

Clay Jackson ir

After nearly two years in prison, and after a stern rebuke from a federal appeals court, the legendary lobbyist is anything but contrite about the circumstances that led to his fall. Instead, he insists that those who prosecuted and convicted him just didn't understand the universe of legislative politics and deal-making.

By Sigrid Bathen

For many years, Clayton R. Jackson—a chemical engineer-trained lawyer and former offensive tackle at USC—was California's highest paid and arguably most powerful lobbyist. In December 1993, after an eight-week trial with co-defendant and former Democratic state Senator Paul Carpenter, he was convicted in United States District Court in Sacramento of racketeering, conspiracy and mail fraud—one of 14 political figures, including Carpenter, to be convicted in an unprecedented federal sting operation designed to ferret out political corruption in the California Legislature (see CJ, August 1994). The only lobbyist indicted or convicted in the sting, Jackson was sentenced to more than six years in federal prison and has served about one-third of that sentence. He and former Democratic Senator Joseph Montoya received the longest sentences of any of the defendants. Last July, Jackson's appeal to the Ninth U.S. Circuit Court of Appeals in San Francisco was denied in a further but particularly blistering rebuke of Jackson's defense.

Jackson, 52, is serving his sentence at Nellis Federal Prison Camp near Las Vegas, where he was interviewed for California Journal by longtime Sacramento journalist and legal affairs writer Sigrid Bathen, who has written extensively on the role of lobbyists in the political process. The three-hour interview was conducted on September 19th—the first interview with Jackson since he lost his appeal. He talked about his fall, his trial, his dimming hopes for reversal on appeal, his life in prison, plans for the future and a political system that some say is the shadowy, true culprit in the investigations of corruption in the state Capitol.

Sigrid Bathen is a former reporter for The Sacramento Bee who teaches journalism at California State University, Sacramento, and writes for several publications.

prison



Photos by Sigrid Bathen

"It's not an inscrutable situation. It's not one person or a cabal doing this — it's all sorts of people. The people in these systems are still people; they have jobs to do and goals to accomplish. A lobbyist is nothing more, nothing less, than a private politician."

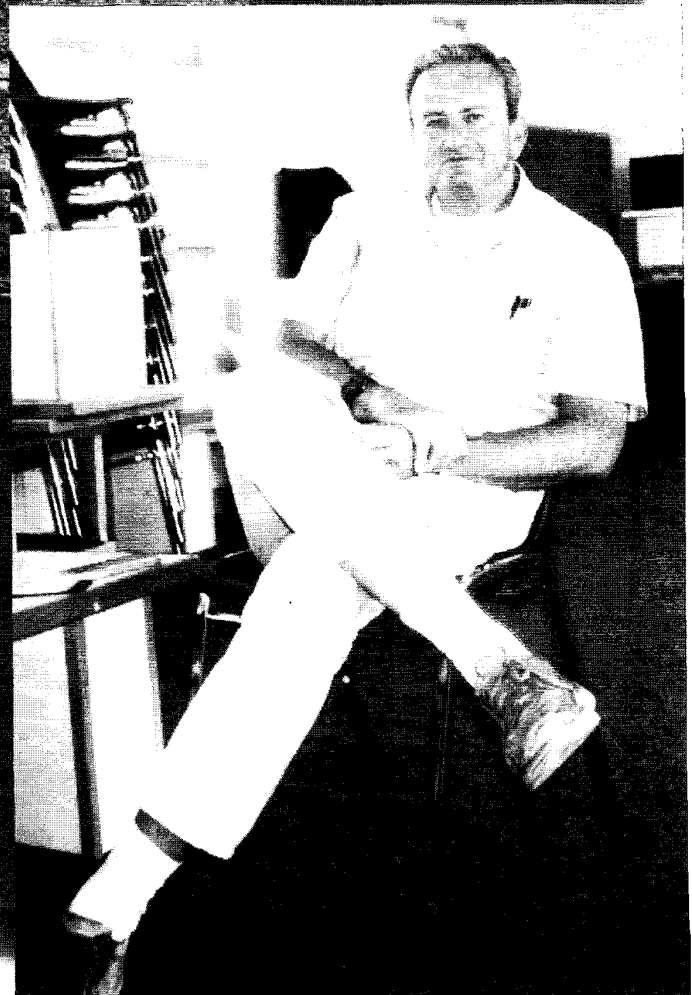
— Clay Jackson

"Lobbyist Clay Jackson: The New 'Big Daddy'"
California Journal, February 1990

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Nellis Federal Prison Camp,
North Las Vegas, September 1995



It is a blistering, parched fall morning in the desert about a half-hour drive outside Las Vegas, on the fringes of Nellis Air Force Base — “the mecca of advanced combat aviation training,” according to an Air Force fact sheet — where the 500-inmate Nellis Federal Prison Camp supplies the base with menial labor for cleaning, gardening and the like. Clay Jackson has been here for nearly nine months, after a year in a camp in Dublin near San Francisco, which has since been converted to a women’s prison. He has moved up from fixing air conditioners and heaters (a skill learned from his father, which helped put him through college and law school) at Dublin to working as a law clerk at Nellis.

Wearing beltless tan khakis, matching shirt, dusty brown shoes with white socks — ballpoint pens and a yellow high-lighter sprouting out of one shirt pocket, a small notebook with the names and phone numbers of friends and supporters in the other — Jackson is tanned, appears fit and weighs nearly 100 pounds less than in his 300-plus days in the state Capitol. Before and during his ordeal — which began when his office was raided by the FBI in late 1991, more than a year before his indictment in early 1993 — Jackson said the stress and tension caused him to

pack 360 pounds onto his 6’6” frame. He now weighs 260.

“It’s a pretty expensive fat farm,” he told a reporter who interviewed him in Dublin shortly before he was moved to Nellis. Nellis’ cuisine is about as mundane as at Dublin, he says, but without the fresh vegetables grown on a farm at the California camp. “Nothing grows out here,” he says, grinning and gesturing at a bleak, dusty landscape painted in a depressing shade of tan, with only the dark mountains rimming the desert to break the monotony. He seems unfazed by the intense heat.

Always a voracious reader, Jackson subscribes to numerous magazines and newspapers and stays on top of developments in the insurance industry by reading industry trade publications. Several members of his approved visitors’ list — he can have 12, plus family — are current or former insurance executives who, he adds, are also longtime friends. Friends send him articles and one even passes on news stories from his clipping service.

“I read pretty much the same eclectic group of things I read before,” he says. “Right now I’m reading Kissinger’s ‘Diplomacy.’ I’ve also picked up Graves’ ‘I Claudius’ — I’d watched the series on TV, but I’d never read it. This morning, I got Garry Wills’ ‘Lincoln at Gettysburg’ out of the library.”

The Clay Jackson

What follows are excerpts from the Nellis interview. It is not intended to examine all aspects of the sting trials, nor to determine the veracity of Jackson’s contentions or those of the prosecution, other than to note that he was convicted by a jury and denied on appeal to a higher court. It is intended simply as an examination of the views of a longtime major player in the California political scene. A condition of the interview, in fact, was that Jackson agreed to answer some questions about his trial and appeal, but that he could not go into detail about certain aspects of his appeal, so as not to jeopardize what remains of his appellate rights.

CJ: What were your feelings when you learned of the tapes? Did you feel betrayed by Alan Robbins? Angry?

Jackson: I was shocked, horrified. My first feeling, knowing that they were all going public, was one of embarrassment. You don’t like your private conversations publicized all over the place. But, other than the 5 or 10 percent relating to the workman’s comp issue, those kinds of conversations, those kinds of discussions, even the verbiage used, are used in most senior offices all day long at the end of the session. And they’re used between senior lobbyists and senior members [of the Legislature].

One of the difficulties of being in a trial like this is people don’t understand what goes on in a parliamentary body, and they truly don’t understand what a lobbyist does or is supposed to do. Lobbyists have always been sort of

demonized characters in American political life, even though they’ve been critical to most legislation at most times.

CJ: How do you view Alan Robbins, as a public servant, as a human being?

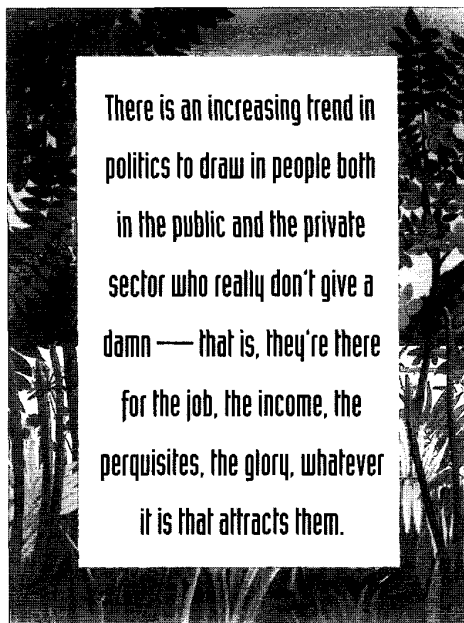
J: Alan is, well, he is what he is. I’m not angry at Alan Robbins, who I’ve known since a month after he was elected when he replaced Tom Carroll down in the San Fernando Valley in a special election after Tom died in ’73. When Robbins was elected, he was put on the Judiciary Committee, and that was where all the action was, all the fighting, and [a bill to establish no-fault insurance in California] was stuck there. In 1982 and 1983, it looked like it was going to become unstuck. During the course of that time, there developed what became known as the ‘Three Rs,’ three brand-new boys for that committee — David Roberti, Robbins and Omer Rains. And, eventually, the following year, those were the three people who ... sprung the bill out of committee over the opposition of the other side. So of course we worked ‘em.

CJ: How would you describe Robbins?

J: Like any human, you have to start with what they are, and make your judgments after that. But basically, Alan is a one-dimensional person, extremely bright. There isn’t anything in Alan’s universe but Alan. I’ve never seen him exhibit any real care for any human, even members of his family. They were just things, like everybody else. It doesn’t surprise me that Alan did what he did. When you

Jackson works daily and volunteers evenings in the law library, helping inmates with legal problems and researching federal criminal law for his own case, although he is not optimistic about future appeals. The next step is to request an *en banc* hearing of the appellate court, which is unlikely to change anything, and then review by the U.S. Supreme Court, also a long shot. He is resigned to serving out the four years remaining in his sentence and has started correspondence classes for an MBA, since he will be disbarred if the appeals are unsuccessful.

Jackson, who graduated from Hastings Law School in San Francisco and taught law for many years at San Francisco Law School, also teaches reading and writing composition to inmates — “many of



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these guys are functionally illiterate,” he says — and teaches a class for inmates, which he designed, about the history and operation of government regulatory agencies. “I teach the principles of operation of the regulatory agencies, their constitutional and legal authority, how government works — and why you have to hire people like me.” And he laughs. “It’s kinda fun, particularly with people who haven’t gone to school for a while.” He says many of the inmates in the minimum-security facility are there for so-called white-collar crimes, and many for drug-related offenses.

Inmates have use of base recreational facilities at certain times, and Jackson works out in the weight room several times a week. His day starts with breakfast between 5:30 a.m. and 7 a.m. Work in the law

Interview

work with somebody like that, you take into account what they are, and you work with them.

Alan is absolutely devoid of common sense. He can say something absolutely brilliant; and then something so foolish you wonder how it came out of the mouth of any human being. And he can't tell the difference between the two. I've never seen anyone like that, particularly with his intelligence. He has a high I.Q., but none of the other qualities of intelligence ... It was a very dangerous game that Alan played.

CJ: *In retrospect, what would you have done differently? Some people have asked how you could have been so stupid? They say you're too smart, too savvy to have made such a horrendous mistake.*

J: In politics, there are all kinds of human beings. From the outside looking in, you usually don't see it. What you see is designed to be reflected out. On the inside where governing occurs, it is a full-body exercise in a government this gigantic. Everything is under the control of the government, and the people who are subject to the power of the government fight like hell. In a way, it's a replacement for warfare and violence in [effecting] political change. Therefore, when the people conflict, they conflict with everything they've got — their psychologies, their emotions, sometimes even their musculature, their brains, their intellect, their rhetoric. You name it, you've got it. It's one of the few things left [in the political system] where you do have a full-body exercise.

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people both in the public and the private sector who really don't give a damn — that is, they're there for the job, the income, the perquisites, the glory, whatever it is that attracts them.

CJ: *You were a lobbyist for more than two decades. What are you going to do when you are released?*

J: Depends on how I get out. If I don't overturn anything, I'll be disbarred. I've signed up to complete an MBA through the University of Phoenix. I figure if I can't practice law, I have to do something else. I've taken other college classes in microeconomics, information systems, computers.

If I have to serve all this time [until October 1999], obviously I'm finished in politics, and I'll be finished in law. But I've been around enough businesses, I'll be doing something. There is an insatiable demand for people who understand the mechanics of government, and if a fellow has a conviction you can't raise him up in a public light. You can hire him as a consultant, an adviser, something like that. There's plenty of business.

CJ: *What do you do in your job as a law clerk?*

J: I'm one of three law clerks, and the other two are both lawyers, one suspended like me, one disbarred. You are required to work 37-and-a-half hours per week. Two-thirds of the inmates work on the Nellis air base, one-third in the camp. You can volunteer to work more. The three of us cover the law library... [inmates are paid 12 to 40 cents an hour — Jackson makes 12 cents].

library extends from 7:30 a.m. to 3:30 p.m., with a lunch break at 11 a.m. The "national prison count," when numbers of inmates in all federal prisons in the U.S. are phoned in to Washington, D.C. — "to make sure we're all still here," says Jackson — is at 4 p.m., then dinner at 4:30 p.m. or 5 p.m., and volunteer work, tutoring or in the law library, from 5:30 p.m. to 9:30 p.m. Designed for some 380 inmates, the prison is overcrowded at 500, and there are four to eight men per room, six in Jackson's, which used to have space for a desk. The "dorms," which are converted barracks, have TV rooms, but Jackson says he watches little television, except during football season.

Visiting days are every other weekend — half the inmates on each weekend — Friday evening, Saturday and Sunday. It's about a four- to five-hour drive from Los Angeles, then a half-hour drive from Las Vegas to the prison. His sister, Carol Pfeifer, a professional fundraiser who lives in Sausalito and is taking care of Jackson's Mill Valley house as well as publishing a newsletter, *The Clay Jackson Legal Report*, visits regularly, as does his longtime friend Luree Stetson, a legislative liaison from Sacramento who has dated Jackson "off and on" since 1978. His elderly

parents, both in their 80s, have managed the trip to Nellis twice from their home in Garden Grove, where Jackson was raised. His brother, Russell Jackson, a Southern California contractor, visits every few months, and he has other visitors — old friends and business associates, but few lobbyists and no politicians.

"It takes some adjusting," Jackson says of prison life. "But there are a lot of really good people in these institutions. There is a lot of interchange that you don't have outside because you're so busy. Here, you don't have as much to do. You're crammed together, and you talk about things, you see other people's experiences on a more intimate level."

He is painfully courteous, almost obsequious, to prison staff, carefully depositing two empty Diet Pepsi cans from the interview for recycling, thanking the guard who saves him lunch. "You treat them decently," says Jackson, ever observant of human interaction, of his relationship with prison staff, "and they'll generally treat you decently."

Reporters don't visit much anymore — none except someone for an insurance industry trade publication since the transfer to Nellis, none since the appellate court issued its blistering denial on July 25th, saying Jackson's conduct was "so antithetical to and destructive of our political traditions

They [inmates] have questions about their cases. Some have become lay lawyers, and they want to know the research techniques, so you become sort of an ambulatory legal research teacher. A lot of times, you'll interpret cases for them or explain legal doctrines so they will understand what they're reading. They'll write something, maybe a *habeus corpus* motion, and you kind of correct it and fix it. In a way, it's like practicing law.

CJ: *The Ninth Circuit opinion used some very strong language in denying your appeal, saying that the tapes were "replete with unseemly discussions of a \$250,000 payment in exchange for a political favor ... [and] even include a remarkably frank recognition by Jackson of past crimes, of Jackson's and Robbins' shared understanding based on that illicit past, and their ongoing need to avoid federal investigation."*

The court also held that your behavior, as reflected on the tapes, was "so antithetical to and destructive of our political traditions that there can be no serious argument that Jackson is an innocent man." I realize you don't want to say anything that might jeopardize future appeals, but can you tell me how you reacted to the opinion?

J: I was bitter about it, and I think it was flawed. There are two basic flaws, one factual and one legal, and some uninformed political opinion — that is to say, conclusions drawn by people who have no idea how the political system works, based on a rule of law that was invented in this case, that hasn't existed any place before, and based on a total, unbelievable misreading of the trial record.

In the trial, first, the government played their tape recording, which covered most of the trial. But the tape covered only one charged element. The tape relates only to one leg of the necessary two-leg RICO charge, and nothing else. ...If you listen to five months' worth of it, which I don't recommend, it has about 90-95 percent

ordinary political conversation on it, the kind of conversation that you'd find at the end of the session between an experienced lobbyist and an experienced politician.

Now, the other 5 or 10 percent, that's where the dispute comes from. That's where I say that Robbins was a government-authorized extortionist. He says, oh, no, I was simply a briber as I've always been in the past.

CJ: *Essentially, you're saying that what transpired in those conversations is nothing that does not regularly transpire ...*

J: All the time, every day. It always has, and it always will.

We couldn't understand why they [prosecutors] were playing the tapes on days when there was nothing but lobbying going on, because some of those tapes were some that we intended to play as examples of what you do in this business.

CJ: *You have been openly critical of the prosecution in your case and refused a plea-bargain which might have given you less time. Why?*

J: Through Heller, I was offered basically what Alan Robbins was offered [a reduced sentence if he agreed to cooperate with the prosecution], and I refused. Basically, they wanted to buy my testimony and if I would, say, implicate members, the Speaker [Assembly Speaker Willie Brown Jr.], I would get [a reduced sentence].

CJ: *What was your relationship with the speaker at the time of your indictment? Hadn't that relationship cooled a bit as a result of your participation in the so-called Gang of Five challenge to his speakership, and your efforts, with other lobbyists, to field a viable challenger to Brown lieutenant Phil Isenberg? Brown was quoted as saying he would neither "forgive nor forget" those actions.*

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"Once the door closes," Jackson says with an edge of bitterness, but no particular rancor, "the real world forgets about you."

With few exceptions, he does not believe his federal trial on racketeering, bribery and money laundering charges was adequately, or sometimes even fairly, covered by the media. "It was a media circus," he says. Some would call this the lament of a convicted briber, but this is what he believes. He says he isn't bitter.

Not one to take on reporters — or even talk to them — Jackson has always been skittish about the press, generally preferring to cut his deals behind the scenes, absent media review. "After awhile, you become well known, and you can't speak out so much publicly," he says carefully. "If I was back there and we had this interview four years ago, what I would do because of your power, which is the power of information and print, I'd come in and all of a sudden you become a player in a game maybe you don't understand. Maybe it's not such a good idea to force companies to write earthquake [insurance] if they write homeowners insurance. Maybe it's a disaster, which in fact it is, because it is fundamentally an



Photo by Rich Pedroncelli

Jackson with his attorney before his conviction, 1995

J: At that time, my relationship with Willie was more strained than it was in the past. Any able people who work in an environment that small get to know each other quite well, and you get along with each other, at least formally, and at various times your relationship is stronger or weaker depending on what you're doing. This is not a business of friends and all these other things that the prosecutors tried to paint it as. It is a professional endeavor of interests. You have alliances, and the alliances come together, and they fall apart. A guy who now might be a friend three years later may be an enemy. These things come and go as a function of politics as well as issues...

I had a conversation with Willie a couple of years before this happened — a series of conversations culminated by one, about what was going on in his house. It was a house that had been fairly balanced, and was tipping to the left, and I told him that he can't expect the kind of people I represent to continue to fund these people who, no matter what the issue is, are on the attack all the time. If they're going to continue to contribute, they're going to contribute to those who are reasonable, including you. Our last conversation was that it had gotten so bad for business that we were going to re-focus on the Senate, where business originally was decades ago.

One of the silly things about the theory of the prosecution is that they elevated evidence of behavior into some sort of concept of how things should be. In his closing arguments, the prosecutor said you can't talk about politics and contributions in the same conversation. Well, most people don't. Aside from that, what difference does it make? Is it any better or worse if you talk about a bill in the morning and a contribution at a cocktail party that night? What does it mean? It doesn't mean anything. Either you're involved in an illicit relationship, or you're not.

CJ: Do you think Willie Brown was the main target of

the sting, as some say?

J: One, I have no way of knowing, and I don't think anybody does. Two, I think that their level of understanding of politics was and remains absolutely abysmal. Maybe they were trying to get Willie, I have no idea. But they had no idea how to go about doing it — and what it was he was supposed to be doing. I don't know what Willie does, but I do know how he operates, and Willie is a master politician, the speaker of the house, the members' speaker. We haven't had many of those in California — Jesse Unruh was one. You take care of the members and when you do that you aren't an issue-oriented person, except to the extent that you have time for it.

If you want to attack it, you can attack it, but that is our system, until you change it by law, you could send another sting operator in and if people were as stupid as I was, you could go and play around with these guys, and you could put another 20 guys in jail.

CJ: You said you were stupid.

J: Of course I was stupid. This guy [Robbins] didn't do this on his own — he did it for a price. They paid him \$30 million, for heaven's sake [a reference to reports that Robbins, now released from prison, emerged with his \$30-million-plus real-estate fortune and his real-estate license intact].

CJ: Do you have any self-recrimination?

J: Well, I'm past it, and I never had much of it in the first place. As far as bitterness goes, you have to grasp the bitterness and put it aside and get on with your life.

CJ: Are you repentant? Contrite?

J: No, I'm not contrite. I think these people [the FBI and federal prosecutors] launched an attack on the political system, and that's why nothing has changed. All

uninsurable risk. You can't insure earthquakes any more than you can insure hurricanes.

"That's hard to understand, and if you get a lot of press at the same time, you might just knock yourself right off of a little ledge you're walking, which is why you can't afford to talk. Or you might say something intentionally to send a reporter off on the wrong track and get him out of your way.

"Reporters as humans are one thing, but the press is a major political force in public life today, and it is for good and for evil ... If you [a reporter] say you won't talk to someone because they're biased — and a certain well-known columnist in Sacramento is like that — how can you possibly know anything in a society where the rules are stacked up so high that you couldn't possibly understand them unless you became an expert?"

Actually, Jackson has over the years talked to a few reporters — though certainly less often now that he's in a federal prison in the middle of nowhere and his telephone calls from prison must be collect and generally limited to 20 minutes.

Even on the outside, he was always extremely cautious about what he said, and to whom, usually only longtime

political and legal reporters with proven track records and some control over how their editors handled their stories. He says some reporters covering the sting trials privately expressed frustration that their stories highlighting defense claims would be given short shrift by editors intent on headlining Capitol corruption. But, protecting his sources like any good reporter, or lobbyist, he won't say who they are.

In the same vein, people who used to talk about Jackson during his heyday — including former or then-current associates — often refused to comment unless promised anonymity. One likened Jackson to the late Artie Samish, the legendary corrupt lobbyist convicted in November 1953 of income-tax evasion, saying Jackson's arrogance, and his enemies, would eventually catch up with him, he would "take a fall," and a big one. "I would never work for him again," said one admittedly bitter former employee in a 1987 interview. "He's terrible to work for. He's obsessed with being number one."

Others said that, while clearly obsessed and driven, Jackson was a hard-working, diligent, knowledgeable advocate for his clients. "The whole of the Capitol is about winning and losing," said Larry Kurlmel, a former Jackson associate who is now executive director of the California Bankers

these new people [legislators] are doing the same thing. This is the system that we have, and if you're going to change it, you have to do it with law.

CJ: *Everyone agrees that we need to change the system of campaign finance, but nobody seems to agree on how, or have the will to do it. What do you suggest?*

J: Jesse Unruh said it's not the supply, it's the demand. Without the demand, there is no supply. Do you think people go around giving money to politicians because they want to? He came up with a whole series of ideas that was essentially designed to damp down the need for political funds. For example, don't raise funds when the Legislature is in session. Take the British system: You do the electioneering, but for six weeks before the election, although I'm not sure that's long enough for a state as large as California. Then the rest of the time you do what used to be known as politics, but with all [this] fund raising, you just can't do it. Require truth in operations of people who operate around politics — PR people, spin doctors, all these consultants nobody seems to know what they're doing. While there are a lot of fine people in that business, taking commissions every time you do something just drives up the cost. There are a lot of things you can do to reduce and regularize the demand which I don't think would violate the First Amendment, which isn't some absolute permission to do anything you feel like.

CJ: *What about public financing of campaigns?*

J: I became an opponent of public finance for a simple reason: a lot of reform ideas fall victim to the "doctrine of unintended consequences" because the reformers forget one thing when they propose a change — the human element, and that's the only thing that counts. If you're going to have public finance, who's gonna hand out the dough? What would it be like if you had some commission

of nobodies appointed by the powers-that-then-be, and you have all this money? You'd have people on the outside pulling the strings who you could never identify. People like Jesse Unruh if he were alive and retired. He knows the system inside and out, pulling all these strings, doing things for the benefit of the then-power-that-might-be because he has the time and the knowledge to control all this little stuff.

Everybody wants to watch how much money you're giving, say, to the speaker of the Assembly. But who cares about the man from Chula Vista? Only the guy who wants to build power. That's the very flaw in public financing. It doesn't work. It hides what goes on.

CJ: *So what will work?*

J: The only thing that I think does work in government is the so-called sunshine principle. You're not doing all this prohibiting — you get this, you get that — but you're working around the system, with the light shining on it all the time. If it doesn't work, you pluck it out and attack it.

CJ: *Wasn't that in part what the sting was designed to do?*

J: Well, that may be what they thought they were doing.

CJ: *Did it accomplish anything substantive, in your view, change anything?*

J: Not a single thing. I do think it interjected a great dose of fear in California state government that will not abate for a long time.

CJ: *But isn't that a healthy fear in some respects?*

J: To the extent that there are any real crooks in California government, yes. But there are far more honest people, and they are also frightened to death. I think the net result is that it's been very unhealthy.

CJ: *Has that fear created a certain paralysis in government?*

Association. "He expects a great deal, and while we had our differences, I found him fascinating. For someone who operates in such a complex field, he is very straightforward, but you have to earn his trust. He's a tough son of a bitch, but I think the world of him."

Today, nearly two years after his conviction, fewer have kind words for Jackson, although he retains a list of strong supporters he says have contributed more than \$500,000 to a defense fund established by other lobbyists and friends after his indictment. He says the money, and the support letters, keep coming in, but he doesn't like naming names. Terrified of "guilt-by-association" or believing strongly that, as one veteran lobbyist said privately, "Clay crossed the line" in offering, though never actually providing, a \$250,000 "contribution" in return for favorable legislative treatment, most lobbyists steer clear of Jackson and say the sting convictions have struck fear into the hearts of all lobbyists. "We're all walking on eggshells," one lobbyist recently told a reporter. "If I'm in a legislator's office and someone even mentions money, I'm out of there."

But still, business goes on much as it always has, with huge sums expended annually in California by a wide variety

of special interests to influence, alter, defeat or pass laws and regulations — and to elect or defeat politicians sympathetic to various "causes."

"When you have this tremendous amount of money flying around, there is a tremendous amount of abuse," said Sacramento lawyer Ben Davidian, former chairman of the FPPC in a recent interview. "Clearly, we need to make some changes. Our system needs work, and an occasional FBI sting isn't going to fix it."

Ironically, Jackson says he had planned to leave lobbying and was in the process of selling off shares of stock in his lobbying firm in 1989 and 1990. Also ordered by the federal district court to pay a \$50,000 fine, he says he is reasonably secure financially, "but I'll be bankrupt if this goes on much longer." He says he refused a plea-bargain offer that would have given him less time if he agreed to cooperate in the investigation — essentially the same offer accepted by former Democratic Senator Alan Robbins, who surreptitiously taped the conversations with Jackson that led to his conviction, and assured Robbins' release from prison after two years. It was an offer that Jackson's Sacramento defense attorney, former federal prosecutor Donald Heller, said has been repeated several times by federal authorities, even as recently as last

J: Yes. Perfectly legitimate, serious conversations that used to occur in offices in the Capitol now only occur out of doors in the open air, which I think not only is silly but very dangerous in the kind of democracy that we have.

CJ: *You have said several times that the FBI and federal prosecutors in the sting investigations were operating under "a lot of misconceptions" about the political process in California. Explain.*

J: I think they believed that the California Legislature operated as if it were a legislature in some corrupt eastern or southern state before World War II, that everything was bought and sold. You can have a legitimate conversation in politics today relative to morality — and the system does not come out well. But the test is morality, it's not law and criminal penalty. Sending an admitted felon into a legislative body wearing a wire and spending time no longer being a senator but trying to be an adjunct to a law-enforcement agency, what could it possibly accomplish? If you're going to try to pluck out the king of evil — suppose Al Capone was president of the Senate — then, yes. But that isn't what this was all about. If you look at all the people they chased down, or tried to chase down, it wasn't that sort of person at all.

CJ: *So this was just business as usual in the California state Capitol?*

J: Since the people have basically withdrawn from participation in politics, a whole set of intermediary institutions has developed, the so-called special interests, which range all the way from the Girl Scouts lobby to General Motors and everybody in between. AARP, you name it; everybody's got a lobbyist. Do they all use money? No. But money is used increasingly. Even the Sierra Club now makes contributions. Are there things as important or more important than money at any given time? Yes. Phone

banks, precinct walkers, they're still important, and all are used. This is how we do democracy in the United States. We use intermediary institutions, because our people are too busy, too disinterested, and they have too many options because we're a fairly wealthy country, which we weren't before all this happened.

It costs a lot of money to get elected, because we've had this unrestricted period of campaigning and impression-creating. If you look at a lot of the political campaigns today, and I'm not going to use any names, but on the Republican side it's already started — people posturing. To one group they say, "I believe this." Then they go to the next group and say, "I believe that." Well, are they hypocrites? No more than politicians have ever been. All they're trying to do is trying to find what takes, what are the people really interested in. Or how they can twist it around and manipulate it.

The same thing goes on on the special-interest side. What are we [lobbyists and their clients] trying to sell these people? What is it that we need? What is it we're deathly afraid of? It is the same thing, except that it's generally related to issues that are found in bills, but sometimes not.

CJ: *On the tapes, you made some disparaging remarks about Governor Pete Wilson, among other people. Any regrets?*

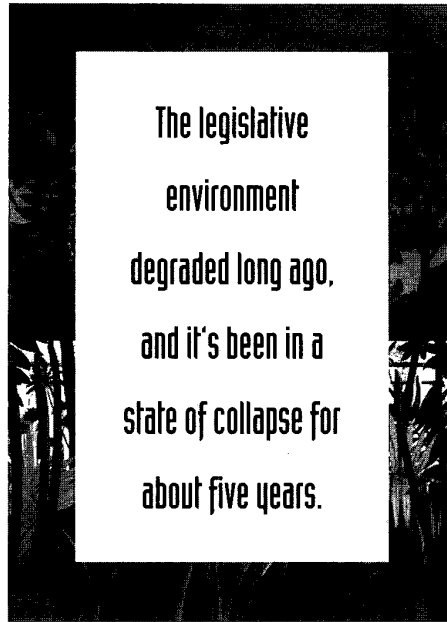
J: Politics is a rough business, and you say a lot of things. I talked to Bob White [Wilson's chief of staff] about it and apologized in advance. On any given issue, I can say that the governor, or whoever, is an idiot on this issue at this time. Next week, he may not be such an idiot, and three months from now he may be just fine, an okay guy. It's about the business of what humans do at the moment. To have it recorded and played, it's not nice...

Here we have a man [Wilson] who came out of the

spring or early summer.

"They approached me on multiple occasions to ask if he would roll over, twice before the indictment and several times since conviction," said Heller. "It was my distinct impression that the individual they wanted Clay to cop on was [former Assembly Speaker] Willie Brown." Long believed to be a major target of the sting, Brown was never charged. Jackson refused all offers of leniency.

Jackson remains a somewhat recalcitrant interview — cautious with his words, choosing them carefully, occasionally asking to go off the record, then not really giving up much of anything, a name here, perhaps a tip of some consequence. Interviewing him, even after exhaustive research and preparation, you realize this is not a man who makes many missteps. For years, walking a



thin ridge in the shark-infested waters of high-stakes lobbying, guiding literally millions in campaign contributions from influential clients to equally influential politicians, while attempting to steer clear of political corruption laws, Jackson was ensnared in an unprecedented federal sting investigation by an admittedly corrupt politician, Robbins, whose less-than-sterling reputation in political circles was well known to those inside the Capitol, who worked as an informant to save his own skin, wearing a wire for 30 hours of conversation rife with talk about legislation, bribes and illegal campaign contributions — tapes that would be played in a federal courtroom during Jackson's trial for the jury and all the world to hear. 🏠

federal political system — he'd been out of the state system and had been in the local and federal systems for 17 years. He came to Sacramento in an extremely difficult time. A lot of things that transpired, even if you were to tell him frankly what happened, he had a hard time grasping it. When he would make decisions in the context of the problem we were dealing with at the time, well, they were stupid. Not that he was a stupid man. He was making, in my judgment, mistakes, because he did not have the background — he couldn't, he'd just come into office.

CJ: *Have you been following the recent speakership battles in the Assembly? Comment?*

J: Well, the legislative environment degraded long ago, and it's been in a state of collapse for about five years. What else can I say? You can't divorce the Legislature from politics, but structurally, its role is to govern. It doesn't. A large part of the blame lies with the politics, but a large part lies with the people.

CJ: *Do you think lobbyists will play an even greater role in the process because of term limits, staff cutbacks, the lack of an institutional memory?*

J: Yes, on the surface. Since people would rather demonize than study the lobbying corps, what they don't realize is that the same thing is happening in the lobbying corps that is happening among the membership. You have a lot of new people [in lobbying] who've come in in the last one to 10 years. One of the devastating things about term limits is that it does destroy the tribal knowledge that is necessary for any institution to function.

Because of the great turnover in the lobbying corps, you have somewhat the same problem. It hasn't been as rapid, and it hasn't been as bad, and part of it is due to the normal generational change. You've also got people coming into this business out of a desire simply to be in this

business. Well, this isn't really a business — it's a lot like the practice of law. But whatever they say, it is *not* a business. You either have to understand the nature of governing or you have to understand the nature of your client's business and how it fits in society, or both. If you understand neither, you're going to have a helluva time developing a valuable institutional memory to transmit.

CJ: *What have you learned from this experience?*

J: When I first came here, I thought, there must be something I have to learn. And the answer is that I'm still waiting to learn it. The only thing I can find that I've learned is that I should have left politics far earlier than I did...If somebody comes along in a very danger-ridden situation and does what Alan Robbins does — and I've thought many times about this what would you do differently? If I'd known Robbins was an agent for the FBI and this was a big setup, of course I would have done things differently. But let's say this was just a Robbins shakedown. Would I do anything differently? I can't figure out what that would be.

CJ: *In addition to the Capitol, which some say consumed all your waking hours, you had your sailing, backpacking, the opera, fine dining, fine wines. It sounds trite, and obvious, but you must miss all that. What do you miss most about life on the outside?*

J: Oh, I do miss it. But the thing I miss the most, I've discovered, is the ocean. Sailboat racing, sailing. That can really get you. The other thing, and this really shocked me because I didn't do it all that frequently, is to go out into the back country. Sittin' here, lookin' over there, I want a horse! I want to go up there!

CJ: *Oh, they don't offer horseback riding here?*

J: No, the amenities are limited. 🏠