

## President's Message

By Albert J. Bannon



History in the making may be the best kind. We have the opportunity to experience it with our own senses—to live it instead of just reading about it.

If you missed the Federal Bar Association's recent Annual Dinner, you really missed a perfect opportunity to experience history at first hand. Those of us who did attend were fortunate to hear the life story of Judge Frye, as told by the author. It was so interesting that we are devoting a two-part series to it, beginning with this issue. I hope you enjoy reading about this very unassuming person who has opened many doors and accomplished many "firsts" during a distinguished legal career.

In the next few months we will all be witnesses in the transition to a new federal courthouse or, as Judge Redden puts it so well, from the GUS (Gus J. Solomon Courthouse) to the MOH (Mark O. Hatfield Courthouse). Be sure to be a part of history in the making by attending the ceremonies for these two buildings.

I, for one, will miss the humbling experience of walking into the courtrooms of the Gus J. Solomon Courthouse and immediately sensing, from a quick view of the physical surroundings, that I am truly in a special place—a place where justice was done. No matter what law school you attended or who you were, you were not above the law.

The Gus J. Solomon Courthouse holds many memories for all of us. I spent my first year as a lawyer in that building 27 years ago and came to know and respect many people who worked there. I could fill many pages talking about my experiences as a clerk for Judge John F. Kilkenny.

Instead, I would like to hear from our members about *their* unique experiences at the GUS, many of which probably involved the building's namesake. We will print the best of these in the fall issue of this newsletter.

This year is also one of transition for our society. To continue the strong tradition of this organization, we need to broaden our membership base. Talk to your partners and associates and others interested in history. Convince them to join with us in preserving Oregon judicial history. Just call me at 228-6044 for a membership application. The fees are reasonable and the cause is worthy.

This next year is a perfect time to be a part of our organization. With a new federal building and new judges on the horizon, what better way to feel a part of the changes that are taking place than to be a member of the United States District Court Historical Society?

tant to me." At Klamath Union High School, Helen had several women teachers who served as her mentors. One of the most influential was Alice Howard, the dean of women.

Helen's teenage years were also filled with piano lessons provided by an aunt, dancing, roller skating, and ice skating. And there were the summer and after-school jobs—pulling carrots, working in a drug store, at a skating rink, polishing silver in a jewelry store, "candling" eggs in the basement of a creamery, clerking at Wahlgren's drug store.

After

graduating with honors in English, Helen received a graduate assistantship in the English Department

Helen picks during Eisenhower's 1952 presidential campaign.



and went on to complete course work for her master's degree while her husband attended his first year of law school on the G. I. bill.

When that source of support ended, Helen signed a contract to teach English with the Eugene School District. However, she soon discovered that she was pregnant and was required to resign the teaching position, which was to be her sole support until Bill graduated from law school. In the coming months, the couple pieced together a living by managing the Amazon Student Housing Project and Helen obtained part-time work as a grader for the English Department, a tutor for the Athletic Department, and a nursery school teacher.

### WORKING AS A TEACHER AND PARENT

By the time Bill began practicing law, the couple had two children—a son and a daughter. But Helen soon realized that she would not be happy unless she could return to teaching full time. So she got a job at Cal Young Junior High School teaching social studies and (later) Spanish. Blessed with an abundance of physical energy, she found she could work 16 or 17 hours a day without tiring. But she also found she didn't have much patience with seventh graders.

Later, she transferred to Eugene High School, where she taught En-



Helen with husband Bill Frye on the University of Oregon campus.

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joyed the experience. She also became active in the community, serving as a precinct committee-woman, taking an active part in school board issues, and helping her husband in his successful 1958 campaign to become district attorney.

In 1959-60 she took a year off to await the birth of a daughter and to complete her master's degree. After her third child was born, she decided to stay home; but as she soon found out "that was not my destiny."

"I found out it was not my destiny because I was an unhappy person that year. I never could put my finger on it....I wasn't bored....I loved my children dearly and still do."

In the spring of 1961 the school district called and asked her to return and teach Spanish in the fall. She taught until 1963, when she enrolled at the University of Oregon School of Law.

### BECOMING A LAWYER

To some extent, the decision to study law was inspired by Betty Friedan's book, *The Feminine Mystique*, which was published in the early 1960s. Also, Helen had found that the joy had gone out of teaching, because of growing classroom discipline problems and a new approach to teaching that required her "to teach history, language, grammar, spelling, and everything all together." "That," she says, "is not the way I teach well."

By this time Bill had become one of the top prosecutors in the nation and the president of the National District Attorneys Association. He was away from home a good deal, leaving most of the care for the children and their home to Helen.

At law school, Helen was one of four women in her class. She remembers that the University of Oregon law school was not geared for women. "We had to go through the library to get to the women's restroom, and if the librarian locked the door to the library for lunch we couldn't use the restroom."

Nor could they join the three national legal fraternities on campus or take part in much of the law school's social life.

However, Judge Frye does not feel that she met with much resistance



Judge Frye in 1972 with her children (from left) Karen, Heide, and Eric.

from the faculty or her fellow students. She recalls that Hans Linde, then a professor, "just more or less thought of women as students." Dean Orlando Hollis, however, initially had reservations about her motivation in attending law school and was particularly demanding of her and his other women students. Later, though, he became her mentor and friend.

The last few months of law school were difficult for Helen and Bill Frye because he was running for Congress and she didn't have time to campaign with him. He lost in the primary election by only 1,200 votes. Both of the Fyres felt that she could have made a difference had she campaigned.

### LAW PRACTICE AND STATE COURT SERVICE

After receiving her law degree, Helen went to work for a Eugene law firm, Riddlesbarger, Pederson, Brownhill and Young, before joining her husband's firm, Husband, Johnson and Frye. Bill and Helen practiced together for three years until Helen decided to seek a seat on the Lane County Circuit Court bench. She was one of seven running for the position, which had just been created. She came in second in the bar poll. When Governor McCall appointed her, she became the first woman to serve on the Lane County Circuit Court bench. As a circuit court judge, she was the first woman in the state of Oregon to hear felony criminal cases.

"I am eternally grateful to Governor Tom McCall," she once said of her appointment. "He had no reason to appoint me, and affirmative action hadn't come into being at that time. I didn't know him at all, but he's the one who really gave me my big chance."

Life on the circuit court bench deftly agreed with Judge Frye, who was warmly welcomed by her new colleagues. "In fact," she observed in 1981, "I've never been around a more sup-

"As a candidate for appointment to the Lane County Circuit Court bench, I had some of my fellow lawyers, and even some friends, say quite sincerely, 'We just can't take a chance with a woman on the circuit court bench. The judiciary is too important a place to gamble.' John Jaqua and Bill Wheatley, prominent Eugene lawyers, were willing to gamble, however; and they, along with Ted Goodwin, convinced our state's maverick governor, Tom McCall, to appoint me to the Lane County Circuit Court."

—The Hon. Helen J. Frye, May 16, 1996

portive group than the judges in the Lane County Circuit Court."

She also liked the fact that she could be involved in the law without, as she put it, "having to be involved in a monetary fashion with people."

"As far as telling somebody 'I'm sorry, you can't cross the threshold of my door until you put down a \$100 retainer,' that's almost impossible for me to do. You can't run a law office unless you do that, really."

Judge Frye served on the state circuit court bench for nearly nine years, winning reelection in 1972 and 1978. During that time, she believes, she was in a position to see "the parade of humanity pass."

"I could see trends in society. I could see the movement toward the change in the family. I could see the increase in divorces and the changes in the roles of women and their rights, which has been very exciting for me."

During her time on the circuit court bench, Helen and Bill Frye divorced. Later, both remarried.

On March 24, 1980 President Jimmy Carter appointed Judge Helen Frye, a registered Independent, to the United States District Court for the District of Oregon. She was the first woman judge to serve on Oregon's federal bench. She was also the only registered Independent in the United States to serve on a federal bench.

Part 2 of this series on Judge Frye will cover her years on the federal bench.

