it wouldn’t be that a legislator would come to you and say: “Could you look at this section for me?”

Mr. White: No.

Ms. Kilgannon: Following your own order, then—that would be much less chaotic, I believe. No skipping around?

Mr. White: Yes, yes. And we took numerical order...

Ms. Kilgannon: So, no special pleading to clear up anything?

Mr. White: I believe there is some confusion here. The reviser’s bills were housekeeping measures to reconcile conflicts and correct errors which resulted from linguistic liberties taken by the original revisers. Their sole purpose was to restore the original legislative language so they would be primary law rather than *prima facie*. They must not be confused with the usual, ordinary requests to us from legislators to prepare substantive legislation, which was our stock in trade as the official bill drafting agency of and for the Legislature.

Also, we vastly improved upon the numbering system used in prior codes. In the new code, we adopted a numbering system that enabled almost infinite expansion to codify the new laws in proper order. The code numbering system has three elements: title, chapter and section. The resulting number is digital. The statutes were divided into ninety-one titles which represented major subdivisions of statute law par. ex. all laws relating to motor vehicles are codified as Title 46. These are further subdivided into chapters and the chapters are further subdivided into sections. Thus the portion of the motor vehicle title relating to vehicle licenses was assigned the chapter number 46.16. Chapters are further broken down into sections and assigned a section number and name. All numbers are expressed as decimals, thus in the above example the first section in the above chapter carries the number 46.16.010 with the caption “Licenses required—Penalties, exemptions.”

We also left holidays between numbers to allow for expansion. For example: chapter 46.16 is followed by chapter 46.20 relating to driver’s licenses, thus allowing the reviser to later insert chapters according to affinity. In the example above, chapters 46.17, 46.18 or 46.19 would be available for newly enacted materials. Similarly, expansion was provided for in the numbering of the sections. 46.16.010 would be followed by 46.16.020, leaving space for the insertion of new material as 46.16.011, 46.16.012 *et. seq.* In its ultimate expansion, if the degree of affinity required it, a new section numbered 46.16.0111 might be inserted between 46.16.011 and 46.16.012.

The components of the code are cited as follows: A reference to the entire title is cited as Title 46 RCW. To chapter 46.16 is cited as Chapter 46.16 RCW, while reference to section 46.16.010 is cited as RCW 46.16.010.

Ms. Kilgannon: So, if whole new areas of law came into being, you would have a place to put them?

Mr. White: Yes. We would have a logical place to put it.

Mr. Copeland: They allowed for expandability right at the get-go.

Mr. White: Yes. And this system has been almost universally adopted among all the states and their local governments. It's called a Yetter system, after some guy by the name of Yetter.

Ms. Kilgannon: You learned this when you visited other states?

Mr. White: I don't know where we learned it. Yes, we didn't invent it.

Ms. Kilgannon: Did any numbers ever get retired?

Ms. Marchesini: Yes. To avoid confusion we never used the same number twice.

Mr. White: Yes. And when a section was repealed, we would recognize that in a table published in the code as the "Sections Repealed" so it was easy to find your way back out of the cave. There were very elaborate tables for that. And we also formulated cross-reference tables from session law numbers into code numbers.

Now, you understand that at the end of the session, the first public appearance of the laws of this session are in a work called the Session Laws, published first as a temporary pamphlet publication and then finally as a bound unit. Now, those are compiled in the order of passage without any relationship, without any classification of subject matter. They're valuable to the profession because that's where you find the bill title, enacting clause, the general tenor of the bill...

Ms. Kilgannon: Would that be the legislative intent?

Mr. White: You can sometimes derive legislative intent, and also from the Senate and House Journals.

Ms. Kilgannon: That would be with the place where the courts would go to determine that?

Mr. White: So, if you're a practitioner, you go into the code to find the area that you want to be in and then you would find at the end of each section a so-called history note which gives you the session law reference to the bill's origin and subsequent amendments. And that you would go to—to take your research further—and go into the session laws and really root around like a root canal!

Ms. Kilgannon: Well, it's leaving a trail...

Ms. Marchesini: Oh sure, you can trace anything.

Mr. Copeland: At that point, then you get into the House and Senate journals and see every action that occurred on the bills and frequently there would be some debate that would go on, but the most important thing in that whole debate section was when one legislator asks a question of another legislator, "May I ask you a question? Does this bill do the following?" And the answer, "Yes, it is the intention of the bill to accomplish A, B, C, and D." This has for years become the court's foundation for legislative intent.

Mr. White: Yes, legislative intent. Unfortunately that was too infrequent and it was only on very controversial things that you could find much comment.

Mr. Copeland: That's correct.

Ms. Kilgannon: So, every time you see that in the journal, that's a deliberate mechanism to lay down this foundation of intent?

Ms. Marchesini: Foundation. You bet.

Mr. White: That's correct.

Ms. Kilgannon: That's not just an idle question, then.

Mr. Copeland: It became quite vogue that the question would be asked: “There are provisos on this bill that say ta da, ta da ta da. Is this the legislative intent?” “Yes, indeed.” Well, of course, what this did in essence, it told everybody that was reading: It was the legislative intent to have that proviso there. Then, if the governor wanted to veto that proviso, he oftentimes got into trouble.

Ms. Kilgannon: I see.

Mr. Copeland: So, it was kind of a further step that this is legislative intent. What Dick is saying, you can look at the session law and then take it and track back everything having to do with that bill, if you want to take the time.

Mr. White: Right, absolutely, yes. So let’s see. What should we touch on now?

Ms. Kilgannon: There was some controversy about this whole committee. The people that had previously been involved writing up the session laws, they didn’t just go quietly into the night?

Mr. White: Yes, it wasn’t the people writing the session laws; it was these patronage guys that were hired to draft the bills. And we took our licks from those guys. There was great resentment because the advent of our operations reduced the legislative patronage. And they had for years had their old war horses come back. I was confronted by the Senate caucus one time, “Why do you have to come here and do this? We’ve got all these old guys. They know all the tricks.” Well, they did know all the tricks and that was what the problem was...

Ms. Kilgannon: So, can you maybe describe what the difference is between, say, patronage lawyers and your work?

Mr. White: Our enabling act, RCW 1.08.027, enacted in 1951, in effect rendered us the official bill drafting service for the Legislature.

Mr. Copeland: Let him describe the tricks first.

Ms. Kilgannon: Oh yes, I want to hear about the tricks, of course.

Mr. White: The favorite device was to write a new act and declare at the end, “All acts and parts of acts in conflict herewith are hereby repealed...”

Ms. Kilgannon: But not name them?

Mr. White: So, you are left at your peril, you know, but it’s handy. You can run those through easy. Those were some of the tricks, and it ended up in chaos. And if you’re the code reviser, what did you do? You’re at your peril to decide which bills were superceded, so you probably end up doing both, publishing both. And so our job was really a complementary task. On one hand, we were supposedly experts on what’s in the code and therefore, when we drafted an amendment or a new bill, we were supposed to know which sections you expressly amended, which expressly were repealed and do it that way. And then there’s no question.

The other complementary angle is that—we knew the code well enough—sometimes a member would come in and request that we write a bill and we know that there is something already on the books, it’s just an enforcement problem that he has. And so we would advise him and then avoid that kind of duplication. The flip side was that having drafted the bill, a new act for example, we would in the drafting process decide where it ought to be codified and we would expressly add it to a certain section of the code, so it was that knowledge that helped us both ways.

Finally, in the early 1950s, we took our brick-bats from some of these guys, especially the Senate caucus. I had a couple—as I put in my notes—I had a couple of luaus with the Senate caucus and I was the pig! These guys were merciless, but as you know, Jim Owens, the football coach of the Huskies, always used to say, “We’ll fourth quarter ‘em,” and that’s what we did.

First of all, one of the handicaps that we had was that of location. We were located clear across the courtyard in the Temple of Justice.

Ms. Kilgannon: Weren’t you kind of tucked in under a stairwell?

All: Yes!

Ms. Kilgannon: Not exactly salubrious quarters?

Mr. White: I was there twenty-seven years Anne, and I never got moved out of the basement! First in the Temple of Justice and later in the Legislative Building.

Ms. Kilgannon: You could think of yourself as the foundation of the process, I suppose.

Mr. White: A good joke!

Ms. Marchesini: We were up on the committee rooms, though, for awhile.

Mr. White: So anyway, we fourth quartered them because they still had some of these old hangers-on taking all the short cuts. Those guys would go home on weekends and the senators would be wandering around—you know they were pretty urgent for bill drafting assistance. We were there and we gradually built confidence by being there when they really needed us, and finally we moved across the street. Gay, were you with me when we were in the Temple?

Ms. Marchesini: Oh yes.

Mr. White: Yes, when did we finally move across the street? In 1955?

Ms. Marchesini: Yes, we moved, it was in 1954, we did the 1955 bill drafting in the hearing room.

Ms. Kilgannon: Was that a “you have arrived” kind of moment when you were moved into the Legislative Building?

Mr. White: Oh well, it wasn’t that simple. It took quite a little time.

Ms. Marchesini: See, the Senate, at that point, still were digging in their feet. Some of these guys still wanted their own drafting set-up. But they took one of our people, Lee Collins, and he went over there—not right in our office—and he drafted bills upstairs in the Senate on the fourth floor.

Mr. White: The “satellite” office.

Ms. Marchesini: Yes, and so, but what really sort of did the trick is, for some of the key senators—Lee could only do the best he could—because the drafters were still doing all the political stuff—helping their buddies because they were all patronage. The key senators were coming down to us—we were doing only House bill drafting then—coming down to us and saying, “Couldn’t you draft this bill for us?” So that’s the way we gradually got the Senate.

Ms. Kilgannon: By being competent, being there, being ready and willing, you carved out a niche for yourselves?

Mr. White: And I didn’t have any appropriation to pay my people overtime and I would be on pins and needles, sitting up on the bench in Chief Clerk Si Holcomb’s office waiting for him to cut some checks for my people’s overtime, hat in hand.

Ms. Marchesini: That’s right.

Mr. White: And that was not pleasant. We had some mountains to climb.

Ms. Kilgannon: You were sort of out there on a limb being available, but not necessarily being paid?

Mr. White: Yes. In fact, you see, during sessions we ourselves hired part-time lawyers to assist because we can’t afford enough people year-round for that opportunity, but we got good guys. We paid them and our regular guys overtime, except for me and Lee Collins, and a reasonable salary going in. But every session, I would be called before the Appropriations Committee and have to argue the overtime bit.

Ms. Kilgannon: But yet they wanted the service?

All: Oh sure.

Mr. White: Every session. Anyway, what should we talk about next?

Ms. Kilgannon: Well, would it be alright to name the senators who were your supporters who helped you?

Mr. White: We got most our help from the House.

Ms. Kilgannon: Is that why you started your work in the House? Because the Senate was...?

Ms. Marchesini: The Senate was doing their own and were reluctant to give up their patronage.

Mr. White: Well, the House was doing it, too.

Ms. Kilgannon: They both were. But was the House, did you have a little bit more movement? Were there particular members that championed you and helped you?

Mr. White: Well, we had, you know, a couple of guys on the Statute Law Committee, like Bernie Gallagher and then in the Senate we had Chuck Moriarty and Jim Andersen, although Jim was a bit of a Tartar at times.

Ms. Marchesini: Yes, but he was a good supporter of ours.

Mr. White: You bet.

Ms. Kilgannon: People could see the value that you were providing after a certain point? Did these “war horses” as you call them, did they gradually retire and disappear?

Mr. White: Yes, yes, it was a war of attrition. And even after we were sailing along in overdrive, we took some brickbats, you know. I remember Al Leland, he would come in and he called us “bill rustlers!”

Ms. Marchesini: Yes, bill rustlers.

Mr. White: Bill rustlers. Freddy Dore would come down and say, “You snookered me.” You see, legislators get on the bandwagon of a popular subject. If there are any heinous crimes somewhere, everybody wants some act to regulate it. So they all come in with their bill request and we never say “boo” and we’re absolutely confidential. We don’t tell them somebody else has one in the works in here, you know. And so, first come, first served; they found out that they were low man on the totem pole and then they would accuse us. The funniest one was Slade Gorton who paid us the most wonderful backhanded compliment. Slade came in with blood in his eye one day and he just raised the roof off of my office because there had been a comma misplaced and it was a public power bill and he accused us of deliberately doing it. And of course I resisted it, but the wonderful backhanded compliment was, he said, “I know you did it. Your people don’t make that kind of mistake.”

Ms. Kilgannon: You get your compliments where you can!

Now, who set up the original ethics of the office and what your rules would be that would govern your behavior, first come, first serve and that sort of thing?

Mr. White: Ah, that evolved like Topsy. We had, you know, certain things in our statute that says services should be confidential, and in fact, we make it like a regular lawyer/client relationship. We wouldn’t tell nobody nothing!

Ms. Kilgannon: Yes, well, how else could you survive?

Mr. White: No, and you asked me where did we get our power? I don’t like that statement—to think of our authority as power, but I know what you mean. I know what you mean. But that’s where it came from.

Ms. Kilgannon: How about your security?

Mr. White: Ah, we kicked few guys out of the office. Yes.

Ms. Marchesini: I can see, Dick, that one guy. He says, “That’s all, brother!” He just grabbed him and threw him right out.

Mr. White: A lobbyist. And there had been some Boeing guys poking around the offices and we’d find them and kick them out. Otherwise we had really good security.

Ms. Kilgannon: Did people—did they try to pressure you to reveal certain things?

Mr. White: Sure.

Ms. Kilgannon: You can safely stay behind your counter top and say no?

Mr. White: Yes.

Ms. Marchesini: We just act dumb: “I don’t know.”

Mr. White: Tom, who was the very urbane black fellow in the Republican caucus from Seattle?

Mr. Copeland: Charlie Stokes.

Mr. White: I don’t think it was Charlie Stokes. He’s a younger guy.

Mr. Copeland: Mike Ross?

Mr. White: I don’t know. Maybe it was Mike. Anyway, this was a very urbane young representative. He always joked and he referred to himself as the only black Republican in the Legislature.

We had an elaborate system of tracking bill requests. Procedurally, the requester would come to my shop and I would interview him and find out what he wanted and I would summarize that on a sheet and then send it along to one of the attorneys. But we maintained a log of drafting requests and whenever the bill went from one person to another, one process to another, they would initial it off and so we would know at all times where to find a bill request in progress.

And this young fellow came in and we had misplaced—we rarely misplaced requests—but we had misplaced a request, so I hemmed and hawed and I looked at the log backwards and forwards and finally I said to him, “Which one of my draftsman did you talk to?” He says, “I don’t know, all you honkeys look alike.”

Ms. Kilgannon: Turning the tables a little.

Mr. White: Oh, we had some humor along the way. But we spent long hours, long hours: we often were there at two o’clock in the morning, having started at eight. And some of it was just sort of standby time and it was like fireman duty. And so we all got to know each other pretty well and we had a tremendous esprit de corps.

Ms. Kilgannon: You’d have to.

All: Oh yes!

Mr. White: And we hired extra girls, too.

Ms. Kilgannon: Yes. I want to know a little more about the physical process of what you did. I’ve heard about these carbon copies and other complicated things.

Mr. White: And when we started out, all we had was an IBM typewriter...

Ms. Marchesini: No, manual typewriters. We didn’t have electrics. No, absolutely not. Not to start with.

Mr. White: Well, alright.

Ms. Marchesini: Then we got the used electric ones from Paul Zech.

Mr. White: Yes. And we used sets of six pages with lines numbered in the left hand margin, interspersed by carbons, and one went one place and one another and so on. And we were forbidden any erasures because it would be evidence of tampering. So the gal might be down to the next to the last sentence and blow it and throw that thing away and start all over! And there were carbon smudges everywhere and girls' nerves got frayed and so on.

The next step was that we got a pretty good Multilith machine.

Ms. Kilgannon: Now, what is that?

Mr. White: Multilith machine: a copier that used a much more crude process than Xerox—in those days there was more than just Xerox copiers, although Xerox got into the business later. And so we hired operators there and we would make one master and then make the multiple copies.

Ms. Kilgannon: It works something like the mimeograph machine? I'm trying to picture this.

Ms. Marchesini: In a way, only little bit more sophisticated. Then you just had to type one copy.

Ms. Kilgannon: That made your life a little easier?

Ms. Marchesini: Oh, did it!

Mr. White: It sure did. It sure did.

Ms. Kilgannon: When the Legislature is amending a bill, don't you have to type the entire bill and then show the changes somehow, the cross outs and amendments?

Mr. White: Absolutely.

Ms. Kilgannon: Some of these would be pretty huge typing jobs?

Ms. Marchesini: Everything that you're taking out is in double parenthesis and lined through and everything you're adding is underlined.

Mr. White: We pretty much initiated that, didn't we, Gay?

Ms. Marchesini: Yes, yes we did.

Ms. Kilgannon: Right, so that you can show the changes. And then the Legislature would get copies of these so they could know what the bill was doing?

Ms. Marchesini: Oh sure, the bill that was introduced was like that.

Ms. Kilgannon: But how many legislators—would everyone get a copy?

Ms. Marchesini: Sure, that's in the bill books like that.

Ms. Kilgannon: You would be producing hundreds of copies for hundred-page bills?

Mr. White: Oh, it'll go to the state printer.

Ms. Marchesini: After it's printed, from the printer.

Mr. White: We would give the legislator a few copies so he could circulate the bill and then once it went into the hopper, then it went immediately to the state printer.

Ms. Kilgannon: The [hopper](#) really was just a wire basket on your counter top?

Ms. Marchesini: Yes.

Ms. Kilgannon: Where did that come from? Was that long time institution?

Mr. White: Gay, you could answer that.

Ms. Marchesini: Long time, yes.

Ms. Kilgannon: Somebody probably just stuck something there at one point and it stayed?

Ms. Marchesini: It was just an old wire basket

Mr. Copeland: That was for the introduction of bills?

Ms. Marchesini: Yes. You drop them in.

Mr. Copeland: What he was saying, he would give the legislator—the prime sponsor—several copies so they could circulate. This was the period that the prime sponsor would solicit other legislators to sign on as cosponsors of the bill. Once the signatures were on there, then that particular signed copy would go on to Gay, and that would go into that basket and that is where the introduction started.

Mr. White: We had a cover sheet.

Ms. Marchesini: Yes, we had a cover sheet for the House, Senate, and departmental bills.

Ms. Kilgannon: Did you have any security issues at that point?

Mr. Copeland: Wait just a minute. Let's follow that. Once she got it, then they would produce the cover portion and the code reviser would then take and make notes as to who signed on the bill, then they would have those bills delivered to the Chief Clerk or Secretary of the Senate and then they'd get read in the next day and ordered printed. This is the continuity. But it always came back to Gay's office before it ever got introduced.

Ms. Marchesini: Oh yes, and then we backed them. See, we had a regular bill backing when they go in the hopper.

Ms. Kilgannon: What does that mean?

Ms. Marchesini: Well, it's just a cardboard cover and the back of that is pre-printed. That cover sheet follows—it shows first reading, second reading, when it goes from one House to the other and is signed by all the various people.

Ms. Kilgannon: So, that's what gets recorded in the journal?

Mr. Copeland: Yes.

Ms. Kilgannon: But then, when does it get sent to the state printer?

Ms. Marchesini: Immediately, after it was read in. It's read in, referred to a committee, and ordered printed.

Ms. Kilgannon: "Ordered printed." And then you were telling me, Tom, that the printed version is, of course, not paginated the same as the versions you were working from?

Mr. Copeland: That's correct.

Ms. Marchesini: Now it's just photographed, but then it wasn't. It used to be type was set, so no lines were ever the same.

Ms. Kilgannon: With real lead letters and all.

Mr. Copeland: The copies that came from the state printer then went into the bill books. The original copy that Gay

was talking about never went into the bill books before.

Ms. Kilgannon: No. They were your working documents?

Mr. Copeland: That was the one that was actually in progress all the way through the House, that was not in the bill books.

Ms. Marchesini: See, at that time when you amended it you had to amend the original and the printed so you had to cite two different sets of lines and pages and stuff.

Ms. Kilgannon: Did any bills get confused that way?

Ms. Marchesini: The House and Senate had pretty elaborate systems. Every page was numbered and that that was not very easy to do.

Ms. Kilgannon: It's a human-made document. I just wondered how it was you never had any mistakes, but it sounds like you had lot of checks. Did you have proof readers?

Ms. Marchesini: Well, see. A bill then, after it's read in and ordered printed, it's referred to a committee, then the committee process is they go over it, you know, a lot and then they have committee amendments before it ever goes to the floor.

Ms. Kilgannon: So, it's really worked over. Is that the committee that you told me about earlier, Tom, where the poor freshman legislators had to sit there and check the bills?

Mr. Copeland: No, no, no. This was after final passage.

Ms. Kilgannon: A different one. Just to make sure, one final check, okay. It passes through lot of hands. It's interesting that nothing gets lost.

Ms. Marchesini: Oh yes.

Mr. White: And Gay was the gatekeeper. She was wonderful. She was the front man.

Mr. Copeland: If you couldn't get by Gay, you couldn't get into the office.

Ms. Kilgannon: I see!

Mr. Copeland: People kept asking me, "Why do you take Gay candy?"

Ms. Marchesini: Those were fun times though.

Ms. Kilgannon: So, these Remington and Pierce copies, that just stopped? That was no longer a service that was provided?

Mr. White: Yes. They were published privately and were discontinued. Let's talk a little bit about actually publishing the code. We examined various methods for binding and so on and we ended by thinking that a loose-leaf binding would be the ultimate for keeping up-to-date.

Ms. Kilgannon: So you could just put things in and move them around?

Mr. White: Yes. And so I'm sorry to say that we tried that. [We had special good looking hard-bound binders with the seal of the state](#) and so on, and the first couple of times we tried to supplement it, we tried a true supplementation basis. Page by page, and then you'd slop over to another page. We ended up with an instruction sheet to the poor user about like this [gestures with fingers a few inches apart] and nobody could follow them. Nobody could cope with it. It was cruel. And plus, it was an inventory problem for us because we sold the codes and every year we would have to update the codes that we had on inventory.

Ms. Kilgannon: Wouldn't every lawyer need this?

Ms. Marchesini: Absolutely.

Ms. Kilgannon: Yes, because they've got to keep up-to-date, right?

Mr. White: Yes. It was awful.

Ms. Marchesini: At that time, we had lot of lawyers in the Legislature. They would come on their way to the Legislature with a box and just say, "You straighten this out," and just dump it on us. Because their secretaries, they didn't follow it, and then if you dare get behind, then you really couldn't follow it.

Mr. White: We had a vault across this hall from the office that was just a miserable situation. And we were accountable for this stuff. You know the auditor was looking down his nose at it! So eventually, the next step was, we gave up on this page by page thing and so we created supplements similar to the pocket parts that were in the Remington's thing and those just fit in the loose leaf binder following the title. And we put a distinctive tint on the paper. And the first guy that I showed it to, I said, "What do you think of this? It's a little bit different," and so on and he looked perplexed. Finally he said, "You know, I'm color blind."

Ms. Kilgannon: Oh, dear!

Mr. White: When we first published this set, I took a set over to the guy in your office, [Office of the Secretary of State] Kenny Gilbert, Kenny...

Ms. Marchesini: Oh, Kenny.

Mr. Copeland: Great guy. We worked closely with Kenny.

Ms. Kilgannon: He was director of Elections for a long time.

Mr. White: Kenny—I'll never forget what he said, "Well," he says, "it's almost looks professional."

So, that's where we were, still doing that supplement thing, when we were able to create the legislative information system.

Ms. Kilgannon: Okay. So approximately where are we now?

Mr. White: Mid 1960s?

Ms. Marchesini: Sixty-one maybe.

Mr. White: That early?

Ms. Marchesini: I think so.

Mr. White: I got an invitation to go back to the University of Pittsburg, to witness a demonstration by Professor John Horthy of the University of Pittsburg who had compiled all of the public health laws of the state of Pennsylvania and put them on a tape using IBM punch cards and that, of course, was the time when [your computer was big as a semi truck you know...](#)

Ms. Kilgannon: Oh yes, I understand it took up a whole room.

Mr. White: And so he had these on tape, but it would only run sequentially and if you wanted only a little bit and it was clear at the end of the tape, you ran the whole tape to get it. But he employed something called Boolean logic that you regularly have now on your computer when you do a law search. You'd crank in, for example, the word "cat" and it would spill out all instances of the word cat. Then he can refine that by saying, "I want cat separated by the word yellow, separated by four words, and all those kinds of requirements are within the same sentence of each other."

Well, crude as it was, it was effective and I came home and I thought, gee, what can we do with our code? Well, the number of key strokes and number of punch cards you had to do to do the whole code was just about prohibitive labor-wise. Somehow or other, some genius suggested that the gals down at Purdy could...

Mr. Copeland: It was Walla Walla, the Women's State Penitentiary. That was before Purdy existed.

Mr. White: Was it, yes. Thank you. Yes, Walla Walla. Tom, was it you that set this up? It may well have been.

Mr. Copeland: Yes.

Ms. Kilgannon: We're in the presence of a genius!

Mr. White: The women prisoners needed to learn a trade and so they brought in a whole bunch of key punch machines, taught them keypunch. And at the end of the day, we got the revised code in machine-readable form. It was apple pie and motherhood...

Ms. Kilgannon: Did they get paid?

Mr. Copeland: No, not at the end of the day.

Ms. Kilgannon: End of the program?

Mr. White: "The end of the day" as people in Washington, D.C. popularly say.

Ms. Marchesini: It was perfect, it was great.

Ms. Kilgannon: It was good for them—the women prisoners, too?

Ms. Marchesini: They got out of prison and could get a job. It was wonderful.

Mr. Copeland: Let me add a little side note on that that is quite interesting. At the time that we got the key punching started with the women inmates, it took quite a training period in order to be able to get them thoroughly adapted and things like that. The people with IBM had come to us and said, "You could expect to produce x number of cards, you know, during a week period of time," or whatever. So the gals started and we had a lovely person by the name of Dorothy Davidson, who ran the program. And I'd go off to the penitentiary and visit with her frequently. She said, "We're producing a few more cards than what IBM said we could," and it never registered with me and so she kept sending these cards to Olympia, where then they would take the cards and put them on the disk. Dick and his crew were beginning to catch these cards as they came in, and they said, "Wait a minute, you're sending more cards than what we had anticipated. We're not quite able to keep up with all of these."

Ms. Kilgannon: Just swamped?

Mr. Copeland: So people from IBM came out and they were astounded. I think it was Charlie Trigg that actually came to Walla Walla.

Mr. White: Yes, Charlie was in on it.

Mr. Copeland: Yes. He came down there and he could not believe these ladies—and I'm using the word loosely—these women—doing this key punching and they would sit there and would be just like little robots, and they would key punch for hours and this Dorothy Davidson would have to walk around and shake them and say, "It's time for you to take a break," and Charlie Trigg, would say, "How could you do it, you know, produce this much?" Well, these women didn't have to worry about what they were going to cook for dinner tonight...

Ms. Kilgannon: They had nothing else to do.

Mr. Copeland: Whether the kids were going to be home from school...

Ms. Marchesini: That's right. They have not another thing on their minds.

Mr. Copeland: Whether their pantyhose was on straight or any other thing of the kind and they absolutely blew everybody's mind on how fast they could run this stuff out. It was just—nobody, I'll have you know, even had the slightest idea that they were going to be able to capture that much information in machinery performance in such a short period of time.

Ms. Marchesini: It was great. They were just coming in by the boxes.

Mr. Copeland: Oh boxes.

Mr. White: So, how did we get transcribing?

Ms. Kilgannon: Yes, what did you do with all this stuff?

Mr. Copeland: General Administration had the computer at the time and...

Ms. Kilgannon: And it was just the one?

Mr. Copeland: That was the only one we had at the time, remember.

Ms. Kilgannon: Those big things with vacuum tubes and all that?

Mr. Copeland: Yes, they put all the data in large disks. Well, of course, in Walla Walla, what they'd do, they'd type the information into machines that would punch holes in cards for transporting the information to the machines that would read the cards and transpose the information in the computers. One "key operator" inmate would punch in a section of the Revised Code and a second operator would punch in the same sections of the Code. Later the two sets of cards were run through a machine that checked for accuracy. Both sets of cards must be the same. If not, the machine would stop and the error must be found. This was "quality control."

Ms. Kilgannon: Sounds like a great system.

Mr. Copeland: Right. I remember Dick White saying, "I don't think we had better send the criminal code to Walla Walla."

Ms. Marchesini: Yes, I remember that, too. We didn't dare let them mess with that. Title Nine stayed in our control!

Ms. Kilgannon: So, you get all these cards, and you'd take them over to the GA Building; is that where you have this big computer and feed them in somehow?

Mr. White: I think that's what happened.

Mr. Copeland: Right. Yes.

Ms. Kilgannon: And then out comes a big printout, or what?

Mr. Copeland: No, they'd go on these huge big disks on a big tape. Later we transferred them to a heavy portable disk.

Mr. White: Well, I can take it from there a little bit, Tom. Let me just set the stage. Here we had a constitutionally mandated sixty-day, every two-year session...and that was based on the old Jeffersonian principle of the citizen legislature. Well, the state was growing, things were getting more complex, technology was bursting and so we ended up at that time with more and more extraordinary sessions, on top of the ordinary sessions. Tom and some other progressive legislators realized that there's got to be a better way, and so, when did we do the legislative information legislation? Would that be?

Mr. Copeland: Sixty-seven I think.

Mr. White: Sixty-seven. I haven't revisited that statute for awhile. But it enabled us to set up a staff and acquire machinery and Tom was shepherd of all this and got us the money and we just started with a clean sheet. We had to hire people, hire technical staff. We got a whiz from Pennsylvania...

Ms. Marchesini: George Byfield.

Mr. White: George Byfield. He programmed something called "document processing" and we developed all these programs.

Ms. Marchesini: He brought in a lot of great people; he hired good people.

Ms. Kilgannon: And so these are the very first computer people?

Mr. White: Yes, yes.

Ms. Kilgannon: Were there many of those floating around the country? It was still so new.

Mr. Copeland: No. They were hard to find and their work was very difficult.

Mr. White: You know, it was hairy times. But we ended up with a computer room. We didn't ever have air conditioning, but the damn computer got it.

Ms. Marchesini: The computer got it. Wouldn't work without it—smarter than we were!

Mr. White: Great big mainframe and a half a dozen random access disks... We could now do random searches rather than sequential.

Mr. Copeland: Correct, and printers.

Ms. Marchesini: High speed printers, too.

Ms. Kilgannon: Pretty good stuff?

Mr. White: Yes. And so ultimately then, as far as that affected the drafting process, if we desired to amend the code section, we did not have to type it all up. We would draw a code section up from the computer and massage it...

Ms. Marchesini: Put a double parenthesis and the underlines and...

Ms. Kilgannon: Dick's looking very happy now, just thinking about it!

Mr. White: Absolutely revolutionary.

Mr. Copeland: I've got to digress and bring this story into proper perspective as I think it is very important. I mentioned the name Charlie Trigg—he was the head guy with IBM and was coming to the state of Washington with some others to convince us that maybe we needed some of their equipment. "IBM was the only kid on the block" and so we didn't have too many choices. But at any rate, I was the chairman of the committee to look into this anticipated purchase and Dick, as a member of the committee, had some unanswered questions that were unique to the code reviser's office. All this is in its infancy; we had never heard about this—as a matter of fact, I don't think I had ever heard the two words put together: "word processor" in that order.

Ms. Marchesini: That's right.

Mr. Copeland: I called the meeting to order and we had the standard introductions of everybody present. At this point I called upon Dick to ask the first question. If answered in the affirmative, the code reviser's office could become heavily involved. Dick started out saying, "I'm the code reviser. Here's my problem. I have to type a bill and then we have to back up to underline words that we are putting in and strike through words that we are taking out. Can your word

processor do this for me?” And one of the people said, “Would you do this to whole sentences or whole paragraphs?” I said, “No, I may reach in and say strike ‘twenty’ by striking through and insert ‘thirty’ by underlining” And there was a long pause. Then Charlie Trigg said, “That’s not going to be a problem at all, Mr. White. We’ll give you [two new alphabets](#): one already stricken through and one already underlined.” Phew—there it was.

Ms. Kilgannon: So that’s one keystroke instead of going back and doing all that work?

Mr. Copeland: Charlie Trigg was thinking in terms of fonts and we were thinking in terms of a typewriter. He had simply given Dick two new fonts, accessed as simply as a “key shift” on a keyboard. So with that one suggestion, Charlie had removed all of Dick’s reservations and the word processor was equipped to handle the code reviser’s very unique needs. This was a major breakthrough: Dick just jumped over all of the obstacles that he had.

Mr. White: Yes!

Mr. Copeland: And right now, to date, in a current computer, you can underline and strike through. Microsoft Word, right now, has that ability.

Mr. White: Yes.

Ms. Kilgannon: This is where it started?

All: Yes, right.

Mr. Copeland: He requested it. And he got it.

Mr. White: So, that was the greatest assistance in the world, so far as drafting a bill.

Ms. Kilgannon: Sometimes people say computers actually bring more work because they make more work possible. Did your work load shrink at some point or grow?

Mr. White: No, no. We got some lovely bells and whistles out of it. We got a daily status sheet...

Ms. Kilgannon: So, you could really provide a better service?

Mr. White: Yes, yes.

Ms. Marchesini: And the digest works.

Mr. Copeland: Let’s put this all together. Prior to the time Dick got this bill drafting program, he also got a couple of much needed items of information: the daily position of bills—the status sheet and the digest. These two items were of great importance to the Legislature and were produced by two private organizations.

Mr. White: That’s right, I’d forgotten.

Mr. Copeland: The status sheet was produced by the Washington Research Council, a private group that accepted donations from businesses and other interested groups to help them locate the position of a bill at any time. The gentleman in charge was an extremely personable fellow by the name of Johnny Current.

Mr. White: John Current, yes.

Mr. Copeland: He produced this status sheet called the “Golden Rod” so-called because it was printed on a bilious orange-yellow paper—hence the name—and it had the bill numbers in sequential order and then there would be an asterisk on that bill number showing that it had changed since the previous day.

Now, with the information that Dick had on the computer, it was only a matter of a few keystrokes and he could produce a status sheet. Better still, he could show if the bill had been amended or substituted.

Then there was the “digest of the bills.” This had been produced by A.W.I. [Association of Washington Industries]

Ms. Marchesini: A.W.I. or A.W.B. now. [Association of Washington Business]

Mr. Copeland: A fine young attorney by the name of Lee Coulter was the main person to write the digests. Early in a legislative session, bills were introduced each working day—thirty or forty bills in a single day. Lee Coulter would then often work late into the night trying to “digest” the bill into a paragraph or two. This was then printed on notebook style paper and placed into several hundred “digest books” throughout the Legislature. All of this was done at no expense to the Legislature.

Mr. White: That could be slanted.

Ms. Marchesini: That definitely could be slanted.

Ms. Kilgannon: Wait a minute. What you do you mean by slanted?

Mr. Copeland: Well, okay. If Lee Coulter wanted to make a brief of a bill and slope it anyway he wanted, he had...

Ms. Marchesini: If he didn't like the bill, he could

Mr. Copeland: ...he had the liberty to do it. Now, this is a private organization doing this. This is not in-house stuff. It could be subject to some abuses of “putting a spin on the bill,” though this was never proven to be a widespread tactic of AWB, it did emphasize the Legislature's lack of control over legislative information.

Mr. White: Especially the language: it was his interpretation.

Mr. Copeland: It was his interpretation.

Ms. Kilgannon: So, it's not strictly the bill language, it is some kind of summary?

Mr. Copeland: It's a brief.

Ms. Marchesini: It's a brief, sure, sure. And if you didn't like it, how you would write about it... and if you loved that, how you would write about it...

Ms. Kilgannon: I see.

Mr. Copeland: Or maybe the brief didn't contain all of the stuff that was in the bill...

Ms. Kilgannon: Just part of the bill, the part you wanted to highlight?

Mr. Copeland: That's correct. So the Legislature had no control over these at all, none whatsoever. These were private organizations, financed substantially by contributions and these were things that the legislators worked from, that were given to them by private organizations. But they were not one hundred percent accurate. But we had no care, custody or control over that whatsoever.

Ms. Kilgannon: That could lead to abuses!

Mr. Copeland: That's correct.

Ms. Kilgannon: Just to be clear.

Mr. Copeland: Then, with Dick's work, the Legislature came of age. They had the ability to produce all the information we needed as a legislative body. The dependency on outside sources for information came to a much needed end. The Legislature took responsibility for their actions. And the code reviser's office was at the very center of this information system.

We got everything produced to a point we could get our own bill drafting done, then all of this other information was just sitting there and all we had to do is extract it and put it into this particular formula.

Ms. Marchesini: We just had to hire a digester or two. Yes.

Mr. Copeland: Yes, right.

Ms. Kilgannon: So, then you got the real language of the bills?

Mr. Copeland: That's correct.

Ms. Marchesini: It really did it.

Mr. Copeland: Yes.

Ms. Kilgannon: Could legislators still get these annotated things if they wanted?

Ms. Marchesini: They were phased out.

Mr. Copeland: Yes.

Ms. Marchesini: Pretty soon nobody used that stuff.

Ms. Kilgannon: And so lobbyists and other interested parties could also get these digests?

All: Oh sure.

Ms. Kilgannon: Everybody is now on the same page?

All: Yes.

Mr. Copeland: But you see, it's running concurrently: at this time, we went ahead and repealed that statute that said the state printer had to print the bills. And so we repealed that section so now the state printer is gone.

Ms. Kilgannon: So, were there cries of anguish?

Mr. Copeland: No. We would take the original bill and then we just take it and copy that and that became the bill for the bill books at that time.

Mr. White: Yes.

Ms. Kilgannon: No more two copies?

Mr. Copeland: No more two copies.

Ms. Kilgannon: With all their discrepancies?

Mr. Copeland: Correct.

Mr. White: We had a little nicety for the benefit of the members of a private status sheet and we called it the legislators' trap-line. It would be issued daily, and it would show the progress of all bills that he was a sponsor on, plus any group of bills of particular interest that he was...

Ms. Marchesini: That they requested.

Ms. Kilgannon: So, a person could come in and say, "Any highways bills, I would really like to see that?"

All: Yes.

Ms. Kilgannon: “Anything in my district,” or whatever?

Ms. Marchesini: And you’d get it every day.

Mr. Copeland: My particular trap-line had all the bills that I introduced; then I wanted anything that had to do with the penitentiary because that thing was in my district. Then I also made a request on certain bills having to do with agriculture because I was specifically interested in that.

So then, like he said, just as an add-on, then everyday I had to have a print-out, and I would have three subject matters and I’d know exactly what happened.

Ms. Marchesini: Oh yes. And then there is always a little asterisk that shows that status had changed.

Ms. Kilgannon: Yes, “something has happened in the process.”

Ms. Marchesini: Otherwise you could glance and if you saw that, you knew something happened to your bill.

Ms. Kilgannon: Yes. I just don’t know how legislators can get along without this. I mean, how would you ever have tracked all that information previously?

Mr. Copeland: It was not fun.

Ms. Marchesini: Well and unfortunately, it was impossible for a member to read it, all those big bill books.

Ms. Kilgannon: You can’t.

Ms. Marchesini: I mean you just couldn’t and at least this way...

Ms. Kilgannon: They had a hope.

Ms. Marchesini: They’re aware of what their interest is anyway. And then you just have to trust the committee process. Oh and your caucuses will tell you.

Ms. Kilgannon: Yes, but not every little thing?

Ms. Marchesini: Well, caucuses go over what’s on the calendar every day you know, so yes.

Ms. Kilgannon: It’s just the sheer magnitude of it. Did that allow legislators to specialize a little more? I’m always interested in impact—when there are technical changes of this sort, and then what does that do to the actual legislative process? Do you write better bills; do you come up with better legislation; do you feel more effective as a legislator because you can track things better?

Mr. Copeland: I think that the thing that is interesting here is over time the code reviser’s office in the Statute Law Committee had by that time, created such a tremendous respect of confidence. Nobody ever challenged Dick’s office about anything and so when the bill was ordered printed, you could just, you know, without fair contradiction, say that it’s properly drafted.

Mr. White: Good stuff.

Mr. Copeland: It is good stuff. So, that was the confidence that everybody needed, not only the legislators, but the public did, too.

The flip side to this whole thing right now that Dick is talking about, is that this is the first time that this particular type of legislation—in that format, with the digest, with the daily bill tracking—was really available to the public. The public had no really easy access to it prior to that time, so all of these things moved very quickly—bing, bing, bing—in a short span of probably three sessions.

Mr. White: The legislative information system was only one facet of what I call a proper exercise of the separation of powers. Legislators suddenly woke up and this attitude was fostered by the national conference of the state legislators.

They finally woke up and said, “Heck, we’re the Legislature. We are an equal branch of government. The executive has good quarters, and at those quarters, the executive has adequate staff, the executive has technical help. We deserve the same thing...”

And so Tom and these other forward looking guys took off on this and they changed the whole thing. I don’t know—previously members didn’t have any offices?

Ms. Kilgannon: No, nothing.

Ms. Marchesini: No! No offices. Unless you’re the committee chairman.

Mr. White: What did you have, one secretary?

Mr. Copeland: No, we shared secretaries in the steno pool. And then there was the time when Si Holcomb, the Chief Clerk of the House, handed to the reading clerk the note that read: “Members of the House are hereby authorized to take advantage of the girls in the steno pool.”

Mr. White: And after, things were never the same and it was deserved. It was absolutely deserved, but nobody particularly took it upon themselves to do it.

Ms. Marchesini: And here these members were getting hundreds of letters and nobody even to help them with it.

Ms. Kilgannon: They had nowhere to put them.

Ms. Marchesini: No. That was a real big step, big step.

Ms. Kilgannon: The needs, the insight, and the means came together.

Mr. Copeland: Simultaneously.

Ms. Kilgannon: If you had one of those pieces missing...

Mr. Copeland: Oh, if Dick’s shop couldn’t have made this total upper mobility, all of this other stuff would have been just been for naught. You might as well have forgotten about it. But it was a fact: here’s this two-track arrangement, both going in the same direction and complementing one another very quickly.

But, I get back to this original comment: you know, who in heavens name is the recipient of this, and the answer is the public. The public suddenly had greater access to legislative information than they ever did before. The public knew that a bill was introduced. They suddenly knew when that bill was going to be heard; they knew the bill was going to be before the committee, or things like that. So the public ultimately become the recipient of this great big huge wealth of information.

Ms. Marchesini: Sure. They could immediately say: “I want to testify on that...”

Mr. Copeland: Right.

Ms. Marchesini: And they could.

Ms. Kilgannon: Well, it was more activist age too, in the 1960s; everybody wanted to get involved in something.

Mr. White: Absolutely.

Ms. Kilgannon: You know the famous John Kennedy line about what are you going to do for your country? It struck a chord.

Mr. White: Now, one of the things that was a great boon to us was the ability to search the laws. For example: at one time, possibly due to the feminist movement, there were bills that wanted us to remove all gender bias in code.

Ms. Kilgannon: Ah, yes.

Mr. Copeland: Oh my god, I remember that.

Mr. White: And so in other words, they wanted us to change “fisherman” to “fisher” and “fisherperson”, and what other ones? “Fireman” to “firefighters” and so on. Ah, it was duck soup. All you did was punch those in a computer and it would tell you every place in the whole code where those occurred.

Ms. Marchesini: Oh, it was great.

Mr. White: Otherwise, you know, it would take you months, but you’d never be sure.

Ms. Kilgannon: Yes. There would always be some missed, hiding in some corner.

Mr. White: I wondered what ever happened to that bill.

Ms. Marchesini: It was a big bill, too.

Ms. Kilgannon: Well, language, of course, in the law matters.

[interruption in conversation]

Ms. Kilgannon: Okay, we’re back from our little break. We never did introduce you properly, Gay. Can you tell me how you came to work, when you came to work in the code reviser’s office?

Ms. Marchesini: My name is Gay Marchesini, and I was seventeen years old and graduated from Olympia High School and went to work for Labor and Industries, and that was like December of ‘52, no October of ‘52, and I worked there two months and then Dick White got this job, as head of the Temporary Code Publication Committee, I think it was called. And I knew Dick from Bellingham, and he wanted to meet with me. I lived at home with my mother and he came up there and he said, “I would like you to come work for me.” I told him where I was working, I made a hundred and seventy dollars a month...and he said, “I could probably start you at one hundred eighty...” And I said I’ve got to give two weeks notice and I did, and went to work.

Ms. Kilgannon: Were you a clerk typist or something at that point?

Ms. Marchesini: Yes.

Mr. Copeland: And you made that big switch for five bucks!

Ms. Marchesini: No, to work for Dick.

Mr. Copeland: Yes, that’s what I’m saying!

Ms. Marchesini: I would have done it for ten dollars less!

Ms. Kilgannon: Don’t tell him that!

Ms. Marchesini: But anyway, it was a wonderful job and I worked there until I retired thirty years later.

Mr. Copeland: Still making a hundred eighty.

Ms. Marchesini: Just a little bit more.

Ms. Kilgannon: I would hope. You were, you became the office manager, I understand?

Ms. Marchesini: Eventually, yes. That took some time but it was just, I mean there were only—when I went to work, we were still at the Temple of Justice, downstairs in the basement and there were only two other ladies and me. They didn’t speak to each other, so one of them would say, “Gay, would you tell Grace this?” and Grace would say, “Gay,

would you tell Adele this?" and it was terrible.

Mr. White: I inherited...

Ms. Marchesini: Dick inherited those two.

Ms. Kilgannon: You didn't get to choose your staff?

Ms. Marchesini: No, no. But anyway, I got along great with both of them and it was a wonderful, wonderful job.

Ms. Kilgannon: So, as a staff person, was one of the requirements a certain amount stamina and adrenaline just to get you through? You told me you never worked less than ninety hours.

Ms. Marchesini: Oh, we worked! But those long, long weeks or long, long days went faster than an eight-to-five day when it wasn't session. I mean they just—you know when you're really busy—they just race by.

Ms. Kilgannon: This is a full-time year-round job?

Ms. Marchesini: Oh, yes.

Ms. Kilgannon: Because, when it's not session, you're also doing all these other tasks?

Mr. White: Yes, yes.

Ms. Marchesini: Oh, publishing everything. Then the Washington Administrative Code, all their rules and regulations are filed, publishing those, having to handle the filings.

Ms. Kilgannon: Getting all those straightened out.

Ms. Marchesini: Indexing everything, publishing the opinions, the decisions. I mean, it's a big job.

Mr. White: Yes, I could talk little bit about this.

Ms. Kilgannon: Sure. I just wanted to make sure I understood how Gay fit into the picture.

Mr. White: Well, because we seemed to be sort of a constant engine that never quit, the Legislature continued to put new tasks our way and a major one was the Washington Administrative Code. The Legislature adopted a Uniform Administrative Procedures Act.

Prior, up to the enactment of the Administrative Procedures Act, each agency had its own statutory rule-making power. Interestingly, what administrative rules are, as opposed to statutes—the Legislature recognizes that a certain amount of regulation has to go on—but that kind of regulation takes more mini-management than the Legislature has time or the desire to do. So, the Legislature grants some broad authority to an agency to make the necessary rules to regulate its province. For example, the Legislature doesn't want to worry about how many stanchions you could have in a cow barn so the director of the Department of Agriculture, or whatever it is, sets down these rules. And they enforce the law, and before the advent of the Uniform Act, these agencies pretty much had carte blanche as to what they were and how they were published, what the duration of the rule would be, etc. and very little access to public hearings for adoption of the rule—almost to the point where if there is a controversy involving one of these rules, that the agency could adjust the rule to, you know, one in the agency's favor right in the middle of the controversy.

Ms. Kilgannon: How would anyone even know what these rules were?

Mr. White: Right.

Ms. Kilgannon: I was kind of picturing some poor dairy farmer...

Mr. White: Yes! Oh yes, and the regulating agency would publish a little random pamphlet or something.

Ms. Kilgannon: I see. So, some inspector would come and say, “Well, you’re not up to the code here.”

Mr. White: Yes. So, the act provides that the rule-making process should be opened to the public. There should be a notice of the hearing and that notice should be published.

Ms. Kilgannon: Is that about the same time as this other development?

Ms. Marchesini: No, later.

Mr. White: This was 1968. And so the act said that: “Mr. Agency, any rules that you wish to continue after this certain date, you must file with the code reviser; otherwise they’re dead.” And so on this certain date, a few weeks before this certain date, the agencies trooped in and just dumped...

Ms. Marchesini: Dumped!

Mr. White: ...the biggest file case drawer full of junk.

Ms. Kilgannon: Unrecognizable bits and pieces?

Mr. White: It was un-bailed hay.

Ms. Kilgannon: To keep with the farm metaphor.

Ms. Marchesini: There you go.

Mr. White: And so we were charged with the duty of codifying it, publishing it.

Ms. Kilgannon: How much time were you given?

Mr. White: Well, there was no real time.

Ms. Kilgannon: Oh, that’s one good thing.

Mr. White: Yes. I don’t recall there was.

Ms. Marchesini: No! I’m sure not.

Ms. Kilgannon: So, there weren’t any unreasonable deadlines?

Mr. White: Did we hire anybody else to do it? We hired that crazy kid.....

Ms. Marchesini: Yes and then a couple of other clerical people helped him. Edna and...I can’t remember.

Mr. White: Anyway, to make a long story short, what was the fable of the stable? Where the guy got held up in the old Aesop’s fable? That’s what it was.

And we decided to go loose-leaf on that. I don’t know why, I guess we didn’t have any better sense. And we published in-house on our own dumb little mimeograph. And the problem was that the agencies were continually amending and repealing their stuff and so we could never get a title finished because all the amendments and repeals kept piling in on top of them. Eventually, it got going. Eventually, due to the Legislative Information System, we now publish everything in the same format, almost.

Ms. Kilgannon: Those were the WACs?

Ms. Marchesini: The Washington Administrative Code, right.

Mr. White: And we published an administrative register which had all the public notices and agencies have the power to promulgate emergency rules, which had to be published. We publish those in the register.

Ms. Marchesini: But an emergency would be, you know, something dealing with forest fires: they have to do something right now.

Ms. Kilgannon: Yes, really immediate.

Mr. White: Fishing regulations changed every day. For different areas and so on. And eventually we got it under control, but it was another strength to our bubble.

And then later on, it was decided, even before Tim Eyman, that something ought to be done about the initiative process. And so the Legislature dumped that on us: the duty to review the form and style of any proposed initiative before it got filed.

Ms. Kilgannon: What about the recent controversy where supposedly someone from the code reviser helped more than they should have?

Mr. White: I think that was decided against the code reviser. The confidentiality that applied to bill drafting did not extend to the process of reviewing the initiatives. That's where we're on that. But I don't know. Maybe as we speak, the Legislature's dreaming up other activities...

Ms. Kilgannon: Did they add more staff, more facilities, or just more jobs?

Mr. White: Oh, you know how the Legislature is.

Ms. Marchesini: More work.

Mr. Copeland: Yes.

Ms. Kilgannon: Well, if you continue to pull off the miracles, then I can understand their temptation!

Mr. White: It's like the old Mexican says: "*Mucho trabajo y poquito dinero.*" "Lots of work and not much money." Any way, it's been a really interesting activity, yes.

We had such a real reputation for neutrality that one time, a time when John Bagnariol and Walgren got into trouble on those bribery charges, some people were saying, "Well, the reviser ought to be made interim Speaker." The crazy thing is the Speaker doesn't have to be a legislator.

Ms. Kilgannon: Oh, I didn't know that!

Mr. Copeland: Oh, no!

Ms. Marchesini: I remember that.

Ms. Kilgannon: You would have been the impeccable candidate?

Ms. Marchesini: A real compliment anyway. Really, we had a great reputation.

Ms. Kilgannon: I imagine you had to have this reputation. If you ever had any kind of problem coming from your office, it would call everything into question.

Mr. White: Yes.

Ms. Kilgannon: Did you ever have any people come in and say, "You tampered with this?"

Ms. Marchesini: No.

Mr. White: No, never. A newscaster got on the air one time on Channel Seven and pointed out that I was at a meeting in New Orleans, when I was supposed to be in Olympia. But that's the closest we ever came.

Ms. Kilgannon: Oh, he thought you had better be on the spot and not going to a conference or something?

Mr. White: Yes. Yellow journalism.

Ms. Marchesini: That's right, I'd forgotten that one.

Mr. White: I had the opportunity to serve on the executive committee at the national legislative conference and as an associate member of the Uniform Laws Commission and so that made my job more interesting, because I could get out of the office once in awhile. I also served as legislative representative on the State Data Processing Committee and its successor, both of which have been superseded by another agency.

Ms. Marchesini: Here is another statesman that we were talking about, that Dick went to a lot of these meetings with: Fran Holman.

Mr. Copeland: Great guy.

Ms. Marchesini: Oh, just wonderful, Senator Holman, Francis Holman. Oh, was he something.

Mr. Copeland: But let me just expand on this thing about Dick being on the executive committee of the...what's it called—the National Legislative Conference?

Mr. White: National Conference of State Legislators.

Mr. Copeland: This particular type of interaction with other states at that time—and still should be today—was so terribly important, because then you can have a free exchange of information between legislatures and even exchange things without necessarily having to reinvent the wheel all by yourselves.

Ms. Kilgannon: Was technology changing in all these different areas, so now trying out new things was tied to this emerging technology?

Mr. Copeland: Well, you see, this is where we started making the exchange of the legislative information that Dick has assembled out of just a simple little thing like creating a bill and tracking it through the Legislature. We took that program and exchanged that with other states for information that they had.

Mr. White: We were really in the forefront of the fifty states. We were sort of IBM's poster child in the field of legislative information. They invited me to give lectures at various seminars and so on. We got good stuff. I got invited to go to Zagreb, Yugoslavia one time. But they weren't going to pay my way and I wasn't about to go with ...

Ms. Kilgannon: That would be expensive, I suppose.

Mr. White: The idea was they were pretty ruthless in those days. They wanted you to have all their equipment; they had a magic word "bundled," and they didn't want you to 'unbundle' them. Somebody else's

Ms. Kilgannon: That sounds familiar. Sounds like we still have that issue just a little bit.

Mr. White: Yes, but that's about where I left the show and the capabilities of the Legislative Information System outran its charter. There was so much partisan stuff that could be done on computer and it was contrary to our charter. And so it ended up, the Legislature Information System was dissolved. And of course, technology had advanced so far that now I guess each House, each party, has one—their own computer capabilities.

Mr. Copeland: Yes.

Mr. White: You know, it came to the point where the caucuses wanted us to run campaign literature and newsletters and that kind of thing and...

Ms. Marchesini: We wouldn't do it.

Mr. White: That's contrary.

Ms. Kilgannon: Of course, that's not your mission.

Mr. White: So, it's not today at all like it was back then and you said you wanted to know primarily how it was back then.

Ms. Kilgannon: That's your area, your experience. What about when the Office of Program Research came in, in the early 1970s? How did that change what you did? Didn't they pick up some of the bill writing duties that in had been in your area?

Mr. White: No, no.

Ms. Marchesini: They did a lot of their own briefing...

Mr. White: I don't recall that.

Ms. Marchesini: After we left, that got much more expanded, where they'd bring in a disk and they'd already done their drafting.

Ms. Kilgannon: I had thought the research staff attorneys also drafted bills?

Ms. Marchesini: That wasn't when we were there.

Ms. Kilgannon: Okay.

Mr. White: I think you know, that thing expanded the capability and it was no longer the exclusive thing that we had.

Ms. Kilgannon: There's more and more staff now, and more people on both the caucus and non-partisan staff, so there's just a lot more capability.

Mr. White: I don't think that my successor has the same face-to-face relationship with members that I had, because they would all come into our shop and make their requests.

Ms. Marchesini: Now it's staff. Now you deal with staff; you don't deal with members. It's not like it used to be.

Mr. White: I think that's a bit unfortunate.

Ms. Marchesini: Well, it's bad because you don't really—because the staff guy tells you what his boss wants, and maybe his boss is not getting what he really wants, where, you know, they would come in and talk to Dick, or talk to any one of our attorneys.

Ms. Kilgannon: The more people a message passes through, the more it's changed?

Ms. Marchesini: You bet.

[brief interruption]

Ms. Marchesini: You know, not one of us ever expressed at all who we were going to vote for or...

Ms. Kilgannon: Probably not even to each other.

Mr. White: Guys like Tom made it possible. There were some guys around that were confronted.

Mr. Copeland: Oh absolutely.

Ms. Kilgannon: I would think extreme neutrality would be the safest bet.

Ms. Marchesini: The only thing, the one good thing about it was, it got you off the hook. When somebody was collecting for a political contribution, you'd say, "I just can't. You know I would like to, but I can't." That was that.

Mr. Copeland: Yes.

Ms. Kilgannon: Well, it would look unethical or something. That's for sure.

Ms. Marchesini: Yes. We couldn't—no.

Mr. White: That makes it unbecoming.

Ms. Kilgannon: At the very least.

I know you told me little bit about the Statute Law Committee from the very beginning and that certain people were very helpful on that committee. Can you tell me a little more about some of the personalities involved that had this vision as you did, to have this work a little more organized?

Mr. White: Well, [Bernard Gallagher](#), I think was the state representative, a Democrat, from Spokane, soft spoken, but very tenacious and positive guy. And he was steadfast all through: all the arguments, the pros and cons and so on, but right in there pitching with us. And he was really the main legislative guy way back then that I can recall. Do you recall, Gay?

Ms. Kilgannon: You talked about Senator Gissberg at one point.

Ms. Marchesini: Yes.

Mr. White: Gissberg was never on our committee, was he?

Mr. Copeland: He was the chairman of Judiciary Committee.

Mr. White: Oh yes, okay. He was a great.

Ms. Kilgannon: Would there have been more progressive legislators than the 'old guard' that would put the brakes on what you were trying to do?

Mr. Copeland: Put this on as backdrop: Dick is talking about this over time, over a period of time. You see, he went through quite a few periods where the membership on the Statute Law Committee changed.

Ms. Kilgannon: Yes, of course. I was trying to get a sense of who we should credit.

Mr. Copeland: Bernie Gallagher was one of the first persons to ever to serve on the Statute Law Committee.

Mr. White: Yes, way back in '49.

Mr. Copeland: Yes, so he was trying. Bernie and that particular group were trying to get the thing started even though there were a great many people that were detractors that were in total opposition to them, so the progress that Bernie made was slow. But like Dick said, he was very—he was very right on-track. He wanted to keep moving. He would accept the fact that he couldn't get to the goal line in this session, he could only get to the twenty yard line on his side, but he would be perfectly happy to get to the twenty, knowing good and well he was going to be at the forty next session.

Ms. Kilgannon: Would it also be true that each advance that you made would show how useful you were and that it would give you a better foundation for the next advance?

Mr. White: I suppose.

Mr. Copeland: That goes without saying. Absolutely. Every, every session, the esteem that people had for Dick and the Statute Law Committee, and the code reviser's office, and everything, it just kind of grew incrementally. Every session,

I mean, it came into a very sharp focus. But it's through Dick's guidance, it just stayed on course and he maintained this non-partisan effort. He maintained this confidentiality; he maintained the accuracy; and so on and so forth. So it was a very natural thing for everybody to have a great deal of confidence in his entire endeavor.

Mr. White: I look back, you know, on my career and the career of my people, and it's a feeling that we performed a service.

Ms. Marchesini: You bet.

Mr. White: I feel good about it.

Ms. Kilgannon: Yes. Did you begin with a fairly clear idea of how it should be or did that evolve?

Mr. White: Oh...

Ms. Marchesini: Probably not.

Mr. Copeland: No we didn't.

Mr. White: It grew like Topsy.

Ms. Kilgannon: You couldn't know then what computers would bring to your working capability...things like that?

Ms. Marchesini: Oh, no.

Mr. Copeland: That's all evolution.

Ms. Kilgannon: But you had certain principles that you followed?

Mr. White: Yes. I have an article that I wrote for the library journal that I'll pass along to you. It'll give you little bit more background of what it's like to be a code reviser.

Ms. Kilgannon: ["Code Revision in the Legal Process."](#) I'm sure this is a best seller!

Mr. White: Gay and I don't care. We never wanted to be famous.

Ms. Marchesini: But we're proud of what we did.

Ms. Kilgannon: Well, it would take a special kind of attitude to work there...to be a little self-effacing, to be able to focus on the process rather than climbing some kind of a ladder.

Mr. White: We had a young fellow, a new member of our Rotary Club and they have to give a little speech, and he was an engineer by trade. He said somebody asked me why I became an engineer, and he said, "Well, I was good at math, but I didn't have the charisma to become an accountant."

Mr. Copeland: I love that.

Mr. White: That's kind of where we were.

Ms. Kilgannon: Was working for the Legislature something that kind of got into your makeup and once you were there, you wouldn't want to leave?

Mr. White: Sure.

Ms. Marchesini: Oh yes, oh yes.

Mr. White: And there were those, you know, that might have said—in my case for head of the agency—they might have

said: that guy lacked ambition, you know, stayed in the same godforsaken job for twenty-seven years. But I never looked at it that way.

Ms. Marchesini: Oh, no!

Ms. Kilgannon: I'm sure that there were always new things to learn.

Mr. Copeland: Wait just a minute! He's just being modest. The job did not stay the same for twenty-seven consecutive years!

Ms. Marchesini: And you know, every session...it was not only the freshman, but when the session started—it used to be only every two years—all these old friends would come back, old staff people that only came to work for the Legislature. And they were truly good friends, lots of them, and that was fun! And then you would feel terrible when somebody got defeated, but then you met the freshmen and then you liked them real well! And you know, you almost had to take the freshmen by the hand and...

Ms. Kilgannon: I understand that you did do that.

Ms. Marchesini: Well, I don't know about that!

Ms. Kilgannon: Various people have credited you with helping them get a start.

Mr. Copeland: I am here to attest to that.

Ms. Kilgannon: With helping, writing bills, and thinking about the process.

Mr. White: In the later years, I gave a spiel to the freshmen and it was always well received.

Ms. Kilgannon: I've heard from other legislators that as a freshman, the first place that you want to go is the code reviser's office. So that you can figure out how to do it...

Ms. Marchesini: That's good, that's good.

Ms. Kilgannon: Who really runs the show? But that would be one of the foundation pieces: if you could understand the office of the code reviser, you could make it in the Legislature.

Ms. Marchesini: You know it makes you almost feel like—when you see somebody who starts as a freshmen—you can almost pick out the really bright stars to watch. And later on when they're really, you know, they're chairmen and this and this, and this, and maybe run for governor, you know...you almost...you feel a real pride in that maybe you helped them a little bit.

Ms. Kilgannon: Yes. Did you get to talk about ethical issues and things like that? I mean, here's an office that has this bedrock reputation.

Mr. White: I don't understand.

Ms. Kilgannon: Would you help legislators understand how to work through the system?

Ms. Marchesini: Sure.

Mr. White: I guess, I can. Maybe Gay did.

Ms. Marchesini: Oh yes, you bet we did.

Ms. Kilgannon: A little hand-holding?

Mr. White: Yes.

Ms. Kilgannon: Would people come to you for advice beyond bill drafting?

Mr. White: You mean “Dear Abby?”

Ms. Marchesini: Yes, because—let me say it this way. They trusted our confidentiality so much that many times, I’d have them come and say, “I don’t want to look dumb, asking this. Will you help me?” You know and that’s the reputation that our whole office had.

Ms. Kilgannon: Understanding the laws? And how it all fits together?

Ms. Marchesini: You bet. Where to go from here.

Ms. Kilgannon: So, if a legislator brought in a bill that was just kind of all over the place, kind of a mess, would you help them with their thinking as well as their bill drafting?

Mr. White: That was our job.

Ms. Marchesini: Sure, oh yes. They’d come in. We had a lot of them from a bar—a cocktail napkin—some idea scribbled down.

Mr. White: It ranged the gamut from that to a well-drafted piece that...

Ms. Marchesini: A lawyer’s firm did.

Mr. White: And when a well-drafted piece came in, we’d still scrutinize them...For form and style anyway.

Ms. Kilgannon: Oh sure, to make sure, yes.

Mr. White: By statute, we had no jurisdiction to advise as to constitutionality. That stemmed from these old practitioners who were the original members of the Statute Law Committee. They didn’t want to get into a law suit vicariously because we staff people might have given out bad advice. So we would often refer constitutional questions to the Attorney General’s office which was the proper office to handle such matters.

Ms. Kilgannon: But you could...

Mr. White: But we could sort of drop a hint now and then.

Ms. Kilgannon: “You might want to not do this.”

Mr. White: Yes, right. That’s as far as we’d go.

Ms. Kilgannon: I see.

Mr. White: And there were pitfalls, little known sections of the Constitution. For example: one, that the law must be of a general nature, and so in municipal law, you couldn’t write a law to justify the city of Walla Walla by name because it was not a general application. So you have to say: all cities of the third class on the Walla Walla river...

Ms. Marchesini: Define it.

Ms. Kilgannon: I think I read one of those examples once. You know: it had to fall between x and x and suddenly just got all boxed in and there it was, you knew exactly who needed it.

Mr. White: Those were fun challenges.

Mr. Copeland: Like the story that I told you about when we had to replace the bridge at Vantage, and we had the old bridge dismantled and stored in Range Twenty-seven, Township Twelve, Section Four, and nobody knew where the hell

it was. These are not the correct coordinates, these are just an example.

Ms. Kilgannon: Only some people knew what you were talking about.

Mr. Copeland: Right. So we hid the bridge for ten years.

Ms. Kilgannon: Well, it worked. Here's a totally off-the-wall question: Were lawyers better at drafting bills? Legislators who were lawyers...than other people, or were they sometimes more problematical because you would get more complicated bills?

Mr. White: Both, both. Yes, you know, they could see the Indians behind the trees and so, if that's problematical, that's the way it was, but the end result was more apt to fly than if you didn't see those Indians.

Ms. Kilgannon: I understand someone like Augie Mardesich was a genius at bill drafting.

Mr. White: Yes!

Ms. Kilgannon: And other people weren't so good at it. Other people would be coming in with a napkin with a scratched-out idea and you would have to go from there.

Mr. White: Not so much from the standpoint of form and style, but ideas that had to get things done. That's their job. I mean, they're the idea guys. Our job was to supply the proper language to get the job done.

Mr. Copeland: Bob Bailey told us all to keep stories about Mardesich. When Bob first went to the Senate, before the session started, there was a comment made by somebody who said, "What we really need to do is get a bill through that does the following things." And Bob Bailey took note of this and then the session started and he had almost forgotten about it, so he dashed down later on to have the code reviser put together the bill, only to find that Augie had already passed the bill out of the House.

Ms. Kilgannon: No moss growing on him!

Ms. Marchesini: I believe that.

Ms. Kilgannon: Are there other stories like that, that come to mind?

Mr. White: I might think of something later, Anne.

Ms. Kilgannon: Where you played some kind of a role in the middle there? There were a lot of famous legislators coming through in those years. All kinds of things were happening.

After your turf battles with these older lawyers that had had that job before you, were there other instances of where your work shaded into someone else's and there was any kind of conflict? I understand that there were some jealousies about who had the most computer time, who had the access?

Mr. White: Yes, that was after our time. Bill Gleason, over at the Senate, who was the assistant secretary or something, was really pushing hard to ban the Legislative Information System and get each House into its own computer system and I guess he succeeded. We could see that coming right at the tail end. The problem was that, understandably so, the caucuses wanted to use the Legislative Information System for political purposes such as electioneering and newsletters, activities which were contrary to the politically neutral status of our agency which we guarded jealously.

Mr. Copeland: Well, I told you a story about my run-in with Bill Schneider, in General Administration. When Dick was getting all these punch cards.

Ms. Kilgannon: Because there was only one computer in all of state government and you needed to use it, too?

Mr. Copeland: We had to share time with General Administration. I think they were doing the work between ten o'clock at night and four in the morning.

Mr. White: Oh right, yes. And then that's what really got Tom really on the horse. I mean because it was impossible.

Mr. Copeland: So this was at the time he was catching all of this information in machine-readable form. Bill called me in one day when I happened to be over there and said, "My staff now wants to terminate our relationship with the Legislature; we don't want to have you in here running it anymore." I said, "Wait a minute, you understand we're trying to get this and we have a session coming up and we're not interfering with your time." He said, "My staff has convinced me that General Administration should own the machine and everybody in state government should then buy the service from us." And I said to Bill Schneider, "Wait a minute, you want to be the only person in the state government that owns a computer?" He said, "That's right." I said, "Bill, you and I are at cross purposes. I want to get this thing finished, but if you're telling me that you want to have General Administration own the only computer in state government, I want you to know I'm going to be on the Appropriations Committee and I'm going to oversee your budget."

Ms. Marchesini: Good for you!

Mr. Copeland: And he caught me at the elevator and said, "Wait a minute, come back in," and that's the way we finished it. And Bill's staff actually had him convinced that that was the way to go! And Dick and I and everybody else knew where these computers were going was monumental, but he was trying to grab a hold of all the computer turf and say "this is ours."

Ms. Marchesini: And then everybody would rent from him.

Mr. Copeland: Yes, that was the plan of General Administration.

Mr. White: After we got our system, there were two inter-branch committees charged with oversight of all state computer systems. One was the Data Processing Advisory, which regulated pretty much computers all over state government including higher education, and I served on that as a legislative representative. That was abolished in favor of a data processing committee which had more authority and that took quite a bit of my time. I was fending off the executive branches wanting to regulate our computer and it was essential that I be there and was successful at it. Eventually, that committee was abolished and there was, I think, some sort of state department regulating computers, but there was a protective measure that worked fine.

Ms. Kilgannon: I was thinking that there had to have been more turf battles...

Mr. Copeland: Oh, there were.

Mr. White: They had a guy—they hired a director—and I sat in on the hiring. A guy named Clinton DeGabrielle, a computer hot shot, he ran that data advisory committee. John Cherberg was chairman of the committee then. Then we had a guy sitting in there from Social and Health Services, Department of Transportation, and so on, and they were always adopting these grandiose regulations to affect all computer operations on the hill and I had the strenuous job of maintaining the position that we were a separate branch government and "to heck with you!" It worked, but it sure took a lot of time.

Ms. Marchesini: Yes, you bet.

Mr. White: So, there was that ...

Ms. Kilgannon: Yes, the Legislature, to keep any kind of momentum going against the executive branch, would have to have its own resources.

Mr. White: Sure, sure.

Mr. Copeland: Well, all you have to do is take the information away from the legislative branch, then you diminish their ability and of course, you know, go ahead and jerk all of the computer ability out of the Legislature right now and they're blind!

Ms. Kilgannon: You're right back to square one.

Mr. Copeland: Absolutely.

Ms. Kilgannon: It sounds like a lot of issues funnel through the code reviser's office or that you played a role in several pieces of this development.

Mr. Copeland: It was a very natural thing for him to become the depository of everything relating to use of the computer in the legislative environment. It was a very natural thing. It worked in well with the bill drafting and the whole thing, so. It wasn't that Dick White was just a pretty face; it just happened to be that he was at the right place at the right time.

Ms. Kilgannon: Nor necessarily empire-building, either.

Ms. Marchesini: Oh no, not empire-building, no.

Ms. Kilgannon: Well, it just would make sense.

Mr. White: Yes.

Ms. Marchesini: I'll tell you, both Dick and Will, Lee, and Mac—people that worked there. We were and still are really proud as anything of the staff and what we did. You know, I haven't got a regret or anything about anything we did because it was done in a right way, for the right things. You bet.

Ms. Kilgannon: You had to be very clear.

Ms. Marchesini: Oh yes, oh yes.

Ms. Kilgannon: How did you learn all these skills? Did you take special courses? Did you go to conferences?

Ms. Marchesini: Hard knocks!

Mr. Copeland: Right by the seat of your pants.

Ms. Marchesini: School of hard knocks. That's right!

Mr. White: Learn by doing.

Ms. Kilgannon: You're inventing whole new processes here as well.

Ms. Marchesini: Everybody that came to work for us, I don't know if they were just the right kind of people or they turned out to be the right kind of people, but they were wonderful people and when you talk to them, like, you know, Cathy Sangster?

Mr. Copeland: Sure.

Ms. Marchesini: Okay. Cathy came to Mac's funeral and she went up to Dick White, grabbed his hand and started to cry. She said, "Those years I worked for you were the best years of my whole life!" And you hear that from people and it makes you really proud.

Ms. Kilgannon: Well, you've been through something amazing together.

Ms. Marchesini: Oh yes.

Mr. White: We learned—I learned quite a bit through the National Association dealing with other guys in the same field, and you learn as much having a drink after dinner with those guys as you would in formal sessions or maybe even more.

Tom Copeland: Sure.

Ms. Kilgannon: That's where you could really chew over your shared problems. So, was Washington a leader in this area?

Mr. Copeland: Modestly, I would say: light years ahead of everybody else.

Ms. Kilgannon: Okay, modestly!

Mr. Copeland: I remember the comment that was made by a senator from the state of Wyoming that was attending one of these meetings and he said, "You guys are, you think you're a way ahead of us, but I want you to know the Wyoming Constitution should be changed. It says that the Legislature shall meet for forty days, every two years and what it should say, the Legislature shall meet for two days, every forty years."

Ms. Kilgannon: Not a big fan of government activism there.

Mr. White: It got to be a bit much, though, when you guys ran into the middle of May or almost...

Mr. Copeland: It was totally unnecessary, really, when you think about it, but you know of course we had the whole redistricting thing which was so...that was a bugger to handle.

Mr. White: Do you think that's been improved by farming it out?

Mr. Copeland: Oh, to a degree, I guess so, Dick. When Bob Greive was there, the redistricting thing just became such a focal point with him and everything was on the table as far as he was concerned. He'd swap you any kind of a bill for a vote on redistricting.

Mr. White: Yes.

Ms. Marchesini: That's the bad part.

Mr. Copeland: Absolutely. That is the *the* bad part and of course Bob was so, so focused on *quote* "his group." I don't know whether you remember, but on one occasion he had a terrible time in Spokane, because he had three senators in Spokane that were *quote* "his boys" so it may have been Dean Foster who was told to save these three senators and in so doing he took five house members and put them all in one district!

Mr. White: Oh, no.

Mr. Copeland: Yes!

Ms. Kilgannon: So much for that.

Mr. Copeland: So it was. You know, Bill Day and Bill McCormick, and two or three others in Spokane, all wound up in the same legislative district.

Ms. Marchesini: Keith Campbell!

Mr. Copeland: Yes, Keith was involved also.

Mr. White: I can remember Sam Smith fought redistricting. They would break out the map you know, there was gerrymandering going around. And he'd say, "And you got this puppy dog tail going up here...!" Sam was a wonderful guy.

Ms. Marchesini: Yes, you bet.

Mr. White: Oh, he was a peach.

Mr. Copeland: Well, I remember McCutcheon, Senator McCutcheon, one time was down...

Mr. White: Oh, the older one?

Mr. Copeland: Yes, and he was working with Bob Greive and he said, “No, no, don’t get too close to American Lake. Move over here little bit more, that’s fine.”

Ms. Marchesini: Yes, I can just see him.

Mr. Copeland: So any rate, somebody said, “What’s your rationale, not being too close to American Lake?” “Well, the rationale is to save my ass!”

Ms. Marchesini: That was John.

Ms. Kilgannon: That was redistricting. Did redistricting have any impact on your work?

Mr. White: A lot of work, a lot of hours.

Ms. Marchesini: No, except just the bill—the drafting of it.

Ms. Kilgannon: Drafting of those very detailed bills?

Mr. White: Redistricting and the appropriation bills kept us going all night...

Ms. Marchesini: Oh, over and over and over all night.

Mr. White: And tax bills. And Bill Schneider would come in and say, “I got the go-home bill in my pocket.” Bill went from General Administration over to the Department of Revenue and was involved with the omnibus tax bill which in every session must be enacted in order for the Legislature to adjourn.

Ms. Marchesini: I can just hear him.

Mr. White: “I got the go-home bill.” That was a crock; that wasn’t going to fly.

Ms. Kilgannon: What if you couldn’t physically do it, if they needed a copy and it was so huge and so large...

Ms. Marchesini: We did it! I mean...

Mr. Copeland: You just did it.

Ms. Marchesini: Well, you did it. I mean, if took all night, you worked all night, and if it didn’t get done till noon the next day, you just kept working ‘til it got done, you know. But it always got done.

Ms. Kilgannon: There weren’t times when...

Ms. Marchesini: Oh no, the staff would never go home, oh no, oh no.

Mr. White: Then other guys would drift in, you know.

Ms. Marchesini: We’d send somebody home to sleep for couple of hours and somebody else, you know...

Ms. Kilgannon: Take turns?

Mr. White: It was like fireman duty, some of it. You just had to be there.

Ms. Kilgannon: So lots of coffee, lots of...? You’re saying: yes.

Ms. Marchesini: Oh yes!

Mr. White: And then we had a couple of legislative free loaders that were always coming in and grabbing whatever snacks there were on.

Ms. Marchesini: Oh yes!

Mr. White: They licked us clean and they never say thank you!

Ms. Kilgannon: So you had a little candy dish? Big donuts or something?

Mr. White: Oh, we had chips and stuff.

Ms. Marchesini: Always stuff around.

Ms. Kilgannon: To keep yourselves going?

Mr. Copeland: Gay always had a box of candy in her desk. Somebody walked by and gave her some. I know I did on several occasions. People always said to me, “Why are you giving her candy?” I said, “Because I know how to get into the front door.”

Ms. Kilgannon: You have to keep up your stamina somehow. You were talking about the days when it was a literally a smoke-filled room and...all the things that are now are no longer permissible.

Mr. White: No more.

Ms. Marchesini: Nobody thought anything about that, really.

Mr. White: Well it’s interesting. If you’re on T.V. late at night, some night and you see one of those old movies—they all smoked.

Ms. Kilgannon: I understand later, when they cleaned the Legislative Building, that the actual paint colors in the Legislative chambers were totally different from what they thought they were because of so many years of cigarette smoke.

Mr. White: Yes.

Ms. Marchesini: Oh I mean, there were thousands of not only ashtrays with House and Senate all over them, but spittoons, you know, that were everywhere. Oh yes.

Mr. White: Governor Hartley made a big thing out of spittoons. They had big brass spittoons with four corners. Hartley went campaigning with one of these, campaigning through the state as to what an extravagance it was, but the Senate had spittoons in there for years.

Ms. Marchesini: Then, in every elevator were the big ash trays filled with sand, you know; you just put your cigarette out before you got into the elevator—maybe!

Mr. Copeland: In the original House and Senate in 1927, every House and Senate desk was equipped with a brass spittoon—every one.

Ms. Kilgannon: A lot of chewing.

Mr. Copeland: Yes. So, any rate, over time these all became surplus and at one time they decided to sell them and some of the legislative wives found out about it and went down there and they were auctioning these things off. And my wife bought two of them for three dollars a piece. And then they broke for lunch and they went back to start over again and they said, “You know, they’re auctioning off these spittoons. Boy, a lot of people went down there, and when they started up at 1:30 and the first one after that went for thirty dollars! I got two of those brass spittoons.

Ms. Marchesini: You've still got them?

Mr. Copeland: Yes!

Ms. Marchesini: Good for you. I got a couple of good chunks of the marble.

Mr. Copeland: Oh, that they took off after the earthquake?

Ms. Marchesini: Yes.

Mr. Copeland: Is that right? Oh boy!

Ms. Kilgannon: How was your office hit by the earthquake of '65? Did paper fly all over the place?

Ms. Marchesini: No, we had some damage...we had to leave and go over to the IBM Building for a while.

Mr. White: I remember Sam Smith turned white as a sheet.

Ms. Marchesini: See, what happened was, it used to be when they stopped the clock—an artifice sometimes used to pretend the Legislature was in session after the actual sixty days had expired—the members didn't get any more per diem... Well, Sam Smith didn't have any more per diem and he ran out of money so he was sleeping up in the Democratic caucus room. And so he was up there in the House chambers...this earthquake was before 8:00 in the morning...And he's the only one up there. Well, I mean, great big things of glass were falling down. That's when they all said, "Sam Smith turned white." I mean he was so scared...

Ms. Kilgannon: Sure, that's terrible.

Mr. White: I don't blame him.

Ms. Marchesini: Oh yes, that was scary.

Ms. Kilgannon: That's not the place you want to be.

Mr. Copeland: The story is he made it out of the House to the center line of Capital Way in six seconds flat.

Ms. Marchesini: I bet. That was a scary time.

Ms. Kilgannon: But your office, you had to move out for this?

Ms. Marchesini: Yes, but we didn't right away. No, there was just some structural damage. But we finished the session, certainly, and it was in the summer when we moved.

Mr. White: And our shop was so sparsely furnished out that ...

Ms. Kilgannon: ...there was nothing to knock over?

Ms. Marchesini: He just crawled under the desk.

Mr. White: I had a dumb old camp bed in my office.

Ms. Kilgannon: So, not very plush. Spartan?

Mr. Copeland: Plush! Wait a minute. You forgot to add the green eye shade.

Ms. Kilgannon: We can close with this image. The dress regulation of the office?

Mr. Copeland: The green eye shade that Dickfor that was a thing of beauty and it was the trademark of the code

reviser.

Ms. Marchesini: I loved it.

Mr. Copeland: I always loved it, the green eye shade.

Ms. Marchesini: I told Tom that green eye shade was the brunt of many Christmas party gifts.

Mr. White: It was.

Ms. Kilgannon: So, this was something that you wore?

Mr. White: It was a celluloid green eye shade.

Ms. Marchesini: You wore it when you were working. You bet.

Mr. White: It was helpful.

Mr. Copeland: You should have seen the lighting in his room. He had one sixty watt light globe hanging from a cord.

Ms. Kilgannon: Oh dear, a little like Dickens, you know.

Mr. White: Anyway, anyway...

Ms. Kilgannon: I picture you in a high stool like in the story of Scrooge.

Ms. Marchesini: Not quite!

END OF INTERVIEW