

President's Message



Preserving the history of our court is one of our Historical Society's most important goals. Through the generous support of the U.S. District Court Attorney Admissions Fund, the Society has commissioned the completion of professional oral histories of Judges James Burns, Owen Panner, and James Redden and the commencement and completion of the professional oral history of Judge Helen Frye.

Many thanks to Jim Strassmaier and the staff of the Oregon Historical Society for taking interesting and thorough histories of our judges. In addition, attorney volunteers have assisted in preserving the history of our bar by taking the oral histories of many prominent lawyers. I would like to acknowledge the following volunteer attorneys who completed oral histories in 2000: Erskine Wood history by David Jacobson; Helen Althaus by Mary Ellen Page Farr; and Tom Cooney, Sr. by Lisa Kaner. Also, our Vice President/President-Elect, Tom Sondag, arranged to have his firm, Lane Powell Spears Lubersky, transcribe the oral histories of Frank Spears and John Bledsoe.

In 2001 Professor Donald Brodte of the University of Oregon School of Law took and transcribed the oral histories of Ralph Cobb and John Jaqua; Patricia Wlodarczyk took the oral history of Katherine O'Neil; and Diane Rynerson completed the oral history of Noreen K. McGraw (Saltveit).

Heather Van Meter arranged to have her firm, Ater Wynn, transcribe the oral history of Chief Justice Wallace Carson; and Mary Ellen Page Farr is facilitating the transcription of Helen Althaus's oral history. Work is ongoing on the following oral histories: Jack Kennedy by Kary Prati; Alex Byler and Steven Corey by Henry Lorenzen; Judith Stiegler by Elizabeth Dickson; Barrie Herbold by Lisa Kaner; and Carl Burnham by Timothy Helfrich.

Through efforts by Past-President Doug Houser, the following law firms have agreed to prepare firm histories: Brophy Mills Schmor Geking & Brophy; Corey Byler Rew Lorenzen & Hojem; Foss Whitty Littlefield McDaniell & Bodkin; Gleaves Swearingen Larsen Potter Scott & Smith; Hershner Hunter Andrews Neill & Smith; Hibbard Caldwell Schultz Ramis & Crew; Lindsay Hart Neil & Weigler; and Wood Tatum Sanders & Murphy.

Please consider volunteering to preserve the history of our district court by taking an oral history of a senior attorney that you know or admire, or working on your firm's history. The Society's oral history training film is available from Steve Brischetto, Chair of our Oral History Committee (503-223-5814); and Doug Houser can provide assistance in starting a firm history. It is important that we preserve the histories of our outstanding lawyers in a timely fashion. We regret that some of our luminaries have passed away

before an oral history could be preserved.

* * *

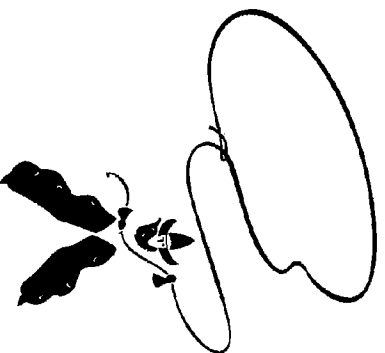
Our Events Committee put on a fabulous summer social hosted by Judges O'Scannlan and Graber. We were honored that Ninth Circuit Judges Leavy and Goodwin also attended. Thank you to Mary Ellen Page Farr for organizing the social.

We also have a number of upcoming events. I'm looking forward to seeing you and your families at our Annual Picnic at Judge Owen and Nancy Panner's ranch on September 15, 2001. Save the date. Our Events Committee is also hard at work planning a fascinating Famous Federal Cases Panel entitled "The District Court and the Death Penalty." William Long, an attorney at Stool Rives and the author of *A Tortured History: the Story of Capital Punishment in Oregon*, has organized a great panel of Carl Neil, Steve Wax, and himself to address the issues. Kristin Hamilton of Standard Insurance Company has lined up Jack Ohman, *The Oregonian's* political cartoonist, as our Annual Dinner speaker on Thursday, November 15, 2001. At our Annual Dinner, we will also elect new Board and Executive Committee members. Please let me know if you would like to get more involved in the Society.

Nancy J. Moriarty

Don't Miss the Annual Picnic!

September 15 is this year's date for the ever-popular Annual Picnic at the Panner Ranch. Bring the family and enjoy an old-fashioned barbecue, games, and music. The festivities take place from 1 to 4 p.m. If you haven't received your invitation, call 503-977-9156 for information, reservations, and directions to the ranch.



ORAL HISTORY NOTES

featuring
HON. CHARLES
CROOKHAM

By Heather Van Meter



The fact that the Honorable Charles Crookham was born on March 17, 1923 is significant because his life and career continue to exemplify the citizenship and dedication of St. Patrick himself. A local Portland boy, he graduated from Grant

High School and attended Oregon State College. During his first term there, Oregon State won a Rose Bowl bid, but the young Crookham's excitement at the prospect faded when the game was postponed by the bombing of Pearl Harbor.

With the U.S. involved in the war, the future judge completed his ROTC education in engineering—then served in Patton's Third Army, 89th Light Division, in France. Engineering wasn't his first choice, but the army's language and government school was filled, and he was given the choice of engineering school or going to New Guinea as an anti-aircraft replacement. He participated in the Battle of the Bulge and the Moselle and Rhine River crossings, finishing his tour of duty in Linz, Austria.

When he returned from the war, he obtained his bachelors degree from Stanford University in 1948 and then enrolled in Stanford's law school. However, he subsequently transferred to the Northwestern School of Law in Portland, graduating in 1951. It was during law school that he adopted his trademark bow tie.

After his graduation, Charles

Crookham immediately began working for the same firm he had clerked with during law school, remaining there until his appointment to the bench in 1963. As a lawyer, he spent considerable time at the county courthouse and was impressed by Judge Charles Redding's efforts to organize and streamline the court in the 1950s.

Beginning in 1959 Governor Mark Hatfield had several state judicial appointments to fill and Judge Crookham was himself encouraged to seek a seat on the bench. Following the appointments of Judges Merchison and Denecke, Judge Crookham joined the Multnomah County Circuit Court bench in 1963 and served there until 1987 (from 1978 to 1986 as the presiding judge). He also served the state as attorney general from 1992 to 1993 through an appointment by then-Governor Barbara Roberts (to replace Dave Frohmaney). Between 1986 and 1992, Judge Crookham practiced law with Bullivant Houser Bailey.

Of the role of a trial judge, Judge Crookham believes that he or she "is not a policy maker. The legislature passes the statutes and the appellate courts issue opinions and what we try to do is just be like a ball in a croquet wicket and try to get through the right wicket in the right order."

Thus, in the 1950s *Sullivan* case, in which a mentally disabled boy was sentenced to death, the judge had to overcome his own personal feelings to fulfill his judicial role. Judge Crookham's own son is mentally disabled and the judge believes that in such situations the death penalty is clearly inappropriate.

Charles Crookham has frequently been praised for his equal treatment of rich and poor, privileged and underprivileged. He recalls one instance when he ordered famous Trailblazer Bill Walton to answer questions about alleged drug abuse or face dismissal of his lawsuit against the Blazer doctor who treated his broken foot.

Today Judge Crookham is of counsel with Bullivant Houser Bailey. Heather Van Meter is an attorney with Ater Wynn LLP and a member of our historical society's executive committee.

"Do I Have to Draw You a Picture?"

Cartoonist Jack Ohman Featured at November 15 Annual Dinner



At our November 15 Annual Dinner, we will all be in for a treat as guest speaker Jack Ohman gives his irreverent slant on the general state of just about everything. But, here—let's have him tell you about it in his own words:

Jack Ohman, editorial cartoonist for *The Oregonian* and syndicated in 320 papers across the United States, will speak about politics, journalism, law, and history, and draw funny pictures of politicians. He will caricature prominent Oregon federal judges and federal attorneys before their shocked peers on an overhead projector while performing his amazing "Nixon Handshadow." He will wear a very nice suit for the occasion, and, as a graduate student in history, will regale the audience with interesting tidbits about the *New Deal*.

So show up right after work for 5:30 cocktails and 6:30 dinner. The gala affair will once again be held at the elegant Governor Hotel, so "nice suits" are definitely in order. Watch your mailbox for your personal invitation.

CALENDAR

September 15... Annual Picnic at the Panner Ranch, 1-4 p.m.

October 3... The District Court and the Death Penalty, fourth program in our "Famous Federal Cases" Series, 4 p.m. at the Mark O. Hatfield Courthouse.

November 15... Annual Dinner with special guest Jack Ohman, at the Governor Hotel, Portland.

Summer Associate Program Introduces Clerks to Judges

By Kristin Hazard Hamilton

Summer associates got a rare opportunity to rub elbows with federal judges at the second annual Summer Associates Professionalism Program.

Approximately 40 summer associates from various firms attended the July 23 program, which was co-sponsored by the U.S. District Court of Oregon Historical Society and the Oregon Chapter of the Federal Bar Association.

The program emphasized federal practice and professionalism in Oregon and was intended to be especially informative to clerks considering a move to Oregon from other locales. The event began with a luncheon panel featuring various court personnel, such as a docket clerk, courtroom deputy, and law clerk, explaining their distinct roles in the functioning of our District Court. After lunch, Judge John Jelderks addressed the clerks on the topic of professionalism. Then they observed a civil motion hearing in his courtroom, followed by a question-and-answer period.

Finally, the summer associates were divided into small groups, each of which was treated to a behind-

the-scenes tour of chambers by Judge Donald Ashmanskas, Judge Anna Brown, or Judge Janice Stewart.

Based on the success of this program in its first two years, the sponsors plan to make it available again next summer and in years to come.

Kristin Hazard Hamilton is with the Law Department of The Standard Insurance Company in Portland. She is a member of our historical society's executive committee.

Book Review continued

Douglas states several times that he had no taste for politics and did not want to be part of the political realm in America.

Professor O'Fallon, Associate Dean for Academic Affairs at the University of Oregon School of Law, is to be commended for his efforts in collecting these truly fascinating, entertaining, and thought-writings in this volume.

Mary Ellen Farr is an attorney in Portland and a member of our historical society's executive committee.

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IN MEMORIAM

Hon. Robert C. Belloni; Raymond Conboy; Chester E. McCarty; and Frank Pozzi.

*Members of the Executive Committee

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Oregon BENCHMARKS

THE U.S. DISTRICT COURT OF OREGON HISTORICAL SOCIETY NEWSLETTER
Famous Federal Cases Series

The Death Penalty and the Jeannace Freeman Case

By WILLIAM R. LONG

Put Wednesday, October 3 from 4:00 to 5:30 p.m. on your calendar for the next U.S. District Court Historical Society "Famous Cases" program. The panel discussion, entitled "The District Court and the Death Penalty," will take place in the sixteenth-floor courtroom at the Mark O. Hatfield Federal Courthouse in Portland. This unique panel will consider the death penalty in Oregon from a procedural and historical perspective. Procedural questions to be addressed by the panel include:

- How do the Oregon death penalty statute and procedure actually work in practice?
- What are the steps of inmate appeals?
- Who is at which stage of his appeals?
- What role do the federal courts play in the Oregon death penalty process?

The historical case to be presented will be that of Jeannace June Freeman, the only woman ever on Death Row in Oregon's history, whose case attracted considerable attention in Oregon in the early 1960s because of the nature of her crime and the efforts made to defend her.

Freeman was convicted in September 1961 of beating the 6-year-old son of her lover, Gertrude Nunez Jackson, and throwing him to his death into the 300-foot chasm of the Crooked River Gorge between Madras and Bend. Freeman did this in order to be "rid" of children so that she could pursue her relationship with Jackson.

Freeman's conviction was affirmed by the Oregon Supreme Court in September 1962, but the U.S. Supreme Court refused to review the case. A Marion County judge dismissed her state post-conviction petition in August 1963, and the Oregon Supreme Court affirmed that decision in December. Freeman's attorney, Carl Neil, then filed for federal habeas corpus relief in the U.S. District Court in Portland early in 1964. By the time her federal habeas action would have been heard, the people of Oregon had voted to abolish the death penalty

(November 1964) and Governor Hatfield commuted her sentence of death. She ultimately was released from prison in Oregon in the mid-1980s.

At our October 3 program, three participants, each knowledgeable in one aspect of the death penalty in Oregon, will speak. William Long, author of *A Tortured History: The Story of Capital Punishment in Oregon* (to be released October 1, 2001) will give an overview of the ten appeals or petitions that are open to a person on Death Row before the state may legally put him to death. He will discuss the levels of appeals, where each inmate is in the process now, and why delay in implementing the death penalty has been a worse problem in Oregon than in any other state.

Continued on page 3



Jeannace June Freeman (left) was a teenager when she threw the six-year-old son of her lover into the Crooked River Gorge. She was the only woman in Oregon's history to sit on Death Row. (Photo: Oregon Historical Society Neg 9041300)

The Death Penalty continued

Jeannace Freeman's attorney, Carl Neil, will present some of the facts and legal issues surrounding her case. He will discuss his insights into this case and how his defense of Freeman bought her time in 1963-64 that eventually saved her life because of the repeal of the death penalty in 1964.

Finally, Steve Wax, federal defender, will present the role of the federal courts and the federal defender in an Oregon death penalty case. This area of death penalty law is probably the least understood in Oregon because the law to be applied is relatively new (passed in 1996) and because no Death Row inmate in the state has yet reached his federal appeals. Wax will speak not only about how the law is supposed to work in death penalty cases but also about the types of arguments that a federal defender may make in such an appeal.

The goal of the program is to educate the Society and interested public on the workings of the death penalty in Oregon. No comparable program on the subject has been presented in an easily accessible public forum. We look forward to your at-

tendance and spirited participation. The program is open to everyone and is free of charge.

A Tortured History: The Story of Capital Punishment in Oregon

By William R. Long
Oregon Criminal Defense Lawyers
Association, Eugene, 2001

In this book, which Portland death-penalty attorney Laura Graser has called an "extraordinary achievement [which] enlightens and edifies at the same time," Portland attorney William Long describes the development of capital punishment in Oregon from territorial days until the present. Though the death penalty is certainly a concern of lawyers, Long, a former professor of religion and humanities, has written this book with both specialists and the general reader in mind. His desire is to tell a good story and not simply to review the legal issues surrounding the death penalty.

The first chapter, entitled "The Death Penalty Today," gives an overview of the way that the death pen-



William Long

alty has been implemented in Oregon since it was restored by a vote of the people in 1984. Long then turns to an historical sketch of the

death penalty in Oregon from earliest days until 1984. Part II consists of a careful description of the ten steps of appeals that are open to a person convicted of aggravated murder and sentenced to death in Oregon. By showing how each of the men on Death Row in Oregon is pursuing his appeals, Long attempts to bring alive the procedural complexities of the death penalty. Finally, in the third part, he offers a careful and cogent critique of Oregon Supreme Court decisions on the death penalty since 1984. In between, he tells many stories, examines some United States Supreme Court decisions, and offers his conclusions on the true costs of the death penalty to the people of the State of Oregon.



The U.S. District
Court of Oregon
Historical Society

Membership
Application
and
Dues Renewal

Enclosed is my application and/or annual membership dues to join the United States District Court Historical Society (*please check level of membership desired*):

- General (\$50) Sustaining (\$75) Sponsor (\$150) Lifetime (\$1000)
 Student (\$15) Judicial Clerk (\$15) Admitted to U.S. District Court 1 - 4 years (\$25)

Please mail your check and this membership form to:

The U. S. District Court of Oregon Historical Society
c/o Stoel Rives LLP, Att: Clarence Belnavis, 900 SW Fifth Avenue, Suite 2600, Portland, OR 97204

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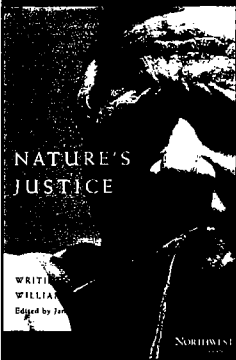
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Yes, I would like to help with Historical Society Projects:

- Oral History Project Update Court History Events Committee Grant Committee
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ON OUR MEMBERS' BOOKSHELVES



Nature's Justice: Writings of William O. Douglas

Edited by James
O'Fallon
Reviewed by Mary
Ellen Farr

Justice William O. Douglas left a significant body of writings, including his own multi-volume autobiography. In addition, Douglas has been much written about. Professor James O'Fallon's intent in publishing this collection is to show the variety of Douglas's interests and his legacy to society and law:

In Douglas's writings there is inspiration aplenty, not only for environmentalists, but for all concerned to see a world in which liberty, equality, and justice prevail. That is the legacy that Justice Douglas—Nature's Justice—would cherish most.

O'Fallon certainly achieves his goal. This collection is an excellent tribute to Douglas's legacy and makes the various aspects of his personality accessible to the reader who might not otherwise delve into works by and about him.

The collection contains a relatively short introduction, setting out the basic facts of Douglas's life, and five separate topics: "At Home in the Mountains," "New Deal Judge," "Civil Libertarian," "Internationalist," and "Conservationist." The writings demonstrate the precision and lyricism of Douglas's prose. More important, however, they show the complex character of the man, a character full of inconsistencies.

Justice Douglas's writings, particularly in "At Home in the Mountains" and "Conservationist," express tremendous love for the West and the environment:

*To be whole and harmonious,
man must also know the music of*

the beaches and the woods. He must find the thing of which he is only an infinitesimal part and nurture it and love it, if he is to live.

Yet, despite his great reverence for the West, Douglas was also at home in the East—as a student at Columbia Law School, a Wall Street lawyer (briefly), a faculty member at Columbia and Yale, head of the SEC, and a justice of the U.S. Supreme Court.

Even as he became more powerful, Douglas went back to his roots in confronting challenges on the Court. In one selection, Douglas notes, "There is the occasional lawyer who drones on with accumulating monotony. I particularly recall one such time when, for a few minutes, I left the courtroom." On this late spring day, Douglas "stepped into the Big Klickitat" and went fishing. Yet, in fact, once he graduated from law school, he returned to the West to live only briefly, trying legal practice in Yakima for only a few months.

Similarly, Douglas espoused an abiding affection for the common man; yet he moved confidently through the corridors of power, associating with many of the most powerful and wealthy people of his age. However, his upbringing in relative poverty and illness in Yakima clearly contributed to his cynical view of the powerful. Douglas talks about one of his first jobs in Yakima, working for a churchman, trying to get prostitutes to solicit him and bootleggers to sell him a drink so that he could "stool-pigeon" them to the police: "In time," he says, "I came to feel a warmth for all these miserable people, something I never felt for the high churchman who hired me."

Douglas's career spanned some six decades, and his writings about the people who dominated those decades are rich with detail. He expresses great personal regard for Franklin Roosevelt, the president who placed him on the Court, but criticizes Roosevelt for his failure to deal with

the root causes of poverty and for his inability to confront race issues. And although Douglas expresses affection for Lyndon Johnson, he also points out incidents of that president's pettiness, including Johnson's refusal to consider one of Douglas's conservationist issues because Johnson was irritated with him.

Writing about changes in the Supreme Court over the decades, Douglas also offers fascinating insights. He notes that when he joined the Court there was no Supreme Court building. The justices worked out of their homes. Justice Brandeis, whom Douglas replaced and for whom he has unstinting praise, had no secretary. He answered correspondence by long hand. What he could not handle, his wife handled for him.

Probably the greatest irony in Douglas's personality is that he saw himself as disinterested in politics while believing that his duty was to see that justice was done in the world. Douglas refused a number of offers of positions in the executive branch, including a nomination for vice president in 1944. Nonetheless, Douglas was famous for the reach of his opinions into several areas of politics, including contraception, abortion, Communism, and the Viet Nam war. O'Fallon's collection includes several of Douglas's opinions on political issues, and it is particularly interesting to see how his exposition on "natural rights" in *The Rights of the People* in 1957 developed into the right to privacy, which he expounded in his majority opinion in *Griswold v. Connecticut* in 1965.

By the same token, Douglas recounts in one of the writings how he functioned as conduit for a message from Ho Chi Minh, through the Indian foreign office, to Clark Clifford regarding the bombing of Viet Nam. Douglas's *Points of Rebellion* discusses the basic concerns of politics: power, allocation of resources, and control of the government. Similarly, his writings about the history of Viet Nam blast colonialism and its effects on the modern world. Nonetheless,

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