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WORLD WAR I PATRIOTISM AND THE DISTRICT COURT IN OREGON

by Todd A. Peterson

The current controversy about attitudes toward the American flag is reminiscent of World War I years, when the federal court in Oregon was faced with a series of cases that asked, in effect, "What kind of behavior constitutes real patriotism?" Here we offer an excerpt from the upcoming history of the U. S. District Court for Oregon, which our historical society is publishing late next year. Todd Peterson is collaborating on a chapter of the book with Jack G. Collins, assistant U. S. attorney and a member of the historical society board. Peterson is in his final year at the Northwestern School of Law of Lewis and Clark College and is employed with the U. S. Attorney's office.

In the spring of 1918, the City of Portland was in a patriotic frenzy. Citizen leaders erected the Liberty Temple, and the Third Liberty Loan Drive led a nationwide effort to raise \$3 billion for the war effort.¹ So strong did patriotic sentiment run that when assistant Portland librarian Miss M. Louise Hunt refused to buy war bonds, that fact was reported in an *Oregonian* headline.² And though U. S. Attorney Bert E. Haney could not charge Miss Hunt, who had broken no existing law, he stated that "[with] such unloyal and unpatriotic tendencies. . . the woman in question should not be permitted to hold a public office."

The IWW and the Heyday of Oregon Socialists

In this climate, Congress passed the Espionage and Sedition Acts, which penalized speaking, printing, or expressing contempt for the government, Constitution, flag, or uniform of the armed services.³ Oregon was spared anti-conscription riots common in other states, but dissenters, including Social-

ists and Wobblies, became identified with pro-Germanism.

Led by Chicagoan William F. "Big Bill" Haywood, the International Workers of the World (Wobblies) proclaimed "industrial unionism"—a philosophy of worker ownership and economic redistribution. Oregon Wobblies often aligned with Socialists, which at the time was the third largest party in Oregon and often received 15 to 25 percent of the popular vote.⁴ When prosecuted, Wobblies and Socialists courted publicity, but they also raised important questions on the freedom available in a wartime democracy.

U. S. v. Floyd Ramp

In January 1918 Roseburg Socialist and self-professed "agitator" Floyd Ramp was charged with violating the Espionage Act. According to Ramp, a year earlier in a train station filled with army recruits, he inquired of a group of soldiers who blocked his way whether they knew what they were fighting for. Ramp bel-

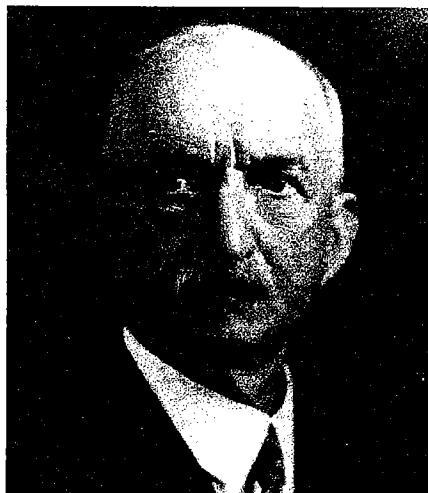
lowed it was for "John D's money" and then was arrested.

Despite having failed the Oregon state bar exam, Ramp (a law school graduate) acted as his own counsel and created what *The Oregonian* called a "spectacular" but unsuccessful defense.⁵ During his trial before federal judge Charles Edwin Wolverton, the number of spectators grew so large the proceedings were moved to the Federal Building's larger courtroom. During voir dire, Ramp tested Judge Wolverton's patience by inquiring of the venire's attitude toward the Irish Rebellion.

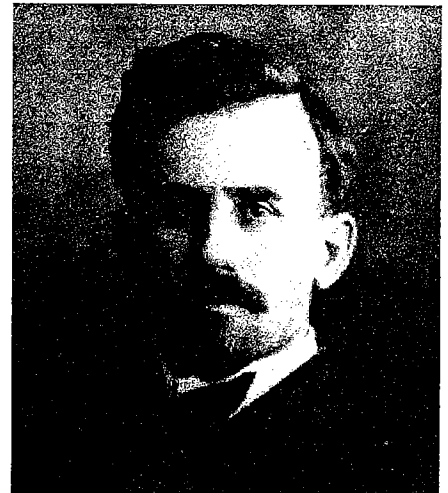
The "amateur attorney," reported *The Oregonian*, was silenced when the judge stated "I'll hear no argument on that point!" When Ramp argued that free speech had justified his statement to the soldiers, Wolverton instructed the jurors:

A citizen is entitled to fairly criticize men and measures; that is men in public office whether high or low de-

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Judge Robert S. Bean



Floyd Ramp (Photos from Oregon Historical Society)

Society Takes Part in Two Investiture Ceremonies for Judge Robert E. Jones

Former U. S. District Court Historical Society President Wayne Hilliard recently represented the U. S. District Court of Oregon Historical Society at a pair of ceremonies honoring Judge Robert E. Jones on his appointment to the federal bench. Hilliard called Judge Jones "a tough, fair, excellent trial judge," and added that he hoped the Society would be able to "tap the judge's energy" to help with the organization's work.

The Society also sponsored a reception at the Hilton Hotel following the first ceremony, which was held on May 30 in Eugene.

Judge Jones is the twentieth person to become a district judge in the Oregon court, the first to have two separate investiture ceremonies, and the first to be sworn in in Eugene (where the judge will sit). The second ceremony in what Judge James M. Burns called "this I-5, two-day double header investiture" was held in Portland the following day. Judge Burns presided at the first ceremony with Chief Judge Alfred T. Goodwin of the Ninth Circuit Court of Appeals and with fellow District Court Judge Helen J. Frye at the second.

"Some rumors have had it that there are two ceremonies because the nominating process went on so long Judge Jones wanted to be sure it's true," joked Judge Burns. Judge Jones's appoint-

ment to the federal bench was given strong support by Oregon senators Mark Hatfield and Bob Packwood and by the American Bar Association's standing committee on the federal judiciary, a group that investigates nominees to the federal bench and reports its findings to the attorney general's office before an appointment can be made.

Although the ABA committee gave Judge Jones its highest rating, the nomination was held up by a challenge from a conservative group, which took exception to an opinion Judge Jones had written on behalf of his colleagues on the Oregon Supreme Court.

At the swearing-in ceremonies, speaker after speaker paid tribute to Judge Jones for his fine record in the judiciary and—particularly—for his long service in providing exceptional legal education to students, lawyers, and judges alike. Dean Maurice Holland of the University of Oregon Law School said that "few could bring a more apt or more varied preparation" to the district



court, while Lane County Bar President Frank Gibson extolled Judge Jones's "easy approachability and intellectual exuberance" and Justice Wallace Carson, an Oregon Supreme Court colleague, spoke of the judge's national reputation as "one of Oregon's most productive jurists" and one renowned for his fine sense of humor.

Appearing at the first ceremony was Senator Mark Hatfield, who said he had had the privilege of appointing Judge Jones to the Multnomah County Circuit Court some 27 years ago. Hatfield noted his active support for providing more judges for this court, which he called "one of the most distinguished district courts in the entire United States." Hatfield indicated that the Senate is currently considering adding one more judge in Eugene and that he is urging the eventual addition of two more judges there.

At the second ceremony, Senator Bob Packwood spoke with affection about his 30-year friendship with Judge Jones, with whom he once served in the Oregon legislature. Of Judge Jones's appointment to the district court, Packwood said, "This state, this nation, this bench is very lucky."

Others who paid tribute to the judge were Oregon Supreme Court Justice Edwin Peterson, Oregon Attorney Gen-

(Continued on page 4)

In a May 11 Historical Society Event **FEDERAL JUDGES HOST LAWYERS IN THEIR CHAMBERS**

Hosts included (1) Judge James M. Burns (*on left*), (2) Judge James A. Redden (*on left*), (3) Judge Helen J. Frye (*on right*), and (4) Chief Judge and Society President Owen M. Panner (*far right*).



