FRANK A. BAUMAN
November 21, 2005
Tape 1, Side 1
Portland, Oregon

Foundational Years, 1921-1935

KS: This is Karen Saul speaking. I am a volunteer with the United States District Court Historical Society, and we are taking the oral history of Frank Anthony Bauman, Jr. This is November 21, 2005. We are in Mr. Bauman's office at the Carriage House in Portland, Oregon, and this is the first tape and the first side.

So, Mr. Bauman, would you begin by stating your full name, your date and place of birth?

FB: Gladly, Miss Saul. Frank Anthony Bauman, Jr., and I was born in Portland, Oregon on June 10, 1921.

KS: Mr. Bauman, I'd like to begin by having you tell me whatever you would like about your family history and your grandmother and grandfather.

FB: Thank you. Let me begin with reference to my grandparents. I'll take my paternal side first. My grandfather John Bauman, at that time spelt with two "Ns", Baumann, was born in Berlin, Germany, and left Germany in approximately 1871 at the time of the Franco Prussian War. His reasons, I daresay, were twofold—one, political and two, as a young man he did not want to serve in a war to which he was not sympathetic. So he immigrated to America.

Let me add that in 1977, I had the pleasure of being in Berlin for roughly one week when my son, Todd, was studying at the Free Berlin University, and I made an attempt to learn something about my grandfather through official records in Berlin. Unfortunately, those records had been destroyed by the Allied bombings during World War II.

But, in any event, he did arrive in Chicago and eventually established himself as a candy maker, particularly at the time of the Chicago World's Fair, the World's Columbian Exposition

of 1893. As for his wife, Mary Magdalene, she was originally from the Bavaria Bohemian area, and I suspect was part Czech as well as German or Bavarian. The two of them did not meet in Germany, but met each other in Chicago, established a family, of which there were seven children, my dad being the second born—Frank Anthony, Sr., who was raised in Chicago.

As for the maternal side, my grandfather Joseph Carolan, an Irish name of course, was born in upstate New York, Oswego, in 1852.

KS: Do you know how many generations have been in the United States by then?

FB: Yes, yes, I suspect this. Joseph's heritage is from Cork, Ireland, and Cork in those days was called Queenstown by the British. In fact, the *Titanic* in 1912 left for the North Atlantic in its ill-fated voyage from Queenstown or Cork. And his family came from the Cork area about the time of the famine of 1842-45 which caused tens of thousands of Irish people either to die or to leave the country. The country was half the size in population, something like that, afterwards.

They left for the United States, and I suspect in those old days, on the Cunard Line, which was a Canadian Company out of Halifax originally. His family sailed to Montreal, like so many Irish immigrants and settled in Canada and then many of them worked their way across the border, and his family settled in Oswego, which is on the border of New York State, and Quebec. His family died when he was a very young age and he was orphaned, living in an orphanage until he was about ten or twelve, when he left on his own volition and established himself at a very, very young age.

As for his wife, Frances, or Fannie Drake, was born in Milwaukee, Wisconsin, in 1861, and raised in Milwaukee until she was about nineteen or twenty, when the family moved to Chicago. She was a very remarkable lady, just as her husband was a remarkable man. She was very active in the Baptist Church. She was treasurer of the Dwight L. Moody Church in Chicago, who was one of the renowned Baptist leaders at that time. She was also a social worker in the prisons of Chicago and befriended the Haymarket rioters, some of whom were hanged, and the day before their hanging left her inscriptions of respect and thanks, which are now in the hands of the Chicago Historical Society.

Her husband had a remarkable career, a simply remarkable career, but typical for the times. Self-educated, he established himself as a bailiff in the court system of Cook County. Eventually he played a role in the old *Chicago Inter Ocean*, which was one of the leading Chicago papers at the time, and from thereon, thanks to his benefactor, William Penn Nixon, whose career you can find in the *Dictionary of American Biography* **[Exhibit 0004]**, was able to play a significant political role in politics. He and his wife lived in the western suburbs, beginning in Austin and then moving to the Oak Park/River Forest area, to the west of "The Loop". He was a member of the Cook County Board of County Commissioners as a Republican, representing the western suburbs, competing with the Democratic stronghold in the heart of Chicago and Cook County. His career was exceptional in this respect, that he left this life as a man of modest means, never participating in the largesse that Chicago politics apparently offered at that time, but loved by all.

The family consisted of five children, three born by his first marriage. Unfortunately, Fannie Drake Carolan passed away in childbirth in 1892. My mother, Josephine Carolan, was the eldest of those five. He then remarried, to a lady born in Northern Ireland, Eliza Robinson, [affectionately known as Dee]. That, too, was a very, very happy marriage which produced two children. It was a close-knit family, it was a family succeeding in the New World, and a family of perhaps at times of undue pride.

KS: Did you get to spend time with your grandparents when you were growing up?

FB: I wish I could answer affirmatively to that question. The only two with whom I spent time would be Dee Robinson, the second wife of Joseph Carolan. But I did have the privilege of spending a few weeks with my maternal grandfather, clear back in the fall of 1926, when he and his wife and their youngest daughter, Aunt Florence, visited Portland. I can remember going shopping with him in the old market area on Yamhill Street. He was a sturdy man, somewhat reserved. I even discovered this at that time given my young age, but he radiated principle and integrity. There you are.

KS: Wonderful. Are there more things that you would like to tell us about your background before we speak on the subject of your parents?

FB: That's a broad question. There probably is. I would say this, if I may, the religious influence of the family and I'm talking about the maternal side, but this applied to the paternal side as well. My grandfather, Joseph Carolan, became involved with the Christian Science movement clear back in 1895. He joined that movement in Chicago, and if you make a study of the Christian Science movement's evolution in this country and abroad, of course the founder, Mary Baker Eddy, was from New England, born in Bow, New Hampshire, and the First Church, which is still the headquarters church is in Boston. But from Boston, it spread to Chicago early on. I suspect, influenced by the World's Columbian Exposition of 1893.

You know, at the World's Columbian Exposition, Karen, there was a World Parliament of Religions, and the young movement was given a chance to participate, and this would be two years before my grandfather became involved with it. Anyway, what followed was that all the children of his family, except for one, became Christian Scientists and this includes my mother. And of course, it influences me because I attended Christian Science Sunday School as a young boy and received blessings. For example, in my very early years—and I never told the United States Navy this when I applied for admission to the Navy in January, 1942, after Pearl Harbor—that I was healed of infantile paralysis, among other things.

KS: Thank you. Well, I'd like you to tell us some about your father, Frank A. Bauman, Senior. Did he go by Senior or?

FB: Yes, well he was a modest man. I don't think he ever insisted being called Senior, but he was our senior and he became very interested in electricity at a very young age. In terms of datelines, and surprisingly, so much of this centers around the World's Columbian Exposition in Chicago in 1893. As you probably know, it is the most significant fair this country has ever had. Some 27 million Americans, out of the population of 1890, of 62 million, attended that fair.

Well, Dad lived very, very close to the fair. He observed that the fair was lit at night by incandescent lights outlining each building, which caused it to be called the White City, and still

is. There's a recent book, called *The Devil in the White City*, written by a Seattle author [Erik Larson]. But returning to my father, he attended the fair a number of times, just as my mother did, and this moved him in the direction of learning more about electricity. In 1900, at the beginning of the twentieth century, he joined the old Western Electric, the telephone company's master maker of equipment over the years, which is now Lucent Technologies on the New York Stock Exchange. He was well respected and he always had his eye on establishing his own business, which ultimately he did.

KS: What year was he born and where?

FB: Dad was born in January, 1880 in Chicago, Illinois.

KS: And when did he pass away?

FB: Dad passed away in 1948, about the fourth of July, when he was retired on the Oregon Coast at Seaside.

KS: And how about your mom? Do you remember her birth date?

FB: Yes, Mother was born approximately November 25, 1884, in Austin, just east of Oak Park in the River Forest area, particularly River Forest where she was raised, bedroom communities of Chicago. And [chuckling] I'll anticipate this question, Mother passed away in June of 1963.

KS: Do you remember their marriage date?

FB: Yes, their marriage date was roughly November 25th, if memory serves, 1910.

KS: And what town were they in?

FB: That was in River Forest. They were married in River Forest, in the stepmother's home on Park Avenue. I can even tell you, it's on Park Avenue between Lake Street and Chicago Avenue. How's that?

KS: Your memory is excellent. You were born here, so they somehow must have—

FB: I'm throwing things at you, which you may not want, but I was born in the Irvington Alameda area. In the old address system it would be 710 East 20th St., North. Now it is 3340 NE 20th Avenue. How's that?

KS: That's wonderful. I don't think I could tell you the address I was first raised in.
Tell us how your parents came from the Chicago area to Portland.

FB: Well, that's a fair question. They wanted to establish an electrical business, and they were interested in the West, I think perhaps Mother's background in terms of status within—I'm talking about her family particularly, in society—imbued her marriage to my good father, with some degree of caution, in that, for one thing, that he had not had the opportunities that her brothers had enjoyed and his family did not have an individual serving in a position comparable to my grandfather Joseph Carolan.

In any event, they made a decision to start life anew in the West, and they went about it rather scientifically. They made a study of Western cities and after the marriage they journeyed by train, first to Denver, Colorado, had a look-see there, from Denver—all this by train—to Salt Lake and then south to Los Angeles, which in those days was about the size of Portland, a city of—if memory serves—something between 200,000 and 250,000. They felt it was too dry and arid. Up north, they came to San Francisco. They were cautious about San Francisco because of the strength of the union movement there, felt that it would impede their initial days as an electrical contracting business, and from there by train up to Portland. They were going to Seattle, but they liked what they saw in Portland.

Portland had had an extraordinary burst of growth from 1900 to 1910. In 1900 it was a city of something over 90,000. In 1910 it was over 200,000 and I think that was influenced by

our own fair, the Lewis and Clark fair,[1] where we just celebrated the hundredth anniversary this year. The attitude of the Portlanders was sympathetic to their proceeding to begin a business, and so they did. This is reflected by the fact that within two years Father won a very significant contract to serve as the electrical contractor of the famous Pittock House, high above the city to the west. From an electrical point of view, the installations are still advanced and significant, even in our day.

KS: Did either of your parents have formal education after high school?

FB: Mother did. Mother attended a small college in Dubuque, Iowa, at that time called Mt. St. Joseph College, now called Clark College. She received her degree from that school in the early part of the twentieth century.

KS: One of the pictures that you showed me as we were preparing was your mother's graduation picture.

FB: Yes, you've handed it to me, Karen, and it's marked Bauman 0006 **[Exhibit 0006]** on the back. And there is a graduation picture of Mother and she is in the second row to the right of the center, the third—and next to her, on her left, is some lady whom I do not know, and that is the end of the second row.

KS: Does your mother have the black bow in her hair?

FB: Well, good question. That identifies her. There are only two black bows in the picture. One is in the third row, which is not Mother and Mother is in the second row, yes.

KS: It's a beautiful picture.

FB: Thank you. All dressed in white, incidentally, the ladies.

[1] The Lewis and Clark Exposition, 1905, drew many who settled permanently to the City of Portland. See Carl

KS: So, tell me where your father's business was located.

FB: Dad's business, for many years was located at 250 Stark Street, and that would be the old address, I suspect. And that was between Second and Third, on the south side of the street, to the east of what is called the Builder's Exchange Building. It is owned by the Mark family now, but it carries another name, but Huber's Restaurant identifies it most assuredly—Portland's oldest restaurant.

KS: So, it was west of the river.

FB: It was west of the river. And you mentioned the river—the river, during the flooding period each spring when I was a youngster, was a constant problem. Equipment had to be moved out of the basement of the building, which was called the McKay Building, to keep it from being damaged or destroyed by the flooding; quite a monstrous exercise. And I used to, in a small way, assist in that. All of this was corrected by the seawall that was put in, I think about 1932, which still protects that area during the flood period.

KS: Now you told me about some other people who were influential. I think you mentioned Grandma Budd.

FB: Yes.

KS: Can you tell us a little about Grandma Budd?

FB: I'd be happy to tell you about Grandma Budd, Mrs. Budd. And you can appreciate that we were very close to her and their family when I called her a grandma.

My mother became pregnant in 1912, and a daughter was born of that marriage, who would be my sister. The doctor was Dr. Fenton, a well-known name in Portland at that time, both

---

Abbot, *The Great Extravaganza: Portland and the Lewis and Clark Exposition* (Portland: OHS Press, 2004).

in the medical world and in the legal world. His nurse was Helen Budd, the daughter of Grandma Budd. Unfortunately, Carolan Bauman lived for only a few weeks. A congenital problem took her from this world. But, Mother and Dad established a relationship with Helen Budd and the members of her family who lived in Portland, two single daughters and the mother. Apparently, Mrs. Budd's husband was gone at that time. But she had an eminent son, even then, by the name of Ralph Budd, who became a friend of the family. Mr. Budd, at that time, was president of the old Spokane Portland & Seattle Railway. The family was from Waterloo, Iowa originally.

Mr. Budd was an engineer who had cut his eye teeth on the Great Northern Railroad. John F. Stevens was appointed by Theodore Roosevelt to be chief engineer on the construction of the Panama Canal. Ralph Budd was one of a number of the engineers under him, who served in key roles and made this such a still successful enterprise from the point of view of engineering, transportation and shipping. Ralph Budd gained considerable respect on the canal, and returned to become president of the Spokane Portland & Seattle. Thereafter he moved on to be president of the Great Northern and then finally the Chicago Burlington & Quincy. In World War II, at the beginning of the war, he was appointed national railroad czar by President Franklin D. Roosevelt.

I can't say how much of a constructive influence the Budds were, but it was considerable. Goodness gracious, we would have lunch with them Sundays, once a month, out where they lived at Multnomah Station as it was then called; now Multnomah. Once a month they would come on Sundays to our home in the Irvington Alameda area on 20th Street. They were a very instructive family in terms of my education. They had great respect for education. Eventually, Helen Budd became associated with Berea College in Covington, Kentucky.

KS: Now, you mentioned the older sister you had who died as an infant. Did they call her Patricia, too?

FB: Patricia, too, but I think and I have not reviewed this from the point of view of total accuracy since you and I discussed it. I think her legal name was Carolan.

KS: Okay, and did you say that her death as a baby caused your mother to return to the Christian Science faith?

FB: I think that is absolutely correct, yes, that's my impression. Mother, I think, was engaged in attending a number of churches. Of course, Mt. St. Joseph was a college that honored the Catholic tradition. She also attended a number of Protestant churches, but this caused her to return to the Christian Science movement. I'm certain her father was pleased. She remained a Christian Scientist for the rest of her days.

KS: Now what hospital were you born in?

FB: I was not born in a hospital, Karen; I was born at home. I don't remember her first name, but the doctor's name was Zimmerman. I used to deliver *Oregonians* to her home down on 10th and Wielder, Northeast 10th and Wielder, when I had an *Oregonian* route during my high school years.

KS: What was the first home then, well the one you were born in—what was the address for that home?

FB: Well, that's the home that I mentioned as 710 East 20th Street North, now 3340 NE 20th Avenue.

KS: Now is that the one that you have a picture of here, is that home?

FB: Yes, yes, you have that lovely picture **[Exhibit 0011]**, if I do call it that, taken at Christmastime 1928. It's an example of Dad and his electrical background, because it's one of the first homes in Portland to participate in the outdoor lighting program, with red and green lights covering the front façade of the home. And incidentally, I can remember so clearly, those are actually white lights, with red and green covers superimposed on them. This display won a modest prize for its presentation to the community.

KS: You marked that 0011, eleven. How many years did you live in this home?

FB: Goodness! Well I was, of course, born there in ’21, 1921, and I was there in that home until about the mid-‘30s, when many contractors , electrical or otherwise, even the Hoffmans—saw extraordinary reduction in the amount of building in Portland. It was a very, very slow period economically. The Depression hit these businesses with particular force and vigor. And we had to give up our home, I think about 1935.

[End of Tape 1, Side 1]

FRANK A. BAUMAN
November 21, 2005
Tape 1, Side 2
Portland, Oregon

Foundational Years, 1921-1935, cont.

FB: We moved to a house on 20th Street, up north across Fremont Street, on the east side of the street and I think the rent was $25.00 a month, as against the $75.00 we were charging for our home. And the first gentleman and his wife to move into it were the Stewarts. He was a commander in the United States Navy, an Annapolis man, and took charge of the first Naval recruiting office in Portland.

KS: So, your parents still owned the home, but they rented it to others to live in.

FB: Right, right.

KS: So they could find a rental place that was less expensive.

FB: Well said. And this continued off and on until about 1939, when in the fall I entered Stanford University. So, the full time in that house was to ’35, marginal amounts of time after ’35 and in 1943 or ’44 the home was sold.

KS: Do you happen to remember the address of the place that your family rented after your family moved out of the original home. You have such a remarkable memory.

FB: No, I don’t, but it would be about the 3500 block, 3500 NE 20th Avenue.

KS: Did the neighborhood that you grew up in have a name, as so many of the east Portland neighborhoods do now?

FB: I always refer to it jointly as Irvington/Alameda. I attended Alameda Grade School at 27th and Fremont, and technically speaking it would either be in Irvington or Alameda, not in both. But let's define it based on the school and that would be the lower western edges of the Alameda School District.

KS: Tell me a little bit about just the Portland city landscape in your early years, say when you were in preschool through Alameda years. What are some of the landmarks you might recognize now?

FB: Well, you'd certainly recognize Meier & Frank. Meier & Frank played a dominant role in the life of the community. I say that respectfully.

KS: Is this the store we see downtown now.[2]

FB: It's the store we see downtown now. It was the place where ladies gathered on the tenth floor for little lunches. And it was a time when the staff at Meier & Frank—the city apparently was that small that the staff would know you by name and call you by name, both your parents, usually my mother or even myself on occasion.

The city had moved west from the river. Front Street, which originally was the center of town had moved to Third Street, but Third Street was being passed up by Fifth and Sixth Street and Broadway, of course. Broadway, of course, was the theatrical center of the town. Most of the city lived on the east side, although the prestigious areas socially were in the hills to the west of the city. We had quite a set of bridges when I was a boy. Of course the tie was the streetcar. The streetcar lines must have numbered twenty or thirty and they traveled all over the city. The service was punctual. The costs were reasonable. But beyond that we had an interurban system of electric trains that linked Portland to Salem even as far south as Eugene, on both sides of the Willamette River and down the Columbia a ways and then east to Estacada. It was an extraordinary system.

[2] Now Macy's Department Store.

And then the rail system. It was not the era of the airplane. A senior partner, Mr. John Veatch, of the Veatch law firm, where I was a partner in later years, said that in 1910 there were 250 passenger trains coming into Union Station and going out of Union Station each day. We had six trains a day going east to Chicago. Six trains a day. Of course, Chicago was the railroad center of the nation.

And of course, we always crossed going up to Northeast Portland on the Broadway Bridge and viewed the eminent Union Station.

KS: Were all the bridges that we have now in place by then?

FB: No, no, there would be at least, well moving from south to north, in my time, I think the Sellwood Bridge was probably completed around 1925 or ’26, the Ross Island Bridge maybe a year or two later. The bridge to the north of the Ross Island is the Markham Bridge.

KS: Is that the Banfield, the freeway bridge? The Hawthorne.

FB: No, the freeway bridge, that would be completed post World War II. There was the Hawthorne Bridge, which still exists. There was the old Morrison Bridge, which doesn’t exist and has been replaced by the new Morrison Bridge. Then there was the Burnside Bridge, completed I would say, in the late ‘20s. Certainly the Steel Bridge was in existence then. It dates back almost to the beginning of the twentieth century. And then the Broadway Bridge, I think, was completed about ’14. And then moving on north, we’ve got the Fremont Bridge, which is part of the expressway system. That’s post World War II. And then the magnificent St. Johns Bridge to the north. That was, I think, completed as a suspension bridge around ’31, ’32, maybe ’33.

KS: So, most of our bridges were built after you were born.

FB: Many of them, yes. The exceptions being the Broadway Bridge, the Steel Bridge, the Hawthorne Bridge and the old Morrison Bridge.

KS: How about the parks? Was Laurelhurst Park here?

FB: Laurelhurst Park was very much a part of the city, and Washington Park, of course, was—what does it date back to? Maybe 1880, something like that. Yes.

KS: Did you spend time in those parks as a child?

FB: Particularly Laurelhurst Park. To a lesser degree, Washington Park, but Washington Park held the zoo at that time and was the center point.

I'll tell you a cute story about the zoo and my father going to the zoo with a visitor from Chicago and a little boy on his hand, and he's in front of the ducks and every animal, whether it was duck or a tiger or whatever it was, he called a duck. But he was standing in front of the ducks and he was saying, "Duck, duck, duck."

And a lady complimented my father and the little boy and said, "My, what a bright little boy."

Dad responds, "He calls them all by name." He didn't say all the same name! [both chuckle]

KS: Tell me what you can remember about the years before you started at Alameda. You told me once you had a dog named Sparky.

FB: Sparty—S-P-A-R-T-Y, yes.

KS: How old were you when you got Sparty?

FB: Five years old. We got him out on 82nd Street, which was a largely undeveloped two-lane road in those days, I would say around Foster Road. And he was half terrier and half English Bull. I daresay man never had a more loyal dog than Sparty. Very dependable, very loyal. And when I started school, the very first day, I was in Miss Mcilvaine's class, in the middle of the

room and about ten o'clock in the morning, lo-and-behold, Sparty found his way to the school, seven blocks from our home, east on Fremont Street, and came into the room, sat down next to me and did not utter a peep.

KS: [laughing] Did your teacher make Sparty leave?

FB: I suspect she did. [laughing] I can't remember that aspect of it, but she was a magnificent teacher, Miss Mcilvaine. And I compliment all of our teachers at Alameda and our teachers at Grant—noble people, and so assisting and so kind. These teachers inured in our minds a desire to perform at a high level. The education was sterling. And incidentally in the Depression years, the Depression years, which I have mentioned, the teachers were the only ones who could afford to travel. Our teachers in the summertime, generally, would take trips to Europe, which opened the doors of Europe to us. They would come back in the fall and tell us about their experiences abroad. But they were the only citizens, it seemed to me, who could afford to travel at that time, at least to far places.

KS: So, you were at Alameda through the eighth grade?

FB: First through eighth grade. In fact, when we moved to an apartment house we had at Northeast 11th and Hancock, but then the big Carolan, the Carolan Apartments, I bicycled from the Carolan Apartments to Alameda School twice a day, going and coming.

KS: Were there more than one class of kids your age? Or was it just one first grade, one second grade? How many students might be a better way to ask the question.

FB: Well, this would be a bit of a guess on my part. I suspect that Alameda at that time was something like four or five hundred students, maybe 600.

KS: For all eight grades?

FB: For one to eight. The system was that there was a 1A and 1B. The 1A entered in the fall, in September. The 1B in January. So, you had students graduating mid-year, so to speak. But you did not have, as we have today, special classes for so-called advanced or superior students. Those in 1A had a homeroom, and most of their classes took place in the homeroom, like with Miss Mcilvaine. And maybe that persisted for the first two or three, four years, and then you entered what was known as the platoon system, where you moved during the course of the day, to have subjects and teachers specializing in particular topics; whether it be music, whether it be library sciences, whether it be art, whether it be geography.

KS: You were involved with Boy Scouts?

FB: In Boy Scouts in Irvington Grade School. Not at Alameda. I joined the Boy Scouts when I was twelve and I spent about two or three years with the Boy Scout movement and up to the rank of Star Scout. My troop was headed by a dentist, Dr. Bruce Stewart. He was exceptional in terms of the dress and appearance of the troop. But in terms of scouting conditions and scouting skills, taking care of oneself in the woods under adverse conditions, it left something to be desired. It was somewhat Teutonic, thanks to Dr. Stewart, and by the time I became involved in high school I backed away from it. But, we respected and were thankful to Dr. Stewart for the hours that he gave to the position.

KS: Now you mentioned earlier, I think, your *Oregonian* route.

FB: Yes.

KS: When did you start an *Oregonian* route?

FB: I started an *Oregonian* route about the very same time the *Hindenburg* made its ill-fated voyage across the Atlantic, I think the spring of ’37, and I would have been probably either a sophomore or junior in high school. And the reason I know it was the *Hindenburg* disaster is because the second day I was on duty there between Broadway and Weidler on NE 14th Street,

picking up my papers, there was a picture of the *Hindenburg* exploding at Lakehurst, New Jersey. And this was a so-called wire photo picture. The *Oregonian* a few months earlier had started a full page of wire photos, and on the front page occasionally, of pictures taken all over the nation and wired to Portland and published in the *Oregonian*.

KS: Do you remember how many homes were on your *Oregonian* route?

FB: Yes, I would say about 110. And there were some apartments. It was in the Lloyd Center area, where the eminent Lloyd facilities now are. Ralph B. Lloyd had purchased much of the property in the area, but clamped down on the whole affair during the Depression. On the east it began at Tenth Street, west to Sixth Street, and on the north, began at Schuyler, which is one block north of Broadway, and let's see, over to Sullivan's Gulch approximately, on the south side. So, it was a route that covered a great deal of territory, and many of the blocks were vacant, thanks to Mr. Lloyd, who had acquired the property starting '28, '29, or '30. But he left apartment houses, he left some of the homes. And of course he did not return to complete the project until the late '50s.

KS: Tell me about some of the other students that you can remember from the days of Alameda? Who were your best buddies? Or, your first girlfriend?

FB: Well, let's take the buddies first. One was shy about girls at that time. [both laughing] Anyway, let's take the boys. My dearest friend in the early years was a boy by the name of Neal O'Rourke, a family from St. Paul, Minnesota. Neal was a would-be scientist—and he ultimately became a scientist—and an experimenter in his basement with all sorts of things of a chemical nature.

KS: Did you help him with some of those?

FB: I did, but I did not have Neal's abilities. And Neal and I were close friends, and then I moved away from my relationship to a degree, with Neal, in later years in grade school and

became very close to a young man by the name of Ben Parkinson. Ben and I, incidentally, were publishers of our grade school newspaper, the *Alameda Spokesman*, the last year. Ben and I were thinking even then in terms of a law career. And both of us did become lawyers. Ben attended Stanford Law and I attended Yale Law School. But Ben, I learned at the time of his memorial service two years ago, was the number one man in his class at Stanford, but very modest. He never told me that. And beyond that, he was the founder of the *Stanford Law Review*, which continues today. Ben's skills were many, but especially in the field of writing and in the field of composition. Of course, this is a mighty tool for anyone.

KS: Let me ask you about some of the photographs we marked. I'll hand them to you.

FB: Please.

KS: Because I think we only have maybe five or ten minutes left on this tape recording, so this might be a good time to talk about that. Now, this is a little book of photographs **[Exhibit 0005A]** that's marked 005A. We also have it marked 0080 **[Note: Exhibit is marked 0005A]**. When we make a list of exhibits I'll make sure that's clear, but tell me what's in there.

FB: These photographs were taken at Mt. St. Joseph College in Dubuque, Iowa, of Mother and her friends during the school years. There's a card on the inner page at the beginning, which says Miss Carolan, so apparently they had formal cards at that time. She is in some of the pictures but not all. Note that all the ladies are dressed very formally, long dresses, without exception, and a picture of the chapel towards the last. After they left the school, Mother stayed very close to some of these ladies over the years.

KS: Have you ever gone to the college?

FB: Yes, I have. On one occasion. In the summer of 1941, Mother and I went east to purchase a new Chevrolet. I had the privilege of driving it west from Michigan to Chicago and then on west from Chicago. We followed Highway 30, and I persuaded Mother that we should stop at

Mt. St. Joseph School. Fortunately, two sisters were still alive and received us so graciously, so kindly and so warmly, and served tea to us. It was the first time Mother had been back, having lived in the West primarily, the Depression years precluding her from traveling east since her graduation. It was a very, very happy and touching experience.

KS: Now this is a photograph **[Exhibit 0026]** that you marked 0026 and I'll let you explain what that was.

FB: Yes. It looks like some dog has chewed on it, but it is the summer home that my grandfather Joseph Carolan purchased in 1884 on the shores of Lake Michigan in the state of Michigan, near White Lake, north of Muskegon, approximately fifteen or twenty miles. And left to right you have pictures of the family, with two exceptions—you have a dog in the picture too—but left is Eliza Robinson Carolan, whom I called Dee and everyone did.

KS: Was she your mother's stepmother?

FB: Mother's stepmother. And then next to her is my mother, from left to right, and then moving beyond the tree to the right, is Joseph Carolan, who is relaxing against a large timber supporting the house, and then to the right of my grandfather is my Aunt Ethel, and then to her right is her brother Penn Carolan holding his dog. He became one of the nation's great football players, in the teens, both in high school and in university. And then a remarkable old gentleman to the far right, with the white beard, who was a seaman, a whaler in the South Pacific in the mid nineteenth century, and enthralled the youngsters with tales of the cannibals and experiences of whaling out of Nantucket.

KS: Now, are all these children Fannie's children or were some of them?

FB: Good question. Mother, Ethel and Penn are all Fannie's children, so obviously George and Florence, these children had not been born yet or were not present.

KS: Now, you showed me these as well. This is marked Bauman 0007 and I believe these are also photographs **[Exhibit 0007]** of your mother's life.

FB: Yes, and again, they relate to Michigan. That is, the first one is of a gasoline boat that she had up on the lake that she brought over from Chicago on a Goodrich freighter, sailing it herself down the Chicago River. And then as you move along, you see various friends of hers in the Lake Michigan area. Mother is ticked with a single tick—there's Mother on one page and to the left of her with two ticks is her sister Ethel, and a number of gentlemen.

KS: These would have been before she met your father?

FB: Mother met Father four years before she married him, so it could be after she met him, but possibly before. She met him in 1906. And to give you some idea of the idyllic lifestyle that they had in the country in those days on Lake Michigan [rustling sound].

KS: Here's a few more **[Exhibit 0015]** that you can talk about. This is marked Bauman 0015.

FB: Yes, this is a picture of my dad, a handsome young boy, taken when he's probably about five years of age in Chicago. And on his left is probably one of his sisters.

KS: And is this an uncle?

FB: Yes, this would be my uncle, John Bauman **[Exhibit 0016]**, and it's number 0016. And it shows him as a major in the United States Army in World War I, [he served stateside during the war].

And then here is Fannie Drake Carolan, a picture **[Exhibits 0030-0031]** of her taken in about 1879, which would be before her marriage.

KS: Here's one.

FB: And this is a lovely picture **[Exhibit 0032]** of Fannie Drake Carolan taken in Chicago, perhaps about the same time, maybe a year or so later, yes. And it reflects the dress of the period, full dress. And Fannie Drake is with her three sisters and it's very touching.

KS: Is she the one standing?

FB: And she's the one standing next to the tree, yes. Lovely picture.

And here is the distinguished gentleman himself, my grandfather Joseph Carolan **[Exhibit 0033]**, probably taken at the height of his career. And he has some sort of symbol there; it looks like a Masonic emblem. He was a very, very active Mason.

KS: You said that's your father? That one is marked Bauman 0028 **[Exhibit 0028]**.

FB: Right. This is a picture of Dad as a young man, probably before his marriage. And he's wearing some sort of identification on his lapel. That could be a Masonic emblem, too. Dad was also a Mason. And then this 005 **[Exhibit 0005]** tells—I have mentioned the Christian Science background of the family through my grandfather Joseph Carolan, and a testimony in the *Christian Science Journal* about 1966, by his son, George F. Carolan, a flyer in the first World War who was a lawyer and manufacturer in Chicago for many years, and then became in his last years, a very staunch Christian Science practitioner.

But, may I just read something? It's rather humorous—that you don't normally see in a *Christian Science Journal* testimony:

"Sometime between 1890 and '95, my father met a friend and former employer. In response to the question, 'How are you?' my father answered with a woeful tale about himself.

His friend thereupon said that my father needed to be healed through Christian Science and recommended that he call on a practitioner to help him. When my father later related this incident to my mother, he said that what his friend had told him and added that he thought the man's thinking processes were not functioning clearly or normally. However, inasmuch as the man was his respected friend (and I suspect it was—I'm interlineating—I suspect it was William Penn Nixon, the publisher of the *Chicago Inter Ocean*), my father said he would follow through.

He made the appointment and was healed of a severe stomach disorder in one treatment while in the office of a practitioner.

When my father first brought a copy of *Science and Health*, by Mrs. Eddy, my mother was superstitiously afraid even to touch the book. Some years later, Mother, watching me pole vault in the yard of our home, decided to try the feat herself. The result was disastrous. We carried her to her bedroom in considerable pain, for in coming down in the vault her ankle had buckled under her."

Well, so much for that.

KS: And then, this is marked 0002 **[Exhibit 0002]**, and I think it is a summary of the Carolan family history?

FB: Yes, yes, even preceding Joseph Carolan, and it tells about their arrival in this country, immigrating to New York, and then eventually the issue thereafter borne of the marriage until 1997.

KS: And then this is 0003 **[Exhibit 0003]**, tell us what that is.

FB: Well, that's a similar family tree of the Carolan family, but it begins with Joseph Carolan, born in 1852 in Oswego, New York.

KS: And then last, but not least, someone told you that 0001 **[Exhibit 0001]** was a copy of the Carolan crest from Ireland?

FB: Right, yes, I picked this up in Dublin when I visited there a number of years ago, and it's the Carolan family crest.

The most distinguished family, I might add, of the Carolan family, is Sean O. Carolan—there's a plaque to him in St. Patrick's Cathedral in Dublin. He was a highly respected Irish bard of the seventeenth century.

[End of Tape 1, Side 2]

FRANK A. BAUMAN
December 6, 2005
Tape 2, Side 1
Portland, Oregon

Foundational Years, 1921-1935, cont.

KS: This is Karen Saul speaking. It is December 6, 2005 and I am in the Carriage House office building with Frank Anthony Bauman Jr., to continue his oral history. This is tape two, side one.

Mr. Bauman, when we had ended our last conversation, you were going through some of your family photographs. And we didn't finish that, so I thought we could start today with a portion of our time having you explain some of these wonderful photographs that we've gathered. Do you want to start with the ones relating to you as a baby and a small boy?

FB: I think that makes sense, Karen. We'll proceed chronologically.

KS: This is an album that I think your mother put together for you.

FB: Right. What exhibit is that, please?

KS: Nine.

FB: I'm looking at exhibit 9 **[Exhibit 0009]** and it's headed on the cover "Our Baby" and they're talking about yours truly, Frank A. Bauman. It begins with his birth of June 10, 1921 in this home at the old address, 710 East 20th Street North. And there are a number of pictures in here, particularly of the house on 20th Street and the Velie car in the driveway. Dad had a love affair with Velies, [which] were made in Moline, Illinois. He bought his first Velie in 1913, three years after arriving in Portland. Dad, over the years, never had anything but a Velie car, as long as they were made. I think the listener may not appreciate how many different automobiles were made during this period—dozens of manufacturers, which eventually merged or for one reason or another ended their record as car manufacturers.

KS: That would have been in the 1920s.

FB: The ‘20s particularly, Karen, beginning with the Depression years, but certainly in the ‘20s. There were many, many automobile manufacturers and then Velie went out of business in 1929 at the time of the Depression. They also were making airplanes at that time, and that was the end of Velie. But I remember once, during the war, running into some Moline people who said that the Velie home—that’s the name of the family that lived in Moline—had become a restaurant in Moline.

Now, moving along, let me comment, too, on this magnificent dog, Sparty, that’s in front of the house—white with a long tail, slightly moving. This dog, of all the dogs we’ve had over the years, was truly devoted to the family.

KS: Is he the one who came to class with you?

FB: You’re exactly right, Miss Saul, he came in Miss Mcilvaine’s class when I was at Alameda School the very first day in the fall of 1927.

Then there’s some neighborhood birthday pictures, parties. This must have been mine where we’re sitting on the front porch of 710. The family had long ties with Seaside, Oregon, particularly around 9th and 12th Street next to the prom, beginning when I was about two years old. And there’s pictures on 12th Street. There’s pictures with the famous prom walk in the background and with various members of the family, and relatives, a surprising number. And then, of course, a number of pictures of this little tyke with his mother.

KS: Now, did your parents call you Pat?

FB: Yes, they called me Pat and the reason was, my mother was half-Irish in background. It may have been related, too, to the sister that was born in 1912 and did not live long, I think her actual name was Carolan, but she also had the name, Pat. And for some reason, why I don’t know, she anticipated that I would be a little girl, and then I wasn’t. I suppose to cover this up, if

it was a disappointment, I'm not so sure, she tagged me with Pat, or even Patricia as a little, little baby.

Oh yes, and one final comment, but here's a picture of the Christian Science church—it no longer exists, it's in the Lloyd Center—where I attended Sunday School, starting about two or three years of age. It's the very last picture in exhibit number nine, the baby booklet.

KS: Okay, what are some of the other photographs that we have here?

FB: Well, here we are with exhibit 29 **[Exhibit 0029]**. This is a picture of yours truly with his mother on the left, wearing that pin which had a diamond in it that I remember so well. Mother's rather formally dressed, a rather serious pose, an attractive lady in her mid-thirties at that time. And then moving along is Pat circa 1923 in exhibit 17 **[Exhibit 0017]**, not a bad picture. Number 18 **[Exhibit 0018]**, Pat in about 1926 when he's five years old, a bit simple if I do say, but there it is. A better picture comes up next, number 19 **[Exhibit 0019]**, again about 1926, and here's a rather handsome picture if I do say so, number 20 **[Exhibit 0020]**. Pat sits alone with his hands wrapped around his right knee. His costume is a form of sailor suit, very popular at that time.

KS: So, you had on short white pants and then the tie.

FB: Notice the socks are up over the calves, rather formally dressed.

KS: Now, is that how you often dressed or is this a more formal attire for the photograph?

FB: I would say a more formal attire and there was perhaps some protest at the time, when I appeared in that costume.

KS: Here's some photographs that have all been tucked into one envelope that we have marked number 10 **[Exhibit 0010]**.

FB: Yes, that's an earlier marking. And here I am just getting started, a very few months. You notice I was very heavy in my younger years. By the time I was one, I think I weighed something like twenty-five pounds, and I'm both with my mother and my father, which reflects the family tradition on his side of the family, with not too much hair on the top of his head. A rather good picture of Dad **[Exhibits 0010A-0010E]**.

And then we move back to the Velie, the Velie car, and this is Dad in the driver's seat in 1913, in front of his new Velie **[Exhibit 0010G]**. And that is taken at Northeast 21st and Fremont, just two houses south of Fremont, and that is the very first home that my parents built in Portland in 1912, and lived there until about 1920, until they moved over to the house on 20th Street, in anticipation of the birth of yours truly. And there's where we remained until the World War II years.

And again, another picture of the young boy in the sailor suit **[Exhibit 0010F]**, a little different one, with his mother, but in front of the house on 20th Street.

KS: Okay, thank you so much.

FB: You're welcome.

KS: Well let's maybe talk a little bit more about your publishing career at Alameda and your time with the *Spokesman*. Can you remember what you were doing as a publisher of the school newspaper, the *Spokesman*?

FB: Yes, I can, and I am of course backed up by these three exhibits marked 13 **[Exhibit 0013]**. We have an Alameda *Spokesman*, April, 1935, in front of me, and of an earlier period February, 1935, and then the graduation issue May, 1935. The *Spokesman*, I'm bold enough to say, and I hope I'm accurate and not overstating, was the creation of Ben Parkinson and myself, with the approval of the principal, Mr. Charles E. Lewis, and the teaching staff at Alameda. It was printed in the principal's office and distributed to students, or children, at the school, roughly once a month.

KS: How did you print it?

FB: It was printed, I daresay, mimeographed. It wasn't hectographed, which was a predecessor to the mimeographing process, but it was mimeographed and Ben Parkinson, of whom I've already spoken, was the cartoonist. My, how he could draw pictures! But he was really more than the cartoonist. I would classify him as co-editor of the newspaper, with myself as the other co-editor. And it was a survey of the views of the school, occasionally a little humor thrown in. For lawyers you are entitled to the appellation after your name of esquire—E-S-Q-U-I-R-E—meaning you are a lawyer. Somewhere in the *Spokesman* there's a little joke, I think that I put in, with reference to E-S-Q, period, that means that one is an Eskimo. That was an example of the humor in the issue.

There's the extraordinary perception in the last issue of what the class of 1935 might be doing in future years, and I think that's attributed possibly to Ben Parkinson, and much of it is humor. I've already mentioned some of the extraordinary talents that Ben possessed in his early years and that continued unblemished throughout his legal career as a lawyer in San Francisco. Let me focus on his statement, the Class Prophecy for the members of the class of '35, which is in the final May issue, and quote to you some of the language that we used in describing the portents of the various class members.

Beginning, "Inasmuch as I have seen quite a few of my classmates recently, I decided to write and tell you of their professions. I happened," (of course he's speaking of future years) "I happened to go to the baby boudoir shop and guess who was the proprietor? None other than Tom Watts. (Tom was considered the most masculine man in the class and an excellent athlete, his father a very prominent doctor.) Of course you've heard of Neglistki O'Rourkski (that was Neal O'Rourke, the liberal political figure of the class) a prominent scientist and social party leader, who was deported to Russia. Bill Skans is a chorus director. Margaret Barrett has opened a school in which she teaches young hopefuls how to walk with the proper hip motion (remember Ben is only thirteen at the time). Beverley Bennett is a spinster. Bonita Straus stands in for Greta Garbo in the movies. They both have a big understanding—La Brou Edwards is just a plain hobo"—which certainly doesn't apply to La Brou, because La Brou was probably one of the very brightest men in the class, and that is not quite fair to him, but there we go—"Matthew

Troy, another bright one, makes his living by winning limerick contests. Joan Sutherland and Herbert Tolefson are partners in teaching music and so forth." Finally, it ends—

KS: What does he say about you?

FB: Oh, goodness gracious, it's not too complimentary. Ben, of course, was probably duty bound to mention the editor, namely, not Frank A. Bauman, but Pat Bauman, and he states, "Pat Bauman is the editor of the *Hicksville Daily News*, circulation 100." As for B.H. Parkinson the very last sentence recites: "You probably voted for president, B.H. Parkinson, the 35th president of the United States." End of prophecy.

Incidentally, Ben and I had grandiose views at a very early age, of what we might do in the course of our careers. Ben was not the only one to feel that he might be president of the United States, but I confess in open court, I held that view myself and was not hesitant at times to speak to that subject.

KS: For how many years of your life did you often go by Pat? Did that continue into high school?

FB: That continued into high school. The change took place gradually in high school, but those that knew me in the tender years, in the Alameda years, continued to call me Pat. Certainly people in the neighborhood where I was raised, on 20th Street, Bob Callahan across the street, and Laura Patton, next door, Billy Hussa, some of my neighbor children with whom I was close, *always* called me Pat. And that included John Matschek down the street who in recent years became president of the University Club in Portland. In fairness to John, John developed more in character than any member of our class at Alameda or Grant High School. Before Ben Parkinson passed away I was discussing John with him, and Ben agreed that John, who had been a rather aimless individual in his earlier years, later became a citizen of great responsibility, lauded by the *Oregonian* at the time of his passing a year or so ago.

KS: Well, you took some pictures with what you had referred to as a "dollar camera." What was a dollar camera?

FB: A dollar camera was my first. I believe I discovered it in the *American Boy*, which I took at the time, probably about 1934, in other words, the year before finishing Alameda Grade School. Money was hard to come by, but somehow or another I scraped up the dollar and sent in for it, and used it. It was a very small camera and I became a bit of a photographer and even went to the effort to purchase a photograph book **[Exhibit 0012]**, and here it is, by golly and it is marked as exhibit number 12. And in it are pictures that I took in those tender years.

First of all, not one of the dollar camera pictures, is a picture of John Matschek. He is on the right. On the left, F.B., or Pat Bauman in the center and Neal O'Rourke on the left. And that picture and the solo picture of Pat on the right were taken exactly 200 years after the birth of President Washington. In other words, on February 22, 1932. And of course each of us was dressed appropriately in what our mothers felt to be the costume of the period. And John, whose family seemed the most affluent in the neighborhood, had a costume obviously a step above Neal's and mine.

Then we move over to the next page and here we're back at Seaside again, looking at Tillamook Head. The first picture **[Exhibit 0012]** is of the Four Winds, which still exists, now called The Inn at Four Winds, and has been upgraded extensively. It was then owned and operated by Mrs. Nora Steelsmith, who tied in with my mother through her Christian Science background and where we stayed.

It continues with pictures **[Exhibit 0012]** taken on old Highway 30, stopping along the way. And by golly, that is no longer a Velie car. We have our first Chevrolet, a 1933 model, which we bought in 1934.

And moving along, here's the famous *Akron*, the United States Navy dirigible **[Exhibit 0012]**, passing over Portland when we were living at the Carolan Apartments at Northeast 11th and Hancock. I might add that we were there because of the influence of the Depression on our lives.

KS: And then you moved to a more modest home?

FB: Yes, we moved to a more modest home, you're exactly right, and we rented the house on 20th Street. We were fortunate enough to own an apartment house at Northeast 11th and Hancock, the Carolan Apartments, and later we moved into it, and the picture of the American Naval airship was taken, outside of that apartment house. Then there are a good many pictures **[Exhibit 0012]** here of our travels along the Columbia River Gorge Highway. When visitors would come, particularly from Chicago, it was always a must to take them out, particularly on a Sunday afternoon.

KS: The highway was fairly new still then, right?

FB: It was new, but it's one of the oldest highways of its kind in the nation. I think it was dedicated by Woodrow Wilson about 1913, so we're looking at pictures here in the '30s, twenty years later. And it was very foreseeing on the part of the state to create that highway. And then there's even a picture **[Exhibit 0012]** here of our capitol, after the fire. I think it was burned about 1935 or '36. Of course, there are pictures of my Alameda School, pictures of my graduation class in 1935 and some pictures of the coast.

KS: Now, when you'd go to Seaside in those days, did you take Highway 30?

FB: Good question, because Highway 30 was an experience in itself. First of all, the trip would take four to five to six hours and invariably there would be one or two flat tires on the way. And, on top of that, we carried, not merely our clothes, but enough for a two or three weeks stay. We would take with us towels, sheets, food, all you needed to carry on independently at a place or a cottage that provided only the bed, chairs and bath facilities. We would go down probably on a Saturday and Father would return to Portland on Sunday evening.

As for the old station in Seaside, think of it—there would be three or four trains with sixteen to twenty cars each and probably two or three thousand people boarding. The trains would leave at six, and arrive in Union Station in Portland in four hours, going up the Columbia and the trip cost something like a dollar or a dollar-and-a-half, very reasonable.

Dad would come back to the beach on Saturday afternoon by train, leaving Portland about noon and arriving at Seaside at about four o'clock. I would meet him at the 12th Street Station. The train would then continue twelve blocks further south to the main station, which was at the location of the present city hall in Seaside.

KS: Well, at some point your parents built an apartment building over there, too, right?

FB: You're absolutely right, Counsel. My parents had, jointly, a love affair with Seaside. I suppose it was influenced by my mother's experiences on Lake Michigan, growing up, at White Lake. As for my father, he was influenced by the fact that he had spent time on Lake Michigan, particularly on the upper peninsula in Michigan, fishing. Dad loved to fish. And for him, the trip to the beach was an opportunity for him to engage in fishing. For Mother, it recreated, to a degree, what she experienced on Lake Michigan. When I was one or two years old I started going to the beach. To the extent that we could afford it, we went to the beach every summer until the war years. One or two years in the bottom of the Depression, we did not go because we couldn't afford to go. But we always stayed, as I mentioned, in that area between 9th and 12th Street in Seaside, on the prom, with one or two year's exception when we were at Lincoln City or even at Newport. It was the big event of the summer, if not the year.

KS: About what year did they start building the apartment complex?

FB: Now you've asked me that and I haven't answered it, so I will take up that question now. Pardon me for not telling you earlier, but I wanted to give you the background. The apartment was a dream that had manifested itself during the war years. Mother became concerned that Dad was reaching an age that he could no longer continue contracting in the electrical world. A substitute form of activity which would generate income had to be found. She was the one that promoted the apartment house idea. Again, she had had the experience with the Carolan Apartments on 11th and Hancock, which we've already discussed. That building was sold to provide funds to build a place at the beach. Also, our home on 20th Street was sold and applied to the beach place. They bought the property in 1943 from a Mrs. Fannie Malarky, rather well-

known people here in Portland, even now. It was, again, in that 9th to 12th Street area, it was 120 9th Avenue, right east of the prom.

I want to add this, the particular apartment house at Seaside was called The White Caps, which Mother took from an apartment house name that my uncle, Uncle George, owned at Fort Lauderdale, Florida. It was not particularly large, only seven units, but at the time of its completion in 1946, was considered probably one of the most promising and inviting apartments at Seaside at that time.

All right, I think that's enough about The White Caps at the moment.

KS: Okay, we're getting close to the end of the first side of the tape. I think I'd like to draw you back in time again to your days at Grant High School. What years were you at Grant High School?

FB: I entered Grant in September, 1935 after graduating from Alameda in June and was with the—

[End of Tape 2, Side 1]

FRANK A. BAUMAN
December 6, 2005
Tape 2, Side 2
Portland, Oregon

Learning to Lead at Oregon's Premier High School, 1935-1939

KS: …I'll let you pick up where you left off as our tape finished side one.

FB: We'll happily proceed. I finished Grant in June of 1939.

KS: And, again there are some wonderful photographs that you've give us—23 here is, I believe, your graduation picture?

FB: Yes, that is the graduation picture **[Exhibit 0023]** of Frank or Pat Bauman in the spring of 1939. I don't know whether I like it or not, but there it is. It was done by Edris Morrison, down here at Broadway and Jefferson, a lovely lady.

KS: And you also gave us examples of a couple of the *Memoirs*, which I guess was like the school yearbook for Grant High School?

FB: Yes, yearbook is the right term, but it was published twice each year, because in those days there were two classes, a January graduating class and a June graduating class. And I'm looking at, thanks to you, Karen, the January '39 *Memoirs*, and the June, or my graduation class *Memoirs* **[Exhibit 0014]**.

KS: So, those are 22 and 14.

FB: Yes, yes.

KS: So, you graduated in June of '39?

FB: Precisely.

KS: Okay. Were there particular memories that you had in looking through here? Or anything that you would like to talk about in a little more detail?

FB: Yes, if I may, at the risk of boasting, I became quite active in student politics at Grant, particularly my last year. And in the fall of ’38, I replaced Ben Parkinson, who had moved to San Francisco on short notice to attend Lowell High School, as service representative. As service representative of the school, I incorporated in my role some of the programs that Ben had considered. One that either I, or Ben, decided to have, was to show movies two or three times a week at noon during lunch. This caught a hold and made me familiar to the students.

So, towards the end of the fall of 1938, just before I began my senior term in January ’39, I ran for the office of student body president based on my record as service representative. My very worthy opponent, a distinguished student in his own right, was Edward Stamm. I was fortunate enough to win. I enjoyed my career as student body president immensely. It was something that will always remain with me. It was a growing experience, speaking to the students at assemblies, introducing visitors at assemblies and, of course, conducting the Executive Committee of the school. The school under Mr. A.F. Bittner was very generous in giving responsibilities to the student government system at Grant, and I was fortunate enough to participate in that student government in a very active way.

KS: You told me a story about learning to drive, I think, which would have happened in your high school years.

FB: Yes, yes, linked up to learning to drive was the fact, again, because of the economic pinch, I felt that I should have additional income for myself and for my parents. I obtained an *Oregonian* route. I had to pick up newspapers at Northeast 14th, between Broadway and Weidler, which was roughly a mile from my home, and it required me to have some ways and means of getting from my home in the wee hours of the morning, four or four-thirty, down to the newspaper pickup, then going to my route, which was located where the present Lloyd Center is.

It covered a rather vast area, and although I did not drive the route, I took the car with me with my newspapers and parked it along the way. I had problems in connection with this driving. For one thing, on the way down to my newspaper route one morning early on, I ran into a telephone pole and I think it was because I was half asleep and not very alert. And I'll make a confession here again in open court, that I blamed the dog for the failure, but it really wasn't the poor dog's fault, it was my fault. And this was, I suppose, to justify myself with my parents, which was wrong. But there you are.

KS: Did you have other jobs when you were in high school?

FB: Yes, before the *Oregonian* experience, I had a job with the *Oregon Journal* in the summertime selling *Journals*. I also, before that, was a *Saturday Evening Post* publishing company representative, selling the old *Saturday Evening Post* out of Philadelphia, the *Ladies Home Journal* and the *Country Gentleman*, the latter never selling very well in Portland.

KS: Did you work at Lipman Wolfe, too?

FB: And I worked at Lipman Wolfe. Thank you for reminding me of that, Counsel. My work at Lipman Wolfe started in about the summer of 1937, in a very small way, in the boy's department. I then continued working at Lipman & Wolfe at Christmastime, and then the next year '38, I think I spent quite a few weeks that summer working at the store. This, of course, continued in '39, even while I was president of the student body at Grant. And in the summer of '39 I worked the whole summer in the boy's department and in the men's department, the basement men's store rather than the upstairs first floor location.

KS: You gave me a letter **[Exhibit 0024]** that we marked number 24, that was written by the superintendent at the department store on your behalf, March 30, 1940. It looks like you're about ready to leave and attend Stanford and they're saying how sorry they will be to lose an excellent salesperson.

FB: Yes, they were very generous with me, because this exhibit, number 0024, overlooks this hard fact—that I was disturbed at times about my relationship with Lipman Wolfe and felt that I was not given all of the emoluments I was entitled, let alone salary. The pay was very, very modest. And so I decided to go across the street to Meier & Frank and speak to Mr. Willis, the superintendent of Meier & Frank and see if it would hire me, and was very candid with the gentleman, telling him of the difficulties I had at Lipman Wolfe. He said to me rather tersely, "Frank, we would never hire you on a bet."

And I said, "Why is that, Sir?"

"Well," he says, "how would I know if in a few weeks time you might be going around town saying rather adverse things about us." He looked upon me as a rather dangerous and irresponsible figure. That was the end of that interview and of course I was not retained, but Mr. Willis was entitled to say what he did and maybe in some ways I was entitled to the comment. I do know this, that I encouraged Lipman Wolfe to hire student body presidents from the various schools in Portland, to join me in the boy's department in the sales program, and this I did with some success.

KS: You also have an album **[Exhibit 0021]** here that we marked 21, that has quite a few excerpts from your Grant High School newspaper it looks like.

FB: Yes, this is a compilation, Karen, of the *Grantonian*, beginning September 20, 1935 when we entered proudly as freshmen, and it notes that it was a large school, largest school in the state, 2,512 students registered first day at Grant. And it continues year by year with the student activities, particularly the various bodies of men and women, or boys and girls, that held offices, and finally ends up with a report on the senior year and with the president's message, which I, then being president of the student body, wrote each week for the *Grantonian*.

KS: Now, did you keep the clippings or was your mother instrumental in this?

FB: A good question. I don't know whether I did or my mother did. It's possible that she did. Maybe I did. I can't answer. But I'm looking at a lovely picture of Jeanne Closson, our princess,

who married Ralph Bjorkland, a member of my class. Jeanne is still very much alive. I had dinner with Ralph and Jean just a few weeks ago down at Seaside. They live at Rancho Mirage, and she is just as lovely and sweet a person as she was at Grant High School.

KS: So, she was a Rose princess.

FB: Rose Festival princess, yes, yes. Then here's a picture **[Exhibit 0021]** of myself with the May Queen. Grant had its own May festival. There I am crowning the May Queen and then finally, here are the members of the Grant Hi-Y Club. I think I'm someplace in there. Here I am, next to Bob Wreisner and George Larimer in the rear. Bob is still a friend of mine. He's a retired judge in California. He's in the center.

KS: You're in the back, fourth from the left.

FB: Right, right, and here's Ed Stamm next to Mr. Goss, who was our advisor, John Goss, who was quite an athlete at the Multnomah Club in his younger days. And going to the right, next to him, is Ralph Bjorkland that I've already mentioned to you.

KS: What was the Hi-Y Club about?

FB: The Hi-Y Club was a student honor society that performed services at the school, and it was a respected organization. I was very honored to be a member. I suspect my dear friend, Ben Parkinson, had something to do with this, because Ben was in the club ahead of me. And it followed sort of the Yale Tap Day experience, [when the selected new members, like President George W. Bush, of Skull and Bones are formally invited by being tapped on the shoulder at a designated location]. But when you were selected for the Hi-Y by the organization, after the meeting would close, the candidates that had been selected would receive the members. About ten or eleven at night, they would come around to their homes and tell them that they had just been selected.

KS: And I can't help but notice, there don't appear to be any girls in the group.

FB: [chuckling] You're absolutely right, dear lady. And those were the days that the poor young ladies, except for Rose Festival princesses, were not given the position in the school that they perhaps have today, and hopefully have. And many of them were very, very intelligent. For example, Ed Stamm's wife, Elsie Stadelman, who was at Alameda with me, then at Grant, was probably the brightest young lady in the class, and a very pretty girl to boot.

KS: Now, you also gave me something we marked 27, which is, I think you said, written by your principal?

FB: Yes, Mr. Bittner, Mr. A.F. Bittner. And it's after I apparently had been admitted to Stanford University and was in my first year, freshman year. It's dated October 5, 1939 **[Exhibit 0027]**, and he predicts a very happy and valuable experience for me at Stanford. Mr. Bittner was a friend of Stanford, who from time to time would mention the school at our assemblies. He was a University of California graduate, and for example, we first learned about the rivalry in sports between Cal and Stanford at Grant High School assemblies, and the meaning of the axe. Dating back to the very first years of Stanford, it was a cheerleading weapon used at the Stanford/Cal football games particularly. It was stolen by Cal in the latter part of the nineteenth century and recovered by Stanford in 1932 and by agreement of the two presidents, is held by the winner of the *big game*, namely Cal or Stanford, each year.

KS: So, was he instrumental in your selecting Stanford?

Mind Stirring College Years, LSJU, 1939-1942

FB: He was a factor, no doubt about it, Karen. But even more significant, I daresay, was my mother. My mother adored President Hoover, and Mr. Hoover was a member of the first graduating class of Stanford in 1895. And he, of course, enjoyed, prior to being president, a historic career of benefaction around the world. I learned about Mr. Hoover and his role in World War I at the dinner table with my family. Hoover—and most Americans these days don't appreciate this fact—Hoover and his small group, under an organization known as the Belgian Relief Commission, fed and succored 10 million Belgians and northern Frenchmen for five years, to keep them from starving. He arranged this through his own efforts—it was not a government [endeavor]. It had the blessings, I daresay, of the American government. It was Hoover himself who arranged for the British government and the French and German governments to permit ships carrying wheat from the far corners of the world, Australia, Argentina, North America, Canada, the United States, to Europe, to provide for these people for this five year term. He earned world renown for this humanitarian exercise. It was carried on after the first war by the Hoover group in the Soviet Union after the establishment of the Communist or Bolshevik government. Russia faced several years of starvation, which was abated by the Hoover group.

KS: So, it sounds like you had some pretty interesting dinner conversation in your home, growing up.

FB: By and large, yes, by and large, yes. It was influenced by the fact that we had boarders at the time.

KS: Did they eat with your family?

FB: Oh yes, at dinner, indeed. We had a banker, we had a lawyer, a young lawyer by the name of Wendell Cameron, a graduate of University of Nebraska in Lincoln. We had a gentleman who was an official with the White Motor Company, a truck company. These men brought humor in the Depression years, to the dinner table, but they brought information as well, that excited a young mind.

KS: So, were you usually the only youngster at the table?

FB: Oh, yes, yes. There would be my mother and father, and the three boarders and myself. We had a maid that served as a cook at that time, but she was usually in the kitchen.

KS: And was this when you lived in the apartment complex?

FB: No, no. No, Karen, this was when we lived at 20th Street, the old 710 East 20th Street North address.

KS: Okay. So, you were saying that your mother had a lot of influence over you going to Stanford because of her admiration for Herbert Hoover?

FB: Yes.

KS: That must have been hard for them to have their only living child go down to California to college.

FB: If it was hard for them, they certainly never voiced that concern to me. I think they felt that I was reaching out to a new level that would tear me away from the rather tedious Depression years, and I suspect that they encouraged me out of a desire to see their son improve himself, and they were happy that it was going to be at Stanford University.

KS: So, you headed down there in the fall of 1939.

FB: Yes, mm-hmm.

KS: And war was starting to break out in Europe at that point, wasn't it?

FB: War broke out in Europe in September of 1939. I remember being down at the beach at the time, and the headlines on the Sunday paper was the sinking of the first large British passenger ship, the *Athena*, by a German submarine.

KS: And at that point, did you have any notion yet that you would end up serving in a European war, which I know you ended up doing a few years later?

FB: This was always a concern, I suppose, in one's mind. But it wasn't a realistic concern at that time. The official stance of the American government was one of neutrality. And this was aided and abetted by a tradition within the society—I'm talking about the United States, as our society—as brave and as noble as World War I soldiers and sailors had been, that we triumphed and we were so essential to the Allied victory, and nevertheless that the war had cost us a price in terms of human lives and in terms of dollars, and in terms of thwarted objectives. Remember the League of Nations was born out of the first war, and was not the force that it perhaps would have been given the failure of the United States to become a member of the League. All of this had clouded our views towards engagement in another war.

But that attitude changed through the months, as they passed, because of the acts of the Germans under Mr. Hitler.

KS: So, were the students at Stanford talking about what was happening in Europe?

FB: They were to a degree. But don't give them too much credit. They were talking more about their athletic teams, they were talking more about their social lives, they were talking more about their studies. To a real extent, there was a veil between Stanford students, even members of the faculty, and what was taking place in Europe at that time.

KS: Now, you got involved as a resident assistant. What was your role with the dormitory?

FB: As a counselor, which carried the term sponsor, beginning my junior year. Before that, I had this task and I think we have an exhibit in connection with it. I served as the manager of

Encina Hall, where all the freshman men lived, some 500 of us. And I was elected to that position. I ran against a candidate by name of Jim Frolick from Fresno, California, who later became a Rhodes scholar and a highly respected San Francisco lawyer.

KS: Is this the 1940 *Quad*?

FB: The 1940 *Quad*, which is the Stanford yearbook, has a picture **[Exhibit 0035]** of me and other members of the freshman class. I think you're going to mark that as an exhibit, aren't you?

KS: Yes, yes. Is that—?

FB: Yes, yes, that's a picture of myself taken at the time.

KS: Number 35.

FB: Number 35, I'm identifying. It also recites, if I can boldly say with reference to my role. It says "Frank A. Bauman of the Beta House had the difficult job of Encina manager, did well by it."

KS: And what was Encina?

FB: Encina Hall was the freshman dorm, again, of all freshman men on the campus, by and large, with a few exceptions, as I already stated, some 500 or so, 450 men were in that hall, four-story building. It's probably the second oldest dormitory on the campus—Sequoia Hall is the oldest. The university dates from 1891 when it first opened and Encina was the first dormitory.

KS: There's some young women on this page, too, but what was the student body percentage of men to women in those years?

FB: I would hazard to guess that it was probably thirty percent co-eds and seventy percent men. But by golly, if you look at this picture, I think there's as many or more ladies. Let's see, how many ladies are there, in an era of women at last attaining their right and proper place in our society, let's count them: one, two, three, four, five, six, seven, there's eight ladies here. And let's see how many men: one, two, three, four, five, six, seven, eight. It's a tie! [both laugh] As it should be.

KS: What were some of the things you studied at Stanford?

FB: Oh, goodness gracious, the very first year, the most significant course I took was a history of Western civilization, going back to the period of the Euphrates and Mesopotamia River and moving over to the Egyptian civilization, followed by the Grecians and their mighty role, Athens and Sparta. Then the Roman period, the Dark Ages, the Medieval Era, the Renaissance, then finally there are the years of Enlightenment. It was a full year course and it reflected one-third of the hours we spent during that first year. Probably the most memorable course I have ever taken anyplace, a sterling, sterling introduction to the march of civilization.

KS: What were your majors in, at Stanford?

FB: My major in the Stanford directory lists it as Economics. But I would daresay it was a combination of economics and political science, with a minor in history. I've always loved history, it's been a part of me, and I was fortunate enough at Stanford to have a straight-A average in history, but for one "B" in Japanese history.

KS: You mentioned befriending Larry Grannis, who was Larry?

FB: Larry "Shorty" Grannis, good question.

KS: When did you meet him?

FB: I remember seeing Shorty as a freshman. In the fall of 1939, the school established a room on the first floor of Encina, where students could study late at night, till the wee hours of the morning when their roommates were wanting to sleep. There were three men in each room. And Grannis used to study late there. And I would come in and I got to talking with him, and then fortunately we both pledged the same fraternity, the Betas. And that's where I got to know Shorty. And I had an admiration for him that arose almost instantly because of his superior intelligence.

KS: Now, I think we're almost to the end of the tape, but one of the last things I want to make sure you identify for us is, you have a picture of you as a senior? Is that you as a senior at Stanford? It's marked number 25.

FB: I'm not sure. It's a picture **[Exhibit 0025]**, taken at Stanford possibly, during the years at Stanford, or possibly during the years after Stanford, because it's a Berger Putnam picture and that's a Portland photographic group, so it would have been taken in Portland, unrelated to Stanford University. And it could be in the years that followed Stanford.

KS: You're in civilian clothes.

FB: Yes.

KS: It would have been after—

FB: Not the service years, no.

KS: Might have been law school?

FB: Possibly, it might have been law school, or even as a young lawyer. I can't honestly say. I don't want to overstate and give you misinformation.

KS: Okay, well I think we're almost out of tape for tape two, side two. So, on our next time together we can talk a lot more about Stanford and then your decision to enter the service.

FB: I'll look forward to that, Counsel. I've enjoyed the session with you this morning and I'm very grateful to you for asking the questions that you have. You are to be commended, if you'll permit me to say that.

KS: [laughing] Okay. So, we'll end tape two at this time. It is about noon.

FB: After twelve, right.

KS: Thank you.

[End of Tape 2, Side 2]

FRANK A. BAUMAN
January 30, 2006
Tape 3, Side 1
Portland, Oregon

The Outbreak of War in Europe

KS: This is Karen Saul speaking. Today is January 30, and I am at the Carriage House in Portland, Oregon, with Frank A. Bauman, here to continue his oral history project. This is the third tape and it is the first side of the third tape.

So, Mr. Bauman, let's continue where we left off, which was, I think almost two months ago when we last spoke. You were telling me about what life was like on the campus at Stanford, at the outbreak of World War II. And would you mind picking up with your thoughts on that?

FB: I'd be happy to respond, Karen. Let me outline first the date parameters. The war in Europe, and I'm talking about the Second World War, broke out on September 1, 1939, with the sudden and unexpected invasion of Poland, by Germany. As for Stanford University and my humble beginning at that school, that took place roughly a half month later. I arrived at the campus. It was a wholly new experience for me. I was assigned to a men's dormitory with some four to five hundred men, very proud of the fact that I had been student body president at my high school, at U.S. Grant in Portland, but learning shortly after I arrived, [laughing] there were some ninety student body presidents from various schools in the West, maybe other parts of the country. And it was a humbling experience.

I'll get to the war and its relationship with the school and with me in a few moments, but let me set the scene a bit. I was short of funds. My parents were not in a strong enough economic position, due to the Depression, wholly to support me at the school, so I had to go to work. And I was fortunate enough, within a week of arriving at the school, to obtain a job at the Stanford Union, serving up sundaes and desserts to a mixed crowd, student and adult, teachers and visitors, in the evening from about five thirty to seven thirty, then having my dinner at the Union thereafter. And this was followed by other jobs. One was selling tickets that fall at Stanford football games. Another was what we called an NYA job, the National Youth Administration program out of Washington, where I was putting away books at the library, and the fourth, I was

fortunate enough to be elected manager of that very hall in which I was living, manager of Encina Hall, which paid you the grand sum of $50.00 a year.

Now, let's return to the scene at that time, worldwide. The war, apart from the sinking of the *Athena* in early September, 1939, did not directly touch this country, at least in my view. There were some hundred or 150 Americans on the *Athena*, off the British coast, sunk by a German submarine, and Ambassador Kennedy and his staff had to do what they could, from what I've read, to get those people safely back to America. Of course, there were our tourists abroad, but our country was strictly neutral, and that neutrality was led, I would say, by the United States Senate and some particularly influential senators, a number from the West. They included Senator Burton Wheeler of Montana, Senator Borah of Idaho, Senator Gerald Nye of North Dakota, and Senator Norris of Nebraska. This official neutrality was the position of the nation vis-à-vis Great Britain and its allies, as against Germany, which at that time, I believe had no allies. Italy did not come into the war until June 10, 1940. But, this was our official position. I think it was influenced by mixed feelings about war, with all due respect to our AEF [American Expeditionary Forces] in the First War. But in the years following the war, the Germans were having enormous difficulty paying the reparations. There was the Dawes Plan out of this country, where Vice President Dawes in the Coolidge Administration came up with a plan that payments could be reduced in amount and carried over a more extended number of years. Then there was the failure of the Allies, all but Finland, to pay war debts to this good country. And beyond that, and perhaps even more fundamental, was the George Washington tradition that the reason we were in the New World was to escape the problems of Europe. And the problems were looked on as parochial to Europe and not touching this good country and the whole world. So, there we are.

Then there was an added filip that apart from the invasion of Poland, which only lasted a very few weeks, it became what was termed the Phony War. There was no engagement between France and Britain and the Germans on the so-called Old Western Front. The front was relatively peaceful, so there was a wonderment as to whether the war would continue, and I suppose there was an innate desire amongst our citizenry, particularly in the West, that somehow or other it would be resolved in the weeks and months ahead.

And then on top of that, and this is fundamental in terms of my relationship, I was entering a whole new world of study, particularly my course in Western civilization, which

represented one-third of my units; five of fifteen units. This was a concentration of major magnitude, but it was a concentration which I was very excited about. I felt very privileged to be taking this course. It was a very, very happy and positive experience and I was honored by being put in an independent study program where about eight of us in a particular class studied with, it was an instructor, not a professor, John Gange, at his home each week on a weekday and then in the afternoon for two hours, and then had a lovely dinner at his home. And this, of course, was a principal interest. There were the usual required courses in the languages. I was continuing my Latin studies. I was, for the first time, studying biology, to comply with the science requirement and so forth. And this is where my mind was and I must confess that it was not on the European war, although the war was very much in the background, and was a latent factor in our thought. But there was very little discussion within the school, about it amongst the students. We were more interested in how the Stanford football team was doing that fall, which was simply miserable. The Stanford football team did not win one football game in the fall of 1939.

Nineteen forty, the year that followed, was entirely different, when it won every game, thanks to the new coach Clark Shaughnessy, and the introduction of the "T-formation," and then went on to the Rose Bowl, January 1, 1941, to take on Nebraska, and was successful, a perfect season as against the hopeless season the year before.

And that's straying a bit, and I've perhaps spent a bit undue time, but I'm doing my best to put before you the atmosphere relating to the war in Europe, influenced by the facts facing me every day at Stanford University. There you are.

KS: So, you would have dinners with your history professor that freshman year.

FB: Yes, yes.

KS: Did the topic of what was happening in Europe come up around the dinner table, or was it really that far off the radar?

FB: Very pregnant question, but if memory serves, I would use your phrase that it was far off the radar. It was this whole new world of ancient history that involved us. And the only

exception to it, which was not the European war, was that Mr. Gange had been a member of the Foreign Service for a brief period in his history and he had served in the West Indies and he acquainted us, I daresay all of us, but certainly me, for the first time, something about that part of the Western hemisphere. Apart from that, we harken back to those periods of two, three, four thousand years ago, and then moved along with the course into the more modern era. Then, let me say this, you will recall that in April of 1940, the European war changed drastically.

KS: Is that when the blitzkriegs began?

FB: That's when the blitzkriegs began, with the invasion of Holland, the successful invasion of Norway, despite the fierce independence of the Norwegians and the attempt to delay the German invasion. And then, above all, the invasion of Belgium and Northern France, circumventing the Maginot Line, where the French had spent millions of dollars and had stocked with their best troops to serve as a defense barrier based on the experience in World War I. But the Germans went around the Maginot Line to the west. All of this in a matter of days changed the attitude at Stanford. Then and there, I think, students and certainly faculty, started to reflect upon the European war and how it would affect this country. Not at that time that we would become a participant in the war, but what we needed to do to prepare a defensive posture in the even that the war would eventually reach across the Atlantic and touch our shores.

KS: So, was there any talk of a draft at this point?

FB: Very good question, very good question. Yes, there was talk of the draft. And, if memory serves, the draft was adopted by the Congress of the United States, effective about the first of October, 1940, which would be the beginning of my sophomore year. I remember discussions before leaving school that summer, the summer of 1940, amongst fellow students—the men, of course; it didn't touch the ladies, or the co-eds—whether they would have to register or not for the draft. I was underage, so it was not a requirement upon me to register at that time. In fact, I never registered for the draft, but that comes later; enlisting after Pearl Harbor. But, the draft started and something like a million young Americans were drafted that very first year. The

draft, think of this, the draft was for only one year and then expired. So, you had the Congress again, in the summer of 1941, Upper House, Lower House, discussing whether the draft should be extended or not. And think of it, think of it, think of it, the Lower House passed the extension by just one vote. Had one member of the Lower House of the Congress changed his vote, think of where we would have been in December of 1941, with these million men that had been drafted, scattered about the country no longer in the military service. It's extraordinary.

KS: It is. I did not know that fact. So, you had told me earlier that your majors were economics and political science?

FB: Economics. I daresay, as I reflect on this, that I was influenced by the Depression era—that I had to take a rather practical view of my studies. As much as I enjoyed the Egyptian study experience, or the Greek city state exercise, I had to think of the future after I left school and economics seemed like a logical course to follow. Also, I took courses at the same time in political science and even more courses in history.

KS: Right, because your minor was in history, right?

FB: My minor was in history at that time, although I'll be honest with you, the Stanford directory, when you look at it at this time it just says an economics major. But, I was not wholly comfortable, even then, with my major when we think about the role of the English language in the law. And, at that time I was considering being a lawyer and I wondered if not, the English language, written and spoken, were the most important, the most significant tool in the life of a lawyer. Probably the second year some time, I went to a professor, by the name of Professor Harry Rathbun, who was in the law school, whose influence covered the campus. He was looked upon not merely as a lawyer and law professor of the first rank, but a philosopher influenced by fundamental principles of right and wrong. He gathered students in his home once a week who might be invited or might come on their own accord, undergraduates, non-law students, to discuss philosophical questions related largely to the history of the world and to morality.

So, I thought, I will talk with him if he's willing to speak with me, and ask him whether I should switch my major to English. And he was kind enough to receive me, and he told me to stay where I was, that my major and minor, if we call history my minor, was where I should be. And with all due respect to Professor Rathbun, he was in error, and let me say in 1950, some years later, *Life Magazine* did a story, a photo story, of the great professors of the nation at that time and Professor Rathbun was on one of those pages.

KS: You were fortunate to be taught by him then.

FB: But, his recommendation to me, that I stay where I was and to eschew concentrating on English, I repeat, it possibly was an error, because when I finally entered the practice some years later, it seemed to me that those that had an ability of speech and writing of a high order tended to excel, as against those who did not, even though their fundamental knowledge of the law or a particular subject in the law was at the same level.

KS: Now, you mentioned that you were part of the Beta Fraternity at Stanford?

FB: Yes, I was a member of Beta Theta Pi Fraternity.

KS: Tell us about some of what you did as part of the fraternity.

FB: Well, that's a fair question and the record certainly supports that relationship. Perhaps the fact that I had these various jobs—I mentioned the Stanford Union and this was followed by a brief stay when the house took mercy on me and had me hashing at the fraternity. I did have that experience the latter part of my sophomore year. I might say this as a piece of humor, I trust, at the Stanford Union—I was a bit of a diplomat even then—and I had been offered the position at the Beta House, and I wanted to leave on honorable terms at the Stanford Union. The lady in charge of the union at that time, at least the cellar area where I worked was Miss Braddock, and I arranged to find someone that would replace me who was a Stanford man working at the firehouse. We had a volunteer fire department made up of students.

And I forget the gentleman's name. Anyway, I went to Miss Braddock and I said, "I would like to leave in two or three weeks, but I've taken the liberty to find a replacement."

Miss Braddock responded rather tersely and said this, "Frank, we've put up with you for a year-and-a-half. We'll find our own replacement." So, anyway, I did move into the Beta House, with all due respect to Miss Braddock. Absolutely true tale.

Then, in my junior year, rather than living at the Beta House, I became a sponsor as it was called, or a counselor for Stanford freshmen, living again at Encina Hall, the freshman dormitory. And one of my counselees is very well known in Oregon and still very active, and very prominent in the *pro bono* world as we say in the law, and that's Gerry Frank. But, I did participate to a degree at the Beta House. We had a good many Southern California members. They seemed far more sophisticated than I, and I think in comparison I was a bit of a country boy there.

KS: Well, did you date any ladies when you were at Stanford?

FB: To use a fancy word, [there was] a paucity of young ladies. For one thing I could hardly afford to do much dating. And then you had this situation at Stanford—the number of women at Stanford was extremely limited. In fact, Mrs. Stanford, one of the two founders, with her husband, Governor Leland Stanford, issued an edict at the time the school began in 1891 with a future president of the United States a member of that class, Herbert Hoover—issued an edict that the number of women at the university would be limited to 500. And this appertained until the '30s, when the Depression period reduced the number of eligible potential admittees, particularly men. And that number was increased by several hundred, but still, when I was at Stanford, beginning in 1939 and in the early '40s, co-eds, or women students were a distinct minority. And this, in terms of dating, gave them an influence over and beyond perhaps what they enjoyed in later years. And at the English corner, where dates were made at times—this would be in front of the Quad, the Stanford Quad on the Palo Alto side—it was said that more dates were broken there by co-eds, than made. There was that element, but I had a few dates. But I must confess, nothing of a serious nature, although I remember taking one co-ed to the movies in Palo Alto one night, and we walked home along Palm Drive, which was between Palo Alto

and the Stanford Quad, and lined by palm trees. And I was telling this lady how fond of her I was and her response was, "I was afraid it would come to this." [both laugh]

All right.

KS: So, what were the famous movies that you can remember when you were there?

FB: Oh, gosh, that's a tough, tough question. I'm not a movie fan, although I saw far more movies then than I do today. I do remember this, which returns to the European War, I remember the Movietone News presentations of the war in Europe, particularly the German invasion of Russia, Operation Barbarosa, that began in June of 1941, six months before we entered the war.

KS: So, having newsreels in between the movies?

FB: Precisely. And this showed a German juggernaut that was covering hundreds of miles and moving well into Russia, and by December was in the outskirts of Moscow. And this army seemed extremely well equipped, mechanized and a fearful horde. There was a certain bravado in it. I can remember as the winter approached the Germans, perhaps to sublimate the effect of a Russian winter, I remember pictures of Germans breaking into the ice and swimming in the freezing water, and then climbing out on the ice—German troops—to show their disdain for the Russian cold.

KS: At this point then, still, in the summer of 1941, the students at Stanford still didn't foresee the war that would become ours, too, in another six months or so?

FB: [hesitates] I would not make as strong a statement as that, if you don't mind. I would say that the students were concerned about the war. There was a looming omnipresence that we would be in the war before it was over—under what terms and what circumstances, they did not know. The official position of this country, which was neutrality towards both sides, was weakening, no question about it. You had, in the fall of 1940, after the successful German invasion of Belgium and France, the BEF, the British Expeditionary Force, providentially being

evacuated at Dunkerque in June of 1940. Churchill had just come to power. He was struggling in his cabinet with Lord Halifax and the group that wanted to negotiate a peace with the Germans. In fact, a book has been written on that subject, that I have, and says that those five days of key discussion, when Churchill's views became supreme within the cabinet, changed the course of the world. And I think that is correct. [See John Lukacs, *Five Days in London: May 1940*]

Once the decision was made at the highest level in Britain, to continue the war against Germany, despite the fall of France, there was a hardening in Washington, that we as a nation, must do all we can, to support Britain, sans war itself.

KS: Is that when the lend-lease program began?

FB: Exactly right, lend-lease, if memory serves, a creation of President Roosevelt where these fifty old destroyers were given to Britain for the balance of the war in return for the assignment of certain pieces of real estate in the West Indies to the United States, for our defensive posture. And the German submarine menace was very, very effective. Thousands of tons of British shipping were being sunk in the North Atlantic. The British people, the British military were dependent upon those ships, in terms of basic food, in terms of steel, in terms of armaments…

[End of Tape 3, Side 1]

FRANK A. BAUMAN
January 30, 2006
Tape 3, Side 2
Portland, Oregon

War Looms at Stanford

KS: …in the oral history project of Frank A. Bauman and this is Karen Saul speaking. It's January 30, 2006, and you were just explaining about how the German submarines were affecting British shipping. Had we started to see any kind of rationing in the United States, because of the interference with shipping in Atlantic?

FB: Not in the slightest. There was rationing in Britain, I understand, but rationing was something for the future in the United States, but nowhere near the scale of what Britain experienced during the war, or for a number of years after the war. This was to come later.

KS: Now, I don't want to skip any parts of your Stanford experience, but when you're ready I would love to have you tell us about your recollection of December 7, 1941.

FB: Fair question.

KS: Do you want to tell me a little bit more about Stanford first or are we ready to move on to Pearl Harbor?

FB: I would say this, with reference to the university, with reference to the students, with reference to the faculty—during this period of 1941, I think a gradual awakening of the students took place, that with the events in Europe and with the extraordinary success of the Germans against the Allies, with the awareness that Japan and Italy had entered into an alliance with Germany, of military support; incidentally, the Japanese representative when that alliance was signed, I believe in Berlin, was a graduate of the University of Oregon, a man by the name of [Yosuke] Matsuoka. And he was Foreign Minister of Japan, and if memory serves I'd say he was

about the class of ’28, ’29, ’31, at University of Oregon at Eugene and a very influential public servant in Japan. [In actuality, he graduated from the University of Oregon circa 1921.]

But, as the German position strengthened, the invasion of Russia now, the fact that they were at the gates of Moscow, this tended to turn around after we got into the war and we won’t go into that now, with the Battle of Stalingrad. But, at the same time you had developing in the Pacific, a hostility on the part of the Japanese, which had been evident for many years. I mean, with its invasion of Manchuria in 1931, with its invasion of China in 1937, with the decimation of whole cities and peoples in China, the ruthlessness of the Japanese toward the Chinese. This seemed closer to home to us, and this influenced the thinking at Stanford, a combination of both forces, the German march in Europe and the Japanese or Asian war in the Pacific.

KS: Was that having more influence on the West Coast than the East Coast?

FB: I would say that’s a very fair question, a very intelligent question, Karen, and I would say yes; although I was not in the East at that time and I may be assuming too much, but we always, in the West, looked at the Pacific, China and Japan, as neighboring powers, just as the East Coast looked to Europe. So, it was, I daresay, a greater factor in the West. But, in Washington, a decision was made in either June or July of 1941, to halt the role of Japan in the Pacific, by a freeze or limit to oil exports to Japan and its Navy. This caused consternation in Japan, and unbeknownst to us, Japan began making preparations that fall, certainly, fall of 1941, for an eventual attack upon the United States. At the same time, Japan sent negotiators to the United States, perhaps at our invitation, perhaps at the invitation of both sides, to negotiate some sort of an understanding that would prevent war. And at the very time those negotiators were in Washington, Japan attacked America on December 7, 1941. True, the negotiations in Washington were unsuccessful and accordingly should have been be terminated prior to December 7th.

Nevertheless, there was no threat of war or declaration of war in the formal sense, by Japan to the United States, and of course as President Roosevelt informed the nation after the attack came on Sunday, December 7th in the morning.

I might say this, where I was at that particular time—I was in the midst of studying for finals. I was in my junior year of Stanford, in what we called fall term. Stanford operates on a time frame of three quarters of fall, winter and spring, making up a full year; although the school at that time did have courses in the summer, but of a limited nature, which would be a fourth term. But I was near the end of fall term 1941, studying for finals and I remember the very room I was in. It was in the engineering corner of the Quad, which was opposite the English corner, moving away from Palo Alto, and near where I had hashed in the Stanford Union Cellar, across the street from the Stanford Bookstore, near the post office, the old post office.

Well, anyway, I'm there. And you know who was studying with me? They were not close friends, but these were two Zeta Psi fraternity men. One was later Assistant Secretary of the Navy in the Kennedy Administration and that was Paul "Red" Fay. Fay, I am led to believe from what I have read, trained President Kennedy as a PT boat skipper. The third person was a chap by the name of Jack [John] Warnecke, and Warnecke had been a Stanford football player on that famous team of '40 that ultimately went to the Rose Bowl.

Let me tell you a little piece of humor about that team, if I may. I'm digressing. I mentioned Clark Shaughnessy was the new coach. At the end of the dismal 1939 season, Coach Claude S. "Tiny" Thornhill was fired. He was replaced by Clark Shaughnessy from the University of Chicago. The very year he left Chicago, Chicago during President Hutchin's era (a young man who became president when he was twenty-eight years of age), had decided to abandon football, as interfering with the studies of students. Stanford engaged, to a degree, a mild degree, in the same sort of exercise. So, when Shaughnessy came to Stanford and the team was turning out for practice in August of 1940 (I've got this from several sources that were on that team—I think it's wholly accurate), the team thought perhaps that Shaughnessy was at Stanford to preside over the demise of Stanford football. When Shaughnessy came out on the field, he didn't look like a coach. He wore a banker's business suit, carried a briefcase and wearing a fedora hat. He looked no more like a football coach than the man in the moon, and then on top of that, on top of that, to the concern of the team, he introduced a new system, first in college football, the "T-formation," which is still very much alive, still built around the quarterback and built on speed, surprise and deception. The team had absolutely no confidence in the "T." They went through the motions of learning the "T-formation," because they must!

KS: Did he invent the T-formation?

FB: He may have invented it. It's tied into the Chicago Bears, when George Halas was the owner of the team. I would rather not answer that question, but certainly he was one of the early disciples. So, he introduced the "T," and the team just went through the motions. The first game was at Kezar Stadium at San Francisco, against the University of San Francisco, who were favored to win the game. And, as I have said before, it's built around the quarterback. Stanford got the ball and in the first three plays, the heartless team, without trying, makes substantial yardage with the "T." On the fourth play, Frankie Albert, the quarterback—again I'm repeating myself—the "T" is built around the quarterback—came into the huddle and said to the other ten players, "My gosh, men, the "T" actually works." And Stanford then went on with the "T," to trounce the University of San Francisco, and every team on the Pacific Coast, including Southern California. And then, on New Year's Day, to take Nebraska to task.

KS: And Warnecke was on that team?

Pearl Harbor Attack, December 7, 1941

FB: And Warnecke was on that team, although I don't think he was one of the first eleven, but I think he was a tackle on that team.

Now, we better return if we may, please, to December 7th. Warnecke was there, and "Red" Fay was there, and myself. And someone came in about ten-thirty in the morning and said, "We've just heard over the radio that the Japanese have attacked us at Pearl Harbor." Of course, that ended the session. But returning to Warnecke for one moment, Warnecke became an architect, and is the designer of the Kennedy Memorial at Cambridge, Massachusetts.

KS: You certainly went to school with some very interesting people.

FB: I don't want to overstate my position. I've never seen Warnecke since, but I did have the pleasure of seeing "Red" Fay about a year-and-a-half ago in Southern California and we had a nice talk for about thirty minutes, yes.

KS: So, Hawaii wasn't a state yet at this point.

FB: Oh, definitely not, it was a territory and it became a territory in the nineties of the nineteenth century, yes.

KS: Was Pearl Harbor? I mean now Pearl Harbor is known to everyone because of what happened there on December 7th, but when you hear that the Japanese had bombed Pearl Harbor, were there people who maybe didn't know where Pearl Harbor was at that point, or were most Americans familiar with it?

FB: Fair question, but, in 1941 and perhaps earlier, there had been an up-building of Pearl Harbor by the Navy, the Army and the Air Force, the latter was then a part of the Army, not a separate body. And this had been publicized in the press and on the radio, so I would assume that the average American had some idea where Pearl Harbor was, and if he or she did not know that it was our most significant base in the Pacific, knew it was a base of significance. There had been a movement of the Navy out of California. Then, of course, San Francisco was a factor, San Pedro was a factor, and of course San Diego, if I am correct, came later. And along with the Puget Sound area for several years we had held to the position that we must have a two ocean Navy; in other words, a Navy of the highest strength in the Pacific as well as the Atlantic, and Pearl Harbor would be the center. And there had been the building up of the Navy, reluctant at times. I mean by that, ships, because it was then largely a surface Navy and not a Navy that relied upon air power, which it became later in the war.

I might say this. At the beginning of the war, I believe we only had about three carriers in the whole service, and fortunately those three carriers were at sea when the Japanese attacked at Pearl Harbor. We had vast petroleum tanks to supply the Navy at Pearl. Fortunately, Japan never

attacked those. So, those were two aspects that were in our favor, very material, very important. Two of those carriers played a significant role, a key role, six months later at Midway.

KS: Now, how soon did the students at Stanford where you were know how devastating the attack at Pearl Harbor was? Was that known immediately, or did that word sort of come out over the next few days?

FB: Well, I think I can answer that question definitively, and the reason is, among other things is that just two weeks ago I visited again, our highly respected Columbia River Maritime Museum, and in the room at the museum that takes up World War II, the Pacific War, there is continuously playing a recording of President Roosevelt when he addresses the Upper and Lower House the morning of Monday December 8th.

KS: Was that on the radio for all Americans to hear?

FB: That was on the radio for the whole nation and I heard it at the time, and it's the President of the Senate who says, "It's my privilege to introduce the President of the United States, Franklin D. Roosevelt."

And the President takes the floor and refers to the attack of Japan as a dastardly attack without warning. Then he described the devastation of the attack. He said thousands of our service people have been killed or maimed or injured and the damage is very, very serious. He points out that there was not merely the attack at Pearl Harbor, but at Midway and at Wake Island, and in the Philippines. And all of this became public property, so to speak, for the nation. It was in the headlines of the newspapers that day.

KS: You know, we hear about Pearl Harbor, but again, I feel maybe I should know more about this, but were there simultaneous hits on these other islands on the same day?

FB: There was, as the president informs the nation, there were attacks not only to Hawaii, but Midway to the north and west a thousand miles.

KS: Did we have bases there?

FB: We had some bases, but relatively modest compared to Hawaii. And then at Wake Island we had a very brave Marine group under Colonel [James P.S.] Devereux, and then in the Philippines, it was attacked. In the Philippines we had General Douglas MacArthur, who was head of not only the American defense forces, largely made up of the New Mexico National Guard and the Montana National Guard, but the Philippine military as well; both at Corregidor and on the Bataan Peninsula. There was the air attack upon the airfield on the Bataan Peninsula that day and the war in the Philippines assumed a fierce nature in just a matter of days.

KS: What was the general opinion of the American public with regard to President Roosevelt on the eve of war here? Was he fairly popular, or?

FB: I would say, in a word yes. Let me say this, too, in fairness to the President. In that speech, he reminds the American public, if they did not know that for the ships to reach Pearl Harbor, the Navy ships, and the carriers to release their planes across thousands of miles of Pacific Ocean, that this took weeks of preparation and weeks of sailing, that it just did not happen overnight. In other words, the Japanese plan and preparation required much time removed from the actual attack itself; which indicated that the negotiations that had been taking place at that time were in bad faith. And this, instantly, caused a nation that was somewhat divided on what our course should be—to, almost without exception, feel that this was our war and Japan must be taught, must be taught a historic lesson, so this would never happen again.

KS: Is this where he refers to the day that will live in infamy?

FB: Yes, exactly, you're absolutely right, he used those exact words, yes.

KS: Now, did students at Stanford begin enlisting at that point, or? What happened on the campus?

FB: There was an instantaneous reaction on the part of the men students to become involved, on the part of women students to participate in ways that they could. And there was a swift joining of the services. Let me give you one example. My freshman roommate Warren Sleeper, "Sleep," I felt, I won't say he was an isolationist, but very cautious about the war, and very anti-French, referred to them as "the Frogs," but goodness gracious, after Pearl Harbor he immediately enlisted in the Air Force. He was a great big hulk of a man, he got in despite size limitations. But he got in somehow. And by fall of 1942, he was in Papua New Guinea, the world's second largest island, north of Australia, defending it and Australia from the Japanese who were on the march, and on the north side of New Guinea. He was lost when his plane took off from the capital, Port Moresby, on the south side of New Guinea. You can still see evidence of our Air Force, having been in New Guinea myself and knowing something about it. You can still see the revetments built out of earth around that airfield where those planes were stored. They took off and then headed north across the Owen Stanley Range, which rises to 16,000 feet. If they didn't make the Range, they crashed on the Range. This happened to Sleep in November of '42, that was the end of his era.

So, there was an immediate response. I, myself, enlisted in January of 1942, in the Navy. But that comes later. And there was a scurrying around. I know that a very popular—popular might be the wrong adjective, but there was deep interest in the Burma Road operation, which carried supplies from India to China. A number of our students were interested in becoming somehow or other involved with the Burma Road exercise. And it was table talk every night. I would say, with the students, that there was a desire on the part of many of them, to do something unusual in the war. In other words, to serve in some way that was different in terms of past combat in which this nation has been involved.

The Portland/Vancouver WWII Shipyards

KS: Now when did they open, like, the Liberty shipyards here in Portland? Was that fairly soon after Pearl Harbor was bombed?

FB: Well, those shipyards, I have some knowledge of this. The first shipyard was the Willamette Industries or something like that, and it was on the west side of the Willamette River north of the Broadway Bridge. I know those shipyards were active in December, 1941 at the time of the Japanese attack. So, they had probably been set in motion at least a number of months before, and then on the east side of the Willamette, again north of the Broadway Bridge, between Swan Island and the Broadway Bridge, was Albina Marine Works, headed by a man by the name of L.R. Hussa, who was our neighbor, lived next door to us, who was a marine engineer. In the first phases, he was active at that time, making trips to Washington, of which, he would always say, "I never like to stay in Washington." He would fly in there, a twenty-four hour flight, and do his business with the Navy and then come back. It was clearly in operation at the time of Pearl Harbor, building small ships, many of them wooden hull, minesweepers, that sort of thing, ships that wouldn't be attracted by metal. Mr. Hussa's organization played an admirable role.

Then, very early on after that, I would say—I might be in error in some respect—you had the Kaiser people who established vast shipyards in the Portland Metropolitan area, something like 50,000 people at first employed. I suspect it brought in something over a hundred thousand people to this area during the war. One was in St. Johns and you had one in Vancouver, Washington, to the east of the Interstate bridge.

By December of 1942, the Vancouver operation was in high gear. I worked there that summer for several months. There were literally thousands of employees at Vancouver at that time, and it was—

KS: That was '42, you say?

FB: That would be June, July, August, September of '42, yes. You can still see the "ways" when you fly in from the west to our airport on the Columbia. They were launching a ship a week. These were the Kaiser Liberty ships—likewise in St. Johns. And then, of course, the same ships were being built in Richmond, California. I can't speak for Southern California, but I know they were being built in Richmond.

KS: Now, when you worked in the shipyards—we're skipping a head a bit, but I don't want to forget to ask you about this, were there already a lot of women working in the shipyards?

FB: Oh yes, yes, yes, quite a number.

KS: Did that seem very unusual to you at the time, to be in a heavy industry with women working by your side with welding machines or whatever?

FB: Well, it certainly didn't affect me personally, but as far as the average citizen, I suppose he or she was influenced by the World War I experience, where, with men going off to war, you had women as postal delivery people, you had women driving trucks, you had, of course, women nurses that served in France. You had women playing a very influential role in the First War, so you had this history. Then, you had come a long way from World War I. By 1921, there was a constitutional amendment giving women national suffrage. Although here in Oregon women had had the right to vote since 1912, thanks to Abigail Scott Duniway. A school is named after her on the east side, as well as a park. She was a sister of Harvey Scott, the remarkable editor of the *Oregonian* in the early twentieth century. So, there was an attitude of acceptance.

Beyond that, Karen, if I may say, our concern about the war with Japan was ever so real. You had American cargo ships being sunk off the West Coast at that time by Japanese submarines. You had a Japanese submarine bombing Fort Stevens, ineffectively, in either June or July of '42. So, the war was rather close to us; at least that's how it was perceived. Certainly in the San Francisco Bay area, you knew the war was there because every night the whole city was blacked out…

[End of Tape 3, Side 2]

FRANK A. BAUMAN
January 30, 2006
Tape 4, Side 1
Portland, Oregon

Stanford as America's Involvement Commences

KS: You were just telling me about whether the campus had been blacked out and I think our tape ran out. So, before we continue, this is Karen Saul. We're continuing Frank A. Bauman's oral history. This is January 30, 2006, and this is tape four, side one of the tape recording, the second tape that we've made today.

So, please go ahead and tell me about the blackout on campus.

FB: The attack on Pearl Harbor, Karen, touched the campus immediately. We've already talked about the response of students to enter the services, and to play a role commensurate with their abilities in the war. But, at the same time, the military itself looked upon Stanford as a potential target area. And the army established anti-aircraft bases around the campus, with soldiers manning the anti-aircraft guns. And, as for the school being blacked out at night, I do not want to overstate my knowledge of that time. I'll be truthful with you—studies continued, at night, the library was open and so forth. And I would say, but I might be in error, that Stanford was an island where there was some light because of the student activity. However, roads were blacked out. San Francisco was blacked out, an exception being the approach to the Bay bridges, which had a humorous aspect (laughing); in that it was an ineffective blackout with the lights on the bridges being available to see from the air.

Also, at that time you had this extraordinary movement by our British allies, and I can remember going up to San Francisco in the spring of 1942 and staying at Pacific Heights on Pacific Avenue at Laguna, on the sixth floor, with a Mr. and Mrs. Benjamin Boas, who were the mother and father of my closest Stanford friend, Roger Boas, whom—I have a Christian Science background, I met him at the Stanford C.S. organization in the fall of 1939 and his parents were Christian Scientists. And Roger is one of our heroes of World War II. He holds a Silver Star for his efforts with General Patton and the Third Army, and was involved in the relief of Bastogne, Christmas Day of 1944, with a tank outfit.

I can remember looking out in the morning there on a weekend on two or three occasions, as a guest of the Boas, at breakfast time, and seeing these two monsters near Alcatraz Island to the north, number one, the *Queen Mary*, number two, the *Queen Elizabeth*, each loading 20,000 service men, or 40,000 men. Had the vote been one vote different in the Congress, those men probably would not have been in the service, but there they were being loaded. [The 1 million men drafted would have been dismissed from the service and the draftees available for the two *Queens* would not have been available.] This would have been about March of 1942. And the ships took them to Australia for its defense, sailing at 36 knots without escort. These ships were too fast for escort. And I remember seeing them about two or three times that spring in San Francisco Bay. Of course, they were hidden at night, but during the day they were very self-evident.

KS: When did you become aware that they were relocating Japanese citizens?

FB: Well, I must have known that fairly early on. The facts are these: the order [Executive Order 9066] was issued by President Roosevelt as commander in chief of the services. I don't think there was a congressional resolution. If there was, I am not aware of it, or a congressional act. The commander of the Pacific defense for the army was a General DeWitt. The order went directly to him and he was the one who carried it out. I suspect that was fairly early in 1942. But I wouldn't take an oath it was at that time. It might have been somewhat later. But we do have this piece of evidence, that in 1942 I became aware of the Japanese language programs being carried out by the United States Navy at the University of Colorado in Boulder, north of Denver. That program was basically the University of California program. The University of California was one of six universities in the nation teaching Japanese at that time. The other five were University of Washington, University of Michigan, Cornell in Ithaca, New York, Harvard, and Yale.

The Navy, in looking over its eligible Japanese language officers after Pearl Harbor, discovered it only had twelve that spoke adequate Japanese. I understand that each had learned Japanese being attached to the American Embassy in Tokyo. This dearth was immediately noticed and sought to be corrected by Admiral King, who at that time was commander in chief of

the United State Naval Forces worldwide. The Navy made a prompt study of the six universities teaching Japanese.

And this study discovered that the leading school was at the University of California, headed by a lady, Miss Florence Walne, the daughter of Presbyterian missionaries, who having been raised in Japan was fluent in Japanese. Because of the decision of President Roosevelt to move Japanese, even Japanese citizens, away from the Pacific for defense purposes, for security purposes, the school at Berkeley was literally transferred from Berkeley, California to Boulder, the site of the University of Colorado, thanks to Colorado's President Stern, who quickly addressed the subject and gave an invitation to the United States Navy. The University of Colorado is some twelve hundred or so miles east of the Pacific Ocean, so that's where our school was.

Thus this program, almost from the inception, was moved to Colorado, because of the DeWitt order, and that would have been in 1942. That was a monumental change, and this included all citizens. Thousands of square miles became a military base. Now, the movement of civilians, the nationals, is not exceptional in the Japanese example. I learned for the first time, fifty years after D-Day, when I was in England and France, re-learning about our landings on June of 1944, June 6—those landings, the gathering of the troops, the weaponry, the ships, took place on a long stretch of the English Coast, beginning at Plymouth and going west to almost Land's End. And in the interest of security, tens of thousands of British subjects in this area were moved north, six months before the invasion. So, the invasion preparations would not fall into the German hands, and they didn't. So, as I say, this example is not the only example, and there may have been others. But let's not speak to that.

KS: What was the general feeling with people on the West Coast? I just wonder what public opinion was: did they support the relocation? I realize now it's been totally—

FB: It's debatable.

KS: —in recent times. But what was the public opinion then?

FB: Let me seek as well as I can to answer that question, I hope, with some degree of accuracy. Let me return to the movement of the school from Berkeley to Boulder. The reason it links up to DeWitt, and I didn't set that out and I apologize, is that the teachers whom we called Sensei, the Japanese word for teacher, were in many if not most instances Nisei, or second generation Japanese. Issei were first generation Japanese in the United States. Because of the DeWitt order, it was required that the school and its teachers had to be moved elsewhere.

KS: The faculty wasn't allowed to stay; the faculty had to move to Colorado.

FB: Right, precisely, precisely, and it was clearly in '42. So, it was fairly early on. Now, the attitude of the nation, and certainly in the West, I suppose, in candor, was built on a degree of historic prejudice against the Japanese and the Chinese. There were various laws in the Western United States that they couldn't own real estate, et cetera. But we won't go into that. But, let's take a look at the facts immediately at hand, at that time. The attitudes, because of the attack being premeditated on the part of Japanese leadership, being so deadly, and being so effective, and our attempt to negotiate with the Japanese being for naught, and carried on at the very time the attack plans were being prepared, added to the hostility directed toward Japan, not China. China was our ally against Japan. I would say that the average citizen vigorously supported the president and General DeWitt.

KS: Were you aware of any students at Stanford who were relocated, Japanese students?

FB: We had a Japanese student element at Stanford. Some were from Japan. Many were Issei or Nisei, and American citizens. And the very first week of the war, the president, Dr. Ray Lyman Wilbur, spoke at a university assembly, about what the attitude of Stanford students should be towards our Japanese students. He urged us to treat the Japanese students at Stanford with respect, and to look upon them as Stanford family members.

KS: And did that happen?

FB: To my knowledge it happened, with one exception. I do know of a Japanese gardener, and I don't know his name, and I don't recall where he worked, maybe one of the fraternities. And it may have happened off campus. He came to work during the first two or three weeks of the war and his head was bandaged, and I assume that someone had viciously attacked him improperly, physically. That's the only example of which I knew.

There was a certain humor on the Stanford campus with all of this, towards the Japanese. The *Delta Kappa Epsilon* fraternity across the street from us, the morning after the war began, on December 7th, in other words December 8th, the very day the president was making his memorable address to the Joint Session of Congress, put a Japanese flag out in front of the house. Then *Time* magazine told us this a week or two later, that the *Delta Kappa Epsilon* House at the University of California Berkeley, had put a large sign on the front of its house, saying, "If you think we're scared, you should see our Tokyo chapter."

KS: Now, were you able to talk with your parents during this time, around the war? And I know it wasn't too much longer before you yourself enlisted. Can you tell me about your conversations with your mother and father?

FB: Both my mother and father were patriotic members of our society, I think, devastated by the fact of what had taken place. Mother was a strong supporter of the English. She had been involved from the summer of 1940 with her Christian Science church, collecting canned food and particularly clothing for shipment to Great Britain.

Dad was very loyal. Using his electrical skills, he was involved with the defense program at Willamette Industries, which I mentioned to you. When I came home at Christmas 1941, I temporarily was employed there, thanks to Dad. There was a total awareness that I would be involved. I can't remember the exact words, but I must have told them at that time that I was going to try to enlist in the Navy. I did enlist when I returned to Stanford, at the federal building in San Francisco, and if memory serves the date was January 22, 1942.

Naval Service, 1942-1946: Naval Intelligence in the Japanese Language

KS: And you talked with your folks about whether you'd enlist or not.

FB: I'm certain I did. This is confirmed when I changed my course in October, 1942. Then I do remember calling them on the telephone and getting their approval, which changed my course in the Navy. But I did enlist in the old V-7 Program in January of 1942, which permitted a student to continue in university and get his degree, and then on graduation, which would have been June of 1943, to take, either on the East Coast or the Middle West in Chicago, or on the West Coast, I believe in the Seattle area, a course to become a line officer in the Navy. And I daresay that I was influenced by Dr. Wilbur. I mentioned his statement to all of us at this University assembly, to treat our Japanese fellow students as Stanford fellow men. They were largely men. I don't remember any coeds, but they may have been there, as members of the Stanford family. He urged a degree of caution. He said, you know, "You're becoming college educated people," he cautioned, "you may have a role that's superior, and with all due respect to the men in the trenches, more helpful to the cause. So I would urge you possibly to consider continuing your education and then, while serving, using the skills that you've acquired at Stanford in a constructive way."

KS: So, somehow, there was a draft still going on, but you were exempted from that because you were a student, or?

FB: I wasn't exempted because I was a student, because students who reached that age had to register for the draft. There was no exemption on that, but I was exempted because I was under age. I forget what the age breaking point was, but it was like twenty or something. By then, I was maybe nineteen years of age, something like that.

KS: So, when you enlisted in January of 1942, that was—?

FB: V-7, Navy V-7 Program.

KS: So, that allowed you to stay on campus.

FB: Yes.

KS: And I think you told me earlier that you started feeling increasingly restless after that.

FB: You're absolutely right, yes, yes.

KS: Explain that a little.

FB: Yes, I'll do my best Karen. I was not comfortable after enlisting in that program. True, I had joined it. I had been sworn in. I was a reserve in the Navy and permitted to continue to complete my education, maybe subject to further orders by the Navy. But I was still not comfortable at the school. In fact, the whole atmosphere, despite Dr. Wilbur's statement that we should continue was one of unsettlement, in the sense that no decision had been made, whether individually or collectively we should be involved, in the near term in the war effort. And that applied to me without question. I was not happy at school. My grade point average fell. I think that's of some evidence of that concern.

A concrete example would be in September, 1942 when I returned for the beginning of my senior year.

KS: This was, then, after a summer of working at the shipyards?

FB: Summer at Vancouver, yes. And, incidentally I earned, by the standards of the day, a very sizeable sum. And I came back to Stanford, at first, that fall, on a relatively sound financial basis in terms of tuition and all that was required at the school. Anyway, I had a car, too, for which I paid $150.

KS: What kind was it?

FB: I think it was a Plymouth, a 1932 Plymouth, Coupe. I had a date, and I had a friend, probably a fraternity brother, who also had a date. We went over to the next little town on the San Jose side of Stanford, called Mayfield, to get some gas for the car, with our dates. It was in the evening. I forget where we were going. At that time you had gas rationing. You mentioned rationing earlier, and a coupon would give you five gallons of gas. So, we turned the coupon over to the attendant and he puts in five gallons of gas. But he says to the two boys, he said, "You boys" or "You men should be in the service."

I forget what our response to the gentleman was, but mentally I knew he was *absolutely* right. It ruined the evening. It was a deplorable evening for me. This increased my conscious effort to become involved, and a few weeks later, near the end of September, probably the first week or so of October, one of my fraternity brothers, Shorty Grannis from Pasadena, a very bright fellow, as I have said, confident, and far more sophisticated than I, told me about—if this is the time to inform you—told me about a Harvard associate professor by the name of A.E. Hindmarsh, who was at the St. Francis Hotel at that very time, in San Francisco, interviewing potential members of a naval group that would be attending the Naval Japanese Language School in Boulder, Colorado, headed by Miss Florence Walne, whom I have already mentioned to you. And I said to Shorty, "Well, gosh Shorty, what do we need to do to go up and talk to him?"

And Shorty said, "All he wants to see is your transcript." This records your courses taken, grades, and your grade average.

And so I called on the registrar's office and got a copy of my transcript, and called up Commander Hindmarsh, no longer a professor, and asked for an appointment. Somehow I got to San Francisco and met with the gentleman. The first thing he asked was to see my transcript. He looked it over for seemingly thirty seconds, maybe a minute and responds: "When do you want to come with us?"

I said, "Well, Sir," and here my parents come in again. I said, "I would like to talk to my parents and see what they say about this."

KS: You were like nineteen or so?

FB: I was a little older than that. This would be like in the fall of ’42, and I was born in ’21, so I would have just turned twenty-one in June of ’42. I was just twenty-one years of age. But I was twenty when I went into the Navy. So, I called them after leaving the professor. But I raised one other point with him, if I may set this forward on the table. I said to him, “You know, Professor, I am very close to getting my Stanford degree. I have a few more units to obtain it that I am required. You need 180 units to graduate. I have approximately 165. I have all of my requirements to graduate met.” I said, “and somehow or other I would like to join your program, if possible, and at the same time obtain my Stanford degree. I would like to do this, with your permission, to ask for an appointment with Dr. Ray Lyman Wilbur, President of Stanford.” Incidentally, Dr. Wilbur was Secretary of the Interior—I may have mentioned this—in the Hoover Administration. “I want to see the president face to face and see if there was some way I can come with you and still graduate from Stanford.”

So, that evening I first called my parents and my parents responded with promptitude, and said, “Son, do whatever you think you should and we’ll back you.” Number two, I was able to secure an appointment with Dr. Wilbur the very next morning, a very stern, but very fair-minded gentleman.

Dr. Wilbur, after hearing my story said, “Frank, you go into that program and I will personally see to it that you get your Stanford degree.”

KS: You were about to learn another language fluently, right?

FB: Yes, we hoped so, yes.

KS: Did you speak anything other than English up to this point?

FB: No. But I’ll be perfectly honest with you. I had sat in on some sessions—I don’t think I got any credit for this—in the Education Building, Cumberly Education Building, sitting in on some Japanese language sessions. Maybe that was for two or three weeks or so, but more or less as an auditor. I don’t think I was enrolled. I may have been, but I don’t think so. Then, of course, Latin is not a language of today. But I had had two years of Latin in high school from a very fine

lady, Miss Pernaugian. And I'd had a year-and-a-half of Latin at Stanford, too, under a Professor Harriman.

KS: Had you sat in on those Japanese language classes before Pearl Harbor?

FB: No, no, no, no. This would have been that September, first of October, the fall of '42, I think. I wouldn't take an oath to that, but I think it was clearly after Pearl Harbor. I probably saw an announcement or something in the *Stanford Daily*, or something. But I just went in there for—I was on my own—but it was a very, very elementary exercise.

KS: So, how quickly then, did you end up going in the language program?

FB: I informed Commander Hindmarsh that I would like to join the program, and I was advised that I was accepted. He permitted me to finish that fall term, which would be the beginning of my senior year. I then journeyed home at Christmastime for a fortnight, returning to Stanford the first part of January to pack my bags, and then did not return home. I took the train, the old Western Pacific out of Oakland, up the Feather River Canyon, across the Sierras to Nevada, and to the Colorado Gorge into Denver. I arrived in Denver on a Sunday at Union Station, and then boarded a train—'course it was railroad in those days—and I traveled north to Boulder, about thirty/thirty-five miles, and arrived there Sunday evening.

KS: Did you travel alone or was there—?

FB: Oh, I was alone, yes, yes. I had orders, and I was not in uniform then either.

KS: And was that a naval program?

FB: It was a United States Naval Intelligence program, mm-hmm.

KS: What was it that made you think that that was a good choice for you? It was such an unusual thing to do from everything I understand. You were one of just a very few people selected for the program, right?

FB: Right, right.

KS: And of all the things that you could do—

FB: They were presumably an upper strata group from the schools of the country, largely from the Ivy League schools, Harvard and Yale, who were somewhat more sophisticated than the Westerners. There were a paucity from the Middle West, and even fewer from the South and the Rockies. The Westerners included a number from the West Coast, particularly California. To a lesser extent, there were a few from Washington and an even smaller group from Oregon. There were several Stanford people joining with me at that time, including my friend Shorty Grannis, who introduced me to the program. I tended to frequent with those types, which was positive in carrying out my Japanese studies but negative socially. It kept me away from certain elements in the school that were, say, engaged in more of the frivolous activities in Boulder.

I was excited by this. I'll be perfectly honest. I was uncomfortable about shooting somebody with a gun, but I still felt I wanted to be in the service and participate to the fullest extent possible…

[End of Tape 4, Side 1]

FRANK A. BAUMAN
January 30, 2006
Tape 4, Side 2
Portland, Oregon

Naval Service, 1942-1946: Naval Intelligence in the Japanese Language, cont.

KS: This is our second tape that we've made today on January 30, 2006, in the oral history project of Frank A. Bauman. You were just telling me as the last tape ended that while perhaps you should have been somewhat intimidated by the prospect of learning a foreign language, that you weren't at all. So, I'd like to just, if you would, hear a little bit more about your time at the Japanese Language School as you were training to become a Naval Intelligence Officer. You started to tell me a story as I turned the tape over about one of the other students there. Would you mind repeating that for the tape?

FB: With some reluctance, but on advice of counsel I will repeat it. This was not a homogeneous mix of people in this program. And this was a rather exciting aspect, that we were from different parts of the nation, different schools and different backgrounds, and this added to the excitement and the intrigue of being there in the first place. It was a rather unorthodox gathering of humanity.

KS: How many students were there?

FB: I'd say in our program there was maybe a few over a hundred, 125, something like that. And I'll give you one example. The very first night I arrived, after getting off the Colorado and Southern trip from Denver to Boulder, I was assigned to Baker Hall. I had a roommate by the name of Bob Speed, who was somewhat older than I and somewhat more sophisticated; he already had two years of law school at the University of California, Boalt Hall. And I hadn't been in that room five minutes when Speed says to me, "Bauman"—he called me by my last name, he said, "Bauman, over our heads is the roof."

And I responded, "Of course, Bob, there's a roof over our head."

Then he added this commentary. He said, "Under this roof is the greatest collection of horse's A's that has ever been assembled in the history of the world." And that was my first introduction to the language school.

KS: So, why did he say that? What was he referring to, the egos of everyone?

FB: It was not so much the egos, I don't think. It was the fact that sometimes bright types lack balance and judgment and can do foolish things, and we had our share of that type of person. I think that was what caused him to make that statement. Of course, Speed was a very forthright guy. He had been a member of the staff in some way under an Australian gentleman, Harry Bridges, who was head of the Longshoreman's Union for the West Coast, and a remarkable man in his own right, but very liberal, very liberal in the extreme sense. Some said he was a Communist. That's perhaps not being fair to him. But Speed had inherited that experience and it surfaced in his words and conduct. He was a concrete example of the unorthodox type that we had in this program.

KS: Now, how did they teach you the language? Relatively quickly it seems. How long were you in the program?

FB: We were there for thirteen months approximately, which is a fairly sizeable period. We had teachers, which in Japanese are called Sensei, and they were mostly Japanese with a few exceptions. We had some Occidentals who had lived in Japan, particularly missionaries, who were very competent in the language. All of them were skilled. We had very small classes, maybe five or six students in the class. So, you had a person to person relationship with your Sensei. We were taught both written and spoken Japanese. The written language is largely based on Chinese characters, and to read the average Tokyo newspaper takes knowledge of roughly 4,000 Chinese characters. I would daresay, and maybe I'm being very generous with us, when we finished the thirteen-month exercise, we knew roughly, without reference to a dictionary, a Japanese dictionary, *Nihongo no jibiki*, which means Japanese dictionary, some 1,000 characters.

But for the balance we could refer to a *Romanji* dictionary, particularly a dictionary called the *Kenkyusha* dictionary. [This is the name of a particular dictionary.]

As for the spoken language, increasingly we became more successful as the months passed. By the end, again, of the thirteen-month period, we knew enough oral Japanese—and very formal Japanese; it was Japanese at the highest level, in terms of your status in society. We spoke proper Japanese, the Emperor's Japanese, so to speak, enough to adequately question Japanese prisoners.

KS: Was it—like we now have full immersion schools; did you speak Japanese to one another at the school when you weren't in class?

FB: Very good question, Karen. We were encouraged to do exactly what your question suggests; however, at least with my roommate and myself there was a certain rebellious instinct and we were reluctant to speak Japanese within the room. But, to a degree outside the room and with other students, we spoke Japanese, or joked in Japanese. At times we made light of our Japanese skills in joking, thinking we should know more Japanese words and wished we did.

We had an intense program. We attended four hours of class each day, five days a week, and then we studied in the afternoon and studied in the evening. Every Saturday, rain or shine or snow—Boulder gets a lot of snow—we had a four-hour test. And usually you were exhausted after that test, and you either exercised or went on the town or hiked in the Rockies to try to rest your mind and get it on other things.

KS: Were they teaching you mostly military terminology, or was it a mix of that and just sort of ordinary conversational words?

FB: Very good question. First of all, we used photocopies of a six volume Japanese reader. A Japanese reader is called a *tokuhon*. The editor of that reader had been a man by the name *Naganuma*, and this apparently had been used by some of our few people in the embassy in Tokyo in training. Copies were made of the *Naganuma* six volume *tokuhons*, or readers, and distributed to us.

The stories started out very, very simply, not unlike a child entering school for the first time in the first grade and had nothing to do with the military per se. It had to do with the life of a youngster in Japan, male or female. It had to do with the schooling of a youngster in Japan, with Japanese traditions, to a degree, with reference to historic figures in Japan, and had a certain philosophical tone to it. It was an upbuilding in your mind of the Japanese way of life. But, as for the military content, to use a Japanese expression, it was very limited. In other words, it was of little value. But that was apparently the only *tokuhon*, the only reader, that was apparently available to the Navy at that time. Did I answer your question?

KS: Yes. So, it sounds like, I mean at some point in the thirteen months that you were there, did you start to learn some terminology that would have been more pertinent to Naval operations? After you had mastered basic Japanese language?

FB: I would say the school was deficient in that respect. However, this was overcome to a degree, because we graduated from that school on March 16, 1944. We had a week or so leave, and then we adjourned to a naval intelligence school in New York City, being carried on at the Hudson Hotel; it still exists, at 353 West 57th Street New York. There we were introduced to the military, well particularly the naval world—the ships, the planes, the guns of the Japanese Navy. And we, to a degree, had a modicum of training in how to use military weapons; not at the hotel, but on Long Island, where the Navy had taken over a resort. We had gunnery practice out there.

KS: So, in Boulder had you had any training other than just the language? Were you trained in military tactics at all?

FB: No, it was not till we arrived in New York, and we had a brief period in New York, which I would say lasted about six weeks.

KS: Okay. Now, I think you said it was May of 1944 when you actually began what I might refer to as active duty.

FB: No. I went on active duty in January, 1943 when I arrived in Boulder and in June of 1943 I was commissioned an ensign and by May of 1944, we were approaching a year-and-a-half of active service.

The Pacific Theatre: The Torturous Road from Pearl Harbor to Tokyo and Ultimately Hiroshima, 1944-1946

KS: That's when you were assigned to a naval ship?

FB: I was assigned to a destroyer escort, in late May in San Francisco, for the voyage to Pearl Harbor. I remember the captain of the ship was a twenty-nine year old Princeton man, who seemed like an elderly gentleman to me at that time. I had duties on the ship as an officer. We arrived in Pearl, I would say about the eighth or tenth of June, 1944.

KS: And you told me that was the Joint Intelligence Center.

FB: I was then assigned to the Joint Intelligence Center at Pearl Harbor Pacific Ocean Area, "JICPOA," which was just adjacent to the Commander in Chief of the Pacific Fleet, "CINPAC" Admiral Chester Nimitz.

KS: And what did they assign you to do when you arrived?

FB: And then I was immediately given the task of translating Japanese military documents.

KS: Where had they been?

FB: They had been captured. They had been captured and some were relatively current, some were dated, and related to areas of the Pacific where we were either engaged in operations at that time or intended to be engaged in operations in the future. You had access to a host of Japanese dictionaries to help you. And here we were of course thrown into an atmosphere filled with

military terms, military terminology, and there was a considerable reliance on dictionaries. But, we had the translations.

KS: I think you told me that in September you were attached to your first actual Marine division.

FB: That's correct. In September, I received orders, along with three other members of the JICPOA desks—Joint Intelligence Center, Pacific Ocean area, to proceed to an airfield, and to board a military plane that carried me and the other three, some six or seven hundred miles west and south to Johnston Island, where we had motor trouble and we delayed a few hours. We continued on to Kwajalein, further west, and then finally north and west to Guam. We were there for two or three days waiting to board a sea plane south to Ulithi, about a thousand miles away, which was an anchorage for our naval ships in the western Pacific. This was carried out. Then from Ulithi we boarded a landing craft, LCI, Landing Craft Infantry, and moved along the water for the better part of a hundred miles. To the east of us was Babelthuop, which had fifty to eighty thousand Japanese troops on it, so we kept our distance. The next morning we were off Peleliu where we were landed and began our exercise, which, rather than translating documents, was mostly interviewing Japanese prisoners.

KS: Is that the first time that you were given that duty of interviewing?

FB: Yes, yes.

KS: A couple of questions: one, which we can come back to in a moment—I'd like to hear your thoughts on how you related to those Japanese officers and soldiers, what that felt like. But, before we get there, I'm also curious about whether you were afraid at all. I mean, it sounds like this is the first time, as you made the journey from Pearl Harbor to Peleliu, via all these stops along the way, when you could have been killed. Am I right?

FB: Well, we had one situation, particularly, that caused me deep concern. And that was on Guam, when we were ordered out to a ship, a mother ship of seaplanes, Martin Mariner seaplanes. At that time, Guam had been in the area of a major typhoon. The typhoon was largely over, but we still had waves of twenty or thirty feet height, as we boarded a small Navy arming barge at Guam, to go three miles or so out into the stream to board this ship. And—

KS: So, your fear there was more of nature, it sounds like, than of guns.

FB: Right. Well, Guam was largely secure at that time. The invasion there was, either June or July. It was largely secure, if not wholly secure. But this was a serious matter, because we had a coxswain on the barge. We had twenty or so enlisted men with us. What they were going to be doing, I don't know. But it had nothing to do with our boarding that plane, because we were the only ones ultimately aboard. But, we got out parallel to the mother ship.

KS: You were trying to board a seaplane there?

FB: No, no, we were boarding a ship that is a mother ship for seaplanes and supplies them with fuel, supplies them with basic needs, ammunition, food, crew, et cetera, et cetera, and serves sort of as a small community at a given location. But, we had these twenty or thirty feet high waves, and the coxswain was very careful when he came alongside the mother ship, not to get fully adjacent to it because the wave action could swamp his small boat. So, he is probably three to five feet, six-feet, away from the hull of that ship. And to allow us to board, horizontally there had been put out a pole that reached out maybe ten/fifteen feet. And near the extremity of the pole, there was Jacob's ladder, which is a rope ladder with wooden steps maybe a foot apart, down to the water level. In one moment, the barge would be almost parallel to the horizontal pole. Another moment it would be thirty feet below it. It was an unexpected situation of grave risk to officer and enlisted men alike. We didn't want to stay in this precarious position. If the small craft brushed the hull of the large tender ship, it could swamp due to the wave action.

Then there was concern, of course, going down the coast at Babelthuop, knowing that there were thousands of Japanese on the shore, and we were probably two or three miles offshore. And of course, we were unlighted so we couldn't be seen.

KS: Well, coming back to interviewing these Japanese prisoners—how did you feel about them? I mean, did you view them as truly your arch enemies? Did you view them as, well I don't want to put words in your mouth, but try to explain if you can, how you related to them as human beings.

FB: Well, number one, they were of course, our enemy. But, number two, they were clearly human beings. Number three, at that stage there was a tranquil element in terms of their conduct.

KS: Because they had been captured.

FB: They had been captured. They expected to be killed. They were being fed, insofar as we could, food that they had known in Japan. We were giving them rice. We were giving them canned fish. They were not getting American rations, they were getting Japanese rations that we found in caves. They were treated in a—no physical force of any kind was ever applied to them. So, they responded in a rather reasonable manner. It was a Never-Never Land, because you see, under *Bushido*—the Japanese military tradition, a Japanese soldier is either to be alive combating the enemy, or dead. He is not to be a prisoner, and they never received a whit of instruction how to conduct themselves as prisoners.

KS: It sounds like, in other words, they were being treated better than they expected.

FB: Absolutely.

KS: And frankly, they probably hadn't been trained to even be in this position.

FB: Exactly.

KS: So, when you would interrogate them, how would you go about it? Was it, you know, a question/answer, or did you ever have to take measures to make them say things that they weren't inclined to tell you?

FB: Surprisingly, maybe at this time, in light of what has happened in Iraq, first of all, they stood and the question/answering experience is not unlike what we are doing at this time. They answered questions matter-of-factly. I do not know of one example where they failed to answer a question, and there never even was a hint of force or a hint of deprivation, denial of water, denial of food. They were treated with respect.

KS: Were they officers or were they also enlisted?

FB: There were six officers and the rest were enlisted men. And of the six officers, the six were doctors, medical doctors, but not officers in the line officer sense.

KS: And were you able to learn things from them that helped the war efforts of the United States?

FB: It was the accumulation of what we termed order of battle, which was their resources, not only on Peleliu, but their resources from where they had come, which was largely Manchuria, Northern China. And they responded matter-of-factly. And I know of no example where they didn't respond to a question we asked and usually almost without exception they knew the answer to the question, and the answers tended to corroborate each other. Another feature which may have simplified it, or made an easy exercise from our point of view, which I have not told you, but which you should know and which anyone reading this or listening to this presentation in the future should know, and that is this: there were 253 prisoners, total, fact number. Of that 253, approximately fifty-percent were Koreans, Korean workers carrying on menial tasks and maybe warriors to a degree. But, because of the historic disaffection, which is putting it rather mildly in terms of the relationship between the Koreans and the Japanese, the Koreans, of course,

were more cooperative with us than the Japanese, and were, I won't say enthusiastic, but I think they were deeply relieved to be prisoners.

As a concrete example of the lack of concordance between the Koreans and the Japanese—remember, Japan had invaded Korea at the time of the Russo-Japanese War, successfully and it was a protectorate of Japan at the time of World War II, North and South Korea. But, for the thirty-some days or so that we were at sea on that ship, when both groups were ultimately all together and the questioning continued, the Koreans with the Japanese remained without exception in the forward area of the ship. They stood on one side and the Japanese on the other side. In other words, one on the portside and one on the starboard, and never the twain met. They never spoke to each other, to my knowledge the whole time; although the Koreans knew Japanese, indicating the lack of harmonious relationship between the two societies.

KS: Did you ever feel that there were people in the U.S. Armed Forces who would have advocated for less humane treatment of the prisoners? Did you ever feel like you had to serve as an advocate, if you would, for fair treatment?

FB: Well, that was a consideration. That's very alert of you to raise that question, and it was in my mind. I know of one example on Peleliu where we had a prisoner that was sick, and we took him to a forward medical area for treatment. It was a hot, blistering day—we're at seven degrees latitude, you know, ninety-five to a hundred degree temperature and ninety-percent humidity and so forth, and that man was waiting to be operated on, and they were operating on GI's ahead of him, either Marines or Army. We had, I think it was the 81st Army Division at that time, but we had the Marines, too, of course, First Marine Division. But they left him in the sun and I was uncomfortable with that, and I know I said something about that, to either the doctors or somebody, or the officer in charge. And I believe that man ultimately died.

KS: Well, I think our tape is going to run out…

[End of Tape 4, Side 2]

FRANK A. BAUMAN
March 3, 2006
Tape 5, Side 1
Portland, Oregon

Once Again with Enthusiasm, the Stanford Years

KS: It's Friday, a beautiful sunny day, and this is Karen Saul, speaking with Frank A. Bauman, in his office at the Carriage House in Portland, Oregon. It's the fifth tape in our oral history of Mr. Bauman's life and career. And this is tape five, side one.

And Mr. Bauman, you told me before we began today that we would return for a while to your days at Stanford, before we sort of resumed the storyline we left off on, involving your service. So, please tell me what you've found since we left off.

FB: Thank you very much, Miss Saul. And let me go forward, if I may. I am looking at the Stanford Handbook **[Exhibit 0045]** of 1939/1940. Of course, I enrolled in the fall of '39. Let me set the scene. In this book, on page twenty-five, it says, [reading]: "Stanford's 8,800 acres, once part of Senator Stanford's own property still retain much of the rural character it had then, when it was the home of this famous horse rigging ranch. It is still the farm." It is still called that today, Karen. "Unhampered by any surrounding metropolitan district, chartered as a community in itself by the California State Legislature." Of course, it's surrounded by metropolitan areas at this time. "It maintains its own roads, police and fire departments, supplies its own water. A private institution, Stanford plays no political games for appropriations." I doubt if that's any longer true. "Surrounded by rolling foothills, acres of grasslands and groves of trees, the farm is centered about its unique educational plan. Not erected helter skelter, but planned throughout as a total unit, Stanford's buildings maintain architectural uniformity throughout." That still continues. "The Quad, with its sandstone arch corridors and red tile roofs were designed by Boston's Charles Coolidge as an adaptation of early Spanish Mission design. The heart of the campus is the Stanford Memorial Church." Still is. That was Mrs. Stanford's wish.

Then we go on here and it tells us something about the lady students at Stanford [reading]: "Stanford opened its doors in 1891, dedicated to the memory of Leland Stanford, Jr., who died in Florence, Italy in 1884. There were only 559 members of that first class, and then

two years later it suffered the blow of the death of Senator Stanford, and then another blow in 1906, all of this very costly, the famous San Francisco earthquake. Then, with the Depression in the early '30s, the university suffered a sharp drop in registration. Stanford only admitted 500 women at any one time, and to allow for more students to be at the school, capable students, this famous 500, which had been limited personally by Mrs. Stanford, was increased to 800."

At the time I entered Stanford in 1939, the ratio was approximately one to three, one woman to every three men. There were 1,100 women and 2,900 men, a total of 4,000 in both the undergraduate division and the graduate programs. There you are with a brief picture of Stanford in the fall of 1939.

KS: Taken from the handbook published that year.

FB: It is taken from the handbook published that year and given to each student when he enrolled. You recall that we discussed 1939 in the context of the beginning of World War II, and we briefly spoke about the attitude at school, the faculty, the students, and above all, this good nation, 3,000 miles removed from the war, toward the Second World War. And this handbook is helpful on this score, because it opens the door as a reminder that Stanford did have a Reserve Officer's Training Corps. And I'm going to turn to page 133. It is not discussed, the war is not mentioned in any aspect of the book, or the threat of war, but it does briefly talk about the ROTC. And I'm going to quote, literally, from the handbook, again at page 133: "Tied up with athletics is the Stanford Post of the Reserve Officer's Training Corps of the U.S. Army. Unlike at state and land grant colleges, where military training is compulsory, and consequently distasteful, Stanford ROTC is fun for its student soldiers."

Note the word distasteful, which was an attitude around the country at that time, which reflected a lack of total respect for the armed services. Then it continues: "ROTC at Stanford entails one afternoon a week in uniform, with instruction in cavalry and field artillery riding techniques, workings of army cannon and drill formations. There are no muskets to carry," and note this, please, "foot marching is at a minimum. Only ROTC men may play polo at Stanford, unless they furnish their own horses, because government horses must be ridden. Student

soldiers enjoy another advantage, free use of the post horses for weekend rides back of the campus."

Now, that is all this handbook set out for the incoming student about ROTC in the fall of 1939 at Stanford University. Stanford was aware particularly, of the First World War, thanks to Herbert Hoover and his Belgian Relief Commission, which was directed by Mr. Hoover to collect memorabilia on that first war. At the very time when I entered the school, the university was building the Hoover Tower, some 200-feet high, to hold that collection, it is said the finest in the world of its kind, relating to the First World War. So, there was an awareness of the First World War from the historical aspect. But with reference to the second war that was just beginning, World War II, there was less than total alertness to the conditions beyond the pond in Europe.

KS: One of the other things you told me before we began the tape—there was something in here about the law school and the steps of the law school that you wanted to talk about.

FB: Right, as a lady lawyer, this is most interesting. And I would like to speak about it. But, at that time and for a number of years afterwards, there were very few, if any, women lawyers in the law school. Observe I use the noun women. At Stanford, from your freshman year on you were referred to as a man or a woman, never as a boy or girl. But, the Stanford law school was on the famous Quad, and there was so-called law school steps, where the lawyers, considering themselves of superior intellect, but perhaps not entitled to that observation, would gather. And if a lady, or a woman student, dare walked on those steps, applause from those would-be budding lawyers broke out, and quickly that woman would realize that she was perhaps in a place that she should not be and would leave the steps. And this reflected an attitude in the law school, as would-be lawyers or judges.

KS: So, I take it women weren't yet being admitted to the law school?

FB: I can't say that they were not admitted. I suspect, based on my experience at Yale Law School a few years later, that with the coming of the war, in terms of American involvement

after Pearl Harbor, and law school enrollment falling decidedly all over the nation, women were encouraged to enter law school. And a small number of women entered the school. Certainly, we have this at Stanford, and I just happen to—incidentally, backing up a moment to this handbook **[Exhibit 0045]**, I think we should have it marked as an exhibit. Would you be willing to do that, Counsel?

KS: It would be.

KS: Well, I will look forward when we get to your discussion of Yale Law School, to talk further about, not only your experiences there, but the social context of Yale, which would be—remind me again when you started again. I know it was after your military service.

FB: Right. I graduated in ’49, started in the fall of ’46, and I left the service in July of 1946. Again, I suggest we mark what I’ve read so that it will become a part of the official record.

KS: I will do that.

KS: Thank you, thank you. So, before we start about your experiences at Yale, my recollection is that we really hadn’t completed your experience in the South Pacific. And I would love to have you pick up the thread again there and tell me more about those years.

FB: Right. I’ll be happy to do my best, Counsel. Let me say this, that when we finish this exercise, which I trust we will and I’m sure you hope, preferably one of these days, I’ll have a chance to go over the draft so to speak and maybe we can put it in a little better format and a little better order, and of course eliminate duplicity and maybe add one or two areas that were overlooked.

Now give me your question again, please.

Reviewing Bauman’s Experience in the Pacific Theatre: Pearl Harbor and Beyond

KS: The last I remember from our session is, and we've both traveled a lot in the last month or so, so I think we met about a month ago. And you had told me about your language training for the service, to learn the Japanese language, and your deployment to Hawaii, and you had told me about being sent to Peleliu, if I am saying that correctly. And I think that's about where we left off. We had talked about the treatment of prisoners, and I had inquired of you, since it is sort of a topic of current events in 2005 and '06, about the treatment of prisoners and whether you needed to use any extraordinary means to gain their cooperation when you were asking them questions and conducting interrogation. So, that's where I recall leaving off and I'll let you tell me what you recall next.

FB: All right. I'll be happy to oblige. Let me add, too, in terms of documentation, I am going to hand you a copy of my narrative statement **[in Exhibit 0046]** about my activities in the Navy in the South Pacific in World War II, particularly as a Japanese interpreter and translator, and I would suggest that it be marked as an exhibit in this exercise. It consists of some thirty-one pages [Note: Actually 20 pages], and then attached to it are thirty-three exhibits. I am not handing you the exhibits, but I have them here in my office and I will give you a copy of the exhibits today, too.

KS: Yes, thank you. If we have not already marked this, I am sure we can do so. It is the "Guide to the Frank A. Bauman Papers **[Exhibit 0046]**."

FB: That is just the introduction of four or five pages, telling you what the essence of the exhibit is. Then the exhibit begins four or five pages later with a narrative beginning about my enrollment at Stanford and then my joining this program.

KS: Okay, and it looks like these records are kept in the Archives Department at the University of Colorado at Boulder.

FB: That is correct. The original with exhibits is in the archives at the University of Colorado Boulder, which is the University library. And the reason they are at the University of Colorado is that the Naval Intelligence Program in the Japanese language was conducted at that school in its early days, and then eventually moved to Monterey, California. Also, there is a copy, I think, at the Oregon Historical Society at this time, thanks to the United States District Court of Oregon Historical Society, and there is a third copy with exhibits at the Pacific World War II Naval Museum, the Admiral Nimitz Museum at Fredericksburg, Texas. That museum is probably the principal museum in the United States on the record of the United States Navy in World War II, particularly the Pacific War.

KS: Well, just looking at page two of this, it reminds me of something you had told me when we were not recording, in preparation today, about a trip that you took with some prisoners, where they had been held, back to Hawaii, as I recall. Perhaps that would be a good place to pick up the story, because I don't think that has been recorded yet.

FB: I'll be very glad to oblige if I can. Let me set the stage first, please Counsel. I received my orders in September of 1944 after I was at the Joint Intelligence Center at Pacific Ocean Area in Pearl, across the street from Admiral Nimitz's headquarters in the Makalapa area of Pearl Harbor. Those orders specifically, and they are attached as an exhibit to what I have just handed you—or identified as part of the exhibit **[Exhibit 0046]**—ordered me to report to the commanding general of the First Marine Division, to Peleliu, which is in the Western Caroline Islands. And those islands are some 500 miles east of the Philippine Islands, and approximately 4,000 miles due west and south of the Hawaiian Islands. The Hawaiian Islands lie in a latitude between roughly 18 degrees and 22/23 degrees. The Western Carolines are in a latitude of 7 or 8 degrees; in other words, not too far from the equator. And they are longitudinally just to the west of the international date line, which is 180 degrees from Greenwich, England, which is 0, longitudinally speaking worldwide. And of course we owe to the English for creating a longitude system in the first instance. Before that, a sailor only knew latitude, but not longitude, which made sailing extremely hazardous, among other things.

Well, there we are. I flew out first on a naval transport to Guam. And then briefly on Guam. We had one problem there. I think I mentioned this already, and I won't go into it in detail, but our boarding of the Mother ship that was going to fly us out to Ulithi Passage, near the Western Carolines, was almost swamped because of the high waves. But we finally arrived at Ulithi, and then we boarded an LCI, and I think I've already mentioned this, and spent an overnight trip going along the eastern side of Babelthuop, which had a host of, thousands of Japanese soldiers, and finally arriving on the east side of Peleliu where we landed. I then spent a number of weeks in Peleliu working with prisoners, as well as carrying out certain other assignments related to my knowledge of Japanese, in close consort, first with the Intelligence Section of the First Marine Division, before, and then later with the naval commandant of the Western Carolines; based at all times at Peleliu.

And approximately November 24, 1944, I was issued orders placing me in charge of some 253 prisoners that had been collected as of that time. The prisoners were roughly 50 percent Japanese and 50 percent Korean. There were six officers amongst those prisoners. All *again* were medical doctors.

KS: Were you the only one who spoke Japanese?

FB: No, because I had three others working with me who spoke Japanese, and one particularly, Frank Gibney, has had an outstanding record over the years as an authority on Japanese politics, Japanese culture and has written a number of books on those very subjects.

KS: As an aside, I think you told me once there were only a dozen or so of you who were fluent Japanese language Intelligence Officers. Am I—?

FB: At the beginning of the war…

[End of Tape 5, Side 1]

FRANK A. BAUMAN
March 3, 2006
Tape 5, Side 2
Portland, Oregon

Reviewing Bauman's Experience in the Pacific Theatre: Pearl Harbor and Beyond, cont.

KS: This is tape five, side two. It's March 3rd. This is Karen Saul, taking the oral history of Frank A. Bauman.

FB: To return to Peleliu, I received the orders near the 24th of November, 1944, as I've said. I was assigned a ship, the *Alioth (AK 109)*, which was a Kaiser type cargo ship constructed in Richmond, California. The ship was modified to carry prisoners and two Japanese war planes captured at Peleliu, back to Pearl Harbor. I was in command of the prisoners.

We boarded the ship. I remember the second officer, the executive officer, meeting him at the first, along with the captain. But I said to the executive officer, "More than anything I would like to have a bath." I had not bathed for a good many weeks. I had worn the same wool socks for weeks and I felt nothing would make me feel better than a bath, or a shower more appropriately.

He said, "You shall have your shower." But three weeks later when we were at sea, he commented, "Do you remember when you asked to take the shower when you first came aboard?"

And I responded, "Yes, Sir."

And he observed, "You know, I felt that what you needed more than a shower was a good meal." But during my brief experience on Peleliu, either thanks to the tropical heat or the stress, or the Marine chow, which is not equal to Navy chow, in my humble view, I lost fifty pounds. I dropped from 185 pounds to 135 pounds. So that was what I weighed when I took over the assignment of the 253 prisoners.

KS: And you must be over six feet tall.

FB: I'm six-foot-three, yes.

KS: So, you were six-foot-three, twenty-some years old and weighed 134 pounds.

FB: Right, twenty-two, twenty-three years old, yes, mm-hmm.

KS: You must have looked like a skeleton.

FB: Mm-hmm.

KS: You told me that while you were on that ship that, perhaps you had stormy weather, but I think you were attacked a couple of times, too.

FB: Yes. We were attacked north of Truk. Truk is some thousand miles east of Peleliu and the Palau Islands and also the Western Carolines, and served as Japan's Pearl Harbor. And it's about the same latitude, I would say, maybe one or two degrees north of Peleliu. But we had been led to believe, thanks to reports issued by General MacArthur, that his army organization in the Pacific announced that Truk had been neutralized. And I do not mean to demean General MacArthur, a magnificent servant of this country in both World War I and World War II, and I think the Marines and the Navy sometimes do not give him the credit he is entitled. Let me say for the record, though, we were led to believe that there would be no air attacks from Truk. And we were surprised one day, about noon, when two Japanese Zeroes, which we called Zekes or Jakes in the Navy, because they're float planes, but they're basically a Zero—flew right by our ship.

They were the first Japanese planes we had seen at sea, and being a young man at that time, I was still interested in automobiles, and it reminded me of a new car that had just come off the Detroit factory lines and that you're seeing it for the first time, as the pictures in the magazines, the advertisements, show. Well, when we saw these two planes, it recalled to me of

what we had learned in Naval Intelligence School of what these planes looked like, and by golly there they were.

KS: Describe them for us.

FB: Well, they were float planes and single engine and you could see the pilot, and they were low over the water, about fifty feet over the water. And they were right close to our ship. They flew by maybe 100 feet to the south of us. We were heading east and we were surrounded by six small PC's, very small ships to protect us. And the commentary was [chuckling], "My gosh, there goes a Japanese fighter plane." And lo-and-behold, it was. We immediately did our best, if memory serves, to get our prisoners below deck because we put them on deck each day in a forward area of the ship. Those planes just moved off in the distance and then all of the sudden turned around and then bombed our ship. And one of those bombs landed right, fairly close to me on the north side, non-equatorial side, about fifty feet in the water, and exploded. There were people injured near me, but fortunately none of the officers or crew, enlisted men, were killed. And this second plane dropped its bomb. But if memory serves, that bomb did not explode, fortunately. Then late in the day, those two planes apparently came back again, after they had refueled at Truk, and re-armed. Truk would have been about 200 miles to the south of us. They attacked us again.

That was the night that captain spoke to me and he said, "Our young men are about nineteen years of age. Down below in the bowels of the ship guarding these men for the night, they are terribly nervous and I do not want to see something awkward happen that we would all regret." In other words, they were carrying submachine guns and if they fired unnecessarily it could cause havoc, let alone death and injury to the prisoners. That gives you some idea of how we were trying to protect those prisoners. So, he said, "One of you officers that are Japanese language officers must stay with those prisoners tonight, unarmed, in the bowels of the ship."

Well, rather than asking the three officers that were serving with me, I assumed that role myself. I entered the prisoner compound and spent the night, some ten hours or so, eight to ten hours, largely talking to them. If memory serves, I did not sleep much that night.

KS: Do you remember what you talked about?

FB: [laughing] Oh, goodness gracious! It was mainly related to their homeland and the city from which most of them came, which was Kagoshima, and I'm talking about the Japanese prisoners, not the Korean prisoners. But surprisingly, a large number of the defenders of Peleliu were from Kagoshima, Japan, which is at the southern side of Kyushu, and had the war continued into the fall of 1945 [Kagoshima would have been invaded]. And my own view is that the war ended because of the dropping of the two atomic bombs, first on Hiroshima on August 6, 1945, and then on Nagasaki, on August 9th. The war ended on August 13th or 14th. But this forced the Japanese hierarchy to make a decision to end the war. But had those bombs not been dropped, we had scheduled a major invasion of Japan's home islands, beginning with the southern portion of Kyushu, on a beach thirty miles long, and Kagoshima would have been in that area.

I do remember talking to them about Kagoshima, and I suppose like us all, those prisoners felt that their small city was perhaps the finest city in the world; just as we have a loyalty to our own communities in this country. I am reminded of Abraham Lincoln's statement that he thinks well of a man that not only speaks well of his city, but his city speaks well of him.

KS: Did you feel any sense of kinship with these enemy soldiers as you spent the night with them talking about their home city?

FB: I'm glad you asked that question, Counsel, because I did, I did. Of course, they were our enemy. Nevertheless, we were all in the same stew pot, so to speak, sitting in the bowels of that ship. Had that ship been sunk that night, I think it would have been the end of us all. Their inner thinking was conveyed unquestionably by the expressions on their faces. I had been amongst Japanese long enough. And the Japanese do reflect their opinions in terms of facial expressions and in terms of sighs and utterances, which is not Japanese language or any other language, but in certain words that they form of sighing or guttural language. I sensed that they were just as anxious as I was.

KS: Did they know that the threat of sinking was coming from Japanese planes?

FB: Oh, of course, oh without question. They were on deck, many of them, when those planes came by the first time, at noon.

KS: Did you get a sense of whether they understood, or the irony I guess, of being possibly sent to the bottom of the sea by their own countrymen?

FB: They must have, they must have. And of course, you know we faced this in the Pacific war with hundreds of our prisoners of the Japanese in the Philippines, who, in the latter stage of the war, were sent north to the home islands in Japan, to work in Japanese factories. Some of those ships that took those men north, the Japanese ships, were sunk by the prisoners' own Navy, namely the submarines of the United States fleet. Hundreds of our prisoners lost their lives being on ships that were sunk by us, on ships of the Japanese, sunk by the United States Navy's submarine service.

I want to add this, if I may, but I think the world should know this and maybe many people do, but many people do not, and that is that the Submarine Service of the United States Navy in World War II in the Pacific, sunk more Japanese shipping in terms of total tonnage than the surface Navy of the United States, the Army of the United States shore guns, and third, the Air Force of the Navy and Army of the United States.

KS: All combined.

FB: All combined! Exactly. Isn't that extraordinary?

KS: Let me ask you one other question, just because I think you have such a unique perspective from this night that you spent below decks with them. I don't want to load the question by how I phrase it, but did you have a sense of whether these prisoners were talking with you, and I guess, feeling more just the human desire to survive this night, even if they remained prisoners; or whether they were in some sense willing to be killed so that this

American ship could be sunk? Did you have a sense of that, of which way they felt, or whether there was any sort of uniformity amongst them about that issue?

FB: If that sense or attitude was housed in the minds of some of those prisoners, it was never evidenced in their facial appearances, in their manner, or their language to me during those hours within the bowels of the ship. Let me add this, too. This event took place two or three weeks after we had been at sea. Let's say two weeks, ten days to two weeks, I should curtail it. The trip was, you know, almost a month. It seemed like almost a month. It was probably less than that. But let's say ten days. And during that ten day period, the interrogators and I had built up a relationship of trust with the prisoners. True, we were questioning them about their military activities on Peleliu, true we were questioning about their military role in Manchuria. They had come from China before seeing service in Peleliu. True, we asked them other questions related to the Japanese war effort. But, the treatment that they received from us was far and away better than they expected. They expected to be brutally treated by us, perhaps even killed. This is what they had been told: "Never become a prisoner, because you're going to be killed anyway, so you're better [off] dying now rather than being killed by the enemy."

And the Japanese had given no rules, the Japanese military structure had given no rules to these prisoners how to conduct themselves. Japan is a rule-following society. But, instead of that brutality they were treated perhaps better than what they received from their own cadres on Peleliu. For example, we supplied them insofar as we could, with Japanese food. Frank Gibney, whom I mentioned earlier, entered the caves and found a large supply of canned Japanese fish, which we put aboard the *Alioth*. He obtained Japanese rice, and we cooked that food for them and gave them rice and fish, one or two meals a day, perhaps at lunch, perhaps at dinner. This they enjoyed. They were never touched in any way. They were treated civilly.

The Japanese, as I say, are a people who are accustomed to normally honoring rules by the authority structure, certainly then, and carrying out instructions based on those rules. They looked upon us as their leader at that time, the command structure over them. They followed those instructions that we gave them without exception. I never saw one example leading up to that night, in that ten-day, twelve-day period, whatever it was, where they attempted in any way, to not do what we would ask them to do. When we got them on deck in the morning, as they

spent the day in the fresh air, they obliged immediately. I think, too, remember I mentioned that there were six officers, but those six officers were doctors. Those doctors, I think were influenced by their background as medical men. Their role in life is to save lives, it's not to take lives. That was a factor and that influenced the enlisted men, and it probably influenced them to a degree to cooperate with us, which they did. Do I answer your question?

KS: Yes, you do. And one last question, which I think I can anticipate your answer. When you were sent below decks without any sort of weapon to be with 253 prisoners who were—

FB: Unarmed, too.

KS: Unarmed too. Did you have any fear for your personal safety?

FB: Well, I don't want to overstate my role, but on Peleliu there were a half a dozen times when my life was threatened. And you reach a point where you discipline yourself and say to yourself, "I do not want *you* any more to be concerned about the risk that you're facing each day." And you tell yourself that you must conduct yourself as others expect of you, and beyond that you look to your Creator for strength and guidance and above all, protection. You feel a comfort from that, even though you're facing these difficult situations at the time. And it's surprising how your manner, your concern, your anguish, tends to disappear. I can say that without hesitation in any respect. Now, whether I continued that way in later life I would rather not say. But certainly I felt that I reached that level at that time.

KS: Never having been in that situation, let me ask you another question about it: how much of that stems from a recognition that if you don't get to that attitude you just described that you will actually hurt and endanger yourself, maybe by being paralyzed in the face of fear or something, versus other things? Do you understand my question?

FB: I understand your question, and it's a pregnant question, a worthy question, Counsel. But I must say that that never concerned me at the time, that if I didn't conduct myself at a level that

I've just spoken of, that I might place myself in a situation that was even more dangerous, more detrimental to my position on the island.

KS: What happened when you got your ship, the *Alioth* . . .

FB: Number 109. AK 109.

KS: What happened when you got back to Hawaii? You got them safely back to Hawaii.

FB: Right.

KS: I know you survived the trip, because I'm looking at you! And then it wasn't too much—

FB: Can I tell you a humorous incident? I don't think I've ever told you this about when we got back to Hawaii. And this sort of reflects my philosophy or my attitude, my conduct. We arrived in Hawaii, I should say Hawaiian waters, and proceeded up the channel to Pearl Harbor. The men on the ship, particularly enlisted men, had not been in a metropolitan community for months. They had been in every backwater, they feel, in the Pacific. They're proud of the fact that they have this assignment, returning these prisoners to Pearl Harbor. I don't mean to be disrespectful to them, but their duties were moving very humdrum articles to our service people in the Pacific. Remember this is a cargo ship. I don't want to be hypercritical, but it was a very, very humble role they felt, but at last they were doing something to help win the war. At the same time they were most anxious to taste the pleasantries of Honolulu and Hawaii, of course on shore leave.

Well, at that very time, somebody on the ship stole my ditty bag. A ditty bag is your toilet kit. It has your shaving equipment, your toothpaste, your toothbrush, some soap, et cetera. It's probably worth all of two to three or four dollars.

KS: But very precious.

FB: But very essential and very precious. And I've always been a tyrant about stealing, and that alarmed me, [chuckling] perhaps even more than being shot at in earlier weeks…

[End of Tape 5, Side 2]

FRANK A. BAUMAN
March 3, 2006, April 13, 2006
Tape 6 Side 1
Portland, Oregon

Reviewing Bauman's Experience in the Pacific Theatre: Pearl Harbor and Beyond, cont.

KS: It's March 3, 2006. This is Frank A. Bauman's oral history. This is Karen Saul conducting the history, and this is tape six, side one. Please continue the story of the stolen ditty bag. Are we talking about late '44?

FB: It would be December, 1944. We had been at sea for a number of weeks, and we were arriving at Pearl Harbor at last safely. And I'm just speaking to the captain about my ditty bag, which was precious to me, having been stolen. The captain was equally alarmed. He says, "That's dreadful!" He responded, "Let me take charge." So, he gets on the speaker phone, or the horn as it is affectionately called, and says, "This is the captain speaking. This is the captain speaking. All shore leaves will be canceled until Mr. Bauman's ditty bag is found. All shore leaves will be canceled until Mr. Bauman's ditty bag is found."

KS: How many minutes did it take for the ditty bag to show up?

FB: Let me say that it took maybe fifteen or twenty minutes, but you should have seen the faces of those enlisted men. Their eyes looked right through me, but they didn't do anything. And about twenty minutes later, someone—who it was, I don't know, I was busy getting the prisoners ready to go ashore—someone tossed my ditty bag in on my sack. And I tell you this: because it was a crowded ship, I did not have a state room for that whole 4,000 mile voyage. I slept on deck in a cot, in the open, in the aft end of the ship.

There was no room. The officers, who were the permanent staff of the ship, had taken all of the state rooms and there was nothing left. So, I and the other three officers slept out of doors every night. But anyway, someone tossed that ditty bag on my cot, and I then immediately

informed the captain. The captain said, “I will get on the horn again.” And he says, “Now hear this. This is the captain speaking. Mr. Bauman’s ditty bag has been found and returned to him. Shore leave will resume. Shore leave will resume.” End of story. [KS laughs]

Maybe this is a good place to stop, to give you a chance to be with your client at twelve o’clock.

[Interview Session March 3, 2006 Ends; Interview Session April 13, 2006 Begins]

KS: This is Karen Saul speaking at 10:30 in the morning on April 13, 2006 and we are going to resume the oral history of Frank A. Bauman. We are in the Carriage House in Portland, Oregon.

FB: Here we are again. I have the privilege of being with Karen Saul as we continue this oral history. My name is Frank A. Bauman, as probably previous tapings will disclose. And we are in the midst of talking about my role in the South Pacific during World War II. I believe at the end of the session last time, we were just returning to Pearl Harbor, Prisoner of War camp with some 253 prisoners.

KS: Okay, well Frank, you and I had discussed before we started the tape recording—again, you have your papers published with the University of Colorado at Boulder Archives Department. We had talked about some of the subjects that you were going to touch on today, and I’ll just let you pick up with your experience in the military during World War II, wherever you would like to begin.

FB: Thank you, Karen. Chronologically, we ended the last session in December, 1944, and after these prisoners, some 250, who were placed in the principal prisoner of war stockade of the Pacific, I returned to my post at the duty station, at the Joint Intelligence Center, examining and translating Japanese military records. Then, moving along, in July of 1945, maybe as early as June, I was alerted that I would join another Marine Division for the invasion of Japan itself, the four islands, namely Kyushu, Kagoshima area, on November 1, 1945. Kagoshima has a thirty

mile beach, which would have been very receptive to shore landings. Japanese forces were waiting for us in *en masse*, which we learned after the war. However, this was averted when on August 6th , first, the atomic bomb or what the Japanese call the *bakodan geki*, the *bakodan geki* was dropped on Hiroshima and then three days later, on August 9, 1945, an atomic bomb was dropped on Nagasaki. And it was my view that this ended the Pacific War and saved thousands of lives, both American, Allied, and Japanese.

Near that time, after the dropping of those two bombs, on very short notice, in fact thirty minutes notice, I was ordered to be at an airfield in Hawaii and be prepared to stay away for some six months and to report to the Commander in Chief, U.S. Pacific Fleet Advance Headquarters in Guam, some 3,500 miles west of Honolulu or Pearl. This I did. We followed the same route I had earlier, a year before, first stopping on Johnston Island and then Kwajalein, and then up to Guam. There I was ordered to join the staff of Admiral Charles Lockwood, who was Commander in Chief of Submarines Pacific, and to take charge of the surrender of Japanese submarines, upon the conclusion of the war. I was given some eight Marines to serve as security and I was allowed a few days time, which was not adequate for me, to learn something about submarines and how they were disabled satisfactorily and peacefully.

During this particular period with Admiral Lockwood, I reported to him personally each day to discuss the subject. He informed me that Japanese submarines had been ordered to surrender at Subic Bay in the Northern Philippines, near Manila, Guam, and Sasebo in the home islands of Japan. Fortunately for me, because of my inadequate knowledge of the submarine world, particularly from the technical point of view, the Japanese Navy Submarine Service, without exception, ordered all submarines to report for surrender at Sasebo. And this was a welcome relief.

Let me add this comment that I learned at that time, with reference to the American Submarine Service—six of our submarines returned to the mother ship, which I was on, which was the *U.S.S. Fulton*, and each submarine was flying a broom. In the submarine world that means that each submarine had completed a successful mission—by that, firing torpedoes that were not wasted and were always effective in hitting a Japanese ship. Beyond that, I mentally thought, my, those men who are so brave, so exceptional, would not have to go to sea again, the war was over. That thought almost brought me to tears. Then, upon completion of my duties

with Admiral Lockwood with the submarines Pacific, I was to be in charge of the collection of technical data and equipment from the Japanese submarines at Guam for shipment to Washington or to the United States. But this never occurred because there were no submarines surrendering at Guam.

I then received orders to report to Admiral Arthur C. Davis, and to join Carrier Division 5, on the *U.S.S. Antietam*, CV-36, a thirty-six thousand ton carrier! This carrier was in Okinawa at the time and I was flown from Guam to Okinawa, boarded the *Antietam*, and was informed that I would serve on Admiral Davis' staff, which I did **[Exhibit 0079]**.

The carrier, with two other carriers, the *Cabot* and the *Bon Homme Richard*, along with six destroyers, were then ordered to travel along the Chinese coast north as far as Beijing in the Gulf of Chihli, to serve as a support for our landing operations, the American landing operations in China at that time. We then returned to Okinawa and were given orders again to proceed north to Beijing, and about October 9 or 10 and I believe, if memory serves, at the end of the second mission, we faced and encountered Typhoon Louise, which according to Samuel Eliot Morrison, the official historian of the United States Navy for World War II, was the most formidable typhoon the Navy has ever faced in its decades of experience. In that typhoon, some 222 ships were grounded and I think something near 44 ships were sunk or abandoned. It was in Buckner Bay that we first faced the typhoon and then sailed around to the leeward side. We had winds up to about 160 knots, if memory serves! We had waves not merely over the flight deck itself, but over the island structure.

Let me add this by way of a commentary, the *Cabot*, one of our allied ships, lost a bridge or what was termed a flying bridge, and one of the seamen was on that bridge. Admiral Davis sent three destroyers, DDs, back to look for him for forty-five minutes. I prayed for this gentleman, and still continued to pray, even after Admiral Davis ordered the destroyers to join our attached unit. An hour later—and remember the Pacific Ocean is some 70 million square miles, twenty times larger than the lower forty-eight states, we received a message that this particular seaman had been swept aboard a British oiler, suffering from some shock, but otherwise unharmed. It was an extraordinary recovery, and I looked upon it as a form of divine assistance at that time, and was very, very grateful for the result.

Let me say, too, before leaving the *Antietam* exercise, and this was an experience that appalled me. Off the China Sea, our carrier and the other carriers made *shows of strength flights*, usually very early in the morning, three or four in the morning, over Chinese soil, as a way of support for General Chiang Kai-shek and the Nationalist Army of China. One particular morning, though, because we had received an Alnav from Washington D.C., which applied to all ships worldwide of the United States Navy, all ships were ordered not to proceed faster than sixteen knots in order to save fuel. We were moving at exactly sixteen knots, and we had some sixteen knots over the flight deck from the wind, or a total of thirty-two knots when a plane took off. There were rather heavy seas. And Commander E. M. Block was in charge on the bridge. I was on the bridge, and because of the heavy seas I suggested to Block, as a young lieutenant, that, could we not order the engine room to increase the speed to get a combined speed of faster than thirty-two knots, to avoid the risk of these planes that were taking off from falling into the drink. Block said that the Alnav must be followed.

The first plane took off and dove right into the sea, and two men were lost that had been twenty-eight months in the Pacific. Then Commander Block ordered the second plane to take off, and it, too, crashed into the sea, and two more men were lost. I implored Commander Block to increase the speed of our ship, but he did not. But he did defer further take-offs. He felt he was observing the Alnav. I, as a young lieutenant, not probably giving the weight to the Alnav that he would, suggested the circumstances deemed otherwise. This was truly a tragedy.

And these tragedies happened in war time, just as my best friend at Stanford University, who was student body president, George Jackson, in 1942, from a little town in Kenilworth, Utah, in the Navy, had been on the Murmansk run for two years off Norway carrying supplies to Russia and then assigned to the South Pacific at Ulithi. This happened to poor George, one of my closest friends. George was number two executive officer on this small ship. The captain at Ulithi was going to go ashore for the night, and George asked to use his stateroom, which the captain granted him. But, there was a steward who was very angry at the captain and decided that night to take the captain's life. He shot George by mistake, an absolute waste. George was killed, and this was in the final weeks of the war.

I'll continue, though, and I'll return to my involvement in the South Pacific. I returned on the *Intrepid*, arriving in Saipan about the 14th of October '45, then flew over to Guam, and was

ordered to proceed to Tokyo on a C-54, which was a very new plane. There were only four of us, plus the pilot and co-pilot, but there we were, and we took off for Tokyo, and arrived in the Tokyo area the next morning. We were flying over the city itself when the pilot came back and asked us, "Would you like to see the Imperial Palace?" He then lowered the plane in the air to some 500 feet and we made two or three runs over the Imperial Palace, and then returned some fifteen miles to the west and landed.

After settling in at Yokosuka Naval Base, which is the number one naval base of Japan, I was then taken to downtown Tokyo to the Meiji Building, where I was introduced for the first time to the United States Strategic Bombing Survey (USSBS), and this introduced me to the most significant event of my time in the United States Navy.

KS: What was the purpose of the bombing survey?

FB: The purpose of the bombing survey was, as objectively and as accurately and as fairly as possible, to evaluate the effect of the Allied bombings on Japan, without giving any undue weight to the Air Force or to some other branch of the military at the expense of the others. To assure objectivity, the officers in charge of the bombing survey were civilians. The head of USSBS was the president of Prudential Life Insurance Company in Newark, New Jersey, Franklin D'Olier. The number two man, also a civilian, was Paul Nitze, and in recent years known as our principal arms negotiator with the old Soviet Union. Mr. Nitze just passed away a few months ago, I believe.

And as for myself, I was assigned to a group of four men, including myself, headed by Captain Ward Merner of the United States Army, a Stanford graduate from Palo Alto. The family owned the Merner Lumber Company on El Camino. It also included a Mr. Daniel Gagon, a federal civil servant from Washington, D.C., and Lieutenant (J.G.) Morton Harley Farber, also a Boulder language graduate. Incidentally, it was Mort who first introduced me to the idea of applying to Yale Law School and he encouraged me in this respect. At that time, being a Westerner, I hardly knew where Yale was.

But let's return to Tokyo in November of 1945, early November. On November 7th, we flew by government air to Sasebo, the same city where the Japanese submarines ended the war,

spent the night aboard a U.S. Naval vessel and then at 08:30 the next day, November 8th, again by military air we flew to Kure, the second largest naval base of the Japanese Navy, boarded the *U.S.S. Sims*, a destroyer (DD). This became our bachelor officer's quarters until the 24th of November when we were shore based till November 30th at a Japanese military facility in the Kure area. Both the military facility and the DD, the *Sims*, were rather near Hiroshima. And we would disembark from the *Sims* each day and then later on from the military base, and proceed by jeep, to Hiroshima. From Kure, it was some twenty miles, a beautiful journey along the inland sea.

KS: What was the mission that the four of you were supposed to—?

FB: Very good fundamental question and I'm glad you asked it and I should have told you that a little earlier, at the outset. Our mission was this: to study, insofar as possible, the economic effect on Japanese industry in the Hiroshima area, of the bomb itself, the so-called *bakodon geki*. And this we did by interviewing officers and directors of large corporations. For example, Toyo Industries was in Hiroshima. I daresay it was a predecessor of Toyota Automobile Corporation of today.

KS: Did all four of you speak Japanese or just you and Mr. Farber?

FB: Lieutenant Farber and I were the only two that spoke Japanese. Captain Merner did not, neither did Mr. Gagon. However, we did have assisting us a Japanese interpreter who spoke English, who had sold shirts in New York for a number of years, and learned English. And I will always recall that he was very proud of the fact that he had sold shirts to Joe DiMaggio, the San Francisco ball player who became a baseball hero and a member of the New York Yankees. We talked not only to officers and directors and staff of corporations, we talked to government officials of the city of Hiroshima. We talked to prefectural employees of the Hiroshima Prefecture as well. And I must say in fairness to the Japanese, every local citizen questioned was wholly cooperative. There was never an example of *lese majeste* to my knowledge.

We continued to assemble facts. We discovered in essence that the labor force had, to a considerable degree, retreated from Hiroshima after the dropping of the bomb and that the industrial buildings themselves, being on the outer periphery of the city, survived to a considerable extent. These buildings were damaged, yes, but not totally obliterated, which was the dire result of a two-by-two, or four square mile area in the heart of Hiroshima. This would have been the epicenter of the bomb dropped by the *Enola Gay*.

KS: You had showed me a scrapbook that you had earlier with some pictures **[Exhibit 0047]** of the epicenter; in fact, yourself standing in it. And it looked completely flattened.

FB: Well, Karen, you are unfortunately absolutely correct in that observation. These pictures which I have ticked here with a paperclip, and I say are near the epicenter of the bomb, and my good friend Morton Farber is there sitting on a rock. Also, there is a picture of me looking down, and as you can see, the whole area which appears to have been flattened.

KS: And that had been the center of the city?

FB: That had been what I would term the center of the city, yes. Yes. It would be. It would be particularly the commercial area of the city, as against the industrial area.

KS: So, you had said that a lot of the industrial buildings that had been damaged had survived the bomb and a lot of the labor force had left the area after the bomb—what did you guys conclude about the ability of the Japanese economy to get itself back on its feet again? Or, were you asked to make decisions along those lines?

FB: We may have reflected on that question privately, but that was beyond our charter from USSBS in Tokyo.

[End of Tape 6, Side 1]

FRANK A. BAUMAN
April 13, 2006
Tape 6 Side 2
Portland, Oregon

Reviewing Bauman's Experience in the Pacific Theatre: Pearl Harbor and Beyond, cont.

KS: This is Karen Saul, taping on April 13, 2006. This is tape six, side two. You were just talking about your mission to study the economic effects, particularly in the labor market, with your work at the Bombing Survey, and the tape ran out. So, if you don't mind, just pick up where you had left off there.

FB: Let me add this comment related to what you've just said, Counsel Saul. Our team number four was one of several study groups under the auspices of the United States Strategic Bombing Survey sent to Hiroshima, and no doubt sent to Nagasaki as well. Incidentally, we were exclusively in Hiroshima. I might say, by way of summary, as for the team, but particularly myself, I made two visits to Hiroshima, carrying out this exercise. First of all, we had completed our initial investigation about November 30th and returned to Tokyo by train, through miles of fresh snow, and arrived in Tokyo on December 1st.

We established ourselves at the Meiji building across the street from the Imperial Palace, and next door to the Dai Ichi building, which was the headquarters of General [Douglas] MacArthur in peaceful times. Both buildings were the home offices of insurance companies, Dai Ichi meaning number one in Japanese. Meiji named after Emperor Meiji, who became emperor at the time of restoration of imperial powers over the Shogun, in approximately 1867 in Japan and opened a new era in Japanese history. After sitting down at the Meiji building, we discovered errors factually in terms of our findings, particularly from the city of Hiroshima, as against findings from the prefectural government of Hiroshima. Captain Werner then assigned me, the youngest man on the team, to again return to Hiroshima, which I did by myself, where I sought to reconcile these factual differences, which I apparently was able to do. I then returned to Tokyo again.

We were in Tokyo for approximately the balance of December, leaving about Christmas Day, by ship, the *General M.L. Hersey* (AP148) for San Pedro, California, traveling across the Pacific at 30 degrees latitude; beautiful weather, with the 82nd Airborne Division, arriving in San Pedro in early January.

KS: I'd like to ask you a question before you talk about your return to the States. Did you form any conclusions yourself about why you and your team received such a cordial reception in Japan? I mean, given that our countries had just been in a bitter war and we had just dropped an atomic bomb on their city, did you, you know, knowing the language, being more familiar with their culture than many, to what did you attribute that?

FB: At the time, and I still hold to this view, without question, without hesitation, and I think it's an accurate view, and that is this, Counsel: Unlike the United States, or unlike a country with Democratic traditions, there was in Japan a uniform obeisance to the imperial tradition, and the representative of that imperial tradition at that time was Emperor Hirohito. Emperor Hirohito played a decisive role in causing Japan to end the war. True, he had cooperated with the military, both the Army and the Navy during the war-term period. But, at that stage, even before the dropping of the two bombs that I mentioned, at Hiroshima and Nagasaki, but especially after August 6th and August 9th, his imperial cabinet, or war council, met. And representative of Japanese caution in decision-making, particularly decision-making on an individual basis, but looking to that decision based on a committee-mind structure, the members of that cabinet were unable to face up to the realities that existed at that time with the two bombs and the dreadful destruction that each had caused; unable to face that reality. And it was the Emperor himself who then intervened and said, "The war must be ended."

And, except for some elements within the military that tried to prolong the war, the war did end, the country surrendered. By its own language it perhaps termed it something else, in tradition with saving face for Japan in that part of the world. But nevertheless, Japan surrendered. And the great bulk of the people, almost without exception, honored that decision of the Emperor and would never think of violating it, just as thousands of Japanese soldiers during the war never hesitated about dying for the emperor and for the Imperial Mission of Japan.

You'll remember, Counsel, that in those days the Emperor enjoyed a divine or godlike quality, that according to Japanese history dated back hundreds if not something like two thousand or so years. And I had mentioned the Japanese gentleman that was with us, who had sold shirts to Joe DiMaggio. He would privately tell us, "It is in your interest as occupiers that the Emperor remain and be a force in Japanese society."—in his way of thinking, a divine force. And our imperial headquarters, under General [Douglas] MacArthur, adopted that concept because there were elements in the Allied world and I daresay in this country that felt the Emperor should be replaced. But he made a decision that the Emperor should continue.

KS: Douglas MacArthur?

FB: Douglas MacArthur, Supreme Commander of Allied Forces in Japan. And, I think this, at the time, was the correct decision. Although with the democratization of Japan in the post-World War II era under a new constitution adopted about 1952 or so, the Emperor is not looked upon as he was at that time, but he's still an influence. Akihito had replaced Hirohito as a factor, as a very significant principal in the Japanese governing structure. But this was very influential in causing, if not absolutely controlling the citizenry, without exception, to cooperate with us.

Have I answered your question?

KS: You have. I have one more, sort of on the philosophical side. Having been raised, as you explained when we began your history, in the Christian Science religious tradition, and having served in the war and having seen with your own eyes what happened at Hiroshima, did you form any personal opinions at that stage in your life about the use of force and, even nuclear force if you will, versus diplomacy, or was that something that was still sort of developing in your mind in those days?

FB: Very telling question, Counsel, and I'm pleased that you raised it. I do want to spend time, and I'll come back to it in a moment, about our final roles in Washington preparing the report on the "Effect of the Atomic Bomb on the Hiroshima Labor Supply." But let me say this: Hiroshima and the circumstances surrounding Hiroshima caused a metamorphosis in my mind. I

realized for the very first time that as disastrous as war had been—remember General Sherman in the Civil War called war *hell*—that it had reached a new level of destruction with the atomic bomb, and that mankind had arrived at a point in history where he not merely could destroy his fellow man, but this threat, this extraordinary force [pause] had threatened the very existence of international society as we knew it then, or as we know it now.

The *Force Majeure* (Namely Hiroshima) in the Quest to Study International Law

Of course we're here in these sessions primarily because of my ties with the law, and I mentioned earlier Mort Farber and his interesting me in applying to Yale Law School, which I did. And I was fortunate enough to be admitted to Yale in the fall of 1946 and entered the school in October, graduating in June of 1949, almost three years later. But during this period in law school, although concentrating upon practical considerations in terms of procedure and substance of what a lawyer must learn, Hiroshima and my experience never really left me. It was in the background, and upon graduation from law school, and beginning the practice of law I wondered whether I as a relatively young man should consider studying international law as it existed as of that time. I was motivated by the fact that on the domestic law scene as we've learned with the case method, with a realistic application to the circumstances, social and economic and political of the time, that man had a method [of law] developed over the centuries. Thanks to our English friends and the English Common Law and the diminution of the Crown as all powerful; particularly at the time of the Glorious Revolution in England a hundred years before we became a separate country.

KS: That was really the rise of the Parliament as a—

FB: Precisely, precisely Counsel. The Parliament, the king could not tread into Parliament.

KS: There's a reason we study history, isn't there?

FB: Right. [KS laughs] Indeed there is, and it's a joy to read that history. But learning something of that history and the ability to settle disputes on the domestic level caused my mind to wander and ask this question to myself: If we can settle disputes on the domestic level successfully, and above all *peacefully*, why cannot we as independent states carry that concept to the international level? And though I was practicing law domestically at the very beginning as a humble young lawyer with much to learn, I began to think in terms of devoting a period of time, as a young man, to the study of international law. And I thought in terms of two schools—Cambridge and the University of London, both in England.

KS: Did they both have programs in international law?

FB: Both had exceedingly fine programs in international law. For some reason, over the decades prior to the Second War, which I discovered later but had a hint of at that time, was that the leading teachers, in many instances, were not English but German; beginning with Oppenheim.

KS: [quizzically] At Cambridge and the University of London?

FB: And at the University of London. For example, the gentleman under whom I studied at the University of London, Dr. Georg Schwarzenberger**,** was a refugee from Germany, well-renowned as an international lawyer. And during my stay there, perhaps to the king, who died, George VI, and the present queen, Queen Elizabeth II, he was perhaps their most loyal subject.

KS: Had he fled Nazi Germany?

FB: And he had fled Nazi Germany. How Oppenheim arrived, I don't know. But, this I discovered and I still have a high respect for the respect that the British legal system, the English academics, the British academics, bestow upon international law. And although in the nineteenth century, this country, America, was very much a part of the growth of international law and although the concept of international law is mentioned a number of times in our constitutional

debates of 1787—not as international law, per se, the term, but as "the law of nations" and the respect a new country must give to "the law of nations." In recent years, as I suspect you might agree, Counsel, we have descended from this tower to a considerable extent.

KS: I'm curious if you haven't thought on the International Criminal Court, and our country's decision not to participate in that?

FB: I would say, in my humble view, that it was a mistake of the first magnitude not to become a party to the International Criminal Court Treaty. I believe it's called the Treaty of Rome, and of course we played a principal role in the creation of that treaty, but for our own reasons, largely related to security and the position of our military about the world, we have declined to become a party to that treaty. But most of our friends, including Britain, Canada, which has a common law tradition, except for Quebec, have become parties to that treaty. [pause]

Homecoming to Portland

KS: So, I appreciate you answering my questions. I had taken you off track. You were about to describe what happened when you disembarked at San Pedro in 1946.

FB: Yes, I caught a train north. Incidentally, at the Southern Pacific station the young lady waiting on me was a co-ed at Stanford when I was there—I'll think of her name later—but was a nationally renowned swimmer. And I headed north to San Francisco, then north to Portland and rejoined my family for a few days before flying east to Washington D.C. In Washington D.C. we entered the final phase of writing our report, which was ultimately submitted to President Harry Truman, and it was classified for many years. But it's been declassified and some years ago I saw the report at Portland State University Library a few blocks from here, and had a chance to look at it.

I then received my final orders from the Navy at the end of May of 1946. I had sixty days leave coming to me, and I think my final day in the United States Navy was something like about

July 27, July 25, 1946. By then I was in the midst of applying to Yale Law School as well as Stanford Law School. I was fortunate enough to be admitted to both schools. I was influenced, I suppose, by the war years and the brief time I had spent in New York at a Naval Intelligence School, the people I met overseas, and above all by my friend Mort Farber who then was a student at Yale Law and went on to become a very prominent New York City lawyer. I must say, in fairness to Farber, Farber was the lead attorney in arranging the Joseph Hirschhorn collection of modern art transfer to the Smithsonian Institution in Washington D.C. And by the time I wrote my written narrative, I comment and quote the *New York Times* about this gift to the nation, how significant it is to the art and culture of the United States.

KS: I think that's on page thirteen of your—

FB: It is?! Let's turn to it, Counsel, thank you for helping me. And by golly, you're absolutely right. Let me just be fair to Farb here, and I'm going to quote from my narrative of my naval career **[See Page 13 of Exhibit 0046]**, which is not only in the archives at the University of Colorado, but is at the Oregon Historical Society. And also it is now with some thirty-one exhibits at the Admiral Nimitz Museum in Fredericksburg, Texas, and the Nimitz Museum is the principal World War II Pacific War Naval depository in the United States.

Let's return to Farb and I'm at page thirteen of my narrative and I'll just read that paragraph: "During the Hiroshima exercise, Mort," that was his nickname, "introduced me to Yale Law School for the first time and encouraged me to apply. Later, I did apply and was fortunate enough to be admitted. I owe him a great debt of gratitude for this recommendation and the legal education I received at Yale. In later years, as a respected lawyer in New York City, he arranged the gift of the Hirschhorn Museum and Sculpture Garden to the nation. Only recently a pivotal national newspaper referred to the Hirshhorn Museum, which is part of the Smithsonian Institution, as holding 'one of the nation's finest collections of modern contemporary art,' the *New York Times*, November 12, 2001, page six, column four." There you are about Mort.

KS: You've met some very interesting and wonderful and colorful people.

FB: Can we end on this little note?

KS: Absolutely.

FB: It relates to Yale and to Oregon.

KS: Yes.

FB: I applied to Yale Law School from Seaside, Oregon. My parents had moved to Seaside. They were building an apartment house, which was a bit of a struggle and we won't go into the details.

KS: That's the Whitecaps?

FB: The Whitecaps, yes, right. Good for you. And you know, right now on that very property that they owned they're building a $14 million condominium. But my parents, I think, sold it for something less than $50,000 in 1954, my widowed mother did.

But anyway, I applied to Yale from 120 Ninth Avenue, Seaside, Oregon, in the summer of 1946 after getting out of the service, and in a sense, geographically the whole story has come full circle, because, in about February or March of 2004, just two years ago, I received a call from the dean's office at Yale Law School, to my place at Gearhart two miles from Seaside. And I was astounded by the call, perplexed and amazed, because the essence of that call from the dean's office was asking me to become general chairman of my class reunion at Yale in the fall of 2004.

I responded with an Australian phrase, "We're out here in the bush in Gearhart and there are not too many Yalies or "Elis" with law school backgrounds here, and I said I …

[End of Tape 6, Side 2]

FRANK A. BAUMAN
April 13, 2006
Tape 7, Side 1
Portland, Oregon

Rejoicing with Law School Classmates at their Fiftieth Reunion

KS: This is Karen Saul speaking. It's April 13th 2006 and we're just starting another tape of Frank A. Bauman's oral history, so that we can hear the end of the story about the Yale Law School class reunion. And then we'll end our session today and begin on this tape next time.

You told him that if he could find someone in New York City to co-chair with you that you would accept the invitation?

FB: That is correct, Counsel, and the man I named was Harold Healy and I was returning to Portland that day. Of course, we're here in the Carriage House in the conference room, but when I returned late in the day I came directly to the Carriage House and looked in my mailbox and here was a note from the Dean's Office at Yale in New Haven, saying that Harold Healy had accepted as co-chairman. So, Harold and I became co-chairs of our fifty-fifth reunion at Yale scheduled for October, 2004, and I assure you it was a very joyous occasion.

KS: How many people came to the reunion?

FB: About a third of the class members. And think of it, Counsel, you're a lady lawyer with a reputation of a high order. Incidentally, you're the new treasurer, aren't you, of the United States District Court of Oregon Historical Society?

KS: I am, indeed.

FB: [laughing] Right. Good for you. Congratulations. I've never congratulated you. That's a high honor.

But, in our class there were only four women in the class. One has passed away and three remain. Our class totaled between ninety and a hundred students from around the country. Most

of them were veterans from the war, and as I say, just about all were men except for the four ladies. The ladies had trouble getting jobs after they graduated. Think of it. Most unfortunate.

KS: Had any of them had military experience? WACS or, is that what—?

FB: I think one of them had. I think Vi Macdonald, Swisher now, had been in the military in some role, yes. I may be in error in that respect. But, returning to the numbers, we had between ninety and 100, about a third of the class had passed away by that time. I looked up to the best that I could every class member in this nation, made three trips to New Haven and East in preparation for the reunion.

KS: Well, a lot of people in your class would have been in their late seventies.

FB: Eighties, yes. Yes, some may be closer to ninety than eighty. But certainly in their eighties and the seventies. And about a third were incapacitated physically or mentally, although some reasonably alert mentally, but could not attend for those reasons. This left about a third of the class that could attend. Let's say around thirty-five. And of that thirty-five, twenty or something over 55 percent agreed to come, and nineteen showed up with their wives and escorts and friends. I think we had thirty-eight people at the reunion.

KS: Was it in New Haven?

FB: It was in New Haven, and in the law school and the Yale Commons. At the entrance of the Commons is the name of every Eli who died in the military service of the United States since the Revolution.

KS: What is an Eli? I'm not a Yalie.

FB: Well, I think that's the first name of the founder, Elihu Yale, who was a Welshman and a governor of Madras in India. He was born in the colonies [Connecticut], but never really knew

the country and made a gift that was of substance at that time and so in 1718 the Collegiate Institute was renamed Yale College.[3]

I might say that [J. Kenneth] Ken Brody, my dear friend and a member of my class of 1949 at the school, served in the Navy in World War II, in the Atlantic, the Mediterranean and the Pacific. But, Ken and I have officed here in the Carriage House for many years: something like twenty-five, and we're both still carrying on, moving to the Standard Plaza next week. Ken is already in the Standard Plaza. I move on April the 18th. But Ken and his daughter Alison, who is also a lawyer, edited a book for the 300th anniversary of Yale, in 2001, called *Yale: A Celebration*. Basically, it was an editorial presentation of what others had said about Yale, going back something like 250 years, and had forty beautiful watercolors done by Leslie Ansteth Colonna. Ken and I made that book available as gifts to every member of our class that attended that reunion, as well as to those members of the class who could not attend the reunion, and to some widows of members of the class. This was significant and was very well received, and for each of those recipients, I think, is a form of permanent record of that gathering in October, 2004.

KS: I may have cut you off a minute ago. You were about to say, "in attendance was." Where you going to tell about Ken?

FB: Ken was in attendance with his wife, yes. Yes, yes, yes.

FB: I didn't mention this, but the outgoing dean, Anthony Kronman was present, and Dean Harold Koh, the new dean was present, too. He is an American citizen like us all, but of Korean background. It was just, I think, an extraordinarily happy event. And it was perhaps fitting for

[3] According to the Yale University Website, "Yale's roots can be traced back to the 1640s, when colonial clergymen led an effort to establish a college in New Haven to preserve the tradition of European liberal education in the New World. This vision was fulfilled in 1701, when the charter was granted for a school "wherein Youth may be instructed in the Arts and Sciences [and] through the blessing of Almighty God may be fitted for Publick employment both in Church and Civil State." In 1718 the school was renamed "Yale College" in gratitude to the Welsh merchant Elihu Yale, who had donated the proceeds from the sale of nine bales of goods together with 417 books and a portrait of King George I." [Yale History, http://www.yale.edu/about/history.html, accessed October 3, 2007]

someone like myself, that the theme of the reunion, and for all reunion classes was, “What a legal education should be in a global era.”

KS: Ohhh… Well, when we resume again I would like to hear more about your time at Yale and how it shaped your life. Are you ready to turn the tape off for today?

FB: I think, well goodness gracious, its 12:20 and you’re a practitioner. I’m sure clients are knocking on your door or calling you on your phone.

KS: Well, we’ll conclude our session here on April 13th 2006 in the Carriage House and resume again soon.

Thank you.

FB: Now next time we’re going to be meeting at the Standard Plaza.

[End of Session]

FRANK A. BAUMAN
April 24, 2006
Tape 7, Side 1
Portland, Oregon

Counsel Saul Opens the Door to Why Yale Over Stanford

KS: It is April 24th at 10:00 in the morning. This is Karen Saul, and I'm actually back in the Carriage House one more time before we move to your new quarters in Standard Plaza. I'm with Frank A. Bauman. We're continuing his oral history. And this is the continuation of the tape that we just began last week. And Mr. Bauman, I'll go ahead and clip the microphone to you and we'll begin for today.

FB: Miss Saul, Counsel, good morning. We're gathering again, one final time, as you say, at the Carriage House. And we're going to move back to New Haven, Connecticut today largely. But let me say this first, and this is a reminder to whomever listens to this tape, that my interest in Yale arose during the war, at Hiroshima, thanks to Morton Harley Farber, who was then a student at Yale, and encouraged me to consider the school. At that time I was only thinking in terms of Stanford and Stanford Law School.

KS: Mr. Bauman, can you explain how you chose Yale over Stanford?

FB: Well, quite curiously our minds are traveling along the same railroad track. I was thinking about that very question in the last few days, and I think a factor unrelated to the quality of the education at either school was World War II, and there are several elements to that statement. Number one, after the war began I became very restless at Stanford. I was not truly happy. I thought I should be in the service, and I looked upon Stanford not necessarily as a chain around my neck, but an institution from which I should be excused. My social life, which was *De minimis non curat lex* as we say in the law. [The law doesn't take notice of trifles.] Nevertheless, it even became less after the war years began. I left Stanford relieved, happy to be no longer in Palo Alto. Yes, I had good friends there and they've stayed with me all my life. I'm proud to say

that I'm Co-Chair of the Class of 1943 Campaign Participation Committee at the reunion in 2008! But this was clearly a factor.

Then the second factor was this: the war years had me traveling about the country. I had spent time on the East Coast, in New York at a Naval Intelligence School. In the final phases of the war I was in Washington D.C. for a number of weeks, which incidentally gave me a chance to visit Yale Law School, and to look over the school and also to visit Harvard and its Langdell Hall. The Yale quadrangle, the Sterling Quadrangle, was relatively new. Your dormitory rooms were attached to the building itself where the classrooms were located, there was a lovely auditorium, there were dining facilities, there were areas within the Quad where you could sit down on the relatively few decent days you had. It was a lovely, inviting atmosphere, whereas Langdell Hall at Harvard was a very historic building, but nevertheless a bit decrepit, and then in terms of housing that would be some distance away. It could be awkward. Above all else then was this curriculum feature, which I learned at that time. At Harvard there was the expression which still continues: "look to the left of you, look to the right of you. Once you are admitted, one of those individuals will not be present next year." In other words, the attrition rate at Harvard was very high and Yale had the reputation around the country that once you were admitted, if you were admitted, the school would do its utmost to keep you in the school.

Having come out of the Depression era, I did not want to be excused from any school, whether it be Harvard or any other school. This aspect was very inviting on the Yale scene. I want to be very honest with you on this point. These factors all compelled me to seek out Yale. Truly Harvard was unrelated to Stanford, but these other factors did influence me. And I think it was a constructive decision.

KS: Did Yale offer any classes in international law?

FB: Indeed it did. I was thinking about that very question this morning on the way down to the Carriage House, Counsel. The leading international law teacher at Yale at that time was Professor Myres S. McDougal originally from Mississippi, a Rhodes Scholar in 1927 and one of the preeminent international lawyers not merely of the United States, but I daresay the world. A very, very fine gentleman, known far and wide. I came to know Professor McDougal in the

property class that I took at Yale. Have I already mentioned the adjective "vocational?" I've already mentioned the influence of the Depression upon me. At Yale, I wanted to obtain a practical education in the law to be able to practice on the West Coast once I graduated and to be equipped with the courses that I should be taking to engage in this practice. International law at that time was not a course that I felt I should consider, despite what had happened to me during the war, particularly the Hiroshima experience. I did not take any courses from Professor McDougal or from teachers of lesser rank in International Law.

KS: You mentioned to me once that you studied oil and gas law.

FB: That is true. And here's the story about that. I have to give you a little background, if you'll permit me. During my years at Stanford, I was impressed with the lifestyle of Californians, particularly in the Bay area. I was impressed with the climate. I was impressed with the friends that I made. I was impressed with the reception that I received by them, their kindnesses, their camaraderie, and as the months passed I came to the conclusion that once the war was over, once I had completed law school I would settle in California, rather than Oregon.

As a result, the courses that I took at Yale had as an integral part or element of California law, related to my goal to practice in California and particularly in the San Francisco Bay area. I brought here this morning two or three examples, if I may. [brief pause in tape]

Let's begin again if I may, Counsel. I have two or three examples in front of me. These are articles that I wrote during the law school years. I am looking at a thirty or forty page article that I wrote. It's entitled, "The Outline of a Civil Action in the Courts of California **[Exhibit 0048A]**." And this was for Professor J.W. Moore, who was our Legal Procedure professor. Incidentally, Professor Moore is an Oregonian originally born in Condon and raised in Montana, becoming in later years the leading authority in this nation on federal procedure. I call to your attention Moore's Federal Practice… You're nodding your head as if you know the—

KS: I have used it myself many times over the years.

FB: Have you?

KS: Oh yes! It's still used widely.

FB: Well, a remarkable man, Mr. J.W. Moore.

KS: So he was your professor in 1947?

FB: Right, yes indeed. And this tells you something of bringing a case—it happens to be a personal injury case in San Mateo County next to Stanford, with trial by jury and the pleadings necessary to file such an action, and it's properly footnoted I trust, with some 112 footnotes.

Next I'm looking at an article I wrote on *A Survey of California Mortgage Law* **[Exhibit 0048B]** for Dean Wesley Alba Sturges. Professor Sturges, or Dean Sturges, taught a course in mortgages, a very practical course, which I took. And here again, the emphasis of the article is, of course, California, and California's mortgages related to deeds of trust, the rights of the mortgagor when he fails to perform under California law. And Dean Sturges was one of the leaders of the school—maybe a little more about him later. But I notice my compatriot with whom I worked to prepare this article for Mr. Sturges was George M. Treister**.** Mr. Treister was the number one man in my class, and practiced law, became a bankruptcy expert in Los Angeles. But here again is an Oregon tie—George Treister is retired and now lives in Ashland, Oregon and loves it.

KS: So, that was 1949, I see.

FB: Right, right. Two examples.

KS: I find it ironic that you had gone to undergraduate school in California, chose Yale which is about as far away as you can get, but aspired to return to California.

FB: Right, and all this despite my experience during the war years! This links up to the question that you might want to ask: why didn't you then go and stay in California once you finished law school? Were you going to ask that question?

KS: I was going to ask that, because from what I know of your life you never ultimately moved there.

FB: That is correct. That is absolutely correct, although I've made many trips to California for one reason or another.

KS: Let's hear the story of why you ultimately never returned to live in California after Stanford days.

FB: Yes. Well, after Stanford and after the war years and after law school at least, I followed up with the California theory and established myself in San Francisco living with a lawyer and his wife, who very kindly took me in, Jesse Feldman, not too far from the University of California Medical School.

KS: What year was this?

FB: This would be in the summer of 1949. I graduated in June of '49. I began a bar review course which was fundamental. California and New York had the reputation of having the two most difficult bar exams in the nation. I studied under a man by the name of Witkin, who had written a treatise on California law, especially aimed to assist those seeking to be admitted to the California bar. This continued for a number of weeks. In the meantime, I was in touch by phone and otherwise, with my good mother. My father had passed away a year earlier, and left Mother with this new apartment building to operate in Seaside, Oregon at Ninth and the Prom.

KS: Is that the Whitecaps?

FB: That is the Whitecaps. The very Whitecaps property that is now being revitalized by a $14 million condominium. But so much for that. That's another story. But Mother never voiced one word that I should come home or that she was overburdened with her responsibilities. But from the discussions with her, I sensed that this was the case, and I felt uncomfortable in California at this particular time. Maybe, given the demands of law school, I had not considered this question. But certainly I considered it then. I was an only child. My parents had treated me with the utmost kindness over the years. It had been a mutual exchange. I supported them to the extent that I could. But we won't go into that. I was uncomfortable and I felt, possibly, that I should at least look in on my mother's situation and see what I could do to assist her.

So, probably around the 15th of August or so I returned home and adjourned down to Seaside, assisted her in cleaning apartments and doing all that's required to keep them in order to help provide for the summer trade; and became immersed in what I was doing. I felt clearly that I should stay and assist my mother, and I did. At the same time, I thought in terms of becoming involved in the law and started meeting with lawyers and law firms in Portland to learn about my prospects there.

Does that answer your question?

KS: Yes. So, did you ever sit for the California bar?

FB: I never sat for the California bar, but ultimately did for Oregon, yes.

KS: And what year did you become admitted in Oregon?

FB: I was admitted to Oregon in 1950 and my certificate of admission is dated—I looked at it the last few days—it's dated September 20, 1950, signed by the clerk of the Supreme Court, who told this little joke at the time we were admitted, about the boy at the turn of the century who had passed the bar, had a law office, had a law library and then the proud mother who was telling the story said, "Now, all we have to do is get him up in the morning." [KS laughs]

KS: Do you know how many other people were admitted when you were, roughly?

FB: I would say approximately a hundred, 110, 120. But curiously there were, considering Yale is a small law school, considering my class was somewhere between ninety-five and a hundred, there were eight applicants from Yale that took the bar when I did. This raises an issue, because of that eight, only four passed the bar examination and I was one of those four; which, when compared, say with the University of Oregon or Willamette, is not exactly a result of which to be proud.

KS: Do you remember if there were any women that sat for the bar with you?

FB: Well, this is the first time that…

[End of Tape 7, Side 1]

FRANK A. BAUMAN
April 13, 2006
Tape 7, Side 2
Portland, Oregon

Meeting my Dear Wife Mildred

KS: Today is the 13th of April, 2006. This is Karen Saul speaking. I'm here in the Carriage House with Frank A. Bauman and we're continuing his oral history. I was about to say I know from looking through the bar directory in connection with the U.S. District Court Historical Society's oral history project, which is why we're together, that there were very few women with bar numbers in 1950. I couldn't tell you how many, but I was just curious if you could even remember if any of them sat for the bar at the same time.

Did they, in fact, have two different bar exams in those days like they do now?

FB: I don't believe so. I can't definitively answer that question. If they did, I'm in error. But, returning to your question I can answer it in a sense this way, although again, it is not perhaps a totally complete statement, a totally responsive statement. In my recollection, studying for the bar at the public library here in Portland, there was not one example of a woman, or a lady I should say, studying there. I can't recall in those days in Salem any ladies taking the bar. I stayed in a motel on the south side of town. There were a number of candidates stopping there. I can't recall any ladies being there.

KS: Speaking of ladies, if I understand your life history, you got married at about this time, didn't you?

FB: Indeed I did. I met a lovely lady, again tied in with Yale Law School, at the law school. I was invited my second year by the Dean of Freshmen, Dean Buck, to become a freshman counselor, which meant moving out of the Sterling law buildings and moving to facilities for freshmen. These facilities were not in one of the traditional buildings of the school but were in so-called Quonset huts, Sachem Wood Quonset huts out on Whitney Avenue. My roommate for the first year-and-a-half, a splendid individual, was Keith Shay, who was from Highland Park,

Illinois, north of Chicago—quite a swimmer, quite a diver in his own right, and again, like Ken Brody whom I mentioned earlier, and myself, had served in the Navy in World War II; his ship being the *Pritchard*, a destroyer. We became very, very close friends and we still are. Keith is one of the leading senior windsurfers of this nation. Right at this very moment, he is windsurfing in a Dutch island in the West Indies, called Bonaire.

KS: Isn't he about eighty-five?

FB: He's about my age. I think he's eighty-four, let's give him credit. He's not eighty-five yet. He's got a few months to go. He'll be eighty-five next December, but he's very fit and he lives next door to Highland Park in Winnetka and I see him and his wife quite frequently. But, Keith and his wife, while I was in law school, in December, 1948, introduced me to my wife of forty-seven years, Mildred Inez Packer, a lovely lady. And this was a period when I was in Chicago, again related to my father's passing—my mother was going to have a rather sad Christmas on the Oregon Coast without her husband and so we arranged for her to come back to Chicago and visit relatives. I couldn't afford to come to Oregon, but I could meet her in Chicago, again staying with relatives. And Keith and Marilyn, as I've indicated, arranged for me to meet Mildred, and that was the beginning of a friendship that later became a marriage in September of 1950, not too long after I took the bar.

KS: Where was Mildred born?

FB: Mildred was a New Englander. Her parents were both born in Boston, old New Englanders. She was born in Rochester, New York, where a good many New Englanders moved in the early part of the nineteenth century, but her family came much later. Her father had been in the shoe manufacturing business. She was raised in Rochester, although she had lived in a number of parts of the country. Her father and mother, unfortunately, were divorced. The mother remarried again, a man by the name of Pettigrew. The father's name was Packer, and he was quite a remarkable gentleman. I'll tell you a piece of humor about Mr. Pettigrew. At that time of the marriage, Mildred and the family were living on Long Island and the father's business was

being moved to the West Coast and they were going to relocate in Beverley Hills. Mildred had a sister and the sister was very happy in this community, Garden City. It is not too far from where Charles Augustus Lindbergh took off in May of 1927 for his heroic non-stop flight to Paris. We stayed at the Garden City Hotel, but that's another story. The point is, Mr. Pettigrew came home one night and announced that the family was moving to Beverly Hills, California and Mildred's younger sister, Jean, broke into tears—very upset, very upset.

And the father responds, "You know, Jean, when you go to California you can possibly play with Shirley Temple." And Jean's attitude changed immediately. Shirley was a national figure at that time. They were both about the same age.

On the way up the stairs about two hours later—Jean had gone to bed earlier, Mildred overheard the mother, Doris, say to Mr. Pettigrew, "Todd, why do you tell little Jean things like that? You know she'll never meet Shirley Temple. Now, this is just not right." And they went into the bedroom and closed the door. Mildred tended to agree.

Mr. Pettigrew went out to California a little ahead of them to establish himself and Jean and Mildred and the mother drove to California. The last night the three were in Palm Springs at the old Desert Inn. It was the dead season. It was just before Christmas, and they adjourned from their cottage down to the dining room. There was no one in the dining room, except Mr. and Mrs. George Temple and little Shirley! [KS laughs]

Mr. Pettigrew was a rather alert gentleman. He passed a note to the senior Temples and about fifteen minutes later, Shirley dances by the table and says, "Hi Jean, we're going to play together tomorrow." End of story.

The Start Up Years, 1949-1951

KS: That's an amazing story. Now I know that this may or may not be the right time to sort of trace this train, but I think you told me that ultimately your oil and gas law training became important as you helped your family with some properties that Mr. Pettigrew acquired over the years. Am I remembering correctly?

FB: You're remembering very correctly, young lady.

KS: Is this a good time to talk about that a bit, or?

FB: Well, we can. We'll link it up to my studies at Yale first. I told you that I was interested in a foundational training so to be in a position to practice law and to practice law effectively and to be trained in courses that would be fundamental to a lawyer at that time, thinking in terms of California, and certainly Contracts is a fundamental course. Certainly Torts or Wrongs is a fundamental course. Certainly Procedure is a fundamental course. All of those courses I took, and many others—Constitutional Law, Legal Accounting, Bills and Notes or Negotiable Instruments, Mortgages, which I've already mentioned, and so forth.

When you analyze law, the English Common Law and you look back to William Blackstone and his seventeenth century commentaries, and Blackstone was the first gentleman in this world to move lawyers to think in terms of studying in schools, rather than as apprentices in a law firm. If you look at his commentaries, there are basically three elements to those commentaries. They're related to the nature of the service that the lawyer performs. The first element is related to persons, personal. The second element is related to things, objects, or property, *res* is the Latin word. And the third element in these commentaries is related to procedures in acquiring justice. Now we won't go into the division between law and equity at this time, which is important in its own right. But those are the bases of his commentaries and in a sense, the courses that I took at Yale Law School would parallel that ancient historical outline of Mr. Blackstone. That's probably exaggerated to a degree, but nevertheless I thought in terms of fundamental courses. I, perhaps, knew then but I certainly discovered while I was at Yale or had in mind at Yale, that California was an important producer of oil and gas. The three most important states of the lower forty-eight at that time—Alaska was something in the future in the '60s—were of course Texas, Oklahoma, and California. Fortunately at Yale, a course in oil and gas law was being taught. It seemed to me to be eminently prudent to take that course. If memory serves, there were probably only fifteen students in that class. But I took it and it was my introduction to oil and gas law and served as a foundation, unexpectedly, in later years, particularly after my introduction to Mr. Pettigrew.

Let me tell you this if I may, in sort of outlining my career as a lawyer, and put this on the table. The first twenty years of my career were largely unrelated to oil and gas. I became a trial practitioner and, for better or worse, cases that seemed to consume me in terms of time were never ending, either in preparation or in execution before a jury. The longest case in this group lasted ten weeks, ten weeks of trial. I was exhausted after it was over.

KS: What was the name of the case as you recall?

FB: That case was Lithia Lumber Company of Ashland, Oregon, versus R. Drew Lamb, a Mississippi lumberman who had moved to Oregon and his Magnolia Corporations. Magnolia is the state flower of Mississippi.

And let me be honest and open with you. All lawyers like to win cases, and we won that case. Yes, we were fortunate enough to win that case and by the standards of the day won a large sum. Nevertheless, the opposing counsel, the opposing law firm, appealed.

KS: Who was on the other side? Do you remember?

FB: Originally Bruce Spaulding of the old Mautz office; now Schwabe Williamson and Wyatt. He was assisted by one or two others. I'm just trying to think of their names. And they became important features in the case, but it was appealed and then there was local counsel on behalf of the defendants, Medford counsel; just as I was associated with Medford counsel, Stanley Jones. But in that case, our opponents filed 255 exceptions to the courts rulings, which is quite a number.

KS: Was this the largest verdict that had been returned at that point, or one of the largest?

FB: Yes, it was one of the largest. Several years earlier in Medford I was fortunate enough to get a verdict in federal court again related to Mr. Lamb in William Ritchie and his Magnolia Corporations, which at the time I was told was the largest verdict that had been entered in

Medford. This was clear back in 1957 and I had only been practicing for five or six years. It is a low figure by today's standards!

KS: That was the year I was born.

FB: Really, really!

KS: So, you represented the plaintiff?

FB: The plaintiff, yes.

KS: Both times?

FB: Both times. But, let's see, now where were we? Incidentally, the name of one of those attorneys I was trying to think of—first on the Schwabe or Mautz office side was Franzke, Al Franzke. He's no longer living, I believe. But he did a very good job, a very fine attorney. Besides Franzke, helping out mightily, was Hugh B. Collins, a highly respected attorney in Medford.

KS: If you would, continue telling how you ended up handling oil and gas matters because of Mr. Pettigrew. You were telling me that your career was divided into several parts.

FB: Right. The first twenty years was to a considerable extent trial-oriented. We've just been discussing two of those examples in Medford, one in federal court and the other in state court. The federal case was the earlier case in 1957. The later case in state court was in 1964.

KS: I think you told me that those cases seemed to just consume a lot of your time.

FB: Oh, goodness gracious! Hours and hours and hours. The second case consumed something like seven years of time; not every minute. I had other examples, but it was a monumental effort. We were exhausted after it was over.

KS: Was it reversed on appeal?

FB: It was reversed on appeal. I told you there were 255 errors allegedly in the case, raised in briefs by the defendants, which had to be answered. The Supreme Court in its wisdom reversed the case on the 256th, which was never argued in the briefs and never argued before the court orally.

KS: So, did you work on a contingent fee basis on that case?

FB: Both cases were on a contingent fee basis, yes.

KS: So, after seven years of working on the case, when it was reversed did you end up not being paid?

FB: Yes, that's a correct answer. I don't think we need to go into that, but that's—

KS: One of the interesting aspects of practicing law is how much you can invest in a case and then, ultimately, if you're working on a contingent fee basis, you know, not end up being paid.

FB: It means at the time you've got to be doing other things that are not on a contingent fee basis. Isn't that correct?

KS: [laughing] It certainly does!

Introduction to Oil and Gas Law at Yale

FB: Let's go back to Mr. Pettigrew and oil and gas. And you lead the way, Counsel.

KS: Tell me about Mr. Pettigrew's business interests. As I recall your telling me earlier, he acquired some property in one of these states, Oklahoma or Texas, that looked like it was probably not going to be a productive piece of land, but turned out otherwise. And I think you said that you handled some extensive legal business trying to clear the title to that property.

FB: That is correct. That was in the State of New Mexico, and Mr. Pettigrew discovered this property—gas and oil related, but principally gas producing in the northern part of New Mexico in Rio Arriba County, covering quite a number of square miles. He developed this property. Unfortunately, he died in 1951 which is a long time ago. The property then was managed by operators in Colorado and it brought in no income for many, many years. And Mildred's mother considered selling that property for a very nominal sum because it was just not bringing in any money. And at that time I was practicing law in Portland. I mentioned the Lithia case being tried in 1964, but this was an introduction to the future for me, because I had spent very little time on oil and gas matters up till then. But in 1963, I was visiting with Mildred and my two children, three children at that time, with Mildred's mother in Southern California at La Jolla, and she told me about this opportunity to sell this property for a very modest sum. And being a conservative New Englander, who was more interested in four or five or six percent interest in the bank than the potential riches or non-riches of oil and gas ventures.

KS: Speculative.

FB: It was unduly speculative. Well said. And my dear mother had just passed away at that time and I was restless. I was not enjoying the stay down there and she came to me with this possibility, and my quick response to her, to Doris, was, "Well, goodness gracious, one is not offered money of some substance for anything unless—there must be something there that we don't know about. That would be my reaction." I said, "Let me on my own time and expense, investigate this, go back to Santa Fe, talk to the oil and gas authorities, visit the property itself," which was in the northwest Four Corners area of New Mexico, "and also let me talk to the

operator in Denver, Colorado." This I did and it was probably ten days to two weeks during my vacation period away from Portland and the practice, that I made this study.

KS: And this was '64?

FB: No, '63, it would be about August of 1963.

KS: So, you had practiced about—

FB: Thirteen years, right, right. And I used my experience at Yale Law School as a foundation; the oil and gas course. I remember talking to a chap, the geologist on the property, a man by the name of Birdseye, son of Henry Birdseye, the inventor of frozen foods in the United States in the early '20s, talking to him about the property and he said, "This is going to be very valuable property in the future, once these debts are out of the way; which, the creditors must be paid first, the original investors, before anyone can participate in the property, and this process was going on slowly now. But down the line at years ahead, your mother-in-law and others who have an interest in this property will be rewarded."

So, I found this confirmed by the operator in Denver and I found this confirmed in terms of the oil and gas authorities I spoke to in Santa Fe. So, I wrote Mrs. Burns [Mildred's mother], who then was married to a dentist in California by the name of Robert Burns. Incidentally, Dr. Burns and I had both been on Peleliu together, but I didn't know him then. But I wrote her a six-page letter. I still have that letter, imploring upon her not to sell the property, and she abided by my recommendation and did not sell that property. And it remained in their hands and then subsequently she made assignments of the property, but in the meantime, beginning in 1969 and '70 I thought to change my career 180 degrees, and at least for a while no longer be in the practice of law and to see if I could find a position in the United Nations structure. And that's another story. It worked out after a period of two years, and I became the representative of the United Nations in Australasia responsible for four countries.

Needless to say, during this time period I thought very little of oil and gas, although occasionally my mother-in-law was in touch with me about questions related to oil and gas. But

by the time I had been in the United Nations program for about five years I was aware that the oil and gas property that Mrs. Burns owned needed legal assistance. There was no one looking after her, and this was a factor in my leaving the United Nations service at that time. I then became involved, after returning to Oregon, in major litigation which I initiated in New Mexico, joined by a local New Mexico counsel, which I was fortunate enough to find, that lasted something like ten or twelve years to establish our interest, and we sued dozens of entities, including some members of the Ford family in Detroit.

KS: Well, let me take you back in time to when you first started practicing. Talk about that first section of your career a little more. You once told me that your first job was at Maguire Shields, is that right?

FB: Maguire Shields Morrison and Bailey, yes, you're correct.

KS: And who was it that was your mentor in the trial practice there?

FB: The basic mentor was William Morrison, one of the leading trial attorneys in the State of Oregon, and he taught me this fundamental lesson in the practice. But first of all, are we not straying a bit? Should we not spend a bit more time on the Yale Law School experience before we join the practice? You're in charge here, but how do you respond to that query on my part?

More about Yale, Past and Present

KS: I would like to do that before we continue on so that we sort of settle up that early part of your life there. I see you brought a book along.

FB: Yes, it's a recent book, it's a history of the Yale Law School, edited by Anthony Kronman, immediate past dean of the school. Harold Koh is now the dean of the school, and it was published in 2004, and it's a series of essays on the law school over the years. This history is *fascinating*, at least to me as a lawyer, and I suspect to others, too, that are not lawyers, because

it links up to the very first law school in the nation, which was in Litchfield, Connecticut. Litchfield is a lovely, lovely town. At one time it was the fourth largest city in Connecticut, but it's a town with choice colonial homes. And there was established the first proprietary law school by Tappen Reeves, in the early part of the nineteenth century. This was ahead of Harvard Law School. It was ahead of any law school.

KS: Is it near where New Haven is?

FB: And it's some distance from New Haven, at least by Connecticut's standards; not by our standards in Oregon. But I would say it's forty miles or fifty miles from New Haven, west of New Haven over towards the State of New York in the so-called mountainous region of Connecticut, which is not a mountainous region as we know it. But, the founder of the school was Tappen Reeves and he taught something like a thousand would-be lawyers over the years. The heritage of that school moved to New Haven about 1825/1830, and a school was begun at…

[End of Tape 7, Side 2]

FRANK A. BAUMAN
April 24, 2006
Tape 8, Side 1
Portland, Oregon

More about Yale, Past and Present, cont.

KS: Okay, we're beginning a new tape. It is April 24, 2006. This is Karen Saul with Frank A. Bauman. We're continuing with Mr. Bauman's oral history here in the Carriage House.

You were telling me some more about the beginnings of Yale Law School.

FB: Thank you, Karen. I'll continue if I may. About 1820/1825, linked up with a practicing law firm in New Haven, which included a man by the name of Daggett, as well as two others, a school of sorts, a rudimentary school, a proprietary school was started. This expanded to include Yale College, in a rather awkward way; not subject to any grand design. And the school faltered. There were two times in its early history when Yale, the University, or the College, considered withdrawing from the school, the school closing. But fortunately, this did not happen. This would be a few years after the beginning of Harvard Law School, and it's surprising, around the country at that time schools were started at what would later become well-known colleges and universities and then failed. They failed because, as you well said early, the apprentice system dominated. It's how Abraham Lincoln studied law. It was not at any formal school. This was not to come in numbers until the latter part of the nineteenth century and the twentieth century. But this is where Yale began, with a tie to the Litchfield School. It was not until many, many years later that Yale Law School became a special force in the world of law in this country, and perhaps we'll go into that later, perhaps not. But maybe we should.

KS: Well, I know that you've continued to be very involved with the school. I think you once invited me to one of the alumni lunches here in Portland. I think you told me that you had been invited to serve, last time we spoke, in fact, invited to serve as coordinator of one of your class reunions.

FB: Chairman of it.

KS: Chairman, yes. So, clearly, to my observation at least it has remained a very important part of your life.

FB: It has, it has. Just as Stanford has remained an important interest of my life. The only school that I have failed and perhaps this somehow or other can be overcome in the time that remains, and that is my experience in University College, London, studying international law. [break in tape]

Thank you, Counsel, for returning to Yale for a bit longer, and the Law School in particular. There were two elements to it. The law school studies, which of course included the meeting of young men and four young ladies from all over the nation, from all over the nation. And this in and of itself was very rich. I have always been a person that has looked out beyond the immediate locale where I resided, in my efforts to learn more about other parts of the country, other parts of the world. My reading habits, my habits of pleasure, my habits of work have all been in that direction.

And I suspect I've been influenced by the fact that we live in a very blessed country, and it's a country of immigrants. It's the only country, with perhaps the exception of Canada and Australia, that has sizeable numbers of individuals that come from everywhere, come from every continent. I think this entails a responsibility on our part. We're the beneficiaries of those immigrants. We're the beneficiaries of those influences, and in turn, perhaps we've had something to give to other parts of the world. This philosophy has governed my conduct for many years, and of course influenced particularly by the war years.

But I enjoyed my ties at Yale. I made friendships that still continue. Unfortunately, our class is smaller in size with the passage of time. But I have a number of dear friends around the country. I have mentioned Keith Shay in particular, and this means much to me. Then from the point of view of the educational process, although my studies were primarily vocational there was an element at Yale Law School that generated itself particularly in the era beginning with Hutchins, who for a short time was Dean of the Yale Law School before going on to be President of the University of Chicago. And Hutchins caused the law school to focus more on being an institution that dealt with the concept of legal realism; that related to the role of the

law, not merely as a decision-maker, but as a participant in the social, economic, and political structure of a society, and it gathered as teachers those of a similar bent. And this feature of the Law School, which I didn't appreciate during my years before attending Yale, reached an apex during the Roosevelt New Deal. And you had at the Law School, well, for example you had William [O.] Douglas, later a Justice of the Supreme Court, a man raised in our part of the world, as a professor. You had even non-lawyers as professors at the law school—Walton Hamilton, an economist. Somehow or other I think he was admitted to the bar in Pennsylvania; how I don't know. But to my knowledge he had not studied law. Then you had Wesley Sturges, who later became the dean of the law school during my years.

True, during the war years, the period from 1941-45, in our involvement with the school, it lost ground as there were no students to attend the school. Our young men were in the service and the school at that time had a number of women, but there were less than a hundred students in the whole school. The military took over part of the school in World War II.

KS: So, was it a three-year school, as it is now?

FB: It was a three-year school, but with very few students.

KS: Maybe thirty or so per class.

FB: Less than a hundred in the whole school.

KS: Right. I was going to ask, in your class were a great majority of the students returned veterans?

FB: Yes, yes as you might suspect a great majority of the students were returned veterans, and this lent a maturity to the class and an experience factor in the real world that permeated the discussions and the questions by the teachers. True, we largely used the Langdellian or Harvard system of case law, no question about that. But those discussions emanating from those cases,

from those decisions, enjoyed an element of experience that had these men, primarily men, not had that service experience, would not have permitted.

KS: What are some of your other memories of Yale? We can talk about London here in a little bit, but when you were at Yale, did you sort of anticipate that you would study international law formally or did that come after you had graduated?

FB: Well, I am at times, I suppose, a single-purpose or single-tracked individual. I, at Yale, had told myself, "You must concentrate on the study of law as you understand it to be practiced in the United States, and what those requirements are to successfully practice law in the United States." Therefore, I gave very little thought at that time to international law. Perhaps a different person, perhaps other than myself, with my background would; but I want to be honest with you—I did not.

KS: Well, you had mentioned earlier that you hadn't taken the courses there, but—

FB: Right.

KS: But you ultimately went to London in what, '51/'52.

FB: Fifty-one/'52, I finished law school in the summer of '49. There was a short experience in California attending the Witkin course, and the return to Oregon. And then I became involved with Maguire Shields and Morrison as an associate. [laughing] Associate may be too grand a term—as a clerk, because I wasn't admitted to the bar, although I wrote a good many memoranda at the time. Then subsequently I was with the firm known as Wilbur Beckett Oppenheimer Mautz and Souther, which is now the firm of Schwabe Williamson and Wyatt.

KS: Is this a good time, then, to talk a little more about your early years of practice or do you have some more thoughts on Yale that you would like to share?

FB: I would say this. This is an aspect of Yale that is changing. I want to be objective here, I want to be fair, I want to be fair to Yale, but I want to be fair to others, and that is this. There was a certain stuffiness at Yale at that time, which was melting perhaps because of the war experiences, the war years. But this was evident in some of the students. I remember a chap by the name Gervin Peck that roomed next to me, and next to him was Hugo Black, the son of the Justice—a fine man; very open, very warm, very friendly, and very able. But Peck was a true Ivy League type. The first year he never spoke to me. The second year he would say "hello." The third year we even played squash together. But life is too short to take *three* years to establish a relationship. I, not being a member of the fraternity, which was his background, being a Westerner, and he being an Easterner. That doesn't make sense.

KS: It does seem as if there was a pretty big cultural divide.

FB: There was a cultural divide. And we tried to overcome this as counselors, both Keith Shay and I. I'll give you one example of that.

KS: Were you a counselor for the undergraduates?

FB: For freshmen, for freshmen undergraduates. It had nothing to do with the Law School.

KS: So, given the fact that you had gone through Stanford, had been in the war, and had been at Yale, you were what? Eight or ten years older than these people that you were counseling?

FB: These would be youngsters eighteen years of age, maybe nineteen at the most, maybe some seventeen. And—

KS: And how old were you at this time, so we don't have to do the math?

FB: Well I was twenty-five when I entered law school and I was twenty-eight or so when I graduated, so a senior from their point of view.

But I'll give you one example: this was a lad from Sacramento high school in Sacramento. He came to Keith and me one day and was crying. He says, "I'm leaving Yale this weekend."

And we said, "Why is that?"

He says, "I live on a corridor," he said, "where all of my classmates are prep school types and they never speak to me. I have no friends." We did our best to overcome that situation, and he stayed, to my knowledge. But that's not right. That's not right.

KS: Did that change as you spent time back there?

FB: I think it's changed. From my experiences going back to reunions, and I haven't told you this, Counsel, that in 1962 I was elected to the National Governing Committee of the Yale Law School Association. And I ran against the general counsel of Chrysler Motors and there was a ballot all over the nation and my credentials were set out and his credentials were set out.

KS: Was he also a Yale grad then?

FB: And he was a Yale graduate and I was fortunate enough to beat him. [KS chuckles] So twice a year I would be called back to meet with this Executive Committee of the Yale Law School Association. This gave me firsthand contact with the school for many years. This began in 1962 and continued to my time going overseas with the United Nations. I can see a gradual change taking place, and in the years most recently I think the school is an entirely different institution. I think this applies to the Law School and I think this applies to the undergraduate school. Times are changing and those attitudes no longer exist.

Let me give you an example of the cost of that attitude. When I was a younger man, when I was a boy, the publisher of the *Chicago Tribune* was a man by the name of Colonel McCormick. He'd had a fine record in the First War. Before that he had attended Yale as an undergraduate. He had no friends at Yale. He came away very much prejudiced against Yale.

KS: Had he been raised in Chicago?

FB: He had been raised in Chicago. He was a Middle-Westerner. He looked upon Yale as a copy of the British university tradition, and it was something to avoid in this good country, and as a result his newspaper for many years was very anti-English, and certainly was leading up to our participation in the Second War. It was not only anti-English. It was during the period of Yale's faculty ties with the Roosevelt New Deal; for example, we mentioned William O. Douglas. Douglas eventually became Chairman of the Securities and Exchange Commission, and was eventually appointed to the Supreme Court by Franklin Roosevelt. But he [McCormick] became very anti-Yale Law School let alone anti-New Deal. He used very strong language in his newspapers. Whether it was all based on fact is another question. But this cultural experience that he had *not* enjoyed at Yale had left an impact upon him that remained with him all of his life. And he was in a position as a publisher of a great newspaper—incidentally, the *Chicago Tribune* now owns the *Los Angeles Times*.

Let me turn now to my last period at Yale, the last year, the last few weeks. I was running out of money, even though I received a few dollars from my counseling at the school, which I appreciated. And then I had my GI Bill, but I was still running out of money. By the time I graduated I couldn't afford to stay for graduation. [chuckling] I was literally broke. So I had to come West, and I stopped on the way to stay with an aunt and uncle in Chicago for a week, and saw my would-be wife, who was merely a friend at that time. And then I continued to my mother's place at Seaside, and I asked that my diploma be mailed to me. I didn't participate in the graduation. Finally it came to Seaside. I opened it up—in the presence of my mother. Of course, I was pleased to receive it. But Mother was a very practical lady. She looked it over and her Chicago inheritance and background, I suppose, influenced her—and her own experiences in this world, and she said, "Son," she said, "congratulations. But don't let receiving this diploma go to your head." She said, "I remember your grandfather's benefactor, William Penn Nixon, publisher of the *Chicago Interocean*. He had a son that graduated from Yale in 1900 and he was, even after graduation, considered to be the biggest ninny in Chicago and nobody would hire him." End of story. [KS laughs]

KS: Well, let's wrap up for today then. It is about 11:30 on April 24th 2006, and you've kindly invited me to an event for the World Affairs Council, and on one of our coming sessions you will have to tell us how you became involved with the World Affairs Council. We'll take that up another day and I'll turn the recorder off.

[End of Session, Tape 8, Side 1, April 24, 2006]

FRANK A. BAUMAN
June 2, 2006
Tape 8, Side 1
Portland, Oregon

First Years as a Lawyer

Return to Oregon 1949

KS: This is Karen Saul speaking with Frank A. Bauman. It is Friday, June 2nd. We're now in the Standard Plaza building, Mr. Bauman's new office, since the Carriage House is being moved temporarily. And we're here to continue with the oral history. I think we agreed that the place to pick up is right after your graduation from law school.

FB: All right. I finished law school in June of 1949, and at that time I was considering practicing in this majestic state to the south, California, rather than my home state, my state of birth, dear Oregon. I then proceeded to go to California and enrolled in a bar review course given by a Mr. Witkin. At the same time, my mother who had been widowed in 1948, was taking charge and administering a new piece of property that she and my father had developed at Seaside, Oregon, at 9th and the Prom. And this was a weight that she never protested, but was causing her anguish and concern. I was uncomfortable about her not having any help, I being an only son. And I felt, goodness gracious, perhaps I should return north to Oregon and give her a hand during the summer, particularly during the busy season. So, I discontinued my studies in the Witkin program in San Francisco, highly respected bar review teacher, and came back to Oregon.

I then, so to speak, pitched my tent down at Seaside, helping my mother for the summer. But when the summer was over I started making inquiries in Portland about becoming a clerk or associate or something with a Portland law firm, and I was welcomed by the firm of Maguire Shields Morrison and Bailey in the old Pittock Block, and joined that firm I would say about September 15, 1949. My assignment was under two lawyers, Judge Maguire, who had been a Nuremberg Trial judge after the war, a highly respected gentleman originally from Washington DC, and William Morrison, Mr. Morrison, probably one of the most respected trial attorneys in

the State of Oregon; sometimes irascible, but certainly an able attorney. I worked under these gentlemen writing memoranda of law on various points, in litigation in which they were each involved. But let me back up slightly.

In October of 1949 I received an invitation from the Department of State in Washington DC to go to Seoul, Korea—Counsel, I don't think I've ever mentioned this to you, but it came back to my mind the other day—to teach English to Koreans. Remember Korea had been for many years a mandate of the Japanese and Japanese language was compulsory in the country, so many of these people were fluent in Japanese, but not English. I reflected on this offer and decided not to take this opportunity, having no knowledge of what would commence in June of 1950, namely the invasion of South Korea by North Korea and the People's Republic of China. But I thought, goodness gracious, I must get on with the practice. I've been involved with the war, I've been involved with law school. I've had my basic education before law school. It's time I get started. I'm no longer a boy. I'm anxious to delve into the practice and be a lawyer of some standing in the community, so I turned down this offer from the State Department.

Now, let's go forward to December of 1949, and this will demonstrate the change in times. Judge Maguire asked me to assist him on a case in Coquille, Oregon, the county seat of Coos County in the Southwestern part of the state. The case would be before a very fine judge, Judge Dow M. King, long gone. But think of this, think of this Counsel. How did we get to Coos Bay and then to Coquille? We took the night train out of Union Station, had a sleeper car, slept on the train all night. It arrived on the docks of Coos Bay about 7:30 in the morning. Also on board was the attorney for the other side, and very well known in the city, at one time attorney for the *Oregonian*, the Honorable George Black. And helping him, sort of in the same position as myself, or assisting him presumably, was Albert R. Musick, later a judge of the Circuit Court in Washington County. I was up against him in later years, and had the privilege of trying a rather lengthy case that fortunately came out all right, a property case that a future U.S. District Judge Owen Panner sent to me when he was a practitioner in Bend, Oregon. But let's return to Coos Bay.

KS: What was that case about?

FB: The case was about, and here I am purposely vague, because my knowledge of the facts was limited to writing briefs on particular points. But, if memory serves, there was an element of logging practices and dealing with the lumber industry in Southwestern Oregon. I remember, frankly, the accoutrements surrounding the case, a lifestyle, more than the substance of what was tried by the court. I do know this, and I do remember this, and I was terribly in error. During the course of the trial I felt that Judge Maguire was in the lead and that Judge King ultimately would rule for us. Mr. Black…

[End of Tape 8, Side 1]

FRANK A. BAUMAN
June 2, 2006
Tape 8, Side 2
Portland, Oregon

Maquire Shields Morrison & Bailey

KS: This is Karen Saul, with Frank A. Bauman. We're talking on June 2, 2006 in the Standard Plaza office building of Mr. Bauman. And you were just about to say why you thought that Judge Maguire was going to win the trial.

FB: That's correct and the case took two or three weeks, maybe even a little longer than that. It was a sizeable period. But with the passage of each day I felt near victory. But that was not to be. Judge Dow King in his wisdom ruled for George Black and his client. And I was shocked by the decision at the time, but it served a constructive purpose in awakening me to the realities of the practice. But beyond that, more significant, I got to be engaged in a false patina of overconfidence and a false view of one's abilities, [realizing] that lawyers about the state, whether it was George Black or someone else might not give the appearance immediately of being highly able attorneys, but *beware*, because the state was filled with many attorneys that were first class and if the facts were on their side and the law backed those facts, they would possibly prevail. And we certainly didn't prevail there.

I mentioned the accoutrements around the case. We stayed out at Charleston, in a private house owned by this lumber company. It had a Chinese cook, had delicious meals and we drove each day the twenty miles to Coquille, on the first four-lane highway ever built in the State of Oregon; thanks to Mr. Chandler of Coos Bay.

KS: Was that 101?

FB: No, no, it would be off of 101, inland to Coquille, and he at that time was chairman of the Highway Commission and I suspect that was a factor. We would drive the twenty miles to Coquille and we appeared before Judge King, and then returned to our rather sumptuous quarters in the evening at Charleston. Then when the case was lost I was living at a level that would not

continue, but when the case was finished, how did we return to Portland? Judge Maguire rented an airplane and we flew back to Portland. I don't think he was the pilot. We had a pilot, but it was a small, single-engine plane. We flew up the coast and into Portland, and the winter of 1949/1950 was one of the coldest on record, and we came back probably in about the month of February sometime, 1950. The snow level at Portland International Airport, which was rather new at the time, having been completed during World War II after moving from Swan Island, had three or four feet of snow piled up along the runways. The temperature was well below freezing, whereas Coos Bay had been a banana belt, with 60/65 degree temperatures. Portland, thanks to the Columbia Gorge and the east winds, was well below freezing. I think that year a record low was set in Portland. I think it was two below zero one night.

KS: I've lived here almost fifty years and have never seen a snow like that! [chuckling]

FB: No. For two years running we had very, very cold winters. The following year, '51, was almost equally cold.

KS: How long did that trial last?

FB: Good question. I would say—remember it was February or so when we came back. I was saying two to three weeks. It could have been four to five weeks. It was a long case.

KS: And there was no jury?

FB: No jury, no, just Judge King decided fact and law. Let me say this—a principle that I learned in law school from another judge, Judge Jerome Frank, a federal judge on the Second Circuit Court of Appeals in New York, who also taught at Yale, a course called Fact-finding. The essence of that course was the following equation; that fact, which is the evidence in a case, times law, equals decision. And if the facts are awry—in other words if you do not get to the truth—either improperly advised by your client or an error on the part of counsel, if you don't have accurate facts, you're never going to have a decision that is based on justice. The facts are

so fundamental, so important. That was a thesis of Judge Frank, and that was in my mind in Coquille, and has been in my mind ever since in connection with the practice of law, especially trial practice.

Well, so much for my first visit to Coquille. I continued with that firm. I was a bit of a Young Turk in those days. The firm was paying me the handsome sum of $200 a month, and each month I was gradually going into debt maybe fifteen or twenty dollars, and I had no fallback for resources. And so I had to improve my income, and I spoke to the firm and I was informed that my salary would be raised one of these days, but it was never raised, never improved upon. So I started looking for another location.

Crossing the Bar

KS: So, had you been admitted to the Oregon Bar yet?

FB: No, no, because the Oregon Bar at that time was given in July, and in July, 1949 I was taking the Witkin course in California, and that summer had returned and spent the balance of the summer at Seaside. I did not take the bar until July of 1950.

KS: So you had about nine months to work as a law clerk before you could take the bar.

FB: Right, right. I took the bar review course here. Curiously, when I took that bar examination in Salem, I remember having breakfast at the Senator Hotel one morning, and sitting next to me was Owen Panner from Oklahoma, Judge Panner.

KS: Was he sitting for the bar at the same time?

FB: He was sitting for the bar the same year, and that's how I got to know Judge Panner. We were both taking the bar together.

KS: Well, as you know, he is very involved in the [U.S. District Court of Oregon] Historical Society, which is the organization that has asked me to take your oral history.

FB: Yes.

KS: That's kind of a nice circle.

FB: He's one of the hardest working attorneys and judges that I've ever known, and highly respected, very able, a skillful practitioner, and an outstanding judge. We're fortunate to have him in Oregon, rather than his remaining in Oklahoma. He's a graduate of the University of Oklahoma at Norman.

KS: So, you sat for the bar in Salem. Now when I took the bar in the early '80s, they were conducting it in Portland. Do you remember the building where they had the examination?

FB: You've heard of the Capitol, haven't you?

KS: Yes!

FB: We took it right in the Capitol, I think probably in the House of Representatives, the Lower House, yes.

KS: Was it more than one day then?

FB: It was two or three days, yes, yes. I can't remember whether it was two or three, and largely written essay questions. I think there were a few *yes and no* questions. It was largely essay questions. I stayed at a motel south of Salem and came in each morning to take the bar. That's why I was eating breakfast at the Senator Hotel.

KS: So, you were about to tell me where you moved after you did not get the promised raise.

Wilbur Beckett Oppenheimer Mautz & Souther

FB: Yes. I was fortunate enough to be retained by the firm then known as Wilbur Beckett Oppenheimer Mautz and Souther. And here again, Seaside, Oregon ties into it. We—my mother, father and I, mainly my mother and father, had built [the Whitecaps], and across the street was a well-known Portland citizen in the investment world by the name of June S. Jones. His son is still alive, I know him. I think he's June S. Jones, Jr. and Junior's son has been, I think, a professional football player, maybe with Atlanta. But that's neither here nor there. I got to know Mr. Jones that summer while I was working down at the apartments cleaning bedrooms and bathrooms and this and that.

KS: With your Yale law degree.

FB: With a Yale law degree [chuckling], right. And when he knew I was going to leave this firm, he said, "Well, let me introduce you to Cal Souther of the Wilbur Beckett Firm." And he did, and he must have said a kind word about me, because they expressed interest and I was retained by that firm. Cal was in charge of the business side of the practice and Robert Mautz, Robert T. Mautz, was responsible for the trial work, and since I was trial-related with Mr. Morrison and Judge Maguire at the earlier firm, I was assigned to Mr. Mautz, and here in the initial phases I prepared memoranda of law on various points. I do have those memorandums and I apologize to you for not bringing them today. But we can bring them in the future, or you could see them, but I have the memoranda I wrote for the Maguire Shields & Morrison & Bailey Firm, as well as the Mautz Firm. I thought they were in my office down here, but in the move I apparently overlooked them, but they're at home.

KS: Now, when you prepared those memoranda, did you write them in longhand, or did you type or did you have a secretary that took dictation? Do you remember how you prepared them?

FB: Yes, I probably wrote them out to a degree in longhand and then put them on a dictating machine, an old fashioned Dictaphone and dictated the memorandum in draft form and then one of the secretaries at the office would type it and give the draft to me, and in due course it would be put in final form. I'm reasonably proud of those memoranda. My writing skills had improved immeasurably in law school, and if I may say so, they read rather well. They're clear and concise and state their points, so the reader or the lawyer should have no trouble understanding my legal thesis.

The Early Years with my Young Wife

But then I continued. At the same time I was studying for the bar. I took a bar review course in the old Sherlock building down on Third Street. It still exists, and in July of 1950 I took the bar. In the meantime, as I noted before, I had met, while at law school, in December, 1948, a very lovely lady by the name of Mildred Packer, in Evanston, Illinois, through my law school roommate Keith Shay and his wife-to-be, Marilyn Shay. We began corresponding, and she visited me once or twice in Oregon in 1949 and '50, and we were married right after I took the bar. The bar was in July and we were married on September 9, 1950. So, it was a year of fulfillment. I was extremely well-treated by the Wilbur Beckett Oppenheimer Mautz Souther Firm. It was basically a very happy relationship, and I think a satisfactory relationship. The firm was small, only eight or ten lawyers at the time. We were on the twelfth floor of the Board of Trade building at Fourth and Oak. The building still exists. I was treated with the utmost grace and kindness, and so was Mildred.

However, there was an intervening or impeding influence that did not pass. I return to my World War II period and my overseas experience in Japan at the close of the war when I became associated with the United States Strategic Bombing Survey.

KS: So, something about that started calling to you again?

FB: Yes, yes, and I was reminded by the indelible principle that came to me at the time, that mankind, and states particularly, the nation state, must find ways and means to settle disputes

without the use of force; and that if we could settle disputes amongst ourselves on the domestic level, this must be carried to the international level. I reflected on this from time to time, not in the years so much while I was in law school. I was practically driven that I must get a law degree and I must place myself in a position where I can survive economically. But, in having established myself in a modest way with this firm, then my mind started turning back to Hiroshima and to that fundamental principle.

I discussed it with Mildred and we both agreed that if we were going to study international law, preferably in a foreign country, that we must do it before we had any children, and Mildred was rather enthusiastic. I think she was influenced by her father who had traveled widely and married rather late in life. For example at the outbreak of World War I, we know he was at the Fujiya Hotel in August of 1914, because the *Nippon Times*, which was an English language paper in Tokyo, and I think it still exists, on the front page was the story of the war breaking out in Europe and on the other side of the page was a list of people that were staying at the Fujiya Hotel on Mount Fuji, and his name was on the list. At that time it was the leading hotel in Japan.

KS: There probably weren't a lot of Americans that traveled to Japan.

FB: In those days, right. And the Fujiya still exists to my knowledge. It's a remarkable building, I suspect built after the beginning of the Meiji restoration, probably about 1875.

KS: What kind of education did your wife, Mildred, have? Was she interested in international studies or foreign languages, or?

FB: Mildred had an education that was very exceptional. She was a rather exceptional person in this respect.

[retrieves letter sent to him by Mr. Pettigrew (Mildred's stepfather) in May, 1950] This is a letter **[Exhibit 0049]** from Todd M. Pettigrew, Mr. Todd M. Pettigrew, to me, written in Washington DC, May 24, 1950, and the heading of the letter—Mr. Pettigrew was in the oil business and very successful, although he had his ups and downs: [reading] Oil Producers, First

National Bank Building, Dallas One, Texas. And now we'll turn to the contents of the letter. Mr. Pettigrew writes, at page two: "I feel that you might like to know some of what I know about Mildred," or Millie as he calls her: "I have lived with her for nearly fifteen years, watched her character form, seen her grow from an appealing little fat girl with a brilliant mind, to become a gorgeous woman in complete mastery of her appetite, her life plan, her temper, and with a justifiable calm competence in a destiny in line with the highest ideals of her Puritan ancestry. All the unbelievable blend of courage, venturesomeness, independence of thought, extreme fastidiousness in personal behavior and morale, feminine charm and allure mixed with an outstanding maternal instinct, which make her mother, a sweetheart, a wife, a mother and a child all blended into an angel from heaven, are present and perfect in Millie and I can assure you that in fifteen years you will testify as I do that if you had known what you possessed when you proposed how rich an endowment she brought to your joint lives, you might never have had the courage to ask her to marry you."

Let me add this, if I may, returning—when I went East in early September, 1950, and we were married on September 9th, I believe it was a Saturday, at the chapel at Northwestern University, and she was a graduate in what was called the Department of Journalism then, but now it's called the Department of Communications—one of the outstanding journalism schools of the nation. She majored in journalism because of the practical nature of her mother. I think she would have been somewhat more esoteric in taking traditional liberal arts courses, but her mother, a practical New Englander, felt that she should take a course that would be productive in life, an insurance policy.

But, when I returned East, and I am first coming to her home, and they lived in an apartment, 1604 Hinman Avenue, Evanston. I'm walking in for the first time, and there was a little old lady standing at the door, and she spots me and asks me who I am and I identify myself. She says, "Oh, you're going to marry Mildred." She said, "In her family, she is the finest of the group." And I think that was true, and this was confirmed after she passed away when I was with a law school classmate, not the one that introduced me to Mildred. He was a year behind me. I shouldn't say classmate, but he was at Yale Law and his name is James T. Mills, about my age, and a Princeton graduate. He had been with the Tenth Mountain Division in Italy, and had fought his way all the way up into Northern Italy. But when I saw him in New York a few years

ago, briefly, the first thing he said to me, “Frank,” he said “the best thing in your life you ever did was to marry Mildred.” It was quite a compliment. Mildred was a very thoughtful person, a keen analyzer of human beings. I must say in fairness to her, on two or three occasions of a professional nature, where I made a decision that was not well-founded, was not supported by the facts, to hearken back to Judge Jerome Frank, Mildred’s view was opposite, but she deferred and let me make my decision. But it was a mistake and had I followed Mildred’s advice, the mistake would have been avoided.

My Wife and The Great Books Program

She had a love of travel. I think in the years after returning from Australia, sometimes with me, sometimes without me because I was practicing law in Portland, she would travel. Sometimes with one of the children, sometimes with a friend, and those trips were to Europe, to Russia, Africa, around the Horn, beginning in San Diego and ending up in Montevideo, Uruguay. She traveled widely, but beyond this, she was extremely well-read; usually books of a high literary quality. And on that point, are you familiar with The Great Books Program that was begun in Portland after World War II. The founders of that program were President Robert Maynard Hutchins and Professor Mortimer Adler of the University of Chicago, as well as Walter and Elizabeth Paepcke of Chicago. They sought to bring to America the literary works of universal and lasting influence to our citizenry. And Mildred was asked to lead this program in Portland.

KS: That was quite an honor.

FB: They selected a hundred books, dating back to Roman and Greek times. Yes, it was quite an honor and she enjoyed it. I still have those books in storage.

KS: And who took the course?

FB: Well, adults, yes. Yes, adults. People who had engaged in business, commerce, and teaching—some retired. We first met at First Presbyterian Church at Twelfth and Alder. I helped her with it, but it was her program. She continued this program, I would say, for twenty-five years.

FB: Can I end with a little joke at my expense?

KS: Yes, please. [laughing]

FB: I've told you about my Japanese background. In 1966, when I was with Keane, Haessler, Bauman & Harper in the American Bank building, I received a telegram, or letter, from the Aspen Institute in Colorado, to join a small group in Japan at Lake Hakone near Mount Fuji, a beautiful area, to study Zen Buddhism. Why they selected me, I don't know. And I discussed it with our senior partner at that time, Gordon Keane, and we both agreed that I should go and that perhaps there might be some legal business I should do, and there was. I'm not going to go into that at this time, but…

[End of Tape 8, Side 2]

FRANK A. BAUMAN
June 2, 2006
Tape 9, Side 1
Portland, Oregon

My Wife and The Great Books Program, cont.

KS: This is Karen Saul speaking. I'm here in the Standard Plaza building with Frank A. Bauman, continuing his oral history. And you were cut off at the end of the last tape as you told a story about visiting Japan. So, I'll let you continue now.

FB: We'll turn to that little tale at my expense, but I did join this group of about twenty. The nominal head of the group was Mrs. Paepcke, Elizabeth Paepcke, and she very kindly had me sit at her table at dinner, along with a gentleman who was in the oil business, Leo Guthman from Chicago. She, of course, lived in Chicago, right near the Drake Hotel, on the outer drive area facing Lake Michigan. But I got to know the lady rather well, a beautiful woman. Occasionally we would take walks together in a lovely garden. We were at an inn called the Kogatsu Inn, and we got talking about her brother, Mr. Paul Nitze, and I said, "I served under him at the close of World War II when I was with the United States Strategic Bombing Survey in Japan." I observed earlier, "This institution was created by Franklin Roosevelt, President Roosevelt. It was headed by civilians to lend objectivity to it and to keep the divisional structure within the military, whether Army, Navy, or Air Force, from unduly influencing the facts." In other words, President Roosevelt wanted an objective report and he thought having civilians in charge, which is part of our tradition of civilians over the military, would lend to a more accurate report and evaluation of the bombings of Japan, as well as Europe. And the number two man was this young gentleman, her brother Paul Nitze. We talked a bit about Mr. Nitze and his remarkable career, and then I asked Mrs. Paepcke, when we were strolling in this lovely Japanese garden, "What is Mr. Nitze doing now?"

And she responds, "He's Secretary of the Navy." And I thought to myself, [both chuckling] she must assume I never read a newspaper. But she excused me and I stayed in touch with her for a number of years. And when she died about five years ago, I just happened to pick up the last Sunday issue of the *New York Times*, before the beginning of the new year, and in the

magazine section was a ten-page article, of the ten people who had performed exceptional service to the nation, if not the world, who were Americans, who had passed away that year, and one of them was Mrs. Paepcke. So, quite a lady, quite a lady.

KS: And she chose Mildred to head up The Great Decisions Book Club?

FB: Well, there was a representative in Seattle that spoke for these four—I better include Hutchins, too. These four people were the key people behind it. For example, I was talking to somebody last week who was familiar with the creation of the program and she immediately mentioned Mrs. Paepcke and Walter Paepcke and Mortimer Adler, and then if you study the life of Robert Maynard Hutchins, the former dean at the Yale Law School as well as president of the University of Chicago, you'll discover that he's listed as one of the founders. So, I think those four were the key people. Incidentally, Adler is still living, to my knowledge. I think he's over a hundred. Rather amazing.

KS: You had started to tell me about Mildred, or Millie, I guess as you called her.

FB: I called her Mildred. I'm interrupting you and I apologize, Counsel, but for some reason I was never wholly comfortable with Millie, and I didn't think it did her justice; that she was entitled to her full name. Maybe I was influenced by this play or movie *Thoroughly Modern Millie*.

KS: You said she supported your decision to go to London.

FB: Yes.

KS: And so, I would like to move on to that. But before we do, I'm curious if there are any particular cases that stand out in your mind from the time that you were with the Mautz firm? Let's see, you would have worked there for roughly a year or so?

FB: A little over a year. I worked there from about April, 1950 to September, 1951, about fifteen/sixteen months.

KS: Did you try any cases yourself?

FB: Yes, yes. Usually in the Multnomah County District Court, but usually cases related to automobile or personal injury or property damage defense cases.

KS: Do you remember your first jury trial?

FB: Well, I remember my first case, and that was before Judge Olson, who had been on the bench for about thirty years then. Incidentally, when he would run for reelection he would have these flyers distributed around town, taken maybe twenty-five or thirty years before, when men still wore Herbert Hoover collars. Do you know what a Herbert Hoover collar is?

KS: It stands upright.

FB: Right. And there would be young Judge Olson [laughing] in his Herbert Hoover collar, which was a bit out of date at that time. He also was rather unique in that when you entered the door to his courtroom, I guess to demonstrate his commitment to the judicial process, there was a sign, which I've never seen since, called "Night Court on Request." [laughing]

Well, he heard my first case. And guess who was the attorney on the other side? Unfortunately, he just passed away, and later he was probably one of the finest of our appeals judges during my time. He was appointed to the Court of Appeals in about 1970 at its inception. I speak of Judge Herbert Schwab, and we became close friends over the years.

KS: Was he about the same age as you then? You were both young lawyers at the time?

FB: He was a little older. I'd say four or five years older, but then—he was a young lawyer. He was rather new to the practice.

But returning to Judge Olson and that case, my recollection is that I won the case, that Judge Olson decided for me. On the other hand, in prior years, talking to Judge Schwab, he remembers the case, too, and his memory supports his winning the case. I leave it to you to decide who won the case. But that is his recollection and also my recollection.

KS: But this was Multnomah County District Court.

FB: District Court, not the Circuit.

KS: Maybe we could go find the case and get to the bottom of it. [chuckling]

FB: [with humor] I suspect we could, I suspect we could. But then I tried one other case, early on, which I lost, up in Oakridge, Oregon, east of Eugene on Highway-58, going up over the Cascades. I tried that case and I expected [laughing] to win that case, but I lost it. Bob Mautz sent me down there, and he also sent me up to Chehalis to try a case up there. I made one or two trips with him when he argued cases in the Supreme Court. I remember Judge Latourette particularly—I don't mean to be disrespectful, but we went into his chambers and talked with Justice Latourette, who was known as "Sap" Latourette, and goodness gracious, when we arrived in his chambers and he's standing on his [laughing] head exercising. [both laugh]

The Mind Filling Time in London Studying Public International Law

In the main I think it was largely a brief-writing or memorandum-writing exercise with that firm. And, let's face it, that firm was disappointed when I made a decision to study international law, and I applied to two universities, one Cambridge in England, and the other the University of London, in London. I was fortunate enough to be admitted to both institutions and I think influenced by Samuel Johnson, the lexicographer's statement about 1750 or 1760, that if you're tired of London then you're tired of life. Mildred and I thought maybe we should stay in London and we were very warmly received by the English in the English manner, which is rather

subdued, not particularly demonstrative. But when you stop to analyze their assistance, it's given at the right time and supported by the most generous and honorable motives.

KS: You told me a story once that had to do with tea or sugar or some…

FB: Yes.

KS: Would you tell that story on the tape?

FB: Yes, yes, I'll be happy to, Counsel. I remember once going into a Lyon's Coffeehouse in London, for some tea. Here we are, in the fall of 1951, six years after the war.

KS: Was London still fairly war damaged?

FB: Oh, there was war damage all over London, yes. You could hardly go two or three blocks without [seeing the destruction], and particularly in the heart of the city, particularly in the heart of the city.

KS: The Blitzkrieg had destroyed a lot and they hadn't rebuilt yet?

FB: No, no and I'm talking about the square mile area known as the City of London, where the courts are located, where St. Paul's is, in that particular [area]—an area, incidentally, under British tradition, in the "Bloodless" Revolution of 1689, which once and for all set aside the Divine Right of Kings principle.

KS: The Glorious Revolution.

FB: The Glorious Revolution, you're absolutely right, a bloodless revolution, not one life lost, but it established the supremacy of Parliament. His or Her Majesty cannot come into that City of London area without permission of the Lord Mayor.

KS: I've been there…

FB: You know it, you know what I'm talking about. Well, anyway, getting back to Lyon's Coffeehouse, the poor British were still under rationing six years after the war, and I asked for a second lump of sugar. And the lady in her white smock and wearing a white hat, very kindly said to me, "I'm terribly sorry. Under particular rule so-and-so, only one lump of sugar per customer."

And the man on my left said to the lady, when he recognized my American accent, he said, "*You give that man* a second lump of sugar. He's an American." This attitude was repeated fifty years later after D-Day, in 1994, when Mildred and I joined the Chicago Council on Foreign Relations for a return to England and France for D-Day ceremonies. We arrived on a Saturday morning and that night we were taken to this magnificent dinner, served out of doors—the temperature was 70 degrees, it was June—on the veranda of Parliament House facing the Thames River. The veranda is about a thousand feet long. Members of Parliament were present and gave us a personal inspection of Parliament, an intimate tour of the House of Commons, not the House of Lords, and the supporting areas. The following day we went to Blenheim Palace, Winston Churchill's ancestral home. I remember Mildred and I had one evening off in London. We were there for three or four nights. On Monday we were with the son of General Montgomery. But, Tuesday we had a free day, and that night we attended a play that had been in the West End for forty years called *The Mousetrap* by Agatha Christie, a murder mystery. We arrived a little earlier than the playtime, the lights were on as we descended down the aisle, mainly an English audience, and we were wearing badges, D-Day badges that indicated that we were from the States. They were 50-year badges, Chicago Council on Foreign Relations, with our names. I felt a little bit guilty wearing it, but I did, because at the very time of D-Day I was in the Pacific on a Naval destroyer escort. But as we descended down aisle, extemporaneously, some of these people who did not know us from Adam said, [emotionally] "We're so glad you're here. Thank you for what you did for us." It brought tears to my eyes.

Now, I was in the Pacific theatre at that time and I felt a little bit like a hypocrite, but I accepted that statement. But that attitude still persisted, and that generous gratitude was from time to time expressed.

Next please. [chuckles]

KS: So, tell me where you lived in London.

FB: Yes, we first stayed in a hotel, which was filled with country types; people from the various counties. I suspect rural or farming people, and I won't say they were suspicious of us, but they were cautious [about] why these Americans had come to England, what they wanted to do here in England.

It was very antiquated. The plumbing facilities, although carrying titles like Emmanuel and Hurlingham were amongst the most primitive I've ever seen. But let's not go into that. We were there for a while and then we moved to the Cumberland Hotel at Marble Arch in Hyde Park, which was quite modern, and then started advertising for a flat for the two of us.

KS: Had you been able to save enough at the law firm to afford to live in London, or?

FB: Well, let me say this, we had no savings from the law firm per se, but in fairness to my wife, she had saved about $2,000, and think of it! Think of it, Counsel, we spent nine months in Europe, traveled rather widely, taking my international law courses, and traveling on the *Queen Mary*, crossing the Atlantic, third class, and back on a Holland America ship, *The New Amsterdam* and I think our total expenses for the whole year were $2500.

Let's return: we were looking for a flat and we thought we would advertise in two papers. Each appeals to a different class of Englishman, the *Times*, which deals with the men or ladies of affairs, I mean in a professional and the business sense, and also in the *Evening Standard*, which is a paper for the average subject. The responses we had from the *Evening Standard* did not appeal to us for one reason or another, but the *Times*, yes. But here, again, harking back to the generosity of the people in a very sagacious way, when we went to the *Times* classified section in the city to place an ad, we talked to someone at the department who didn't

realize we were Americans. He said, “Under paper rationing classifieds are limited and you will have to wait one year before your ad will be published. You’ll just have to get in line.”

KS: You would have been gone by then, right?

FB: Right. And then when he discovered we were Americans he said, “We will put it in the next morning,” and the paper did.

Through that ad we had the response from a lady who had a flat northwest of the heart of London, about four or five miles on the Bakerloo line in Hampstead. I can remember the exact address, “122 Greencroft Gardens.” It was a four-story flat, and the very first night we were there an elderly couple, Mr. & Mrs. Lipscomb on the fourth floor, invited us up for tea and discovered we were Americans and then they [chuckling] made this comment. Mrs. Lipscomb said, “Well, there was a Welsh couple in there before.” And then rather knowingly commenting, “You know what the Welsh are like!” And we came to know them rather well. And think of it, Counsel, when I was back in London about three or four years ago—I have a daughter that lives overseas, a dancer and dance teacher, and I met her in London and she was anxious to see “122 Greencroft Gardens.” We got into a taxi about 9:30 one evening and went out there, and lo and behold discovered the building and for some reason, the particular flat or apartment was lighted that night and the occupant there was out watering flowers. This would be in June, on the front porch. She invited us to come in at about 10:00 o’clock in the evening, which is a rather awkward time to call on anyone; showing us through the flat. And my daughter, Patricia, got to see where her dear mother and I had lived fifty years before.

KS: That’s a wonderful story.

FB: Thank you. Thank you.

KS: So, you went to classes when you were there?

FB: Yes.

KS: Were you in class pretty much from 8:00 or 9:00 till 5:00, or did you get time to explore the city?

FB: We were in classes, I would say, from about 9:30 to noon, and then a break for a lunch. There was always a tea break about 10:00 or 10:30 in the morning, and then sometimes classes in the afternoon, sometimes not. That, as you suggest by your question, gave us an opportunity to explore, visit museums, even from time to time maybe take a trip by train to some area outside of London, semi-rural or actually rural—maybe down to Kent, or directly south of London to the sea, which would be about sixty/seventy miles, to Brighton—and occasionally north and west. We got to know London rather well, and as I've told you before, everything was so inexpensive. A good meal was only seventy cents or so in a rather decent restaurant. A haircut, for me—I had a little more hair then—was roughly twenty-five cents, at a very fashionable barbershop. Extraordinary, extraordinary. And our rent was very modest. I would say it was around $60 a month.

KS: What did you study at the University of London?

FB: We studied, basically, an introduction to international law, and I have brought something with me in that connection here. [sound of paper rustling] Here's an article that I wrote on the basic principles of international law and their hierarchy, and submitted it to my reader or professor, Dr. Georg Schwarzenberger, on November 8, 1951. The comment by the reader is modestly favorable. In essence we were studying the principle of personality or existence of a state, the principle of independence or sovereignty, the principle of exclusive territorial jurisdiction and the principle of the freedom of the seas, which I think we sometimes overlook. But under international law, the seas belong to all, but the very ship which is on that sea enjoys sovereignty over that particular area where the ship rests through the state that charters the ship. As for the principle of equality of states, I remember an early decision of the Supreme Court of the United States by Justice Marshall, perhaps our most eminent Supreme Court Justice in our history, *The Antelope*, where he observes, "All states are equal, whether it be the United States or

Geneva." Geneva was a small, independent country at that time. The principle of the binding nature of international law, and that is the term that defines it—*pacta sunt servanda* (treaties are to be observed). This is the fundamental principle of international law, which we learned in London; i.e., that the *woof and warp* of international law on this globe, is rooted on treaties. And in terms of the development of international law since World War II, hundreds, if not thousands of treaties have been made between states and they can be found in the United Nations Treaty Series.

KS: A lot of treaties have been broken, too.

FB: Very true, very true. And on that point, let me give you an example, with all due respect to the Germans, and their playing a very influential and positive role in Berlin, now Germany's capital. I respect them. But at the beginning of World War I, think of it. Our ambassador to Great Britain, Walter Hines Page, appointed by President Woodrow Wilson, and previously editor of the *Atlantic Monthly* was very close to the British foreign secretary, and…

[End of Tape 9, Side 1; Side 2 Blank]

FRANK A. BAUMAN
June 2, 2006
Tape 10, Side 1
Portland, Oregon

An Introduction to the Fundamental Principles of International Law

KS: It is June 2, 2006, Karen Saul speaking. I'm here with Frank A. Bauman to continue his oral history. We're in the Standard Plaza building and we just had a little technical difficulty with the last tape. I'm going to double check that we have a good recording on this and then I'll let you pick up that story where you left off.

FB: He informed our Ambassador Page that the decision of Parliament to declare war against Germany was solely based on the breaking of a treaty. And you raised this point, Counsel, earlier. It was the breaking of a treaty by the European powers, guaranteeing the neutrality of Belgium, a state created about 1810 or '20, that was felt so fundamental to the British, and particularly the members of Parliament, that Britain would respond to that German invasion and above all the breach of the treaty by declaring war against Germany. And that is in the record. The foreign secretary then was Sir Edward Grey of Fallodon. He commented to our Ambassador Page: "The lights in Europe are going out one by one and we shall never see them lit again in our time." Close quote! A rather providential statement.

KS: I haven't studied international law myself. But I'm curious if you can explain, what differences are there if any, between a contract that you might form with another party who is here in the U.S., versus a treaty between countries. Are they more or less the same?

FB: There are parallels, Counsel, a very sound question, a very legalistic question. But there are differences, too, and I've already in a sense touched on this without anticipating the question that you're asking at this time; and that is that the treaty is the paramount source of international law. Basically, there are three sources of international law: <u>One</u>, treaties; <u>two</u>, principles of the law like we touched upon—freedom of the seas; and <u>three</u>, customs accepted over a period of

time by an indefinite number of civilized or responsible nations, the latter, the third example is sometimes challenged. Principles, I think stand and certainly treaties do.

You have bi-lateral treaties, just as you have bi-lateral contracts; in other words, two states are party to the treaty. You have multi-lateral treaties where several states are involved, just as you have several people making a contract. And both have the element of promise and performance, which we call in the contractual world, consideration. But the influence of treaties in the system of international law, I would be bold enough to suggest, might be possibly more significant than contracts, although contracts in our world under the common law, are extremely important. But they are paralleled by the common law system where you have a judge-made law, and I would be hesitant to say that in the international law arena that you have judge-made law. Procedurally, a number of judges seek to enforce a treaty or to enforce a principle of international law, rather than make law.

Well, first and foremost the experience gave me a fundamental knowledge of international law as interpreted by the English or British teaching system, led by Dr. Schwarzenberger. And this has remained with me and was a special force and influence during my years with the UN system in Australasia. It's with me today as I talk to you at this time. I discovered over the years in returning to the United States and being largely in this country, except for the Australasian years, that there is an inability in the United States among its citizenry to accept international law as a living force in the conduct of state upon state relationships, which is unfortunate. And there's evidence of this as recently as a few weeks ago, when the, I believe it was the British Attorney General in London, commented about certain decisions made at the Washington level in connection with the Iraq War, that were contrary to our traditions and international law with reference to the violation of the treatment of Iraq prisoners under the Geneva treaties.

This is an influence that remains with me: A contemporaneous principle of governance that left with me and returned to the States, was my respect for the English Parliamentary system let alone the average English, or British, subject. I know when I left London with Mildred on June 18, 1952 and we were going by train from London down to Southampton to catch our Holland America ship, the *New Amsterdam*, as I thought about the departure I thought I should and did want to return to my home country, but I was in a sense almost in tears leaving England!

KS: There has been a debate recently about our U.S. Supreme Court, with regard to how much deference it should give to international law in making decisions. I'm curious if you have any thoughts on that subject.

FB: Well, I'm not truly an expert on that, but I do have thoughts based on my experience, based on having served as an adjunct professor of international law, and above all based on my year of study in London and my experience in the UN Having said that, I'm aware of what you're saying and I think a defender of the faith, so to speak, has been our first lady Supreme Court Justice, Sandra Day O'Connor, who has been in the forefront nationally, speaking on this very question and encouraging courts. She has led the publication of a handbook distributed by the American Society of International Law, to our judiciary around the country, reminding it of the role of international law historically in the decision-making process of the court system. I mentioned *The Antelope* case to you earlier today, the decision by Justice Marshall. I think that's about 1818 or 1820. International law is a subject that was with us at the beginning of the country in 1789. It was present at the Constitutional Convention of 1787. If you read James Madison's journal of that convention he cites international law and how the delegates respected international law, calling it not international law at that time, but "The Law of Nations." It's an attitude, it's a quasi-spiritual commitment that's tended to escape so many of those, some of them in positions of great influence in recent years. Do I make myself clear?

KS: Yes. I think it might be a good time, then, to wrap up today. When we begin again, we'll pick a date here when we're finished with the tape, we'll start with your trip back to the United States in 1952 and what happens after that.

FB: All right, and I compliment you and thank you, Counsel, for your questions. They wake me up a bit and they cause me to reflect, and I'm reaching back to years that are long ago, but I've enjoyed the two hours with you. I thank you.

KS: Good. Thank you.

[End of Session, June 2, 2007]

FRANK A. BAUMAN
June 15, 2006
Tape 10, Side 1
Portland, Oregon

Once Again Engaging in the Vigorous Practice of Domestic Law, 1953-1971

KS: This is Karen Saul speaking. It is June 15, 2006, and I'm here with Frank A. Bauman in the Standard Insurance building to continue his oral history today. And I'm going to just test and make sure we have good recording quality.

FB: Good morning, Counsel Saul. I am delighted to see you again. And I understand from your statement earlier that we will take up time-wise, in chronological order, returning from England in June of 1952, and what happened next.

I have with me today a number of photos related to my practice that I am holding in my hand. And they have been marked as exhibits, thanks to Counsel Saul. But let's take the first number and proceed in sequence. Do you want to give me the number and I'll identify it briefly?

KS: The first one is 0036.

FB: Thank you. This is a picture **[Exhibit 0036]**, I believe taken in Washington D.C., at a meeting sponsored by the American Society of International Law, possibly its annual meeting. It's a portrayal of a number of lawyers sitting around the table, foreign and domestic. At the rear is Harold Stassen, one-time governor of Minnesota and a Republican candidate for President of the United States in 1948. I'm on the far right with a bow tie on.

KS: This is 0037.

FB: I point out that the gentleman in front is the eminent former mayor of Portland, Terry Schrunk, and on his right is Wendell Gray, President of Multnomah County Bar Association, and on his left is Mr. Sparkman, whose first name eludes me at the moment. I'm directly behind the mayor and I suspect that this covers a brief meeting on Multnomah County Bar activities, maybe

related to the period when the World Committee on International Law was active; seeking ways and means to strengthen international law to prevent war and maintain the peace **[Exhibit 0037]**.

KS: Were you active with the Multnomah County Bar at times?

FB: Moderately. But I was chairman of that particular committee of the State Bar; in fact, its first chairman.

KS: This is 0038.

FB: That would be rather early on, maybe in the ’50s. This is a picture **[Exhibit 0038]** of yours truly by Fabian Bachrach and it was made in Washington D.C., I would say sometime about 1963 or ’64, a well-known photographer.

KS: And this is 0039.

FB: This is a rather older photo **[Exhibit 0039]** of Frank A. Bauman as an ensign in the United States Navy, taken apparently in the summer of 1943 or ‘44.

KS: And finally we have 0040.

FB: This is a later scene. I am shaking the hand of Sir Keith Holyoake, Prime Minister of New Zealand. The picture **[Exhibit 0040]** was taken on November 10, 1971, in connection with my duties as a Senior Representative of the United Nations in that part of the world. And undoubtedly, at that time I think I was presenting to the PM a book that had been recently published by the High Commission for Refugees setting forth its accomplishments from its original treaty period, creating the High Commissioner, which I think was around 1951 or ’52. But this would be twenty years later, probably the twentieth anniversary of the work of the High Commissioner for Refugees and his colleagues, an extraordinary organization.

KS: Yes, the photograph says it was taken on November 10, 1971.

And then you've brought some other materials here and I want you to explain what they are and where you anticipate keeping them, in case someone should want to see them later.

FB: I have a number of law materials in front of me, chronologically related. They begin in September, 1949 when I first was employed after law school completion in June of '49, by the firm of Maguire Shields Morrison & Bailey, which still exists under another name. They're on six month schedules, beginning fall of '49, spring of 1950. Then fall of 1951, which would be related to my change of position to Wilbur Beckett Oppenheimer Mautz & Souther, largely memorandums to Bob Mautz, who was in charge of the Trial Department and to whom I was primarily responsible and to a lesser extent Gene Oppenheimer, who later became a Circuit Judge, who was also deeply involved in trial work. And to a degree with Calvin Souther, who headed the corporate and business department of the firm. They carry on into the spring of 1951 and into the fall of 1951, briefly, before I adjourned to the University of London to study international law. I say fall. I notice on the dates they are largely in July and August of 1951. Quite a number. There must be fifteen or so there [Note: These exhibits were not included due to client confidentiality].

KS: And are these with your personal papers in your home?

FB: Good question, very fundamental question, Counsel, and thank you for asking it. These papers I keep in my personal records in my storage room in my apartment at 2323 Southwest Park Place, the Park Vista Apartments, Portland, 97205.

KS: And you have other diaries or things. Do you want to explain?

FB: I would prefer, Counsel, as we get into my return to the states, after roughly one year in England and the continent, that these be identified and marked and they relate to, hopefully, to answering questions that you might want to put to me.

The first is a log **[Exhibit 0041]** that I am holding. If you would mark it.

KS: We'll mark this 0041. I'm going to put the sticker on the back in the lower corner here. Hopefully, it will stay on there. It's kind of—

FB: You want some Scotch tape. I can get some Scotch tape.

KS: We can do that later if we think we need it.

FB: All right. I'm holding exhibit number 0041 and we'll at least identify it now, if we may. This is a log, an alphabetical basis, of legal subjects that I faced and sought to surmount for my principals, beginning with the Mautz Souther era. I am indebted to Judge Gene Oppenheimer in this respect, because he suggested that I keep this index, A-Z. It relates to memorandums I wrote for Mautz Souther and it also relates to my time in London under Dr. Georg Schwarzenberger studying international law, and to memorandums that I submitted to Dr. Schwarzenberger, and his supporting faculty at the University of London.

KS: So, it's organized, it looks like, by topic, alphabetically.

FB: Yes. Well, let's take several examples. When you turn to the last page on agency, there's a memorandum on agency in *Stanfield versus Karen Knitting Company,* which was here in the United States District Court, an article on arthritis that I wrote on June 1, 1953, after I had returned to the United States and had begun self-practice in the Morgan Building at 633 Morgan Building. And I suspect, here's something on aggravation of damages of pre-existing ailments. Note, again June 1, 1953 when I was in individual practice. Then moving along, let us take a look at B briefly. Here we have four examples on one page. There's another on B—bills and notes; consideration as a personal defense between parties. See memo to Robert T. Mautz, August 9, 1951; broker in insurance matter—as agent of insurer or general agent where broker takes premiums for his own use. Memo to Calvin M. Souther, August 22, 1951. Here's something on bills of exchange—effect of drawer as issuer to stop payment order, note to Robert T. Mautz, August 30, 1951. Bills and Notes; see supra note to Robert T. Mautz, August 30, 1951.

And then here we go back to London again: Agreements in East European countries, post-war papers for Dr. Schwarzenberger, see memo, etc., file. Fall 1951, page 52, March 20, 1952.

KS: You were very well-organized, I'll say.

FB: I tried to be. Well, we have to be in the law, don't you agree?

KS: Yes. People now rely on computers so much for that.

FB: That assists them mightily. But they didn't have computers then.

KS: I understand. So, this is a loose-leaf notebook where you essentially tried to keep track of things that you had analyzed and written on so that you would not have to recreate the wheel, as we say, each time?

FB: Right. Exactly. Here we move on to C, and I don't want to gild the lily in this respect. But on this particular page in C, here's Corporations—who is entitled to possession and custody of corporate records, judicial remedies to acquire same. Memorandum to Mr. Oppenheimer, August 19, 1950.

Then I'm going to turn on here, if I may. Here we go back to the period when I'm starting to practice by myself, although it was written, yes—Foreign Corporations—when is a foreign corporation doing business within a jurisdiction sufficient to be served with process. Memorandum in *Stanfield versus Karen Knitting Company*. Let me add a little humor to this. In Stanfield, S-T-A-N-F-I-E-L-D, that case I inherited from the Mautz office and they let me take it on. [laughing] And maybe they were wise in turning it over to me, because we ultimately lost. I want to be perfectly candid. But it was in federal court before the famous Judge James Alger Fee, and the defendant challenged the filing of the complaint on the grounds that the corporation was not doing business in the State of Oregon and therefore was not subject under diversity of citizenship, to be sued in the federal court system in Oregon. But before we reached that stage, I felt I should go back to Chicago and see if possibly we could sue them in Illinois, because Karen

Knitting was an Illinois corporation and the factory was in Illinois. And the factual question in that case related to wool that it had committed to buy from Mr. Stanfield, my client. And then with the Korean War winding down, the price of wool fell drastically.

KS: Were they using wool for uniforms?

FB: I don't know what they were using it for, but they were in the wool business in terms of turning it into cloth. And so they backed out of the contract they had with Mr. Stanfield. So, I went back by train. At the same time, this was in a glorious period, at least in terms of what I thought I could do in the law. I was to engage in a political life at the same time I was practicing. I was serving as chairman—this would be in the spring of 1953—of a statewide meeting of the Democratic Party in Portland where eventually some 600 Democrats gathered. I had to put this all together and I had to have a speaker. The meeting was to arouse public support for [Richard] Dick Neuberger, who in 1954 was elected United States Senator. And I was going back to Chicago, unrelated to the political matter, and I journeyed on the old Great Northern Empire Builder, arrived in Chicago and went up to the law firm, which was the old Pam, Hurd and Reichmann, then called Schiff, Harden and Waite, and had the meeting scheduled with the principal trial lawyer. I was waiting in the conference room.

But let me back up a moment, if I may please. Before leaving Portland I had put together a list of distinguished Democrats who had rejected my invitation. And so [laughing] in desperation, before leaving, I sent out about a dozen letters all over the country to various Democrats and these ranged from former President Truman, Mrs. Eleanor Roosevelt, Mr. James Farley the Postmaster General in the Roosevelt years, etc. Anyway, I'm back in Chicago, I'm in the waiting room hoping to see this gentleman shortly, and I hear over the paging system: "Senator Jackson calling Mr. Bauman. Senator Jackson calling Mr. Bauman." There were about six people in the reception area and they look up at me wondering who I was.

The receptionist said, "Well, you can take the call over here."

So, I adjourned to take the call in a booth. And the first thing Senator Jackson says to me, when I get on the phone is, "What the H__ is going on in Oregon?"

And I said, "What do you mean by that, Sir?"

“Well,” he said, “you have invited me to address this meeting in Portland and you have also invited my fellow senator in Washington to address it, too.”

[End of Tape 10, Side 1]

FRANK A. BAUMAN
June 15, 2006
Tape 10, Side 2
Portland, Oregon

Once Again Engaging in the Vigorous Practice of Domestic Law, 1953-1971, cont.

KS: It is June 15, 2006, at about 10:45 in the morning, and this is Karen Saul. I'm continuing the oral history of Frank A. Bauman.

FB: All right, we're going to return to Chicago, Illinois and the loop, and sitting in the reception room of the law firm of Schiff, Harden and Waite, a well-respected Chicago law firm.

I'm on the phone having the privilege of talking to Senator Jackson in Washington D.C., and he informed me that I had also sent the same invitation to his Washington State colleague, Senator Warren Magnuson, "Maggie," and he abruptly said, "We both can't come," he said, "now which one do you want?"

I responded respectfully and said, "Sir, I have you on the telephone. You're willing to come. I would like to have you, Sir." So, that ended the tale of trying to find a speaker for this conference. It was held, and was a successful gathering. It had nothing to do with the practice of law. During the period I was preparing for this conference, my fees as an individual practitioner were relatively nil. But let us get back to the period coming back from England, and what is Frank A. Bauman going to do next.

KS: So, you and your wife arrived back, I believe you said on the *Queen Mary*.

FB: We sailed on the *Queen Mary* in September, 1951, but we returned on a Dutch ship, the Holland America line, the *New Amsterdam*.

KS: And what port did you sail into?

FB: We sailed to, if memory serves, Jersey City, which is just across the Hudson River from New York City. As a Cunard ship *Queen Mary* and *Queen Elizabeth* would use the New York side about 50th Street to dock, but perhaps the Dutch did not have docking rights in New York City. But it was very adjacent to New York City.

KS: And how long did that voyage take?

FB: I would say five days, maybe six days. Five days, let's say, from Southampton. The ship probably would average, oh maybe twenty/twenty-five knots. It was a rather sublime voyage. The Dutch are excellent sailors. They're remarkable. I'm diverting here, but let me go back to World War II with reference to the Dutch. You know the Dutch were our allies in the Pacific, and I remember once and the reader will remember too, when I was in charge of 250 prisoners, carrying them four thousand miles from Peleliu to Pearl Harbor. We stopped in Enewetok and the captain of the ship, the *Alioth*, invited me ashore. I accepted. He had some business to take care of and I excused myself and started to return to the ship with the coxswain, and lo and behold, unannounced, completely by surprise, here was this great Dutch passenger ship, all in white, on the horizon. We were on our way out into the stream to get to our AK109, which would be a cargo ship which was carrying our prisoners. On the decks of the Dutch ship were dozens of young ladies, nurses, American nurses heading to the Philippines to help the wounded. And so, I saw these ladies. I had not seen an American girl for weeks. I ordered the coxswain to circle the Dutch ship and we circumnavigated the Dutch ship twice, and I waved to these young ladies and they waved back to me, and then we headed out. But there's a concrete example of the Dutch participation in World War II.

Well, let's get back to arriving in Newark.

KS: As you left England, did you have a plan yet for what you would do next?

FB: Very solid, fundamental question. I would say we had this much of a plan, my wife Mildred and I—that we would return to Portland, and in my thinking, perhaps joined by my wife

thinking sympathetically, I wanted to continue the practice. I felt with the year I had had in London obtaining a fundamental grasp of public international law, as against private international law, my dealing with state upon state relations and international organizations, that somehow or other, if it were possible I would like to continue developing that base. I knew my predecessor employer, Wilbur Beckett Oppenheimer Mautz and Souther had no international law practice of any consequence. I think we can even speak more precisely in that respect, it had no practice in international law. I'm not so certain it wanted me back. I know Mr. Mautz, to whom I was primarily responsible, when I told him I was leaving for a year to study international law said that he looked upon this decision as an act of folly, and that I was well-received within the firm, which was true. I was being given opportunities to try lawsuits. I was introduced to the clients. The firm was very generous to me at the time that I took the bar, giving me the opportunity to have I don't know how many weeks off, to study for the bar and still continuing my salary. I was married in September, 1950 and the firm gave me two weeks off for my wedding and for my honeymoon. I think I was very royally treated, particularly on the basis of hindsight. And here this young man, this wild Turk, with all due respect to Turkey, decides to leave a firm that has given him a very full plate.

I think not only was Mr. Mautz, and maybe other key partners, upset with me in this respect, but they felt perhaps I was not appreciative of what they had provided me, and perhaps I wasn't. But I had a strong urge, which I've already related, based on my experience in Hiroshima, to somehow or other stay committed to the study of international law, and hopefully to have my practice point in that direction. But as I discovered in the weeks and months that followed, not merely was this nigh impossible, it was impossible, particularly if I was to practice law in Portland.

KS: Were there any firms in Portland that had much of an international law practice in the early 1950s?

FB: I would say emphatically there were none! And this may seem as a surprise to you, Counsel, because, when we look at the firms today, one or two have offices overseas. I believe one has an office in Hong Kong. A number have international law departments, and you have

individual practitioners, which I sought to be, who are engaged in international law, particularly private international law. A lawyer whom I respect, who replaced me at the Mautz office when I left, originally from South Africa, was Ken Roberts. Ken and I live in the same apartment house. Several years ago he said to me referring to this decision, "Frank, you entered the practice fifty years too soon."

KS: I think I'm familiar with him. Was his practice Admiralty, if I'm remembering right?

FB: If it was, I'm not aware of that. But certainly he was with the old Wilbur Beckett Mautz and Souther Firm, which is now the Schwabe Williamson and Wyatt Firm. I think he's retired, but a highly respected lawyer.

Stumbling Through the Practical Realities of a Sole Practitioner

KS: So, when you returned from London, I'm gathering you did not go back to the law firm.

FB: No, no, no. I was perhaps governed by a patina of extreme confidence that the world was my oyster and that I would have little difficulty establishing myself individually as a practitioner.

KS: So, is that what you did?

FB: That is what I did, but it was a slow process. After returning to America, Mildred and I spent some time in Washington with Mildred's family. We bought a car, I remember for a thousand dollars, a Ford V-8, drove it across the country to Portland. We then rented an apartment up here on Northwest Trinity Place, right across the street from Trinity Church. Rent was a hundred dollars a month, $80 a month, maybe. And then I started scouting around how I might become active, and I'd say for the first four or five months, I had no law office. I had virtually no income. Two or three well established lawyers asked me to write memoranda on particular questions, one was Ralph King, a distinguished lawyer in Portland and another was Moe Tonkon of Tonkon & Torp fame. I sort of bade my time. Then, in about January of 1953 I

opened a law office in the Morgan building, on the sixth floor, room 633. The rent was $50 a month. I held myself out as a lawyer and began to take clients. I have something to be marked as an exhibit in connection with that, with your permission, Counsel.

KS: Absolutely.

FB: I'll hand it to you at this time and then perhaps we can identify it.

KS: Well, I'm going to mark it as 0042, and it looks like a ledger of sorts.

FB: Counsel has very kindly handed me exhibit 0042. And let me identify it, please. It's, quite accurately as she comments, a ledger **[Exhibit 0042]** beginning January 6, 1953, and covers calendar years 1953 and 1954. Both of these years I was practicing law solely. The first entry is January 6: "$15 received from Charles Paul, court appearance, January 6." Then another entry: "January 19th, again Charles Paul. Court appearance January 20th, $20." Then: "January 26th, Harold Miller, $50, Pension and Disability Board matter." I remember this case. It had to do with a claim against the Fire and Police Pension and Disability Board for a back injury sustained by Officer Miller, a policeman. I daresay we were involved with the case for a year-and-a-half or so, and ultimately settled it rather advantageously for Mr. Miller. And with a fairly substantial fee.

Then, there's an indication that I put in yesterday, $85—that's the total amount of money I took in in the practice of law in January, 1953. And here's my calling card at that time: "Frank A. Bauman, Attorney at Law, 633 Morgan Building, Portland, Oregon." Old telephone numbers: "Atwater 8341."

Now, as I study this exhibit 42, it alerts my memory with the types of cases that I handled during that two year period. None are related to international law, I assure you.

KS: Did you have any staff, a secretary? Associates? Or were you truly by yourself?

FB: I was by myself as a sole practitioner. However, I shared offices with another attorney, Mr. Ed Robinett who was very kind. Also, his secretary, Ms. Edna Larson was most helpful.

KS: Is this the Morgan Building that's on Broadway?

FB: This is the Morgan Building that's on Broadway. You're right, it is at Broadway and Washington. It's on the southwest corner and still exists. And it's been maintained. I've been in it within the last two or three years. It's still a respected business address. It was a practice that, what is the word? It was certainly unrelated to the courses I had taken at Yale Law School. It was a modest practice. Seeds were perhaps planted during that term for future business that in later years would be of some substance. I remember that Mr. Tonkon referred to me a lady who had mental problems. She was in the office one day complaining about something, and I had a call from another attorney and she was talking very loudly. And the other attorney says to me, over the phone, "What are you doing up there, Bauman? Killing chickens?" [both laugh]

But Counsel, that client led to a suit against New York Life Insurance Company and we ultimately prevailed and that was perhaps two or three years later, and under Oregon law we received attorney's fees from the court. As I say, grains, grains were planted for future clients. Near the end of that period I was retained by a prominent contractor here in Portland, Karl Teeples. This led to one or two other clients, a respected plumbing firm and to Mr. Nathan Buell, who was then the leading friend of fishermen, not in the commercial sense, but in the sense of—

KS: Sports fishing?

FB: Precisely, sports fishing. I became secretary of his corporation, and I took trips with him, not only fishing trips, but I helped him form the Fenwick Rod Company, fishing rod company, in the State of Washington at Kent. Fenwick rods still exist, and if you are a sports fisherman, you will rank it highly.

KS: Did your economic prospects begin to improve over those two years, or was it always fairly lean as a solo practitioner?

FB: I would say in a word, it was fairly lean, Counsel. And I did this yesterday, before meeting with you today, I totaled the amount of money that I had received during calendar 1953. Let me find it if I may—in the month of December. I think it's in here. Let's hope so.

The total for the year of 1953, before expenditures, was $3,845, and I would estimate at this time that my expenditures were probably in the neighborhood of $1,800 to $2,000. So, a net of possibly $2,000 for the year.

KS: And that was the year, if I understand correctly, that you became a father as well.

FB: I became a father on August 31, 1953. And Mildred did not work that year, being pregnant. So I was the sole source of income for my family.

KS: Had she worked before she became pregnant with—was it Barbara that was born that year?

FB: Barbara was born that year. I'm going to see Barbara in New York City, I hope next week. She lives in Washington D.C., married to a fine gentleman. And she represents in Washington D.C., the Electric Power Research Institute of the United States, EPRI, an organization with some 500 employees in Palo Alto. She advises the power industry of the nation, and to a degree overseas, on power generation, power distribution, power marketing questions. And Barbara is basically a lobbyist with a staff of about twenty people. And speaks all over the nation, and has done very well. I'm very proud of her and my other two children: Todd, who is a respected lawyer in Portland and Patricia whom I reported earlier is a dancer and choreographer—world standing I add.

Returning to Mildred, she had a very respectable career before our marriage in Chicago as a journalist.

KS: She had studied journalism.

FB: She had studied journalism at Northwestern University, then called the Medill McCormick School of Journalism. Now, I think, called the Medill McCormick School of Communication. She received her degree and she engaged in practice in Chicago eventually becoming editor of a magazine catering to the women's hair industry. At the time I met her she was with a very prominent firm (Baxter Travelol Laboratories) involved in the making and national distribution of prescriptions for human beings.

KS: So, when you two returned to Portland together, did she continue her work for a while here before she became a mother?

FB: No, she didn't. She didn't, but she did engage in this respect and I would call this a public service. She became involved with the Great Books Program. We're touching upon Mildred's role with the Great Books Program. I'm holding in my hand a file **[Exhibit 0050]** for six months in the fall 1953, a period when I was engaged in the individual practice; the last half of my first year. I discovered the other day when preparing for this exchange with counsel this morning, in this very file, a number of memoranda unrelated to the practice of law, but clearly concerning the Great Books program.

And I occasionally run across an entry that is not my writing, but is my dear wife's. For example, I'm looking at a memorandum of December 2, 1953, that's in the so-called law memorandum file, on the Federalist Papers. Or, I'm looking also at a date, October 23, 1953, which takes up Shakespeare's *Hamlet*. The very first question is, "Do you ever cry out at," quote, "the movies?" Closed quote.

The second question is—I guess these were to be asked of participants, by Mildred or me, because I joined with her. Second question: "Did you cry when reading this play? Why not? Isn't *Hamlet* a tragedy?"

Third question: "What is a tragedy?"

Fourth question: "If Hamlet had escaped death in the final scene, would you still consider the play to be a tragedy?" Well, there we are, but from the point of view of my role or non-role related to the practice of law, it's obvious during this period I was not that busy as a practitioner, because here I could take time assisting my wife, who was the leader of this

program. Here's October 7, '53, on Montaigne, the French gentleman. Here's Machiavelli on September 23rd, and so forth **[Exhibit 0050]**.

KS: Well, let me ask you this: during these years, after you had returned from London and you were in a solo practice, did you ever regret your decision to leave the law firm, was it Mautz Souther, you said?

FB: Yes.

KS: And go to London to study international law? Did you ever question the wisdom of that decision? Or, were you still hopeful that you could develop an international law practice?

FB: I undoubtedly engaged in thoughtful reflection at that time. And there were probably periods when I wondered whether my decision made sense, would stand up, particularly from the economic point of view. But I was a determined individual at the time. Let me give you an example, a concrete example. This gentleman is now gone. But I mentioned earlier that I had written one or two or possibly three memoranda of law for Ralph King at the old King Miller Nash and Yerke Firm. It still exists and is a highly respected firm. Of course, all these gentlemen are gone. And I must have been approached by the office, maybe through Fred Yerke who was an old friend from high school days, when Fred was student body president of Franklin High and I was student body president of Grant High School. That's a tale of its own. I first met Fred when I initiated in Portland, a practice where student body presidents after losing a sports event, would go over to the school of the winning team and shine the shoes of its student body president. [KS laughs] And that was my introduction to Fred, shining his shoes at an All-high school assembly at Franklin High School. We became very good friends—he was a fine lawyer, an outstanding lawyer, very close to Mr. King. And I suspect he introduced me to Mr. King. And Mr. King was generous enough to offer me a position. And the amount of money was $500 a month, which was sizeable at that time…

[End of Tape 10, Side 2]

FRANK A. BAUMAN
June 15, 2006
Tape 11, Side 1
Portland, Oregon

Stumbling Through the Practical Realities of a Sole Practitioner, cont.

KS: This is Karen Saul speaking again. We're beginning a fresh tape. It is June 15, 2006. I'm here with Frank A. Bauman to continue his oral history. You were just telling me about receiving an offer for a job by, what was it—King?

FB: Ralph King. Mr. Ralph King of King Miller Nash & Yerke, at that time.

KS: In 1954.

FB: I would suspect it would be sometime in 1954, perhaps early in 1955, before I joined a firm with John Veatch Sr., and with John Veatch, Jr., in the Yeon Building.

KS: So, did you accept the job offer?

FB: Well, let me tell you this, Counsel. And I think this denotes with clarity my conviction at that time, which was unsullied by the fact that from the point of view of living a moderately comfortable life, that was a question that had not been satisfactorily answered. But Mr. King made the offer, and summarily, think of this, Counsel, summarily, in his presence, I declined the offer. I'm sure I was courteous with the gentleman. I said, "No thank you."

KS: But it would have been $6,000 a year compared to—

FB: Yes, oh yes, compared to the $200 or so I was earning a month, maybe a little more than that.

KS: And they probably would have supplied you with an office and secretary.

FB: Oh yes, oh yes, the firm had ten or twelve, thirteen, fourteen attorneys at that time, maybe fifteen.

KS: Why did you summarily reject it?

FB: Because I wanted to continue my individual practice. Because I wanted to engage in politics in a modest way, at least at that time. Incidentally, I had been introduced to Edith Green, who later was one of our distinguished representatives in Congress, and that was early on by then. I'll tell you about that in a moment. But I told Mr. King, with certainty, but undoubtedly—this is my nature—respectfully, that I was just not interested in the position. I came home that night, of course. I told Mildred about this opportunity and that I had rejected it and had told Mr. King so. Mildred was dismayed. A very well-balanced lady, a very thoughtful lady, a very careful lady, saw situations with enormous clarity. And she said to me, she said, "Frank, you're making a serious mistake, I feel. Look at the way we're living. We're hardly getting by. We have a baby daughter. We've moved to a new location," no longer in the apartment house. We were in a small home in Eastmoreland, probably one of the smallest, across from Duniway School at 35th and Rex.

KS: You showed me that home!

FB: Northeast corner. Yes, you've seen the home, Counsel. And I reflected on what Mildred said, and I deferred to Mildred, and I said, "I will go back to Mr. King tomorrow [laughing] if he will receive me, and tell him I've changed my mind, and accept the position." So, I called Mr. King, had an appointment with him, told him that I had reflected on his kind offer and had reversed myself and would accept the position if he would still offer it to me.

Mr. King responded, ever so quickly and so tersely and said to me, "Frank, we never offer the same position twice to the same person. Good day." End of story.

Now, I mention Mrs. Green. Let me throw that in, too. This was a development of the early period of the first two years. I can find a retainer fee that she and her husband paid me. But

Mrs. Green and her husband had a trailer park out east of 82nd Street, maybe about 140th Street, I believe on Division, rather large.

The retainer fee **[Exhibit 0042]** is set out in exhibit number 42, which has already been identified. But Mr. and Mrs. Green, Arthur Green and. Edith Green wanted to sell that trailer park, and retained a realtor by the name of Mr. DeHarpport, and I forget the immediate facts in this respect, but Mr. DeHarpport took the position that he had earned the commission for a bona fide offer to buy the trailer park and the Greens had refused to pay it. The Greens came to me to defend. We tried the case before Judge Crawford without a jury. Judge Crawford, for whom I have enormous respect, who was also the registrar at Northwestern College of Law for many years, served as judge and jury.

I'm straying a bit here, and you'll forgive me, Counsel, but I remember this little event. We had a witness on the stand. I was, of course, young and rather green as a trial lawyer, and the witness disappointed me. He was so hesitant in his speech. And so evasive of directly answering questions that I was putting to him, that I personally, maybe to be overly sensitive, gained the impression that the judge would think he was not telling the truth, that my witness was false. When opposing counsel finished cross examination, the judge called for a fifteen-minute recess, and I stepped out into the hall dreadfully upset about this experience and thought perhaps we would lose the case because of this very witness. And I had to talk to somebody about it. Walter Evans, a highly respected attorney of Kraus Evans and Lindsay at that time, was walking down the hall. And I said to Walter—his father had been a federal judge in the District of Columbia Court of Claims, I said to Walter, I said, "What do you do in a situation like this, Walter?"

[chuckling] I set out the facts to him and he quickly responded. He said, "When your witness steps down from the stand, you move Judge Crawford to strike his testimony, and [laughing] in the presence of the court you kick him in the seat of the pants!" Of course that's an impossibility and perhaps an example of disrespect to the system, but that's what Walter told me. But we were fortunate enough despite this witness to win this case. And opposing counsel was not satisfied there and he appealed the case to the Oregon Supreme Court, and there you will find this case in *Oregon Reports* in 1955 [*DeHarpport dba City Realty Co. v. Green* 215 OR 281, p 2d 900 (1959)]**.**

KS: And there was no Court of Appeals at that time?

FB: The Court of Appeals was not formed, I would say until 1970 or ’71, with Judge Schwab as Chief Justice then. The same Judge Schwab that I tried my first case [against] in the old Mautz office before Judge Olson, District Court Judge.

Anyway, this case decided would be *DeHarpport versus Green*. And we were fortunate enough to prevail in the Supreme Court. This was a little bit of a modest feather in my cap as a practitioner. But, I was meeting people like Mrs. Green, representing her, and becoming close to Dick Neuberger as one of his unofficial committee advisors while he was in the United States Senate. Indeed, a lawyer friend from Yale at the time asked me to run for mayor of Portland. [laughs]

KS: Did you do so?

FB: No, no. N-O. But I had perhaps become a little heady, thinking that I still could combine politics with law. But I learned better later.

KS: Okay. So, you had been told by Mr. King that you would not receive the same offer twice, according to his firm’s policy. And you continued as a solo practitioner for a bit and then I think you alluded earlier to sometime in the not too distant future associating with some other lawyers in town and forming a law firm?

FB: Yes, yes.

KS: What year was that?

Joining Veatch Bauman & Veatch (later Veatch Bauman & Lovett)

FB: That would be in 1955, if memory serves, Counsel, and I suspect about August. But earlier, maybe late spring of 1955, John Veatch, Jr., who was practicing with his father in the

Yeon Building, still a respected address—came up to me at the Morgan Building, and approached me with the tentative invitation to join him and his father in the practice of law. This resulted in discussions with the two gentlemen, particularly with John, Jr. The father was not as active as he once had been. He had been the attorney for Meier & Frank for many years and he was also the principal attorney in *Pierce versus Society of Sisters*, which was decided I think about 1923, by the U.S. Supreme Court in Washington, D.C.

KS: The [U.S. District Court of Oregon] Historical Society did a famous case presentation of that particular decision a year or two ago.

FB: Really? Really?

KS: Yes. And if you'd like to hear anything more about that, there is a tape recording.

FB: I'd love to sometime.

KS: I'll try to get that for you.

FB: Well, Mr. Veatch was the principal attorney arguing that case, as I understood it, in 1923. Of course, I was barely a two-year-old youngster at that time. He was highly respected and John was following in his father's footsteps and was highly respected, and I then, after discussing it with my wife, decided that this was a course that we should follow. So I joined the firm. Its practice centered around representing businesses, one major insurance company on the West Coast, a degree of insurance defense, which I took charge of, contracting firms, and occasionally being sought out by individuals from downstate, particularly Southern Oregon, the Roseburg area, where Mr. Veatch originated. I remember the Rose family, for whom Roseburg is named, sought us about filing a major suit in Roseburg, which would have upset the title of a good number of the citizens. I must confess we turned that case down. But the nature of my practice changed considerably.

KS: Still not a lot of international law?

FB: I'll say this to you without question. I would say this in a court of law. No.

KS: But you're still hoping.

FB: I still have an interest. I'm doing this, Counsel. I'm engaged in American Bar Association activities. I had told you I was Chairman of the World Peace Through Law Committee of the Oregon State Bar. I helped found that about that time or a little earlier. It may have been when I was an individual practitioner, still having my eye on some possible involvement in the years that followed, and I was still a relatively young lawyer.

KS: So, it was Veatch?

FB: V-E-A-T-C-H.

KS: Yes. Veatch Bauman & Lovett

FB: Eventually, yes.

KS: So, after joining the father and son you must have brought some partners in?

FB: Later, later. It was first Veatch Bauman and Veatch. Then, Charles Lovett, who had a banking practice, a graduate of University of Michigan Law School, joined us. He was a very fine attorney, veteran of the war like John and myself. He had three fine sons living in Portland at this time, and a lovely wife. He was highly respected within the bar, eventually active in the Multnomah Club, I think Vice President of the Multnomah Club, and Chuck came with us. Then we hired one or two other lawyers, too, to work with us—Morton Zalutsky I think we hired. Do you know Mort? Mort is still practicing, yes, very highly respected. One or two others were with us, too.

KS: And you were practicing together it looks like about eight years?

FB: We practiced from 1955 together, harmoniously, until about May or June in 1963, yes.

KS: And I know you've had several fairly large cases, trials it sounds like in the federal court during those years?

FB: Yes.

KS: Can you tell me about a couple of them?

The Federal Court Trials Beginning with *Zucker vs. Mitchell*

FB: Yes, I'll be happy to. The prime case is *William Ritchie versus Lamb.* R. Drew Lamb, et. al. tried in United States District Court of Oregon before Judge William East in October, 1957. Goodness gracious, that's almost fifty years ago! And it is fifty years ago.

And my introduction to Mr. William Ritchie, if memory serves, actually occurred over in the Morgan Building before I joined the Veatch office.

KS: What was the nature of his lawsuit?

FB: The lawsuit was a breach of contract case related to services that Mr. Ritchie had performed for Mr. Lamb and his lumber companies in Northern California, Klamath County, along the Klamath River. And the case, unfortunately, from the plaintiff's point of view, was not supported by a written contract. I believe, for that and other reasons highly responsible attorneys in Oregon had turned it down, one being Otto Frohnmayer in Medford, Oregon, near the site of the subject matter. I was approached by the attorney for the old Portland Traction Company, Norman Easley, along with Mr. Ritchie, to take the case. And he sort of served as an intermediary. I did agree to take the case. And this case, in terms of fact finding, required in the

discovery process, something like a year's time, maybe more than a year, to get ready for trial. There were depositions, witness interviews, and motions filed in court by the defense, let alone the pre-trial order process, the case being filed in U.S. District Court.

KS: Who represented the Lambs?

FB: The Lambs were represented by a prominent Medford attorney, Hugh B. Collins, an able attorney. I know our discovery efforts ranged from Sacramento, across the Oregon border into the Medford area. It came to trial in early October, 1957 at Medford, with Judge William East sitting. From my point of view, from the mental point of view, the case was clouded by this earlier development—about a year earlier I had been retained by a crippled gentleman from Los Angeles, by the name of Zucker, Z-U-C-K-E-R, which is German for sugar, to recover real estate that he strongly believed had been stolen by the District Attorney of Clackamas County. We filed this case in the US District Court of Oregon, like the *Ritchie Case*, under diversity of citizenship. I think the jurisdictional minimum at that time was $10,000. But I think, if memory serves, the amount we were seeking was far more than that. The name of the attorney—I don't believe he is living, but it's all in the record—was Stanley Mitchell. This, too, required from the discovery point of view, an immense amount of my time. I was going full blaze. And the property, much of it was located in the State of Washington. It required trips to Washington, the Puget Sound area, et cetera. And in my mind, based on the evidence, there was no question that poor Mr. Zucker had been had. However, there was a failure in my analysis from the outset, based on all the circumstances, the facts that we knew, the law that applied, and that failure related to the nature of the plaintiff himself.

KS: Yes.

FB: There was an element of unsoundness related to what had been taken from him. The $3 become $6. The single piece of property became two pieces of real estate, et cetera. I was aware of this and did my utmost to keep him on the ground, so to speak, so that we only claimed what had been taken, what the evidence showed, not what he told me. And when we got into trial,

opposing counsel very ably fell back on a particular Federal rule, Rule 42, whatever it is, and moved the court that certain documents under examination on the witness stand be produced, and Mr. Zucker, with all due respect to him, said, "We will produce them."

And Judge East ordered me to produce these documents within thirty days, I believe.

KS: But your client didn't have them.

FB: Right. So, over this thirty-day term I made an effort with my client. He said he had them: "Where are they?" But he never produced them, and when it came on for hearing again, here in Portland, not in Medford—on this particular narrow point—we had already prepared the pre-trial order. That's another element in the case that was adverse from our point of view. The court ruled that under this particular rule, since he had not produced these documents, which under oath he said he possessed, the case should be dismissed, and he ordered it dismissed.

But another hardship, a mental hardship of the case, was not helpful. The day before trial—I had about 300 exhibits in that case—Zucker got into my exhibits and these were all related to the pre-trial order and numbered. He got into my exhibits and arranged them to suit himself. So, when we opened for trial I couldn't find exhibits related to the pre-trial order because Zucker had rearranged them to suit his convenience. And I will never forget Judge East tapping his pencil, it seemed for an interminable period of time, waiting for those exhibits to be produced. Sometimes they would be. I forget, but to an extent they would not. But what is counsel to do, to confess in open court what has happened and betray his client or just struggle with the problem? I chose the latter.

But, as I say, we lost the case. I was terribly disappointed. The judge on his own motion, at the very last day of the hearing when he dismissed the case, brought in the United States Attorney to listen to the proceedings, presumably to bring poor Mr. Zucker before justice on a criminal count. I thought that was unnecessary even though he had had an adverse result, and I was terribly disappointed, I confess, in Judge East. So here, thirty days later, we're in Medford with Judge East again. It was just before the *Ritchie Case*, and I had to make a decision whether to file an affidavit of prejudice against the judge, and I decided against it. And the trial opened, the jury was selected. Citizens from various counties in Southern Oregon, ranging over the

Klamath came before the court as potential jurors. Weeks of plaintiffs' testimony come before the court. Mr. Ritchie was on the stand a good deal. And let me lay this on the table, too. I mentioned we had no contract, written contract for the case. How are you going to get around that in terms of the statute of frauds? I ask you.

KS: *Quantum meruit.*

FB: Did I tell you that earlier?

KS: [laughing] Yes.

FB: So, I used the theory of *Quantum meruit*, which entitles you to appear before the court, hopefully successfully, without a written contract, and try to earn through damages, the reasonable value of the services that you performed.

KS: I haven't thought about it since law school. Is it an equity…?

[End of Tape 11, Side 1]

FRANK A. BAUMAN
June 15, 2006
Tape 11, Side 2
Portland, Oregon

The Federal Court Trials Beginning with *Zucker vs. Mitchell*, cont.

KS: Okay, it is just about noon on June 15, 2006, and this is Karen Saul and Frank A. Bauman, continuing with Mr. Bauman's oral history.

FB: Let's continue. I know we usually stop at 12:00 o'clock, but let's finish with the *Ritchie Case* if we may, at least at the trial level. You mentioned while you were changing the tape, about *quantum meruit*, which was indeed what we fell back on, and the instructions that were ultimately given to the jury by Judge East. But then we also had an equitable claim too. You mentioned, is it an equity [issue]. It's not. I look upon it as a legal theory. There are several elements to it. But, we had an equitable claim, and for technical reasons, to avoid damaging fatally our legal claim, without consultation with my client and that was for about $10,000, and in front of the jury to show our good faith, I moved to dismiss our equitable claim. Like that. And I think poor Mr. Ritchie could have hung me when we had recess. He said, "You've just given away $10,000 of mine!"

But I said, "What we're doing is this, we're reserving it for the future. It wasn't wholly given away, but we left it on the basis that judge would hear the equity side of the case and decide that subsequently." But that was the impression he had. The case continued that week. I was then a little bit more comfortable, flew back to Portland to be with my family over the weekend, then down to Medford Sunday night.

And lo and behold, still sensitive about Judge East's ruling in the Zucker case, in the Medford Airport Administration building, as I say lo and behold, I run into Judge East! And the first thing the judge says to me, he says, "Frank," he says, "when is the balloon going to break?"

I thought he was talking about the plaintiff's case, and I was very upset and so I responded to His Honor, and said, "Your Honor, you and I have no right to discuss this case outside of the ear of opposing counsel. Good night, Sir." But I thought, my gosh, we're really in a pickle here. The judge is… [both talking]

KS: An *ex parte* contact.

FB: Right, right. Well, the case went on for three weeks, which was at that time the longest I'd ever been in court. It went to the jury late Friday afternoon, after arguments by counsel, and the verdict came back about midnight, and lo and behold, the unanimous twelve jurors gave us a $176,000 verdict, which I was told that at that time was the largest verdict ever entered in Southern Oregon by a federal court.

KS: What was the amount, do you recall?

FB: The amount by today's terms—

KS: Would be small, but—

FB: It was relatively modest.

KS: Right, but we're talking 1957, I think you said.

FB: I'd say the amount was $176,000, which to me was a sizeable sum, particularly as I am referring to that log **[Exhibit 0042]** in exhibit 42, my first fee was $15 in January, 1953.

KS: Well, and congratulations on what was at the time, it sounds like, a very large award.

FB: And here's a little aside to that $176,000. The bailiff, for some reason, was cautious about Mr. Collins; brilliant man, excellent lawyer, but forgive me, Mr. Hugh B. Collins, weak in person-to-person relations in the courtroom. And he treated the bailiff with some disrespect, I felt. For example, the bailiff was stone bald. He always called him, rather than by his name, "Chrome dome". So, Chrome dome comes to me. We're in the Medford Hotel having a cup of coffee after the jury has come back, and he sits down at the table and he says, "You know, Mr.

Bauman, you've got a verdict of $176,000, but eleven members of the jury wanted to give you $50,000 more. But that juror in the lower right hand corner from Klamath County, refused." And to get a consensus verdict they reduced it $50,000 to $176,000, for the logging services performed by Mr. Ritchie. And goodness gracious, during the trial, this juror sat in the front row on the right as you face the jury's box and always smiled at me. It was embarrassing. I thought, well at least we have this gentleman on our side. We didn't have him at all! Which is a concrete example, you just don't know who is for you and who is against you when you are arguing before a jury.

KS: That is so true.

FB: End of story.

KS: Well, I think you told me that the case went up on appeal.

FB: Went to the Court of Appeals.

KS: And it was a long time before it was fully resolved.

FB: We resolved it in 1960 when I left the Veatch office, and joined the new firm, which we'll go into later. But we settled it, I would say, in August, 1963, six years later. It had not been argued yet. I forget what the status of the briefs was before the Court of Appeals, but we settled it for $200,000 cash. So, the $176,000 became $200,000, with reference to elements that were reserved to be decided by Judge East on the equitable basis. Incidentally, East ruled against us on the equitable claim, but we must have raised that on appeal.

KS: Well, is this then a good time to stop?

FB: I think this is an excellent time, Counsel, and I compliment you again for the questions that you've asked, and it's been a most pleasurable experience having this two hours with you in the Hooper law offices here in the Standard Plaza Building on the fifteenth floor.

KS: Thank you.

FB: Thank you.

[End of Session]

FRANK A. BAUMAN
October 18, 2006
Tape 11, Side 2
Portland, Oregon

The Federal Court Trials Beginning with *Zucker vs. Mitchell*, cont.

KS: This is Karen Saul speaking. It is October 18, 2006. I'm here with Frank A. Bauman in the Standard Plaza Building, at the Hooper Law Firm on the fifteenth floor in downtown Portland, Oregon. And we are continuing Mr. Bauman's oral history on this date. We are finishing the second side of a tape that we began, where we last left off in June, before our summer activities took us away from the project for a few months.

FB: Here we go again, and we're going to return, if I may, Counsel, to *Ritchie versus Lamb*. And let me summarize. The case was brought into my office by Norman Eisley, who is gone, who was attorney for the Traction Company and the Portland Electric Power Company, a very able defense attorney. At that time I was practicing in a small office in the Morgan Building. You could hardly get around the table without climbing over it. But for some reason, there he was. He introduced me to a William Ritchie of Sacramento, California, who had a claim against R. Drew Lamb, the lumberman in Ashland who had the Magnolia companies; formerly a gentleman from the State of Mississippi. During the course of the retention proceedings, I discovered that Mr. Ritchie had counseled with the Frohnmayer firm in Medford, and it had turned him down—still perhaps the leading firm in Medford at this time, headed by Mr. Deatherage. But they turned it down because it was thought that there was no cause of action sustainable to take the case to the jury. There was no written contract. It was all word of mouth. Fortunately, I was able to search my mind and come up with the ancient *Quantum meruit* theory that Mr. Ritchie is entitled to the reasonable value of his services to Mr. R. Drew Lamb and the Lamb Corporations. And fortunately, too, that theory was submitted to the jury by Judge William East, and this permitted the case—and of course it requires a unanimous verdict in federal court, all twelve agreeing—permitted the jury to reach a verdict that was favorable to our cause.

I want to say, too, a word about Mr. Ritchie—a remarkable client. Of course the client wins the case rather than the lawyer; the lawyer aids in having the client accurately tell his story

to the jury. And I remember particularly the third day of trial, the third day of trial, and Mr. Hugh B. Collins was cross examining Mr. Ritchie, and he put a question to Mr. Ritchie—it was in the afternoon, I believe—and Mr. Ritchie responded and I noticed the jury was watching him very carefully. Mr. Ritchie responded, "Mr. Collins, Sir, you are trying to have me say something that is not true." And the jury came to complete attention, and I think from that day on the jury was sympathetic to Mr. Ritchie's cause.

As for my personal or professional career, I was relatively unknown in the bar, even though I had been practicing for several years at the time that I tried the *Ritchie Case*. But with the firms that had turned it down, and with its being a landmark judgment, the largest verdict ever entered in federal court in Medford up to that time, lawyers, if I may say so immodestly, began to take a bit of notice of me. And this led to other business. Looking over my history professionally, I would say clearly it was perhaps one of the two or three most important examples of litigation that took my time. [laughing] The *Ritchie Case* was with us a good many years, just as some of these other cases.

KS: Did you say you settled it eventually in 1960?

FB: In '63, in July of 1963, roughly, we settled that case for $200,000 cash. And that included an equitable claim that had been withdrawn from the jury under federal rules and left to Judge East to decide. And there's a little tale about that. Judge East sat on that equitable claim for over a year, and Mr. Ritchie was becoming restless, and he would come to me and say, "Isn't there any way we can move the court to get a decision on the equitable claim?"

And I said, "We just have to leave that with the court. My advice is not to disturb the court in this respect." But finally the client insisted that I speak to the court. I did speak to the court, respectfully I trust, and the court decided the equitable issue the very next day, and decided it adversely!

As I understand it, you want me to discuss with you and perhaps whoever hears this in the future, some of the trials that I feel stand out in my career. But before, let me return to *Ritchie versus Lamb* one moment. Involved with the case as one of our many witnesses was Mr. Ritchie's father, Pop Ritchie. And Pop Ritchie had an athletic background. He was the first

football coach of Baylor University in Texas, and Baylor just played Texas last weekend if you were watching television, and unfortunately lost to the University of Texas. But it's a very fine school in Waco, Texas, a Baptist school, I believe. Anyway, I learned this fact and I, on my own motion, got in touch with the president of Baylor University, a gentleman by the name of McCorkle, and told him about Pop Ritchie, and he responded, and he said, "Pop Ritchie must come down to Texas, to Waco, for homecoming this fall and we will pay for his expenses."

So, I arranged through his son, Bill Ritchie, for the father, Mr. Ritchie, Sr., to go to Waco and to appear at the homecoming. And he did, and during the half-time at the homecoming game, with the queen of the homecoming in an open car, he drove around the field, circling 360 degrees waving to the crowd just as Her Majesty the Queen did. And when he returned to California, in Sacramento, Mr. Ritchie said, "It was the finest weekend that my father ever had." End of story. [KS chuckles]

KS: Well, Frank, you also shared a story with me at the historical society's picnic this summer, about borrowing a car while you were involved in a trial in Southern Oregon, and a very interesting turn of events. Would you mind sharing that story for the tape recorder?

FB: Yes. This development is a sequel in a sense to *Ritchie versus Lamb*, because the successful result in *Ritchie versus Lamb*, in 1963, ultimately achieved after a long, arduous trial, and proceedings to appeal the case in the Federal Court of Appeals in San Francisco, the Ninth Circuit, I was asked by people in the Medford and Ashland area to act for the Lithia Lumber Company, a corporation that had a mill in Ashland; it no longer exists. But, again, it was a suit against Mr. R. Drew Lamb and his Magnolia Companies. And I ultimately agreed to take that case, and the case, again, never seemed to end. I think that we were two or three years getting ready for trial, and it was—no it wasn't that long. I retract that.

I was approached in '63 at my new firm, Keane, Haessler Bauman & Harper, and we'll go into that firm and my relationship with it and my previous firm, Veatch Bauman & Lovett, in a few minutes. But, it required trips to Medford to take depositions and interview witnesses and argue motions, the usual requirements of a preparation of a trial as a plaintiff. And one summer day, I was down there to interview a witness in Phoenix, Oregon, and the Frohnmayer office,

although not officially related with the case, was very helpful. I was talking with one of the attorneys, who was a State Senator, and I'll be honest—his name escapes me—Phil was his first name. I needed a car to go to Phoenix and I had flown down. And he very kindly loaned me his car and he pointed it out in the lot across the street from the offices of the Frohnmayer, which was the Cooley Building. And it was a green, about 1936 I would say, station wagon, either a Pontiac or a Chevrolet. So, I walked across the street to the car, temperature was 106 degrees, and in that type of weather I wilt in every respect. I got into the car, thinking it was it, and it was the right color, and it was a station wagon, '36, but it was the car parked right next to Phil's car, Phil Lowry is his name—now it comes to me, Senator Lowry. And it was not his car. And the car was filthy dirty, filthy dirty! And this was so unlike Mr. Lowry, whose desk was always in apple pie order, everything in its place, and I wondered at the time. I said, "My goodness gracious, here's Phil, such an orderly person and this car is just in dreadful shape." Papers all over it, dust, et cetera, et cetera.

Somehow or other the key worked in the transmission, the car started up, and I forgot about the fact of it being dirty, and I thought to myself; other than thinking, well obviously Phil is not interested in automobiles, and drove out to Phoenix and spoke with the witness. I was again on Main Street, with the car, and I heard a little boy on the corner at one of the crossings, say, almost teary-eyed, "There goes the thief now!"

And I didn't pay much attention to that. [laughing] I don't consider myself a thief, and I continued. And then I looked up at the rearview mirror, and by golly there were some red lights blinking, so I thought they were aimed at me and I stopped the car, a policeman came up on my left side. The window was probably rolled down, it was so dreadfully warm, and he said, "Whose car is this?"

And I said, "I think it belongs to Mr. Lowry."

He said, "Let me see the registration card, please."

And so I showed him the registration card. It was no more Mr. Lowry's car than the man in the moon's. He said, "I think you should come down to the station with me."

KS: Grand theft auto!

FB: Right, right. So, I adjourned down to the police station in Medford, and they were just starting to book me, and I said, "Goodness. Let me call Phil Lowry and see if I can have him come down here and act for me." And so Phil dropped everything, came down, and while he's talking to the booking officer, the owner of the car arrives, a lady, she's crying, in tears and the little boy. But, he used his professional skills and avoided a formal arrest. I felt very humble after that experience, and I do believe, to try to set myself on a little bit higher level with this lady, I ultimately sent her a box of candy from Portland. End of that tale.

KS: Well, thank you for sharing that. Would this be a good time for you to tell us a few more things about the two law firms you mentioned earlier? Your affiliation with Veatch.

FB: Yes, I believe I mentioned earlier in this session that I was practicing by myself when I was first approached by the *Ritchie* C*ase,* at my office in the Morgan Building. Well, one day John Veatch, Jr., called on me in the Morgan Building office and in a forthright way asked me to consider joining his father, John C. Veatch, Sr., forming a partnership in the Yeon Building, a somewhat more prestigious location. I was doing, I won't say reasonably well, but getting by as a practitioner, and learning for the first time that the individual practice of law is something that your law school background does not adequately train you, let alone touch upon it. I was uncomfortable. It had not been the success that I had expected, but I had some cases of significance, two of which, one which I'll never forget, and I might say the most important case I was ever involved in, and that had to do with the State of Texas and the Huntsville Penitentiary, which is, some say, the toughest penitentiary in the nation. Have I mentioned this to you before?

KS: Tell me a little bit more, and I will—

FB: Well, I'm not going to tell you the name of my client, and I have his files. I found them this morning and I have them right here. They're quite voluminous. I was surprised, but this was over in the Morgan Building, and he came to me. He lived in Central Oregon at the time, and he told me quietly that he had escaped from the Huntsville Penitentiary years before. He had conducted himself as an exemplary citizen since escaping. He was convicted of stealing food for

his family during the Depression years, and he still had a period of time to serve. He wanted somehow or other to square his record with the State of Texas. So, quietly I got in touch with the superintendent of the Huntsville Prison in Texas, and over a period of time worked out an understanding with the State of Texas, that he would not have to return to the prison, and that he was free to come and go as a citizen in Oregon, and that, if memory serves, that his record would be expunged. And I consider this an accomplishment of the first rank which led to other business in the future, but we won't go into that at this time.

[End of Tape 11, Side 2]

FRANK A. BAUMAN
October 18, 2006
Tape 12, Side 1
Portland, Oregon

Dissolving Veatch Bauman and Lovett and Moving to Keane Haessler Bauman & Harper

KS: It is October 18, 2006. I'm here with Mr. Frank A. Bauman to continue his oral history for the U.S. District Court Historical Society, and we were just discussing your affiliation with the Veatch Firm, and some of the related people.

FB: We're on a new tape, of course, and I'm saying a few words about Mr. Veatch, Sr., a remarkable man and outstanding lawyer in the history of this state. He became involved with *Pierce versus Society of Sisters* as the principal attorney for those seeking to declare the legislative act that outlawed private schools, including parochial schools, in the State of Oregon. He represented Hill Military Academy in the matter. In fact, the morning of the trial, I'm told that the *Boston Globe* had his picture on the front page between two cardinals, and ever after that he was know as "the cardinal" in the practice. But the Supreme Court decided that case by declaring unconstitutional this piece of rather atrocious Oregon legislation, and fortunately the Ku Klux Klan, after that, declined significantly in influence in the state. And I suspect at this time does not even exist in our good state.

KS: So, were there any other significant cases that you'd like to tell us about while you were with the Veatch Firm, or do you want to tell us about your next firm affiliation?

FB: Well, let me say this if I may. I was involved in a number of insurance defense cases as a defense attorney for an insurance company. I do not look upon any of those cases as being major cases, but they're part of our system and still very much in evidence today. I think at that time in the economic history of the state and the role of practitioners within the state, particularly here in Portland and the Multnomah County, Clackamas County, Washington County area, that insurance defense, as well as plaintiff's personal injury cases, were a principal element in the practice of law. Since then, with the growth of technology in the state, with the state's largest

employer at this time being Intel with what—15/16,000 employees, the technology services in the state, particularly in Washington County and downstate with Hewlett Packard in Corvallis, that no longer is personal injury the paramount element in this state. But this was my role, although the *Ritchie Case* was ongoing during the Veatch experience, I only settled it when I joined Keane Haessler Bauman and Harper in the American Bank Building in, oh about May or June of 1963. I departed from the Veatch office under very cordial terms, very warm terms and moved away from the defense field. I was then involved in a new case against Mr. R. Drew Lamb, which I have mentioned already and that was the Lithia Lumber Company case, which I brought with me.

These entries are from what I would term—my diary. This is not my time records, for the period particularly that I was with the Keane office, beginning in 1963, and I have in front of me 1965, ’66, ’67,’69 and ‘70. There was a considerable amount of time devoted to the second Medford case. For example, the trial itself took ten weeks. I was exhausted afterwards.

KS: The Lithia case?

FB: Lithia case, Lithia case. Ten weeks, ten weeks [*Lithia Lumber Company, Appellant and Cross Respondent v. Lamb et. al, Respondent and Cross Respondent* 250 OR. 444 442, P2d 647 (1968)].

KS: Did you have a person that helped you with the trial?

FB: Yes, I had a very fine attorney, and of course, Counsel, as you well know and I assume this still appertains in the practice, that when you’re downstate, whether it’s Medford or Grants Pass or Cottage Grove, or Eugene or over the hump in Bend, Oregon or east into Umatilla County at Pendleton and so forth, and you have a case of some significance, its probably wise to have local counsel. Because local counsel knows the lay of the land, both in fact and particularly the evidence that will come out or not come out in the case. I had an attorney by the name of Stanley Jones, whom I believe is still practicing in Klamath Falls. I hope so—a very fine gentleman, a very able lawyer. And Stan and I worked together on that case. And again, we were

up against Hugh B. Collins, Mr. Collins, an equally able attorney. And Mr. Collins was joined by Bruce Spaulding in the Schwabe office here in Portland. The particular attorney assisting Mr. Spaulding, who was in the forefront in excelling Mr. Spaulding in the amount of time in the case, was A. Allan Franzke and I believe Allan is gone and certainly Bruce Spaulding is gone too, yes. But there we are.

An Interlude with the Aspen Institute in Japan

Let me return to my relationship with the Keane office. The office had a number of corporate clients and it was one of the forerunners in the professional business of advising on initial public offerings. This was non-existent in the Veatch firm, although I had quite curiously handled an initial public offering when I was practicing in the Morgan Building, but let's not go into that.

[I told you earlier about my invitation by the Aspen Institute, but] I have not told you how this relates to my ties with the Keane office, of which I am reasonably proud. As a result of my special knowledge in Japanese, having served as an interpreter in World War II, I was invited by the Aspen Institute to join a very small group to study Zen Buddhism in Japan. And the firm backed me on this and very generously paid for much of my costs, if memory serves, to make this trip. And the group of some twenty-five people from around the country, highly qualified in their respective areas, was headed by Elizabeth Paepcke, Mrs. Elizabeth Paepcke, the wife of Walter Paepcke, who with Mrs. Paepcke were the founders of the Aspen Institute after World War II in Aspen, Colorado. We spent about two weeks, not only studying Zen Buddhism, but learning something about the world of Japanese art and the Japanese economy. Japan, in my experience, is one large committee, i.e., the country. People of influence, respect in Japan, and I'm talking about the Japanese people themselves, became aware of this, the plans for us to meet there—representing the general Japanese economy—visiting us, dining with us, talking to us. They were the leaders of Japan. We had Buddhist priests of the highest order. Fortunately, they spoke English. Through this trip I met an attorney who was president of International Christian University Board of Trustees, and let me stop for a moment and pull the file on this right now. I do happen to have this with me.

I've examined the file that I have on this subject, which I call the Masao Saito file, and during this trip I had the pleasure of meeting a Mr. K. Yuwasa of Yuwasa Sakamoto Kawai and Ikenaga**,** leading international law and patent lawyers, in Tokyo, across the street from the Imperial Palace. And Mr. Yuwasa, incidentally, when I was in his firm, introduced me to the particular partner who wrote the Japanese Constitution in 1951-1952. The firm and Mr. Yuwasa were of the highest standing, and as I indicated, he was president of International Christian University Board of Trustees. I mentioned to him that the Keane office and myself were desirous of having a young Japanese lawyer join us for a year. He introduced me to this individual named Masao Saito, who was admitted to the bar and was also a graduate of ICU, International Christian University and happened to be a Christian, Methodist in background. Incidentally, only approximately one percent of the population of Japan are Christians, despite a long tradition of Christianity in Japan, having been introduced in the sixteenth century by St. Francis Xavier when he came to Japan. It experienced a period where Christians were precluded from practicing their religion and faced death if they did. This lasted for 200 years and with the Meiji Restoration this practice was set aside.

But I was very impressed, returning to Masao, I was very impressed with Masao, and when I returned to Portland I arranged for Masao to come to our firm and he did, and he assisted significantly, particularly as an editor of briefs that we might be writing for appeals to the Supreme Court. I can remember especially one case that he was involved in where I filed an unsuccessful appeal in a case in the Washington State Supreme Court in Olympia, and we prepared briefs for the appeal to the Supreme Court in Washington D.C. Masao was extraordinary in catching minor errors, which could be fatal to the cause. He was strong in the English language. It was when Martin Luther King was killed in Memphis, Tennessee [April 4, 1968] which resulted in all sorts of explosions around the country. Masao had to take a brief back to Washington then. When he was in Washington D.C., he said the city seemed to be on fire. And when he returned to Portland he wondered about the future of this country, and told me so privately. But, Masao was an adjunct to the firm and the first if not the only Japanese lawyer in a Portland firm. I had the privilege of staying in touch with Mr. Yuwasa after Masao returned to Japan, and I'm very pleased to say that I am still in contact with Mr. Masao Saito, who practices in Tokyo, is an authority on Western opera, and writes in Japanese publications about

Western tradition related to opera. Only a few weeks ago I recommended to Thomas Landye, a very respected Portland attorney, to consult with Masao about a Japanese legal matter. And he did with excellent results.

KS: Did your firm develop, kind of, an international law practice during those years?

FB: This was my goal. I was reaching for this, but I must confess, we were never particularly successful. We had some ties with potential business in Japan. But in terms of the overall practice and the significance of it, dollarwise, or economically within the structure of the firm it was limited. I was active in the international law field. By that activity I mean I was on national committees related to the American Bar Association, or springing from the American Bar Association and attended conferences.

The Long Immersion with the World Affairs Council of Oregon

KS: Where did the World Affairs Council fit in? You were involved in that, right?

FB: Well, yes. And that's something that touches upon the Veatch experience and even my individual experience in the Morgan building and the Keane office. The World Affairs Council, in answer to your question, was formed about 1949. There were three founders of the organization—Professor Frank Munk of Reed College, Dean Anderson, who had been an administrator at Reed and then became, I think the number one advisor to the president of the young Portland State University, and a lady who was very active in the League of Women Voters, who was originally from Indianapolis, Louise Gronhdahl who was married to Hilmar Grondahl, music editor of the *Oregonian*. Because of my interest in international law and foreign affairs, I established a relationship with these people. I was asked to serve on the board of the World Affairs Council beginning in about 1954, while I was still practicing by myself. It had board meetings in the Directors room at the First National Bank at 6th and Stark.

And then rather early on, in 1956, I was asked to stand for president of the organization, and was elected. So, for the 1956/57 period, I was president. This was still at the old Veatch

office, and it was an experience I enjoyed. It was time consuming, but I found that it satisfied a need and interest that probably was directly related to my Hiroshima experience. I continued on the board for roughly a quarter of a century, twenty-five years.

KS: And you're still an active member.

FB: I'm still an active member, but nothing like I once was. I was also a president again, I might add.

KS: What year was that?

FB: I was president twice of the organization. When I returned from the UN experience I was elected president, I think in the summer of 1979 and served in '79 and '80 again as president.

A Look at Bauman's Appellate Practice

KS: I want to talk more about what happened to your career in the '60s, but first if you would just tell me a little bit more about your involvement in the appeal of your cases that you tried. Did you handle your own appeals, or did you have somebody else argue those cases for you? Because anymore, in modern times, it seems that the trend is more for one person to be the trial lawyer and another person then, to handle the appeal. So, how was that done during your career?

FB: That practice may have been followed to a degree in the period when I was active, whether it be in the Veatch office or the Keane office, but in every situation where I was involved in a case, either trying it or playing a key role at the trial level, I argued the case, I supervised the writing of the briefs. I had assistance, particularly in the Keane office, from a young lawyer there who has had a very eminent career in his own right, Donald L. Pearlman with Patton, Boggs and Blow. He practiced in Washington D.C. in recent years and was very much involved with opposing the Kyoto Treaty. He represented the People's Republic of China and other Middle Eastern countries who were

opposed to the treaty, and spent his last days on that matter. He's recently passed away. But Don worked with me, but I was the lead lawyer, no question about it.

KS: How many times did you argue to the Oregon Supreme Court?

FB: Not very many times. Limited. I had several cases involving ethical questions where I represented the state bar, and I had the *DeHarpport versus Green*, which I have already mentioned. I haven't discussed at length the case involving Lithia Lumber Company versus R. Drew Lamb, which we won after an arduous ten-week trial, and we obtained a judgment for over a million dollars, which was sizeable at that time. There were counterclaims allowed by the jury, too, that were also sizeable, but the case by the defendants was appealed to the Oregon Supreme Court. The defendants, through the Schwabe office, filed 255 exceptions to our verdict and we had to respond brief-wise to each one of those exceptions. Then the Supreme Court (Judge Theodore Goodwin) decided the case. He's now on the Ninth Circuit Court of Appeals, senior status. Judge Goodwin decided that case against us on the 256th issue, which was never examined by either plaintiff or defendants in their briefs, and never argued before the Supreme Court. By then we were exhausted and we were largely bereft of funds to continue the matter, and that's where the case ended, unfortunately.

The Mississippi Volunteer

KS: Well, I know that you volunteered in the State of Mississippi. Is this a good time to talk about that experience?

FB: Yes, that ties into the Keane office, indeed it does. In my last years at the Keane office, I was involved with a will contest between two brothers and I shan't give you their names, but it was a successful result. The lawyer representing the other brother was Pat Hurley. Pat called me and asked me if I would be willing to serve in Mississippi to assist in Blacks being registered on the jury roll, as well as being lawfully permitted to vote in federal and state matters in the State of Mississippi, under the Civil Rights Act signed by President Johnson in 1964. I might say by way of background, that the Mississippi Office of the Lawyers' Committee for Civil Rights

Under Law, in whose aegis I served down there, was opened in Jackson, Mississippi, about September, 1965. The first head of that office was a very fine Oregon practitioner, Cliff Carlsen. Cliff and I have a similar background. We're both graduates of Grant High School and Stanford University as well as Yale Law School. Cliff opened that office. He's since gone, but he is held in very high respect.

I came along in 1969 with this telephone call to serve down there and I accepted and my office, the Keane office, cooperated with me and I spent a rather brief time there. I remember particularly one case that we had in Cleveland, Mississippi, which is in the far north, near the State of Tennessee, and we had to go up on the Natchez Trace one night to get to Cleveland from Jackson, about 150 miles away. We were warned that under no circumstances should we identify ourselves to the public. When we arrived in Cleveland, we were assigned to a motel. The U.S. Marshal locked us in our rooms for the night, and then the next morning came around and unlocked the doors and we went downstairs for breakfast. There were two or three of us lawyers. And I, for some reason, was asked to sit with the judge, the federal judge that was going to try the case. The name Obadiah Smith comes to me, but that may not be correct. He was also at one time, president of the Mississippi Bar Association, but in my mind before being seated, I was concerned about the judge's attitude towards the case and hoped he would be willing to listen to both sides, i.e., be fair. That's all you can expect from a judge. You don't ask for a judge to be favorably disposed. He can't be. That's not right. But you do want him to have an open mind to listen to the evidence on both sides and to be prepared to apply the appropriate law to the case. I had, of course, never been before this good gentleman. But I did have the privilege of sitting with him at breakfast. We both ordered fried eggs, sunnyside up, and bacon and toast, and we were served at the same time. He being my senior and superior, I offered him the salt and pepper. And, "Sir," I said, "would you have the salt and pepper?"

And he said, "No," he says, "I insist that you have the salt and pepper first. You are our guest in Mississippi and you please use it first." And instantly I knew from that response that he would be fair!

[End of Tape 12, Side 1]

FRANK A. BAUMAN
October 18, 2006
Tape 12, Side 2
Portland, Oregon

The Mississippi Volunteer, cont.

KS: This is Karen Saul and it is October 18, 2006, and we're on the second side of this tape, continuing the oral history of Frank A. Bauman. Mr. Bauman, we have ten or fifteen minutes here before we need to end for the day. I would love to have you share more of your recollections about the service that you provided in Mississippi in 1969.

FB: Thank you, Counsel. Well, let me, as I continue, pay a word of respect to Oregon lawyers. Oregon sent more lawyers to Mississippi at that time, on a per capita basis, more lawyers than any other state in the Union. It's extraordinary. The Lawyers Committee for Civil Rights Under Law, which I've already mentioned, was a creation after the Civil Rights Act of 1964. It was headquartered in Washington, D.C. I don't think, professionally or otherwise, too many people know about its role in Mississippi. I'll give you a concrete example, as I have observed. Two years ago I received a call from the dean's office at Yale, asking me to be chairman of my class reunion nationally, and I accepted. Well, first of all I was astounded they would call on somebody clear out here, to use an Australian expression, "in the bush," because most of our graduates and practitioners that remain are in the East, particularly around the New York City area. I recommended a New York attorney by the name of Harold Healy be named as co-chair and he accepted. I'll be honest with you—I think it's probably the greatest honor I've ever received in my life, and I jumped right in.

But tying into Mississippi, in connection with preparation for the reunion, we have a permanent secretary of our class, and his name is Herbert Hansell. He's originally from Ohio, and he practiced for many years for the Jones Day Firm out of Cleveland, which now has a large office in Washington. He was also legal advisor to the Secretary of State's Office during the Carter Administration. He played a key role in the Lawyer's Committee for Civil Rights Under Law. And in connection with our preparations for our class gathering in New Haven, in October, 2004, he came up to me and he said, "Frank," he commented, "I had no idea you served with the

Lawyers Committee for Civil Rights Under Law in Mississippi." And here he is, one of the key people in Washington D.C. Perhaps he never got to Mississippi. I don't mean to be disrespectful. But, there's no question that this is a very, very little-known exercise in which lawyers around the country have engaged in *pro bono* work. I do know this, that the American Committee for Civil rights Under Law, about two years ago or so, honored the Oregon lawyers by giving each one the MacNaughton award for their civil rights activities. I was one of the fortunate.

Which takes me to an aside [that] has nothing to do with the practice of law, but has something to do with another profession and ties in with John C. Veatch, the first, the senior, whom I have always venerated and still do. Mr. Veatch was very close to E.B. [Ernest Boyd] MacNaughton, and MacNaughton was quite a figure in our community thirty-five, forty years ago. Mr. Veatch told me this tale. Think of it, Counsel—he was simultaneously President of Reed College, President of the First National Bank, and publisher of the *Oregonian* [laughing]. How he did it, I don't know. But he had his failings like all of us, and Mr. Veatch one day enlightened me to this failing, because, professionally he was an architect, graduate of MIT, who came to Portland in 1909. In fact, I'm told when he was looking around, he was dressed very conservatively in the New England fashion and while seeking a boarding house, he knocked on a door and the landlord said, "We don't take undertakers here."

But, as for Mr. MacNaughton, he practiced architecture and he was the architect for the predecessor building of the American Bank Building, which is located on Broadway on the west, 6th Street on the east, and on the south, Morrison Street.

KS: It has the white marble façade, doesn't it?

FB: It's still there, it's still there. It's a fifteen, fourteen/fifteen story building. It's still quite a handsome building. But there was another building before that, on which Mr. MacNaughton served as architect. And one day, in about 1914 or '15, after that first building was completed, Mr. Veatch was walking east on Morrison about 7:30 in the morning and had just crossed 6th Street, when he heard a tremendous roar behind him. The whole façade of the building had given away. Fortunately, because it was so early there was no one walking under it at that time, so no one was hurt and no one was killed. But then Mr. Veatch would pause and say, when he was

telling this story, “That was the end of Mr. MacNaughton as an architect in this state, [laughing] but he went on to greater things.” Enough said!

Returning to Mississippi, there were attempts made to harass us by authorities, particularly the police. At night they would go around the place where we were staying with their sirens on. Just how that was going to cause us to give up our mission, I don’t know. But it was not a comfortable situation. I remember, in fairness to the State of Tennessee, that one night we were having problems and the Tennessee National Guard, the officers and enlisted men were on their way to Camp Shelby for summer training, but the officers were the only ones in our motel, and I remember getting to talk to them that night about the Civil Rights Act of 1964. Their attitude was entirely different. It was much more favorable to that law than we found in Mississippi. Mississippi was, with all due respect to it, perhaps the slowest in the nation to come around, and that’s why we were there. Now, in fairness to Mississippi, I was in Mississippi four or five years ago, when I spent a week at Vicksburg, studying the Battle of Vicksburg between General Grant and General Pemberton, the siege of Vicksburg. As Mr. Lincoln said at the time, “Vicksburg is the key to the Mississippi, and I want that key in my pocket.” And he got it on the fourth of July. Vicksburg and Gettysburg were both won on the fourth of July, 1863, and what a present to the nation—a thousand miles apart. But the point is, during those days I was down there, the attitude towards Blacks by Mississippi people had changed enormously. Blacks were in key positions in, for example, the two motels that we stayed; whereas, formerly in ’69, that would not have been the case or formerly, when I was down in Mississippi in 1963 preparing to interview people in connection with R. Drew Lamb and his Magnolia Companies that had been in Mississippi. You’d go into the state capitol, and there would be restrooms for the “Coloreds,” so-called Colored people, as well as for the balance of the populace. They would sit in the backs of the buses, as we know.

KS: When you were there in Mississippi, it sounds like it was for about a month?

FB: It was not quite a month, it was three weeks.

KS: Did you spend a lot of time in court, or how did you spend your days down there?

FB: The days were spent preparing for cases and then a limited amount of time in court.

KS: And did you represent, like an individual voter, or?

FB: We represented individual voters or jurors, particularly women. I must say in fairness to the feminine sex, Blacks, they were so devoted to what we were doing; more so than the men. I would say 60/70/80 percent were women.

KS: Well, this might be a good time to stop for the day, since we both have appointments.

FB: Right.

KS: But we'll remember that we left off here in Mississippi, and if you have other memories at that time, we'll begin again to discuss those when we meet again.

FB: All right. All right, very good. Thank you, Counsel, for the value of the questions you've added to the occasion, because it has caused me to think and reflect on something now that's a few months' back. [KS laughs]

[End of Tape 12, Side 2]

FRANK A. BAUMAN
November 9, 2006
Tape 13, Side 1
Portland, Oregon

Returning Again to Bauman's Federal Practice Years

KS: It is November 9, 2006, and I'm here with Frank A. Bauman to continue his oral history for the U.S. District Court Historical Society, and we're meeting today in Mr. Bauman's office in the Standard Insurance Plaza in downtown Portland, Oregon.

Well, Mr. Bauman, we're here together on November 9, 2006, and before we turned the tape recorder on you were explaining to me your keen interest in federal procedure, thanks to Professor Moore, who is another "Son of Oregon," I understand. So, perhaps you can tell us more about how your years of practicing law tied into your training and interest in federal procedure.

FB: Thank you very much, Counsel. I am delighted to see you again and grateful for the question that you've put on the table at this time, relative to federal procedure and federal practice. You're quite right. I studied under James W. Moore, a course in federal procedure at Yale, and as you know, the federal rules of civil procedure were written by Mr. Moore and you're quite right, he's an Oregonian, born in Condon, in Central Oregon.

KS: And he was the first editor of Moore's Federal Procedure?

FB: Right, and he was editor of it for many years, yes. And the successor editor was a classmate at Yale, Charles Wright, a professor of law at the University of Texas, who is unfortunately gone; married to a descendant of Martha [Dandridge Custis] Washington. Well, returning to this background, it was with me when I commenced the practice quite some years ago. And in those early years I was very comfortable with the federal rules, with federal practice, and looked forward with anticipation the chance to be in federal court. And this occurred very, very early on, before the renowned Judge James Alger Fee from Umatilla County, Oregon; some would say a judicial tyrant on the bench.

KS: Was he the Chief Judge in the District Court?

FB: He was one of them. He was the Chief Judge and there were only two judges in the District Court then, Judge Fee and Judge [Claude] McColloch from Klamath Falls. But Fee particularly was someone to treat with the utmost respect and think carefully before you raised any questions countering whatever he suggested to you from the bench. He would embarrass you, quite frankly, in front of your clients. [laughs] Of course, this was not a comfortable feeling for attorneys. But anyway, as I stated before, I became very early on involved in a case called *Stanfield*, representing Jack Stanfield, a wool buyer, against Karen Milling Company, which was located in the State of Illinois, and we filed it under diversity of citizenship, in federal court, and proceeded with depositions and fact finding, both here in Oregon and in the State of Illinois. This case was dismissed by the justice on a motion that the mill, which was purchasing wool in Oregon, was not doing business in the State of Oregon; so that ended the case. I felt we had sufficient ties in that respect, but the judge in his wisdom felt otherwise. And this was my first experience, and it softened my interest in appearing in federal court. I was not comfortable with Judge Fee. He continued for a number of years.

Then subsequently there is the *Zucker* case which we have reviewed and *Ritchie versus Lamb* already set forth. Neither came before Judge Fee but was heard by Judge William East, see supra.

KS: What was the fourth case that you had in federal court?

FB: The fourth case, yes. It arrived during a period related to a client that I represented, Teeples and Thatcher. Karl Teeples and Bill Thatcher were rather successful contractors. In fact, the very apartment house that I reside in now at Southwest Vista Avenue, Park Place, the Park Vista Apartments, I understand was built by Teeples and Thatcher. And they did a pretty good job. Teeples and Thatcher, the contracting firm, was retained by a mercantile house, a department store I should say, Lipman Wolfe, which was located, as you know, directly across the street from Meier & Frank for many, many years, built about 1912. I hadn't intended to

mention this, but I will. My father's brother, John Baumann, was the superintendent of construction for that building in 1912, and came out from Chicago to carry on that job, and then returned to Chicago and never stayed in Portland.

KS: In fact, didn't you briefly work there in high school?

FB: You're absolutely right, I worked there in high school under Mr. Howard Davis, the superintendent who hired me. I think I've given you a letter of recommendation that he kindly wrote for me. But I was in the Boy's Department, High School Boy's Department, under Glen Clay on the fourth floor and then I worked for Don Walker in the Men's Department in the basement of the store, and then occasionally I was in the grand complex of the first floor under Mr. Neimorosky the head of the Men's Department in the Lipman system.

KS: So, they came back at some point in your life as a lawyer, it sound like.

FB: Right, right. You know, I've never really thought of it that way, but you're absolutely right. You're absolutely right. Well done, Counsel, you're very alert. You're ahead of me. [laughing]

I've told you the story about trying to get a job with Meier & Frank?

KS: I think you have.

FS: Lipman's was getting into the branch game and building a store out in Southeast Portland on 82nd, probably near Powell or Foster Road. And during the construction of the building by Teeples and Thatcher, and while two engineers representing Equitable Life Insurance Society of Des Moines, Iowa, were on the scene looking at the job and making their own views as to quality of construction, and the reason Equitable Life Insurance Company was interested—

KS: Were they financing it?

FB: Precisely, and had held a first mortgage on the property and they wanted to protect their security. And at the very time that they are on the site, the whole structure, which had been framed in, steel framing, collapsed. In their presence.

KS: That would be shocking.

FB: It was shocking, it was expensive, and some entity had to come forward and cover those expenses. And the insurer, at the time, was Lloyds of London. And it reached the stage where Teeples and Thatcher, receiving my advice, elected to sue Lloyds of London. Now, as you well know, the jurisdiction of the federal courts is limited. And one of the open avenues, which we've already referred to, to get into the federal courts is diversity of citizenship, and no one can state that Lloyds of London is an Oregon resident and then deny us our entrée to the federal court, as was done by James Alger Fee, with all due respect, in the Stanfield case some years earlier.

So, we filed. And lo-and-behold, defending Lloyds of London is my old employer, Schwabe Williamson and Wyatt. In my time when I was associated with them, and they treated me most kindly, most generously, the name of the firm was somewhat longer, Wilbur Beckett Oppenheimer Mautz and Souther. The particular attorney acting in the matter, was Kenneth Roberts, born in London, raised in South Africa, about my age, served in the Royal South African Air Force, responsibly and heroically in World War II. And he acted for Lloyds in the matter. We prepared for trial.

Ken Roberts was a very able attorney and he handled his client's case extremely well. There was considerable preparation by way of discovery. The judge assigned to the case was Judge John Kilkenny, out of Umatilla, a graduate of Notre Dame. I believe Judge Kilkenny played football for Knute Rockne, who was probably the finest coach in American football history, the Norwegian gentleman, Ka-newt [phonetic] Rock-ney, and of course Ronald Reagan depicted Knute Rockne in the film *Spirit of Notre Dame*, which came out in '41/'42, before your time. But I'm straying. Anyway, we prepared for trial and I was fortunate enough to retain an engineer to advise me, who is still living, who has had a remarkable career, a career of national if not international stature, and that is Evan Kennedy. Evan Kennedy was the engineer when the Baltimore subway system was designed some years later. He was also called in as a Master in the

federal court proceeding in Alaska when some $6 billion had, in terms of responsibilities, had to be allocated amongst the contractors who built the pipeline from Prudhoe Bay to—where does it end up? In Valdez or Seward?

Incidentally, I was in federal court in Alaska on an insurance matter when that Prudhoe Bay series of wells were finally completed, which would be February, 1968. But anyway, under the agreement by the parties themselves, as directed by the judge, the parties stated that they will let Kennedy determine the allocation of responsibility for that $6 billion, if that was the amount.

KS: So, he was a retained—?

FB: Right, but think of this, Counsel, and you would appreciate this, I'm sure; that after he made his findings, there was a clause that each party who protested the findings could go back to court and have the court review the matter and perhaps reassess and make new findings.

KS: But was he serving kind of as a Master?

FB: I would say a Master, yes. I would say as a Master would be the right legal term, yes. But think of this, after he made his findings, not one party objected. They all accepted his findings. So, that gives you some idea. Remember when the Congregational Church front was falling a year or two ago, Evan was called in to stabilize the church and protect the front façade, and he did. But he served as my attorney, advising me on the facts of the matter, and he testified as an expert witness, as an engineer…

[End of Tape 13, Side 1]

FRANK A. BAUMAN
November 9, 2006
Tape 13, Side 2
Portland, Oregon

Returning Again to Bauman's Federal Practice Years, cont.

KS: This is Frank A. Bauman and Karen Saul. So, please continue where you left off.

FB: Thank you, Counsel. The judge listened with the utmost care to the testimony of Mr. Kennedy, and he must have spoken for twenty or thirty minutes on the subject. Under federal rules, you know, the judge will ask questions himself, without consulting with counsel. When he rendered his decision, I think it was influenced significantly by the testimony of Mr. Kennedy. I still hold that view. Of course, suing an insurance company under Oregon law, we were entitled to attorney's fees from Lloyds, because more than six months had passed since the claim was lodged in London and as a result we were awarded attorney's fees.

KS: Did you collect them?

FB: Oh yes, we collected. But think of this, Counsel, in terms of my period in the law, fee charges were considerably lower than what they are today. If memory serves, and I want to be accurate here, the hourly amount that Judge Kilkenny gave to me, was less than $40, I think, an hour. Something I would say ranging between $35 and $40, maybe $36, $37. It might have been—

KS: You were a very experienced trial lawyer at this time.

FB: Well, that case was decided after I'd had a number of years of practice. I had some understanding of the federal court procedure. I certainly knew how to go about preparing a pretrial order and submitting it to the court before the trial. I knew something about the discovery rules under the Federal Rules of Civil Procedure. And in fairness to those rules, you know and I know that those rules revolutionized procedure in the various states of the union. When I started

practicing, Oregon rules were right out of the common law of the—this is slightly exaggerated—of the eighteenth century.

KS: You had demurrers.

FB: Right, all sorts of things to delay a case, by the defendant. And at times these ended the rights of the plaintiff before he had his day in court. All of that was changed with the Federal Rules of Civil Procedure. So, we owe Mr. Moore and Mr. Wright and those involved an enormous vote of appreciation.

Now, where were we? Let's get back to business here. That case was completed.

KS: What year was it that you completed it?

FB: That would be, I would say '61/'62, maybe early 1963, something like that.

KS: Do you remember about how much you were suing Lloyds for?

FB: Yes, I do. I would say it was not a large sum. Say, between a hundred and two hundred thousand dollars, somewhere in between.

KS: When you think about what it would cost today to have a construction site collapse like that…

FB: Yes, yes. Let's say that, maybe their share, maybe we had picked up some of the funding for the costs from other sources. But I would say it was a low six-figure sum.

KS: What was the next federal case you can remember handling, of significance?

FB: All right. The next case of significance, I was introduced to this subject by the Trust Department of the First National Bank, Mr. Fink. He's gone. It could have been the manager of

the First National Bank Standard Plaza Building branch. I think that is a better choice. I had a number of cases for the First National Bank, including one where I also sued an insurance company, the New York Life Insurance Company. But that was in state court. We did not go into federal court, and we were successful in that before Judge Crawford. But I won't go into that.

But this case had to do with the construction of the Astoria Bridge, the present interstate bridge between Astoria on the south and Ilwaco, Washington on the north. It is a several mile long bridge.[4]

KS: I've traveled it many times.

FB: You know that bridge. I know that bridge. And, the bank asked me whether I would consider—I said Mr. Fink, but I think I'm in error, the branch manager referred it to me and I'm trying to think of his name—he was an ex-Marine. When he retired from the bank he lived outside of Guadalajara, Mexico, and I apologize to him—he's gone. But he was the one who introduced me to the case. The client was located in Southern California. And fundamental to any bridge is the foundation, and there you have a peculiarly difficult situation, and that is you not only have a sandy bottom and you have to get below that sand down into rock to place your piers, but you have a tide that's constantly moving in or out. In fact, during the first six days of the job roughly, the assigned superintendent for the general contractor fell into the river and drowned, so it's an enterprise that's filled with extreme risk.

My client was introducing a new system for carrying cement, or concrete, that has been mixed with lime and water and rocks on the shore on the Astoria side, and then placed on a barge and then taken out to the site where it is to be poured, and then poured. For any pier that's using concrete foundations, you must have a continuous pour that lasts maybe twenty-four, forty-eight, seventy-two hours, because if the pouring stops, it'll create a situation—

KS: Like a fault line?

[4] The Astoria Megler Bridge was dedicated August 27, 1966 and stretches 4.1 miles from Point Ellice, Washington, near Chinook and Ilwaco, to Astoria, Oregon. It contains the longest continuous three span through-truss in the world.

FB: A fault line. Well said. It will create a fault line, and with the tidal conditions there could be the self-destruction of the pier and the bridge itself. So, it's of eminent importance, absolutely fundamental to successful completion of the project. To carry the cement out, he introduced a new, I was told, a patented type of procedure where the cement was put in large bags, maybe ten/fifteen feet high, and then barged out to the site. And he was leasing these bags to a subcontractor, or maybe he was a subcontractor himself. I can't remember, I'll be honest with you. And this required a considerable amount of investigation on my part. Again, we fell back on the Federal rules. The attorney on the other side, I can't say too many good words about him, was George Mead. He partnered with Bill Dickson in the Public Service Building, who later became a probate judge of stature.

KS: And who did they represent?

FB: They represented the claimant, I believe, who was probably the general contractor. We engaged in discovery here and in Southern California, and the case, after it reached a certain momentum and before trial, it was settled between George and myself.

KS: Were they alleging that your client had not properly performed its duties preparing these piers?

FB: It alleged that the equipment, or the carry-on device for getting that concrete or cement from where it was formed on the Astoria side to the pier, was faulty. And we settled it for a reasonable sum. But I must say it was a sheer delight to work out an understanding with Mr. Mead. I held him in high regard before the case, I held him in even higher regard after the case.

KS: That's a high compliment.

Most Lawyers Need Referrals

FB: All right. Now, maybe enough about Federal court cases. Let me add this case, if I may. It was not in Federal court, but it relates to a Federal judge, who is still sitting on the bench and has moved—his site is now in Medford, and that's Judge Owen Panner. During this period, Judge Panner, who was practicing in Bend and before he was appointed to the U.S. District Court of Oregon—I think that was around 1980 when he was appointed—sent me a piece of business, and we used to exchange business from time to time. This, perhaps dollar-wise, is the largest. By the standards of the day it was significant, but it's—not necessarily a pittance, but I'm sure it's been surpassed many times. This case was a property case in Washington County, and I came before Judge Musick. Do you remember him? I believe his name was Albert R. Musick.

KS: I've never had the privilege.

FB: Have you heard of him?

KS: I have, I have.

FB: I came before him. And this is a small state, because the very first case I was ever on, in a very ancillary way, when I was working for Judge Robert Maguire, a former Nuremberg trial judge after WW II, was in Coos County before Judge Dow M. King. The attorney assisting Mr. George Black, who was on the other side, was the same Mr. Albert R. Musick. So, accordingly, our relationship goes way back. In that case, we went down there by night sleeper train from Portland to Coos Bay. How much longer this service was continued I cannot say, but I suspect it was nearing an end. Have I mentioned this case before?

KS: You told me you went down by train.

FB: Train, precisely, you've got a good memory, yes. I don't want to get lost on that. But anyway, this case was assigned to Judge Musick out in Washington County, and the attorney on the other side was Mr. Bradley. Do you know him?

KS: No, I don't.

FB: He's very active yet, in a sense still, pro-bono publico for the Oregon Historical Society. I think its Bradley. Anyway, the case was heard before Judge Musick. He was the trier of law and fact and we recovered, if memory serves, the better part of a million dollars, something between, I think six/seven hundred, it was about $700,000 for my client.

KS: That is significant. It would be still.

FB: Yes, yes. All right. Now let's continue here in other areas of the practice. During this period—these are not trials in federal or state court, but I had the privilege of forming the Oregon Dental Service Corporation for the Association of Dentists.

KS: Now known as ODS.

FB: ODS Companies, plural. I drew the corporate papers for it and served as counsel for the board meetings of the doctors, and I enjoyed so much the time spent with the dentists. Of course, they practiced dentistry during the day, so our board meetings usually were dinner. I remember particularly a very articulate dentist, who had been their state president, Harold Kramer, Dr. Harold Kramer, and I can list some of the others—the dean of the dental school was also a member of the board. Then, another example would be, I formed and served as secretary and attorney for Nate Buell and Company, which at the time was the largest supplier of sport fishing and sports equipment in the Northwest.

FB: I have brought with me the dissolution of the law partnership of Keane Haessler Bauman and Harper **[Exhibit 0051]**, which took place in 1969, although my relationship continued with the Keane office until 1971. It consists of some thirteen pages, and attached to it—you may want to mark this—is a list of the number of matters in which I acted, most of them non-litigation examples. But, when I was winding up with this firm, those totaled no less than seventy-four

matters. And they include the R.K. Anderson Trust and the Nathaniel Berry trust matter. The latter was an example of litigation, in Klamath County, before Judge Vandenburg, and a number of parties involved as a result, a number of attorneys. I remember specifically Dave Templeton. Did you know him?

KS: I did not.

FB: Able attorney. He's now retired in Arizona. Originally from Montana and he used to tease people by saying, "I come from about Montana," or "about" where he came from. "I come from Broken Bottles, Montana." But Dave was involved in that case and my client was Nathaniel Berry. It was an adjudication in Klamath Falls that took considerable time. Then there's the Hughes Construction matter in Oregon and Washington.

KS: Did you ever have an associate that worked closely with you as you had all these cases to handle?

FB: Yes, I was responsible for these cases, but I had associates assisting me. A Mrs. Wolf sued me once, but it was dismissed. I think the amount of hours that we had put into that was something like 170, of which fifty-six were by myself.

Now, let me digress from the courtroom scene, if I may, and the office practice or the solicitor's side of the practice as the English and the Australians would say, to law related events, each having its own independent life, but clearly related to the practice of law. First, in 1962, just before joining the Keane Haessler Bauman and Harper Firm, I was approached by Henry Poor, Assistant Dean of the Yale Law School. Yale, at that time, and I believe still, had a law school alumni association executive committee. The members of that committee were elected nationally, and I was asked to stand for election. My opponent turned out to be the General Counsel of Chrysler Motor Company in Detroit, [Michigan]. We filed with the dean's office *curriculum vitae*. They were mailed to the Yale Law alumni individually. I was fortunate enough to be elected.

KS: Congratulations.

FB: Thank you. Have I told you about this?

KS: No. I know that you were involved in your recent reunion not too many years ago.

FB: Right, as chairman.

KS: Clearly you stayed very involved with Yale Law School throughout your career.

FB: Yes. This required, in terms of *pro bono*, two trips a year to New Haven to attend meetings of the Law School Executive Committee. And I continued that relationship until 1976, fourteen years, even during the years in Australia. And on one occasion I did come back during the Australian years to attend I believe. I was fortunate enough to appoint my successor. By then they were appointing them on the state level. I think the national balloting process had been abandoned. He was Clifford Carlsen, one of our leading attorneys, Cliff, as I've mentioned.

FB: Let me give you example two. I received an invitation from Charles S. Rhyne, the president of the American Bar Association, about this time. I think this might have been a year later, to join a group of international lawyers in Geneva for a small conference.

KS: Was it about forming an international law committee, or?

FB: It was related to international law as a ways and means of settling disputes. And of course it links up—you have in your files the *Oregon Benchmarks* issue (summer 2004) which did a story on my World War II service record including my time at Hiroshima on the study team to determine the effects of the atomic bombing on the region's economics, specifically the labor supply. I made an observation in your publication, the *Oregon Benchmarks*, and I will just quote it.

KS: Let's say what volume that was in. It's at the bottom, I think.

FB: It says Summer 2004. I'll just quote from it:

"After leaving the service I continued to reflect upon the bomb and its consequences. I began to ponder whether ways and means of a legal nature existed, or could be created, to settle disputes between nations without the use of force. At Hiroshima, man's ability to destroy his fellow man had reached a level that threatened the very existence of international society as we know it. If man could establish judicial systems to resolve disputes domestically, why not internationally?"

Let me unequivocally observe that my marriage to Mildred in 1950 and my Hiroshima involvement of 1945 and 1946 are the two most significant developments in my life—bar none other!

[End of Session]

FRANK A. BAUMAN
December 7, 2006
Tape 13, Side 2
Portland, Oregon

The United Nations Opens its Door to Bauman in New York

His Primary Ties with the UN Association in Oregon

KS: This is Karen Saul speaking. It is December 7, 2006, and I'm here with Frank A. Bauman in the Standard Plaza Building. We are continuing Mr. Bauman's oral history, and we are finishing side two of the tape that we began on our last session, which was October 18, 2006, and I believe today you are going to start off with the events and thoughts in your life, beginning with the period just after you finished your work in Mississippi, is that correct?

FB: Taking off from the Mississippi experience at that time, which would be the late spring and summer of 1969, I had separated from my firm Keane Haessler Bauman and Harper, yes, and I think we marked a termination document at our last meeting in October. But beyond that, I continued with the firm performing law matters that I had not completed prior to leaving the firm; and worked very closely with the firm for a period leading up to about two years. But, at the very beginning of this period, it came to me with a force that I could not deny—I discussed it with my good wife, Mildred—that I, somehow or other, would seek a permanent position with the United Nations Secretariat. And it was my good fortune in the summer of 1969 to meet our ambassador to the United Nations Economic and Social Council, Glenn Olds. But I'm getting ahead of myself.

All right, here we are. Let me say a few words about the evolutionary process in my mind in the quest to learn more about international law and the principal international institution, then and now; namely the United Nations and its affiliated organizations.

The Hiroshima period was with me, day after day, month after month, year after year, and still influences me today. I became interested and involved in the UN Association of Oregon. I was elected first to the board of the Portland chapter in the '50s, and in the '60s I was president along with Judge William Dickson, serving as president after me if memory serves. For a

number of years we met in the evenings in his courtroom, at Multnomah County Circuit Courthouse.

Then, in 1965 I was appointed by Governor Mark Hatfield to be chairman of the Oregon Reception for UN Day, or better let us say honoring UN Day, which would have been in October, I believe the date is October 24th and fortunately I still have my file **[Exhibit 0043]** on that event. In it is a rather voluminous amount of correspondence. Do you think you would want to mark this as an exhibit, Counsel? What is your thinking on that?

KS: I would be delighted to do that.

FB: All right, and then I've extrapolated from that file, a number of documents relating to it. And maybe these should be marked. I don't know just how you want to proceed. But let me hand you, and I say this for the record, the basic file itself, please. And you just keep that.

KS: Thank you. Okay. [pause]

FB: It opens with a letter from the national president.

KS: I'm going to put a sticker on the front of it, with your permission, that says that it's exhibit 43.

FB: All right. Very good, exhibit 43. Let the record show. And to use a fancy word, extrapolated from that file are a number of documents including the state chairman, myself, and a report on the UN Day observance. And we learn from reading this report that at a gathering at the state capitol in Salem on October 25th, the governor and the committee welcomed some two thousand visitors, a considerable portion were high school and college age, who met Governor and Mrs. Hatfield, consular corps representatives, and State United Nations officials. This event is very accurately described by Jerome English in the *Oregon Statesman*, on October 26, 1965. A copy of the article is attached here and made a part hereof as exhibit A. There it is, "United Nations Day observed at Capitol," by Jerome English, *Statesman* Society Editor.

KS: And this is the fall of 1965?

FB: This is the fall of 1965, yes. The Oregon report was submitted to the national organization, U.N.A.U.S.A. in New York. Then too, the Oregon newspaper vigorously reminded state citizens of the current work of the United Nations. This was especially the case in the *Klamath Falls Herald*, the *Medford Mail Tribune*, and the *Oregon Statesman*.

KS: Now, was Governor Hatfield doing something unusual, or were most states observing a UN Day during this time period?

FB: Very good question. Very good question. I have attached to these exhibits that I've set forth the list of the states in America that honored United Nations week on October 24th. And the reason October 24th is selected, as you must know, is that in 1945 the charter was signed in San Francisco on June 26, 1945 by fifty-one nations of the world. The ratification process completion created a living and breathing organization on October 24, 1945, and that is why we celebrate on that particular date. Returning to the states that participated in the UN Day process, there were forty plus the District of Columbia, Puerto Rico, Guam, and the Virgin Islands.

Now here's a curious personal fact that I just discovered yesterday, Counsel, while I was preparing for our meeting this morning—first time in my life. But the California UN Day chairman, just as I was the UN Day chairman in Oregon, was my closest friend at Stanford when I was in school. Have I ever mentioned him to you, Roger Boas?

KS: I'm fairly certain that you did, yes.

FB: Well, Roger Boas, was chairman of the Democratic Party in California when President Kennedy was elected, and eventually a supervisor of the City of San Francisco. And, you will not believe this, you will not believe this. He called me two nights ago and invited my Portland family, my son Todd and his wife Lori, my daughter-in-law, and their three children, and Lori's father, Mr. Irish, to dinner Christmas Day this year. He had a brilliant record in World War II

with General Patton, winning the Silver Star. We met at the Stanford Christian Science Society in the fall of 1939.

KS: That is a remarkable six-decade, plus, friendship.

[End of Tape 13, Side 2]

FRANK A. BAUMAN
December 7, 2006
Tape 14, Side 1
Portland, Oregon

His Primary Ties with the UN Association in Oregon, cont.

KS: This is Karen Saul. It's December 7, 2006 and I'm with Frank A. Bauman. We are continuing his oral history. We just finished a tape that we had started on October 18, 2006, which we completed a few moments ago. So, we are picking up now with where we left off in the fall of 1965 and Mr. Bauman's role in celebrating United Nations Day here in the State of Oregon.

FB: Thank you very much, Counsel. These documents **[Exhibit 0043]** that I've removed from, I believe it's exhibit 43, I'm going to hand to you. But let me add this comment if I may, with reference to our congressional delegation in Washington. We heard from all of them except one, and I particularly want to refer to the letter of Congressman Wendell Wyatt, whose name is going to come up in what follows I trust, today, about my quest for membership of the Secretariat of the United Nations. He was our Congressman for ten years from the First District and of course is a member of the firm of the Schwabe Wyatt and Williamson, and an old dear friend.

Wendell writes "Dear Pat," which was a boyhood name:

> "Your letter of October 13th inviting Fay and myself to the United Nations Day reception in Salem October 25 has been received and I am most grateful for your invitation. Unfortunately, after having spent a number of days in Oregon I must return to Washington tomorrow night and I'm quite certain I will not be back in time to participate in the reception. I particularly appreciate the invitation because of my very active and deep interest in the United Nations. Both Fay and I are looking forward to seeing you and your good wife when the smoke clears in the near future. [5]

[5] United Nations Day unquestionably is October 24th. This marks that the San Francisco Charter Meeting in 1945 was formally ratified by the required number of independent states on that very date. As for the Oregon observance

Sincerely Yours,

Wendell."

I might also add that we heard from both of our United States Senators, Senator Wayne Morse, a telegram, and Senator Maurine Neuberger. Let me hand these papers to you at this time, and do you want to give them an exhibit number?

KS: I'm going to put them together and they'll be 43.

FB: Also, I'm giving you the official invitation **[Exhibit 0044]** that Governor Hatfield sent out, where "Governor and Mrs. Mark O. Hatfield request the pleasure of your company at a reception to be given in recognition of United Nations Day, Monday October 25th, 4:00 – 6:00 P.M. Oregon State Capitol rotunda, Salem, Oregon."

KS: Do you want me to put that with 44 **[Note: Attached to Exhibit 0043 File]?** That might be a good place to keep it all together.

FB: Right, right. Let me give that to you.

KS: We have a clip of documents. It looks like maybe there's a couple dozen here, but we'll affix and we'll call them all one document.

FB: All right, I have three formal invitations from the governor. I'm handing you one in an envelope and I have two more and I think I'll keep those at this time, if I may. You don't need three of the same.

KS: It sounds like you had a wonderful turnout for your event.

---

in 1965, in keeping with Governor Mark Hatfield's formal invitation, United Nations Day was observed by

FB: Yes, we did. It was simply extraordinary and the television coverage was exemplary. I had comments from my friends in the city who had seen it, who were not able to be present. We were indebted to them. It was a rich and happy occasion in every respect.

KS: Have you had a sense since that event in particular, let's say, that the ordinary people of the state, like myself, that there's an increased awareness of the role of the United Nations or even the role of the people of our state in the larger world context? Is that something that you see changing?

FB: [hesitates] You could not ask a better question at this time, Counsel. Because, while I've been talking here today I've been reflecting on that very question, and I put two parts to it. First, from the positive point of view, I think our leadership, and I'm referring to the political leadership, both local and national, are, perhaps because of the influence of Iraq and that experience, more aware of the role of the United Nations, and of the Security Council serving as a preeminent element in seeking to resolve disputes in this world. I think we can say that.

But, at the same time, part two of my statement is this: In terms of local support for the Oregon United Nations Association, I think local involvement has deteriorated. The evidence that I give you in support of that statement is that near October 24th [2006] I attended, for the first time in several years, the October 24th celebration. It was held at First Methodist Church at Southwest 18th and Jefferson. And hardly, I regret to tell you this, but I want to be truthful, hardly twenty people came, to hear our speaker.

KS: That was just six weeks ago or so.

FB: Just six weeks ago, yes. There you are.

KS: So, you had two thousand in 1965 and twenty in 2006.

---

thousands at the state capital on Monday, October 25th.

The Scene Moves to the International Body

FB: That's correct. [pause] So be it. And I leave it to you and to others to determine what weight to give to that statement, but its wholly accurate.

Well, let's move along. Let me move to another phase of this quest for involvement with the United Nations. As a matter of principle, I think all of us individually and collectively, and certainly this applies to myself, should always recognize and thank those that have assisted him or her along this road of life that we travel. At this particular time, beginning in 1969, when I had sought to join the UN, which was approximately a two-year quest, a twenty-four month quest at the same time I was practicing law. But there are four individuals without whose assistance and advice had I not had and enjoyed, I would clearly not have received the position I ultimately did in the early summer of 1971.

The four individuals are: Number one is Ambassador Glenn Olds, a graduate of Willamette University, a Methodist minister, raised I believe in a farming environment near Sherwood, Oregon, which is probably largely subdivisions at this time, who in the summer of 1969 was, as I have observed, the United States Ambassador to ECOSOC.

Number two is also an Oregonian, Dr. Wallace Steen McCall, a friend dating back to my years at U.S. Grant High School in Portland. Like myself, a student at Stanford University, and also a divinity student at Yale University, and subsequently a Foreign Service officer of the United States, and at the time in question, Vice President of the Foreign Service Officer's Association.

Number three is a dear, dear friend, an Oregonian I believe, dating back to my college days, a graduate of the University of Oregon and the University of Oregon Law School, but before that a student at Jefferson High School. I mention Wendell Wayatt. Wendell had a gallant service as a Marine flyer in World War II, became involved in the practice of law in Astoria, the firm of Norblad Wyatt and Norblad, and later Norblad Wyatt and MacDonald, probably the leading firm in that city. With the passage of Walter Norblad, who was a member of Congress for the First District, which covers ten counties, including Astoria and Clatsop County west of Portland, he was appointed to Congress probably and then elected and served admirably for ten

years. There's a building in Portland that carries his name, the Green Wyatt Building, I believe down on 3rd Street, across from the Hatfield U.S. Courthouse.

KS: Exactly.

FB: Is that correct?

KS: I believe you've got the streets right. I've certainly been inside the building many times, and I remember in a previous session you told us about a brief episode you had with Ms. Green, too, so you have had some experience with both of the people for whom that building is named.

FB: Then, the fourth individual is a former President of the United States, who chronologically, again, was the last individual in this quest to come to my rescue. And I speak of former president, George Herbert Walker Bush, who at the time period from 1969 to 1973 was our principal ambassador to the United Nations.

All right, let's return now if we may, to these individuals and the road that I followed in this quest, ultimately being appointed as a senior officer of the United Nations and its representative to Australasia, responsible for the following United Nations bodies: United Nations Development Programme; The United Nations International Children's Emergency Fund, the United Nations High Commissioner for Refugees, and the United National Information Office.

KS: Is that the one commonly called UNICEF?

FB: You're absolutely right, UNICEF, remarkable organization. Very efficient, at least in my day. And the creation was by a man we've already mentioned this morning, a President of the United States, the Honorable Herbert Clark Hoover, who was raised in our Newberg, Oregon. But let me return to Ambassador Olds. I mentioned that I was active in the World Affairs Council. In 1969 I was in the Council offices, which were then at Portland State University, and someone came to me and said, "Our speaker today has been Ambassador Glenn Olds,

ambassador to ECOSOC in New York, and he needs a ride to the airport. I wonder if you or someone around us here could take him to the airport."

I thought, here is my opportunity. I said, "I'd be happy and honored to take him to the airport." And he sat in the front seat with me and early on as we drove out to the airport I mentioned my interest in the United Nations, and wondered whether one of my background might have a permanent place in that organization. I told him something of my international law studies in London, I'm sure, something about my activities with the UN Association, and of course the World Affairs Council. I believe then the Committee on Foreign Relations existed here, and perhaps I mentioned it, too.

But anyway, the upshot was that Ambassador Olds said, "You know, I think there might be possibilities here. Please send me a written CV of your career." And you know, I have that CV, I'm sure, and I was going to give it to you this morning, but maybe I can find it and give it to you at a later date and have it marked as an exhibit **[Exhibit 0074]**.

KS: I would love to have that.

FB: I know I have my CV file, resume file I call it, for that period. But anyway, I did send him a curriculum vitae, a history of my career up till then. And he responded. He said, "The next time you're in New York, do come and see me." And the U.S. Mission is at 45th and First Avenue, directly across the street from the UN complex, which faces the East River.

KS: I've been to it.

FB: You know it well, I'm sure. And fortunately, at that time, if I've mentioned this to you, but in 1962 I was elected to the Executive Committee of the Yale Law School Association, which required attendance at meetings twice a year in New Haven. So, the next meeting I think was in the fall sometime, maybe two or three months after the visit and exchange with Ambassador Olds. I was at the meetings in New Haven and dropped down after the meetings and spent a day or so in New York, and called on the ambassador, and he personally took me across the street and introduced me to a number of people in the UN system, particularly a gentleman

by the name of Smith, an Englishman, Administrative Officer for the United Nations Development Programme. I also met a gentleman by the name of Rajanathan from India, who was also a member of the United Nations Development Programme. More about Mr. Rajanathan later.

KS: Now, this is the fall of 1969?

FB: This is the fall of 1969, and these are rather cordial exchanges with several UN officials. And nothing came from it by way of correspondence from the UN at that time. But I carried on and at that time I was writing an article on the prospects of international law. And in the spring of 1971, I made a trip to Geneva to research this question in the libraries of the old League of Nations buildings. Then I traveled to Den Hague or The Hague, and met with our justice, who was a member of the fifteen judge International Court of Justice.

KS: Did you ultimately publish the work that you did?

FB: I did, and I will come to that. I then stopped in London and saw a dear, dear friend for whom I was associated legally on a case, by the name of Alfred Waters, an English solicitor, and then back via New York. So, I thought, well I will poke my head into the U.S. Mission and across the street, hopefully, at the UN itself. I had discovered then, or even earlier, that Ambassador Olds was no longer our U.S. Ambassador to ECOSOC. Eventually, he became president of Kent State University and subsequently a university in Anchorage, Alaska-Alaska Methodist University [now Alaska Pacific University].[6]

Then I had the good fortune of speaking with Mr. Rajanathan again. It wasn't the spring of 1970. This was the early part of 1971, in other words, for over a year, maybe more, I made calls on the U.S. Mission, but nothing seemed to be developing.

[6] Glenn A. Olds became President of Kent State University in 1970, in the aftermath of the killing of four students by National Guardsmen. He left Kent State for Alaska Methodist University in 1977. He was a consultant to President John F. Kennedy on the creation of the Peace Corps and played a role in the formation of Vista, Volunteers in Service to America. He died March 11, 2006 in his hometown of Sherwood, Oregon. [*New York Times*, http://www.nytimes.com/2006/03/20/national/20olds.html, accessed October 30, 2007]

My three children, who are rather alert, felt I was engaged in chasing a will-o-the-wisp, that I was wasting my time. Maybe I was at that particular period. But anyway, let's move on. I returned from this paper writing exercise in Europe, and discovered that Ambassador Olds was no longer with the organization. When I spoke with Mr. Rajanathan, I learned this, and I'm trying to remember his exact words, and they were something like this: "Well, Mr. Bauman, we like you over at the UN, and I think there might be a place for you one of these days, either in Australia or Japan, given your Japanese language background. However, I learned that your government, i.e., Washington, is not supporting you for the position. It has a Foreign Service officer in mind for these positions. And, he said, "we do not retain anyone at the UN who is not supported by his or her own government."

I was shocked to hear these words. It came as a complete surprise to me. So, when I returned to Portland, I thought, what should I do now? Perhaps it's the end of the line. But, let me make a telephone call to this gentleman that I've already mentioned to you, Wallace Steen McCall. I always called him by Steen. I reached him at the State Department, told him of my problem, and I said, "Steen, what if anything can I do at this juncture to continue my quest?"

Steen responded, "Well, let me look at the files here—your file and your opponent's file."

KS: He was a career diplomat, it seems.

FB: A career diplomat and a member of the inner fraternity at the State Department, which I was not. I was an outsider three thousand miles away.

KS: From Oregon no less.

FB: [laughing] From Oregon no less. So, I believe the same day, two or three or four hours later he called me back, and said, "Frank," he added, "I've looked over your file and I've looked over this other gentleman's file," and if memory serves, I somehow associate the name Cox, but that may not be correct. He said, "I think you're better qualified than the other gentleman.

However, he has an inside track and has the support of our career group in the Department of State in the Foreign Service. You do not."

So, I said, "Well, Steen, that being the case; that you think I'm better qualified, what if anything should I do at this time?"

And then he said to me, "Frank, do you have any friends on the Hill? It's become political now. I speak of the Senate and the Lower House. Do you know anyone there of either party, or both parties, that you could possibly write and ask them to support you?"

I responded, "Well, let me think about it, Steen. I might have a few." And after giving due reflection, I selected about eight members of the Congress, both at the Senate level and the House level, and on both sides of the aisle, to write. If memory serves, all responded affirmatively. (They independently replied affirmative including the Secretary of State himself.) The Secretary of State at that time was William Rogers whom I had befriended at the close of World War II in Tokyo, Japan. This was not mentioned at the time.

KS: You might have, but I don't remember that clearly. I certainly recognize the Secretary's name.

FB: All right. He has a son who's City Attorney of Portland.

[End of Tape 14, Side 1]

FRANK A. BAUMAN
December 7, 2006
Tape 14, Side 2
Portland, Oregon

At Last the UN Experience Begins as its Senior Officer in Australasia, 1971-1976

KS: Today is December 7, 2006, and we're continuing Mr. Bauman's oral history. We were just talking about William Rogers, the Secretary of State, having a son with a local connection. I think that Jeff Rogers recently retired [from his position as City Attorney in February, 2004].

FB: Retired!

KS: Yes. And I believe he is actually still working. I saw something about him in the local bar bulletin. I think that perhaps he is providing some sort of service to lawyers. It might have even been counseling services, I don't recall for sure. But I believe that he has recently left the city, so that's another interesting connection.

FB: I must call him. I don't know the gentleman, but I've certainly heard of him and I am delinquent in not getting in touch with him.

KS: If you have the most recent Oregon State Bar Bulletin, I'm pretty sure that's where I saw something. And if you have trouble finding him, please let me know and I'll try and track down his number for you.

FB: I'd enjoy having lunch with him. His father's gone, you know, and of course he was a highly respected New York City attorney. But my experience with the father dated back to the end of the war in Japan, where I befriended him and I made no mention of this in my exchanges with him, submitting either the congressmen directly, or myself, submitting their letters to him. It was probably the latter, but I can't be sure.

Anyway, this is the spring of 1971 and I had been at it for twenty-four months, and [chuckling] not wholly successful, which is a kind way of saying it.

KS: Yes, but I know how the story ends, so at some point you clearly became successful, because I know that you spent time…

FB: All right, well let's continue. Anyway, I was of course, indebted to Steen and I was in touch with him from time to time.

KS: And persistence has clearly paid off. But I'd like to hear the rest of the story.

FB: Anyway, about thirty days later in April, 1971 I received a letter from the Secretary of State himself, which I still have, saying the Department was supporting me for the position. I was, of course, thrilled and excited. I thought, well at last, at last! I can tell my children it looks like we're going to succeed. Then in June I was on the East Coast again, attending the Yale Law School Association Executive Committee meeting in New Haven, and after that meeting I came down to New York and I thought I would talk to the U.S. Mission. And I'm on the ninth floor, opposite the office of the ambassador, who of course was George Herbert Walker Bush. And there are four or five foreign service officers out in front of his office, and curiously, if not prophetically and even providentially, they were discussing my name. Have I told you this?

KS: No, this is a fascinating story.

FB: I didn't even know these gentlemen, nor did they know me.

KS: And you just happened to come down the hallway.

FB: Down the hallway, so I stood and listened while they talked about me. And the essence of what they were saying is this, "Well, as for Bauman, we're doing our very best to find him a place across the street." Which of course is the UN "But the officialdom over at the UN does not want him." And based on my discussions earlier in the year with Mr. Rajanathan, I thought this perhaps was not true.

So, I thought, what should I do? And that very day I called my old dear friend, Wendell Wyatt, who refers to me as Pat. I was fortunate enough to reach him—on the Hill. And he responds, "I'm going to go to bat for you. I'm going to call Bush directly and tell him to meet with you and cut out this revolution that is taking place within the Department to vitiate, or void, the decision of the Department to support Bauman."

KS: Did you ever introduce yourself to the gentlemen standing in the hallway at the mission?

FB: No. [KS laughs] No! I just walked away.

KS: [laughing] That is an incredible coincidence.

FB: Yes. So, goodness gracious, I was fortunate enough to get an appointment with Ambassador Bush the very next day.

KS: The day after you had been in the hallway.

FB: Precisely. The very next day. And he received me, and we talked about my quest. And he responded, "I personally am going to put a stop to all of this." And he did. And between Wendell Wyatt, Congressman Wyatt, and Ambassador Bush it became smooth sailing, and within two to three weeks I was informed that I would be named the Senior Representative of the United Nations in Australasia. And during this period I must have had a half a dozen telephone exchanges with Congressman Wyatt's office.

Within a matter of a week to two weeks, I was again in New York, meeting with UN officialdom. The High Commissioner for Refugees is located in Geneva and this is New York. But he has a representative there. I remember he was a gentleman from Pakistan. He suggested when I was with him, and I of course talked with a half a dozen other individuals advising me, informing me what is to be expected in Australasia and what my role would be, and what the issues were that faced the UN at that particular time, particularly in Papua New Guinea. He said, "The Secretary of State, Mr. Rogers, in Washington, has an advisor on refugee affairs. His name

is Francis Kellogg." He added, "While you're on the East Coast, I think it would be in our interest if you would be willing to go to Washington and meet Mr. Kellogg. We'll arrange an appointment for you." And I immediately agreed to go to Washington, and I did. This is more or less a denouement, because I've already received the appointment. But I met with Mr. Kellogg. He was a New York socialite, not socialist, but socialite. He had been chairman of the New York Yacht Club Committee arranging the America Cup races. And he opens the door. He said, "Oh," he said, "you're Mr. Bauman."

I said, "That is correct."

And then, here are his very words, Counsel: "You have touched all the right bases in your quest. I congratulate you." And we sat and talked about refugee questions world wide for about thirty minutes, and then I excused myself from the meeting. But he ended with this comment, which came as a shock: "Mr. Bauman, Prince Sadruddin Aga Khan, the High Commissioner for Refugees has met Her Majesty the Queen in Buckingham Palace, and knows," this world figure and that world figure. Incidentally, I had nothing but the highest respect for Prince Sadruddin Aga Khan, a highly dedicated man who drove around Geneva in a Volkswagon, but owned five spacious homes in various parts of the world. His office reflected his dedication and his burning the midnight oil.

But anyway, returning to Mr. Kellogg, he says, "The High Commissioner for Refugees, Prince Sadruddin Aga Khan has been before the famous of the world, except one individual and that is the President of the United States," who then was Richard Nixon.

We owe Nixon an enormous debt in reversing our policy on the People's Republic of China, which was carried out soon after I arrived in Australasia, in November, 1971 and it relates to Ambassador Bush, which I'll get to in a moment.

Anyway, returning to Francis Kellogg, he said to me, "The High Commissioner would like very much to meet the President of the United States. Could you arrange it?" [laughs heartily]

KS: He must have thought that you had the golden touch after seeing—

FB: I was flabbergasted by his request. But I gathered my wits and I responded and said, "Well, Sir, I will do what I can," thinking perhaps my good friend Wendell Wyatt will again come to my rescue.

KS: Did you ever arrange it?

FB: I did get in touch with Wendell and put the task on his shoulders, and whether it was arranged or not, I can't say. But when I arrived in Geneva three or four weeks later, the High Commissioner for Refugees, Prince Sadruddin Aga Khan, received me as if I was his oldest friend, so we got off to a handsome start.

Well, let's see, where was I, Counsel? I was going to tell you something—oh, with reference to Mr. Bush and the People's Republic of China. There are not only elements within the State Department that act contrary to perceived rules of the road or decisions, but this applies to Mr. Bush in fairness to him. In November of 1971 he was appointed as lead ambassador, principal ambassador to the United Nations and we had several. Of course the principal ambassador as of this very moment has just resigned, John Bolton. But, he made a speech in the General Assembly, not the Security Council, I believe it was the General Assembly, in support of Taiwan. And the very next day the rug was pulled out from under him when the President recognized the People's Republic of China. The United States had signed an agreement with the PRC, thanks to Henry Kissinger and Marshall Green, that China, that is the People's Republic in Beijing, in our diplomatic dealings with that part of the world, would represent the Chinese people, and not Taiwan. Green was assisting the Secretary of State Henry Kissinger during the Nixon era, and then subsequently was Ambassador to Australia during my stay in Sydney.

KS: So, George Herbert Walker Bush had made a statement—

FB: —supporting Taiwan—

KS: Taiwan—

FB: —and was unaware of what was going to happen the very next day.

KS: Very fascinating.

FB: Why he was not advised, I don't know.

KS: So, was he removed from his position as ambassador?

FB: No, no, no, his position continued till 1973. In fact, from that role he became in chargé d'affaires in Beijing, in other words, number two to the ambassador.

KS: We probably have about fifteen minutes left on this cassette tape.

FB: After receiving my appointment in New York, I had to put my personal house in order. Then I flew to Paris and sat down with UNESCO, United Nations Economic and Social Development officialdom, at its headquarters, and discussed particularly the role of UNESCO in Papua New Guinea. From Paris, I flew to Rome, and I met with World Food Program (WFP) officials and obtained an overview of world food supplies, continent by continent, particularly in the developing world, and the needs at this time, real and fancied, in this respect. From Rome I moved up to Geneva, and as I mentioned, sat down with the prince and also met with his legal staff, because at that very time the High Commissioner for Refugees was engaged in a treaty-making exercise thereby creating international law, for as we know treaties are the principal source of international law. Incidentally, thousands of treaties have been put on the records at the UN since World War II, thousands of treaties between countries, including our own. Of course, the charter is a prime example, the Charter of the United Nations.

Anyway, returning to Geneva, I sat down with the Legal Department and discussed the treaty-making needs of UNHCR insofar as the Foreign Office in Canberra is concerned and the Foreign Office, or government of New Zealand in Wellington. Then, I suspect, because of Australia and New Zealand, and eventually Papua New Guinea, and certainly Fiji, being a part of

the British Commonwealth, I was asked to go to London to sit down with the United Nations representative in England, who was highly regarded. These were all briefings.

KS: Before you had moved yourself over to Australia?

FB: Right, these meetings took several weeks and then there were briefings in New York, particularly with the United Nations Development Programme, and to prepare what the United Nations or UNDP, the United Nations Development Programme, termed "Country Programmes." There was a Country Programme for Papua New Guinea, which was a member of the United Nations Trusteeship Program, created under the rules of the charter. And this required several weeks in New York. Also, while in New York, I spent many hours with UNICEF, learning about its worldwide service and its links, support-wise, by Australia and New Zealand, and above all what its needs were in Southeast Asia ranging over to Iran. It included of course, India, Pakistan, and Sri Lanka, then Ceylon as it was called, Burma, Thailand, and then Vietnam, i.e., that area.

KS: Were all of these countries then within your jurisdiction, if you will?

FB: They were not within my jurisdiction, no. But UNICEF was a supplier of needs for children and mothers almost exclusively, and so we talked about milk, we talked about medicines, we talked about basic covering, basic housing, and this, of course, was an eye-opener to me. And to show you the importance of this, when I was in my post there was a war between East Pakistan—I hadn't mentioned Pakistan, but that's of course attached to the subcontinent where India is located—East Pakistan, which is now Bangladesh, and West Pakistan. I think that war broke out in about 1971. Think of it, Counsel. All wars create refugees, but this war created 10 *million* refugees that were in the Calcutta area. They were from East Pakistan and they had to be fed. And the UN system kept those people alive, and a provider of the first rank was UNICEF.

KS: I remember George Harrison of the Beatles, didn't he do the concert for Bangladesh in about this time period?

FB: By golly, you're ahead of me! You're ahead of me. I didn't know that.

KS: Well, I might be wrong, but—

FB: I remember George Harrison.

KS: But I believe that he did a concert for Bangladesh in the '70s to raise consciousness and funding for people.

FB: Yes, yes. And you know, in fairness to Bangladesh, this banker helping the impoverished has received a Nobel Prize, you know, in the last few weeks, for the banking structure that has been set up in Bangladesh for the poor. Are you aware of this?[7]

KS: I was not.

FB: Mm-hmm, mm-hmm. Well, enough said on that. But then a decision had to be made with reference to my family, whether they would join me. But this was all coming so fast. We had children in school, and my good wife decided that she would stay on in Portland, at least for a few months and I would journey out to Australia.

KS: Was it Sydney, did you say?

FB: It was Sydney. My offices were located on 20 Bridge Street, right near the famous bridge and the famous Opera House, let alone Government House.

KS: Which must have been fairly new at the time, the opera house.

[7] Muhammed Yunus and the Grameen Bank received the Nobel Prize in 2006. Yunus started the Grameen Bank in 1976 with only $26.00, beginning a microfinance project that provides credit to small business owners, primarily impoverished women, without collateral.

FB: Oh, indeed it was. It is still a glorious structure, near the botanical garden. And you know, the Aussies have a love of animals. But, think of this in terms of how that love is reflected, as we are reminded of it. I mentioned the botanical garden. When you go into the botanical garden, some 120 acres, right adjacent to Government House and the Opera House, the first monument, you see, is not to a human being. The bas relief (the head of a horse) on the face of the monument is addressed "To our horses." And it relates to the first war and the Australian/New Zealand army, known as the ANZACs in Africa. The monument informs the reader that the Aussie took ten thousand horses to Africa for supply trains to move equipment, guns, et cetera, and for the cavalry. It speaks about their devotion and service, how they suffered much, went without food, went without water, endured extraordinary heat. And the final sentence is, [sadly] "and never returned."

KS: I hope I get to go there someday. I haven't seen that.

FB: Mm-hmm. You know, it's—

KS: It's almost time.

FB: Why don't we stop here? May we stop here? Let me add this one thought, though. Curiously, it took me a number of weeks to put myself in order for flying to Australasia, but I did. And it was arranged that I would arrive on UN Day, October 24, 1971. I was able to attend some of the UN Day services in Australia, but I thought to myself and I think today, exactly six years after the UN Day celebration in your Salem, exactly six years later.

KS: How fitting.

FB: Right. And I came on Quantas, the Australian national airline. You know, in fairness to the Australians and the airline, not only is it the world's second oldest airline, it has never had a fatal accident, never lost a single passenger. And it dates from 1920.

KS: Ah! Remarkable.

FB: End of Story.

[End of Tape 14, Side 2]

FRANK A. BAUMAN
May 1, 2007
Tape 15, Side 1
Portland, Oregon

At Last the UN Experience Begins as its Senior Officer in Australasia, 1971-1976, cont.

KS: This is Karen Saul speaking. It is May 1, 2007, and I'm here in the offices of Frank A. Bauman to continue with Mr. Bauman's oral history.

FB: May I take the floor, Counsel Saul?

KS: Yes, you may.

FB: Thank you.

KS: I understand you're going to tell us about the additional years of service you did with the United Nations.

FB: Yes, if I may. Thank you. First of all, good morning and this is a delight to be with you again. As you recall, the last time we met we were speaking about the experiences in Australasia, but limited to the United Nations Development Programme and its particular Country Programme in Papua New Guinea. I'm going to hand you a file **[Exhibit 0052]** to be marked, if I may. What it discloses is that our Country Programme document was ultimately approved by the trustee for the country, Australia, and then by the fledgling Papua New Guinea society, and finally the United Nations itself in New York. It is a file containing three Country Programme proposals. The first, then changes in the second and, the third. The third is, of course, the final program, and you might be willing to mark this.

I am going to discuss this morning my mandate in Australasia. Besides and beyond the United Nations Development Programme, I also represented the United Nations High Commissioner for Refugees based in Geneva, Switzerland and also, third, the United Nations International Children's Fund, generally referred to as UNICEF, headquartered in New York,

and finally, a duty post that I held for the UN my last year, which came upon me unexpectedly, the United Nations Information Office.

Let's return to the summer of 1971 and New York City. At that time I was informed that I would be the representative of the UN Secretariat for the three U.N offices, later four, that I've just set forth. As you might expect, there were briefings in New York City that summer, and they not only included High Commissioner for Refugees officials, but of course the United Nations Development Programme, namely Paul Hoffman, the former President of Studebaker and the former head of the Marshall Plan, who at that time was the Executive Director of UNDP, for whom I developed an instant respect. Then, if I've not said so, UNHCR, and of course I've already mentioned UNICEF. The UN then sent me overseas to Europe, to interview the officialdom of UNESCO based in Paris.

Oh yes, and I've overlooked this. In New York, I met with the Executive Director of UNICEF, the Honorable Henry R. Laboulise originally from New Orleans, Louisiana. And then returning to Europe there was the ILO organization in Geneva as well, which I overlooked the other day, excuse me if you will. All of this took time, and it was not until October of 1971 that I finally arrived in Australia; in fact, on UN Day, October 24, 1971, as I've stated.

I discovered upon arrival that there was a host of non-government organizations in both Australia and New Zealand, vigorously assisting the UN family; organizations, to be truthful, that to my knowledge did not exist in the United States. I had been involved for some twelve years with the UN Association in Oregon, serving as President of the Portland Branch, and then President of the Oregon Branch. Still, let us remember that my mission and the mission of my office, was to maintain open relations with the Australian government in Canberra, the New Zealand government in Wellington, and then the fledgling government officialdom in Papua New Guinea as well as non-government agencies.

Let us pass on, if we may, though, and return just for a moment to these various non GO organizations in Australia and New Zealand. There was a National United Nations Association with branches in each state. There existed an extraordinary organization called Austcare, Australians Care for Refugees, perhaps unique in the world. There was a UNICEF committee just as we have in this country, and passing across the Tasman Sea to New Zealand, we discovered bodies here again that I had never heard before. One was CORSO, which was closely

aligned, assisting UNICEF and the High Commissioner for Refugees financially. All of these organizations were headed and supported by a remarkable group of volunteers.

KS: Did you interact with those people during your service?

FB: I spent hours with those people during my service, and we will go into that a little bit later as we move along. I have some documentation to offer you, by way of exhibits, in relation to some of these people and organizations. But, first permit me to return to UNHCR. We've already discussed the United Nations Development Programme in PNG. We'll now take up UNHCR, the High Commissioner for Refugees. And then third, UNICEF, and finally the Information Centre in Sydney.

UNHCR exists under multi-national treaty of which America is a party. It dates from 1951. Historically, when we look to the common law tradition of Australia and New Zealand as well as our own country, relief was limited to those within the community. UNHCR, by contrast, extends its hand of support across national borders and takes on the world as its place of doing business. The founder of International Refugee Assistance was a Norwegian, a remarkable human being. His name is Fridtjof Nansen, born in Christiania (now called Oslo) at the time of our American Civil War, and with us until 1930. His early years were as a courageous explorer of the Polar region, where he earned an international reputation. He was the first to cross Greenland, on his ship, the *Fram.* Sailing out of Christiania in 1893, the time of the Chicago World's Fair, he reached as far north as 85 degrees, hoping to be the first to discover the North Pole. He returned to Norway two or three years later as a highly respected world figure. For example, in 1897, he was called to Britain, to London, to tell something of his journey at a great meeting in the Royal Albert Hall in Kensington. About that time, a professorship was established for him at Christiania University. Then, he became involved in Norwegian politics at the time Norway separated from Sweden in 1905. In fact, he led that division. His humanitarian years, which is our interest now, largely began during World War I. He was involved with Hoover's Belgian Relief Commission's successor, in aiding millions of starving Russians after the Russian Revolution of 1917. Some 10 million were assisted. Then, in 1921 he was appointed the first

High Commissioner for Refugees by the League of Nations, and for his role in Russia and the subsequent appointment, he received the Nobel Peace Prize from the parliament of Norway.[8]

Returning to my posting in the fall of 1971, it marked the twentieth anniversary of the office of the United Nations High Commissioner for Refugees. My task, along with the members of my office, was to assist the refugee movement in that part of the world, linked to a very close liaison with the High Commissioner, the aforementioned Prince Sadruddin Aga Khan. Interestingly, Prince Sadruddin was a Persian citizen, a graduate of Harvard University, and I'm told, roomed with Senator Edward Kennedy of Massachusetts. He, like Professor Nansen, devoted many years to the refugee movement. Nansen, for the first time I daresay in the world, sought to assist individuals that, because of the deplorable state in which they existed in their own country of origin or territory, faced basic infringements of the rights of man, and sought to immigrate to a second country. All of this is rooted on treaty or convention. I speak of the Convention or Treaty of 1951, and subsequently amended. And I'm going to hand you at this time a rather cumbersome document. It sets out the various treaties that have been entered by the countries of the world, beginning with a treaty protecting refugees, of 1951, to which Australia and New Zealand were parties.

KS: Was the United States a party?

FB: The United States was a party, yes. The 1967 protocol is basically another treaty enlarging the role of those protected. The first treaty was limited to refugees largely arising in the World War II period, up to 1951; whereas, the '67 protocol enlarged that number to refugees since 1951. There's also in it an agreement relating to refugee seamen. There's a final act, or treaty, on the Convention of the Reduction of Statelessness. I am going to digress for just a moment. This comes back to my reading interest, and I return, of all things, to the Civil War period. Are you familiar with the book, Counsel, *The Man Without a Country*, by Edward Everett Hale, who subsequently was chaplain in the United States Senate?

[8] The Nobel Peace Prize is awarded annually in Oslo, Norway by the Norwegian Parliament. The chairman of the Norwegian Nobel Committee presents the prize in front of the King of Norway. The Peace Prize is the only Nobel

KS: I am definitely familiar with it. I don't know if I've read it, but I've certainly heard of it.

FB: He describes the concept of statelessness better than I, or I daresay almost anyone. But he writes about a fictional character [Philip Nolan], who was arrested in the early nineteenth century and tried for treason against the United States. He was caught up with Aaron Burr seeking to establish an independent country linked to Spain in the Southeastern United States. At the time of sentencing the court asked him if he had any statement to make.

His responsive statement was, "I never want to hear the name of the United States again." The court took it under deliberation and returned and said, "Mr. Nolan, you shall have your wish." And then for the next forty years he spent his life at sea on American Naval ships with officers under duty never to mention the United States to him.

Now, this is based on fiction as I have observed but there is fact related to it; the insurrection, of course. But I'm going to turn to the very last pages when he is dying at the time of the Civil War, and he asked one of the officers to inform him what had happened to the United States over those years, and he commented to the officer, "Do not speak till I say what I am sure you know, that there is not in America a more loyal man than I."

And then Danforth, the responding officer, tells him something of the history of the United States over the forty year term. He even mentions California and Oregon, which delights Nolan, and upon conclusion, shortly thereafter, this man passes away at sea. But this gives you some idea of statelessness. I don't know whether you want this marked as an exhibit or not, but I'm going to turn it over to you as part of this bundle of treaties. Some of these treaties were executed by Australia, while I was out there and participated—the agreement relating to refugee seamen in 1973, the agreement on statelessness in 1974, and finally the reduction of statelessness of 1975. There we are.

KS: Thank you. So, you were responsible for implementing and enforcing these treaties.

FB: Yes, and we will go into that a bit later. I might say this, too, if I may, Counsel; that on the twentieth anniversary of the 1951 agreement, Prince Sadruddin, the High Commissioner, had

---

Prize not awarded in Stockholm, Sweden. http://en.wikipedia.org/wiki/Nobel_Peace_Prize, accessed August 17,

prepared and printed a book of the history of the first twenty years of UNHCR. At the beginning, as might be expected, there are several pages about Professor Fridtjof Nansen and his historic role, and I'm going to give you this book, to be marked, too. And also permit me to give to you a picture **[Exhibit 0040]** of myself in Wellington, New Zealand in 1971, presenting this book to the Prime Minister of New Zealand, Sir Keith Holyoake.

KS: Thank you. What I'm going to do, Frank, is when we get the transcript back, we'll have a number assigned to each of these documents or books. And again, I've been letting you actually keep those original documents, so that you have them. But at the end of our project, we can talk about whether you want me to bundle them up for the historical society, or whether you just want to have a box somewhere in your home or office, so we know where it is.

FB: I think they should go to the historical society, rather than my home, yes. So, you should take possession of them and take title to them, okay?

KS: So, thank you for the photograph.

FB: As perhaps suggested, Prince Sadruddin's authority as High Commissioner for Refugees rests on this very 1951 treaty and successor conventions or treaties. Article I recites that the refugees shall be free from discrimination of any sort due to race, country origin or religion, and they must be given free access to the courts of the law in their country of asylum. Yet in some ways, a very important article, perhaps the most important, is Article 32. It removes the refugee from fear that he may be subject to re-foulment; that is, removal to the country or territory of his origin, where his life or freedom would be threatened on account of, again, race, religion, or membership of a particular social group, or political opinion. This is an article of which signatory countries can have no reservations. As might be expected, my years enforcing this statute and the subsequent amendment strengthening it, required close, steady, and continuing liaison with the High Commissioner's legal office and the governments in question, particularly

---

2008].

the departments of immigration in Canberra and Wellington, and at times Foreign Affairs itself in both countries.

KS: Now, is this treaty still in effect today?

FB: Yes.

KS: With amendments?

FB: Yes, yes. To my knowledge it is. I have not checked that point, Counsel, but I sense it is because I read about the role of High Commissioner, yes, from time to time, the present High Commissioner.

Early on when I first arrived in Sydney, Australia had refugee deportation practices, which perhaps constituted re-foulment or return or removal of refugees. And this had to be raised with Geneva, and with Canberra, and was. I discovered that Australia adheres to the refugee being entitled to submit evidence once he is charged that he is subject to being expatriated because of some alleged breach. However, under Australian practice, there were no procedural rules established by Parliament. Of course, with a generous government and a liberal attitude, no problem. But a government of narrow political leanings could trespass on the refugee's rights. Basically, Australia follows English parliamentary common law practice; that Parliament is supreme and that a parliamentary act must be passed before a crown court can take judicial cognizance of a treaty or convention.

This is not unlike the United States, where treaties are made subject to the Judicial Power under Article III of the Constitution. But as we know, for example, with the Kyoto agreement, even though it is signed by the president and is a treaty being honored by other countries, it is not a treaty binding on the United States until it is approved by 2/3 vote in the Senate. Of course, we know there was far less than 2/3 in the Senate approving Kyoto. In fact, I think it was ninety-five to nothing. But perhaps times have changed and perhaps the Senate's thinking is changing. We'll see.

I also found out from the outset that increasingly more and more refugees to Australia were coming from Southeast Asia or Indochina, and particularly this was the case in Australia

and to a lesser extent in New Zealand. This added to the other UNHCR representatives' refugee responsibilities beyond Australia related to Asians coming in later years, and to a lesser extent from Eastern Europe, from Africa, and South America. The latter continent, though, was a constant concern, particularly Argentina and Chile.

KS: So, was the war in Vietnam creating a lot of refugees?

FB: Wars create refugees, Counsel. Good question. It was creating refugees and the refugee number grew the longer I stayed and became a major consideration and a major responsibility for me, in acting for the High Commissioner in 1974 and in 1975. Let me give you an example. I was advised in 1975 that several thousand refugees from Vietnam, I think South Vietnam, were on an island in the ocean off the coast and wanted to come to Australia, and UNHCR was working in that direction. However, the government, then probably influenced by the politics of the country—the government had supported the Vietnam War, particularly as the American position had diminished and weakened and Immigration was recognizing this political fact, and becoming increasingly difficult within which to deal. I recognized that I was duty-bound to carry out my mandate under any circumstances establishing a respective relationship with every department in Australia as well as New Zealand. Fortunately, I was able to confer with the Prime Minister about this question and he requested that that very question be put on his desk and not given to Immigration, a remarkable prime minister, a very able man, a Sydney lawyer. Thanks to Gough Whitlam, these several thousand refugees were admitted to Australia.

KS: So, let me make sure I understand. Because the Australians were beginning to disapprove of the American involvement in Southeast Asia, they were in effect going to bar refugees from coming into their country. Is that what you're saying?

FB: Well, they looked upon it as helping the refugees. They tended to distinguish the fact that the refugees were not being brought to Australia by the United States, but by a world organization under international treaty.

[End of Tape 15, Side 1]

FRANK A. BAUMAN
May 1, 2007
Tape 15, Side 2
Portland, Oregon

Examining Bauman's Role as a UN Officer Rooted on *The Dignity and Worth of the Human Person* (Charter of the UN, para. 3)

KS: This is side two of the tape that we started on May 1st 2007 in the office of Frank A. Bauman continuing with his oral history.

Please continue.

FB: Thank you, Counsel. Let me set forth factual detail about the Prime Minister Whitlam exchange. These refugees, in Southeastern Asia, were in a dire state needing a home in Australia. As stated, I was getting no response. Then, surprisingly—every word is absolutely true—on the Fourth of July, I was in downtown Sydney, on George Street and walking by the Wentworth Hotel, the finest hotel then in Sydney. I noticed that there was something going on in the Grand Ballroom and I thought, well I'll step in and see what this is all about, it's the Fourth of July.

KS: What year was it?

FB: It would be 1975. Lo-and-behold I discovered in the ballroom that the PM, Mr. Whitlam, was the speaker, and he was talking. There must have been a thousand people there, and many of them Americans, I daresay. I must say I kept my distance from Americans during my stay, because I was an international civil servant. After speaking he descended the platform as politicians will, to shake hands with those in the audience. I thought to myself, I have not heard from Mr. Whitlam; this is perhaps my chance to meet with him on this very question of these refugees. So, I walked up to him. He remembered me, called me Frank, and I respectfully called his attention to these letters I had written, and he remembered the letters. But not only did he remember the letters, not only did he remember the content of the letters, he remembered every word I had written him in those letters and quoted those letters to him, from me.

KS: Did he explain why he had not answered them?

FB: He did not explain, but he did say this: "You will have a response from me very shortly." And very shortly thereafter, I did, and Australia took the refugees.

KS: How many refugees were there? Do you recall roughly?

FB: I will say this. Australia took more Vietnamese refugees per capita, a country then of 15/18 million people, than any other country in the world. And it is a result of Australia's parliamentary decision in 1973 when Mr. Whitlam came to power, that Australia for the first time would admit Asians as permanent residents, and eventually citizens. In other words, they were not unlike America at the beginning of the twentieth century, when we did not admit Japanese and Chinese, and those that were admitted were treated very harshly. But Australia was very generous, very generous, despite their changing attitude toward assisting America in the war in Southeast Asia.

KS: So, it sounds like you're being a bit humble at this moment. It sounds like your persistence with the Prime Minister had a large role to play in the refugees being admitted.

FB: Certainly, I suppose it was a factor and certainly other members of my office assisted too. But, we were to a degree, effective. When we wind this up I am going to read to you a letter the Office of High Commissioner for Refugees wrote me about my role during that time. But that comes later. We'll go on now. I mentioned Australia's caution about keeping certain refugees. This particularly applied to the Croatians. Let me give you this concrete example and this little background first, though. Thousands of Croatians from Yugoslavia had settled in Australia after World War II. In fact, Middle Europe sort of changed the complexion, the homogeneity of the society, where historically they were English, Scots, Welsh and Irish. But there was a considerable influx of Middle Europeans. For example, Melbourne, I discovered when I was out there, was perhaps the largest Greek city in the world, certainly the second largest after Athens, in terms of the size of its Greek population. It was over 400,000 people.

KS: And that was also after World War II.

FB: This is after World War II largely, right. And some of them, for example the leading lawyer in Australia, the leading barrister, was of Greek origin. I knew his parents and they had a restaurant up in the hills or mountains west of Sydney about forty or fifty miles and I used to call on them. It had a great name, The Paragon.

Let's return to the Croatians, if I may. The Croatians, many of them were steel workers, assisting the erection of the skyscrapers in Sydney and Melbourne and in the other principal cities. In any event, six or so came to my office, and here's their message at the time. They told me that they had an atomic bomb on Christmas Island in the Indian Ocean, which would be west of Perth, west of Western Australia. Christmas Island is a territory owned by the Australians, and there was a resolution before the General Assembly in New York that they dearly wanted to pass. And if it was not passed promptly assisting the Croatian elements within Yugoslavia, these six were going to explode the bomb.

KS: And they came to you to—

FB: They came to me and gave me this warning. What do you do when something like that arises? It was a first for me, and I thought, this is serious. It's an example that I must inform Australian authorities, namely the New South Wales police, in New South Wales, where Sydney is located. And above all the Commonwealth police, which cover the country and they are based in Canberra. Likewise, I informed the Secretary General of the United Nations. Fortunately, it was never exploded.

KS: Do you think they ever had a bomb?

FB: I don't think so, I don't think so. It was a threat—I don't know the answer. I was never on Christmas Island.

KS: But they never discovered one. It's still a fascinating story. So, what happened to the Croatians who had made the threat?

FB: They could have been subject to being returned to Croatia. I can't answer that question. But there is an example.

Now, let me focus on the private sector supporting the refugee movement in Australia and, New Zealand to a lesser extent. The Australian organization is AUSCARE. The New Zealand organization is CORSO.

KS: These are the NGOs that you mentioned early on?

FB: Both of these are NGO organizations. They are friends of the United Nations, but have nothing officially to do with the United Nations, have nothing officially to do with either of the governments in Australia, federal or state, or the government in New Zealand. And as I, perhaps, have indicated already, AUSCARE stands for Australians Care for Refugees. But I haven't touched on this. The gentleman that was president of AUSCARE, during my tour, and simultaneously for three years was President of the United Nations Association of Australia was Paul Cullen, a World War II hero. He is still with us and I had the pleasure of seeing him again in 1999 when I was in Australia as a delegate to the World Conference of English Speaking Unions.

KS: I see a book you have, just so we can spell his name, C-U-L-L-E-N.

FB: Right, and I'm going to have you mark that book **[Exhibit 0053]** and I'm going to refer to the forward by a General Peter Cosgrave. But let me tell you the title: *Paul Cullen, Citizen and Soldier*.

It covers Major General Paul Cullen's military baptism of fire in Libya and in Greece, and the Battle of Tempe Gorge. It shows his and his troops' survival on the Kokoda Track and the fighting in New Guinea.

Let me tell you this little aside about Paul, as a soldier. He was on Crete and he was in command of his outfit. The Germans in 1940 landed on Crete by parachute. And they were being pushed off the island by the Germans, and a British destroyer came to pick them up and sent an arming barge into the shore. Paul had his men loaded on this barge. He was still on the shore. And the coxswain of the barge said to him, "Sir, I'm sorry, but if we take one more man, we'll be stuck in the sand and never get off." The Germans then were just ten minutes away.

Also on the arming barge was his batman and he had this in his background. He had been arrested for some crime in Sydney before the war and the judge convicting him said, "I will either send you to jail, or if you enlist in the Australian Army I will not put you in jail." He enlisted in the Australian Army. So, returning to the incident. The boat shoves off. It was about a hundred feet in the water. Again, the Germans are only a few minutes away.

KS: Paul is still on shore.

FB: Paul is still on shore. And a rope was thrown to the shore, and he grabs the rope, swims out to the boat and climbs aboard. Holding the rope is his batman who perhaps saved his life.

KS: What a story.

FB: True story. He told me that on his station some 200 miles southwest of Sydney in 1999, where he and his wife raise cattle. I spent two or three days there, in their home, which was very old by Australian standards; built in 1818. You see, the first English and Europeans didn't come to Australia till 1787 and they were all prisoners at that time. And that's been part of their heritage, part of their psychological liability that exists even today: "We're a nation of prisoners."

KS: It sounds like you had the privilege of meeting some pretty wonderful people at times during your tour.

FB: Without question, without question. I'm going to give you this book to be marked as an exhibit, *Paul Cullen, Citizen and Soldier* **[Exhibit 0053]**. And it mentions something about his role on behalf of the United Nations. The General says, "He has made outstanding contributions to the refugee cause and was recognized by the United Nations for this work in 1981." Let me tell you what that was all about. I haven't mentioned that.

Each year, the High Commissioner for Refugees selects, on a worldwide basis, an individual who has done more for the refugee movement than any other individual, and it's called the Fridtjof Nansen Medal.

KS: Aptly named.

FB: Aptly named. And in 1981 Paul was selected and received the Nansen Medal. And quite by chance I was in Geneva at the time it was presented to him. I was not present at the very ceremony, but I saw him at the time, and I equate it with the Nobel Peace Prize. But it mentions that, and says, "He continues his work for the underprivileged and in community services, both of which have won him high acclaim."

We'll continue about UNHCR. I'm going to submit to you for being marked as an exhibit, a document dated January 7, 1976. It's a branch office report from Sydney **[Exhibit 0062]**, that I oversaw, that covers the High Commissioner's role in Australasia for the period of January through December, 1975. Let me hand this to you for marking.

FB: Thank you, Counsel. Let me pass on now from UNHCR. But first, before I pass on, let me say a few final words about Prince Sadruddin Aga Khan, a remarkable human being, a member of the privileged class if such a group exists in the world, but a man that devoted his life to humanitarian assistance. His staff in Geneva was probably the hardest working group of any of the various organizations that make up the United Nations. It could be said that their offices in Geneva in the Palace of Nations, which date from the League of Nations days; lovely setting overlooking Lake Geneva—that the buildings' lights burned until at least 10:00 o'clock at night, and I would add, perhaps to the wee hours with people at work.

He gave his life for the idea of humanitarian relief, and I call your attention to the full page obituary honoring him that *The Economist* published last year when he passed away. I'm sorry that I do not have that issue or that page to offer you at this time.

KS: But it was in 2006.

FB: Two thousand six that he passed away, yes. After I left Sydney there was considerable discussion in the press that he might perhaps be the next Secretary General of the United Nations, but this never came to pass. But he would have been an excellent SG.

So much for UNHCR at the moment. Let's pass on to the United Nations Children's Fund (UNICEF). In a real sense, Herbert Hoover is the founder. Thanks to Senator Mark Hatfield, I have been in touch with the Director of the Herbert Hoover Museum and Library in West Branch, Iowa, Timothy Walsh. When Hoover's parents died, he moved from Iowa to Newberg and was raised in Newberg in the Minthorn home until he entered Stanford. He graduated in 1895 and became the most illustrious graduate in the history of the school, and probably the number one humanitarian in the history of this country. Of course eventually he was President of the United States.

KS: Now was UNICEF initially created under the League of Nations, or was it truly a United Nations creature?

FB: Good question. UNICEF is an organization of the United Nations era, almost at the very inception of the United Nations. This involves Mr. Hoover and Maurice Pate.[9] Let me have you mark these exhibits **[Exhibits 0054A-C]** that Mr. Walsh sent me. There will be three in number in due course. Let me refer to them when I tell you this, although my first knowledge of Mr. Hoover's founding role I learned from UNICEF in 1971, specifically Mr. Paul Edwards' UNICEF Information Office. This documentation I am giving you for marking confirms that fact.

[9] Maurice Pate was UNICEF's first executive director, serving from January, 1947 until his death in January, 1965 just a few months before his planned retirement. [Maurice Pate Biography, Unicef website, http://www.unicef.org/about/who/index_bio_pate.html, accessed November 5, 2007]

What happened is this. At the end of World War II, in August, 1945, Mr. Hoover and President Harry Truman conferred and the President appointed Mr. Hoover to visit some thirty countries around the world to ascertain the state of common humanity, both in the defeated world and in the victorious world. And Mr. Hoover asked to bring with him a man by the name of Maurice Pate, for this mission. This was before UNICEF came into being. Hoover and Pate met when Mr. Hoover headed the Belgian Relief Commission at the beginning of World War I. At that time, Hoover was living in London, working for Bewick, Moreing & Co., the world's leading mining consulting firm. And Hoover, aided by Walter Hines Page, our American Ambassador in London at that time, with President Wilson's approval, created an institution, also with the approval of the British and French government as well as the German government, that fed 10 million Belgians and French for five years, seven-and-a-half million being in Belgium, two-and-a-half million in France. This included children and mothers, the special portion of humanity that subsequently created UNICEF.

KS: So that was at the conclusion of World War I?

FB: No, it began in 1914 and continued to '19, five years. Ships came from all over the world—Argentina, Australia, New Zealand, the United States, Canada, bringing basic food to that part of the world and they were not sunk by German submarines. On the sides of the ship, on the hull was labeled "Belgian Relief Commission." Maurice Pate played a key role and subsequently, after the war—we had one or two million starving people in Poland and the commission's successor organization, under the influence of Hoover, put Pate in charge of Polish relief. Then, I've already mentioned Fridtjof Nansen and his role with Russian relief, feeding 10 million Russians after the Revolution. This would be in the late teens and beginning in the '20s. Pate was involved with this exercise, too. So, it was natural for Hoover to reach back and select Pate to go to Europe with him on this tour.

[End of Tape 15, Side 2]

FRANK A. BAUMAN
May 1, 2007
Tape 16, Side 1

Examining Bauman's Role as a UN Officer Rooted on *The Dignity and Worth of the Human Person* (Charter of the UN, para. 3), cont.

KS: This is Karen Saul speaking. I'm with Mr. Frank A. Bauman on May 1, 2007. We're continuing his oral history and beginning our second tape of this session. Please continue.

FB: Counsel, I'm going to read just briefly two or three excerpts from these exhibits I'm giving you with reference to Mr. Hoover and Mr. Maurice Pate. First of all, with reference to Mr. Hoover, it **[Exhibit 0054A]** reads:

> "The white-haired elder statesman took off in a U.S. C-54 transport plane, which carried him 50,000 miles around the world to thirty-eight countries in eighty-two days. Four hand-picked veterans from Hoover's World War I relief work accompanied him. Among them was Maurice Pate, whom Hoover had appointed director of Polish Relief in 1918. About Pate, Hoover wrote, 'I recruited the invaluable Maurice Pate for the specific duty of investigating the conditions of the children in each of the thirty-eight countries we visited.' To join the new Hoover convoy, Pate had left his job as director of the multi-million dollar American Red Cross Prisoner of War Package Service. Like all of those close to Hoover, Pate called him the chief."

All right. Now something **[Exhibit 0054A]** about Mr. Pate:

> "He grew up to become founding director of the United Nations Children's Fund. The desire to ease children's suffering, which had surfaced when he was four, became the motivating force of his whole life. Although childless himself, Pate was godfather to millions of poor forgotten children the world over. He spent almost twenty years of his life in the corridors of world power doing exactly what he had done that Sunday morning in Denver, knocking on every possible door to make a passionate appeal to people's consciences."

Now finally **[Exhibit 0054C]**, at the end of these exhibits, let me say this, that Mr. Pate stated in 1962 with reference to Mr. Hoover:

> "No one man in the world has ever understood better the problems and the needs of children, and no one man has ever done more in their behalf than Herbert Hoover. It was Mr. Hoover who originally had the idea of setting up in the framework of the United Nations Children's Fund. Over these past fifteen years, Mr. Hoover has given this work his constant support and encouragement. UNICEF now operating in 107 countries and territories has given benefits to many tens of millions of children and mothers. Mr. Hoover's foresight in this action has resulted in programs for the benefit of children to the value of over $1 billion, of which the beneficiary countries themselves have put up more than 2/3 of the funds."

KS: So, it was less than ten years later that you were working with UNICEF as part of your assignment.

FB: Right, roughly five or six years later, yes; after Mr. Pate left in '65 and President Hoover passed in that very year as well.

KS: Did you want me to take those papers?

FB: Yes, I want these marked as exhibits. …

All right, we'll return to Australasia and more about UNICEF. But let me say this, that representing the three agencies in question, namely UNHCR, UNICEF, and the Information Office, required an attitude of balance, judgment, patience and determination. And the subjects coming to my desk were many and varied. One of the major events that faced me and the members of my staff in Sydney rather early on was the war between West Pakistan and East Pakistan. East Pakistan is now, of course, the country of Bangladesh. As I've said before, wars always create refugees and this was no exception. And here the numbers were of tragic proportions, vast. There were 10 million refugees who had fled from Bangladesh and settled

about Calcutta. There were children, there were mothers, there were of course adults. And this was a concern of both UNICEF and the High Commissioner for Refugees.

In Australia Sir Robert Jackson, whom I hold in high regard and whom I knew, was placed in charge. You might say that the world knew of this gentleman, when as an officer in the Royal Australian Navy in World War II, he was in charge of the defense of Malta in the Mediterranean, and altogether successfully kept the enemy from overwhelming this island. He enjoyed a worldwide reputation.

I am pleased to observe that his and the UN families' efforts kept these millions of people alive for a considerable period, and then safely returned them to the new country of Bangladesh, upon the conclusion of the war. I say this not by way of criticism, but merely as an observation, that I have never seen anything written in the American press, not that it doesn't exist, but I have never read in our papers about this monumental act of humanity.

The Australians and New Zealanders were deeply involved in this effort, particularly the former.

KS: And that was during your time.

FB: Yes. Now, let me carry on, Counsel, and examine the details surrounding the substance of the role of the UNICEF office in Sydney. We not only solicited financial support from both governments, and remember that states about the globe that are members of the United Nations, are required to pay what is called assessments to assist the United Nations. These assessments apply and are used and assist the basic entity structure. I mean by that the operations in New York to carry on the work of the Secretary General, the General Assembly, the Security Council, the United Nations Economic and Social Council, and the World Court or the International Court of Justice in the Hague. The other agencies, specialized or otherwise, whether it be UNICEF, UNHCR, or UNDP, are depended upon individual gifts of donations from either particular states or countries, the nation state system, or organizations or individuals privately assisting those bodies. UNICEF and UNHCR are in that position. It is particularly in the developed world, countries like Australia, New Zealand, United States of course, that an office like ours is

encouraged to create atmospheres of giving by not only the government sector, but the private sector as well.

KS: So you were a fund raiser?

FB: To put it humbly, I was a fund raiser.

KS: Nothing wrong with that.

FB: [chuckling] Right. We faced this problem in both Australia and New Zealand. To keep its currencies—Australia was then on a dollar system, the Australian dollar. New Zealand was on a dollar system, the New Zealand dollar. But to keep those dollars from depreciating in value against other currencies, whether it was the U.S. dollar or the Japanese yen or the British pound, their contributions were partly inconvertible Australian and New Zealand dollars. They could not be converted to any other exchange in the world, but in terms of the grant, had to be expended in Australia or New Zealand. This caused us to have at our UNICEF office a purchasing office to buy powdered milk in New Zealand, to buy medicines in Australia or to buy tarpaulins in Australia, particularly for the people outside of Calcutta, the children and mothers that I mentioned a few moments ago.

KS: So you had to use the dollars to buy products in those countries, but then you could ship those products for relief.

FB: Exactly. And it was the Australians that shipped those on cumbersome planes, large planes. Remember the distances are vast in that part of the world. For example, Singapore is south and east of Bangladesh and Calcutta, and you know what the distance is between Sydney and Singapore?

KS: I have no idea.

FB: Six thousand miles! It's the same distance as Portland to Paris.

KS: Astonishing!

FB: A big job. Fortunately Australia is a bountiful producer of food. Likewise, New Zealand. Both countries are major world food producers and we called upon them to send their products to the UNICEF family in various parts of the world, but particularly in Southeast Asia, particularly in Asia but in other parts of the world, as well.

For example, Iran, which has come to the forefront economically in recent years, received dried milk during my stay out there, from New Zealand. And we were having problems determining where that milk should go in Iran, what part of the country. I was with the Foreign Office in Wellington discussing this very question and the particular foreign officer said, "Well, let me get someone into the office from our agricultural department." He did. This gentleman, extraordinarily, almost literally knew every farm in Iran or Persia, that had cows that produced milk and the areas of the country that did not have cows and needed milk. It was remarkable [laughing]. I've never seen anything like it in my life, because it was a detailed knowledge on the subject. This gives you some idea of the detailed help that our office received from Wellington and Canberra from time to time.

KS: How many people were in your office?

FB: Very good question. It was a small office. It was a modest office. We had a controller handling finances, an English gentleman. But the total number, in direct answer to your question, was approximately fifteen to twenty and it varied at times. It was right in the heart of Sydney, not too far from what they call Circular Quay, which is like the Ferry Building in San Francisco. The ferries on that glorious strait of water are across from the residential areas to the north and stop at Circular Quay. Then they have this extraordinary underground rail system. You board trains underground and you can take them fifty miles to the west into the Australian Blue Mountains without having to go to the surface, other than—only once as they leave the heart of the city, of course, and are on the surface. It was at 20 Bridge Street and that's where we were.

Incidentally, what a lovely way for me, where we lived on the north side of Sydney, to take a ferry to Circular Quay each morning and home each night. I'd sit out there on the deck reading the Australian newspapers, particularly the *Sydney Morning Herald* and the *Australian*; and made a few friends along the way, too—one—a distinguished judge, with whom I am still in contact, by the name of Kenneth Handley.

KS: Now did your wife join you?

FB: My wife joined me, yes indeed. And three of our children were there from time to time; two for particularly lengthy times. Todd, the boy, who is a lawyer in Portland now, attended a public school in Sydney, North Sydney Boys High School. And our daughter Patricia, the youngest, who is now in the world of dance, attended Sydney Church of England School, a private school called SCEGS, and surprisingly, or maybe not surprisingly, from her school days has more friends in Australia, I daresay, than she has in this country. She still sees them; in fact, was out to Australia just to visit them a few months ago.

KS: How many years total did your family and you live in Sydney?

FB: Well, I was there between four and five years, and the family came home at one stage. We don't want to get lost on that—when I was going to give up the program and return to the practice after about two, two-and-a-half years. We had completed the Papua New Guinea assignment, which I thought was my chief responsibility at that time. Anyway, the contract was expiring and I came home in December, 1973. It was Christmastime, we had a lovely Christmas, and I'm returning to Australia by myself for roughly six months, my family establishing themselves in schools here. Just as I'm going to the door, Patricia comes up to me and says, "Dad, I wish we could have stayed in Australia. I loved it, and I'm not too happy coming home."

I thought about it and when I got to Hawaii, I called home and I said, "Well, I will see what I can do." So, I called the UN in New York, particularly UNICEF and talked with them and said that, "Well, I've changed my mind. True, I had agreed to give up my position, but I would like to stay on if I could."

UNICEF and the other UN bodies I represented considered it for about thirty days and got back to me and said, “You’re doing a good job. We’ll have you stay.” Then my children came back out again.

KS: I think it was important to tell that part of the story.

FB: Thank you. Let me give you this mild hardship example. Our clothing and what we shipped from Portland originally to Sydney, to establish our household, was [laughing] sent to Bangkok, Thailand by mistake. And for weeks was up there in Bangkok, in hundred degree temperatures. When it arrived, the clothing looked like it had been pressed into infinity. But we adjusted to it, we adjusted to it.

Barbara was in college at that time. She was at Stanford, but she did come out to visit us. Todd was in school there. Trish was in school here. So, there you are. Does that answer your question?

KS: Yes, it does.

FB: Thank you.

KS: How much of your time, then, was spent with UNICEF at this point?

FB: Well, the UNDP assignment was finished. We had opened up a branch in Papua New Guinea in Port Moresby. We had put a man in charge up there who took over, a man by the name of Unwin, Tom Unwin, and I’ll tell you a little humor—we’re straying a bit I admit, but I think it’s humorous. Papua New Guinea, as I say, was just emerging from the Stone Age. It had the reputation of a country of head hunters. It was a country of 700 dialects, with a form of English, the common language, spoken by a small minority. Anyway, Tom arrived, and I thought I would give him a little dinner before he went to Papua New Guinea. I had it at the University Club, again on George Street. Mildred was back in the states, perhaps in connection with the children being in school there for a while. So, I had to have a lady as a hostess, and I have a Christian

Science background as you know and I asked a lady who was first reader of Sixth Church in Sydney, in a district called Mosman, to be my hostess, and she cordially accepted. Her name was Nancy McFadzian, and I put her next to Tom and she's going through the usual social graces, asking Tom various questions, and both of them are just eating their soup. And she says to Tom, "Mr. Unwin, how long do you expect to stay in New Guinea?"

And he responds, "Until they eat me, Madam." She dropped her spoon back into the soup. [both laughing]

KS: That is a good story.

FB: All right. I didn't expect to tell you that, but you asked.

KS: I think it adds some salt to the story.

FB: All right, we'll go ahead here. Well, I want to continue here about—this may be pedestrian—the fundraising side with UNICEF, to a degree. We did all sorts of things. I'll never forget at the very beginning, I was called to Brisbane, in the fall of 1971, for a grand banquet for a lady that had been raising money for UNICEF for twenty-five years, and she was being honored by the governor of Queensland and there were maybe one to two thousand people present, including the Lord Mayor, a man by the name of Clem Jones. The venue was Lennons Hotel, which was the very hotel that General MacArthur, Mrs. MacArthur, and their son Arthur had stayed in when they got out of the Philippines and came to Australia. For public relations and for the advantage of being closer to the front, which was to the north in Papua New Guinea then, he moved the national headquarters of the Australian Army to Brisbane and he stayed in Lennons Hotel, and he took over the Australian Mutual Providence Society, the largest insurance company in Australia, for his headquarters. Well, Clem Jones acquainted me with the fact that—this gives you some idea of the warmth of Australians towards us then—he said, "This building's going to be torn down in one week." He said, "Mrs. MacArthur was here. I wonder if she would like to see pictures of it before it's torn down?"

I said, "Well, gosh, how should we do that?"

And he says, “I’ll get the pictures.” So, that was a Friday. They were on my desk the following Monday. I sent them to the Waldorf Astoria where Mrs. MacArthur was living and we received a cordial response. Little things like that were frequently on the scene during our stay.

KS: You had asked me earlier to remind you of the Waldorf story. Was that the Waldorf story?

FB: That’s the Waldorf story, yes, yes. [pause] And we had help from here at home in connection with building up an attitude of giving to UNICEF. Danny Kaye came out. Have I told you that?

KS: No, but I’m of the vintage, I remember, who was it? Was it Marlo Thomas? There was some actress who frequently did advertisements. Anyway, I remember television advertisements trying to raise public awareness of UNICEF.

FB: Yes. Well, Mr. Kaye spent ten days or so with us. And most of it was in New Zealand. And we went to eight or ten or twelve cities. He spoke to them about his actual experience observing UNICEF work in the field, particularly their digging water wells, so children and mothers and fathers could have fresh water. Water that was impure was such a cause of disease, sometimes fatal. He had a way of holding his audience in rapt attention. Let me give you an example. We met with about fifty Australian reporters when we got back to Sydney, a pretty hard-headed crowd. I daresay that after they finished, there were many of them in tears. I think they would have mortgaged their homes to help UNICEF after Mr. Kaye’s speech. And then at the last, Mr. Kaye—are you aware of his leading symphonies around the world? He couldn’t read a note of music, but Sydney and Melbourne have extravagant symphony orchestras and at both Sydney and in Melbourne he conducted the orchestra.

KS: Really!

FB: And his humor, he had the audience laughing half the time. I remember the longest serving former Prime Minister of Australia was present in Melbourne—Robert Menzies. We had examples of that, whether musical people or people of artistic endeavors, came from the states came out to perform on behalf of UNICEF, on a volunteer basis.

Let me move along here. In 1974 and in 1975 particularly, events in Indochina were taxing the relief demands of UNICEF and UNHCR. I've talked not merely, as important as it is [about] the refugee role of UNHCR, but the keeping of these people alive, both in North Vietnam and South Vietnam, called upon a worldwide response, which Secretary General Waldheim put to the world. And here again, he placed Sir Robert Jackson in charge. Our office had this role of educating the government as well as the non-GO sector about those needs, those paramount needs in Southeast Asia. This became the major commitment along with the refugee effort, tied to UNHCR during my last year in Australasia, and our staff rose to the occasion and responded.

I'm going to do this, if I may, and give you another exhibit. This is the report **[Exhibit 0055]** of the UNICEF committee of Australia in 1975.

KS: Did you prepare this then?

FB: Oh, I didn't prepare it. It was prepared by the UNICEF committee of Australia. It gives you some idea of what the UNICEF committee was doing in Australia, and the type of people that were supporting UNICEF. It's dated 13th of August, 1975, Annual Conference. It was opened by His Excellency, the Governor of South Australia, Sir Mark Oliphant. The guest speaker was Professor G.M. Maxwell, Professor of Child Health at the University of Adelaide, and the subject, dealt with the needs of today's children.

KS: And were you in attendance at the conference?

FB: Yes. At the closing of conference, I spoke.

And then, too, am I still on tape? Let me give you this exhibit, too, if I may propose it. Here's the report **[Exhibit 0056]** of the United Nations Association of Australia for the Year Ending 30th of June, 1975. Also, with reference to UNICEF, every organization requires

management. UNICEF is no exception, and as I was thinking the other night, falling back on a book by Walter Lippman, that he wrote in 1943, *The Shield of the Republic*, where he sets out that the principal role of the…

[End of Tape 16, Side 1]

FRANK A. BAUMAN
May 1, 2007
Tape 16, Side 2
Portland, Oregon

Examining Bauman's Role as a UN Officer Rooted on *The Dignity and Worth of the Human Person* (Charter of the UN, para. 3), cont.

KS: This is Karen Saul speaking. I am continuing with Mr. Frank A. Bauman to record his oral history, and this is side two of tape two, on May 7, 2007. So, I will put the mike on your collar again and we'll resume.

FB: Mr. Lippman wrote this book in 1943, at the time of our involvement in World War II. And the principal thesis of the book is that commitments of the nation must be related to power and not to be something more than our power permits. I would say yes, we had commitment in UNICEF, and of course in UNHCR. But it was not so much power, but a question of resources equaling our commitments and obtaining those resources. I daresay the commitments were performed in another part of the world in the main, but the UNICEF office, by and large, had a role of obtaining the resources to carry out those commitments, whether it be in the Pacific theater or whether it be in the Atlantic theater. And that's how I simply see us during that period. Do I make myself clear?

KS: Yes, I think if I understand you, you're saying that you were, in fact, as you said earlier, a fundraiser for a *very* noble cause and that as part of the fundraising efforts obviously you needed to educate the governments, the NGOs, probably to some extent, even the public. And to coordinate and to raise cash for these things that required—

FB: You've put it very well, Counsel. You put it very well, Counsel.

Let me briefly return to the UNICEF story during my last period at the post. I'm addressing, especially, what we were doing in Indochina. UNICEF was rushing tons of milk powder, tons of drugs and medical supplies to Hanoi, North Vietnam, for trucking south to children and mothers. It assisted in loading thirty tons of New Zealand milk powder to Hai Fong.

There were other examples, the movement of tarpaulins to cover people at night. We worked in close cooperation with UNHCR and all of this because of the circumstances in Indochina that required immediate attention. This was the major contribution of the office in the last phase. It was a monumental effort to utilize these funds acquired from governments and private sources to carry out this emergency relief operation on a planned and efficient basis. There we are, and so much for UNICEF at this moment.

All right, we're leaving UNICEF, other than to say that during the 1971 – 76 period, its story and service in Australasia resulted in its enjoying a reputation of the highest order. Let me add too that UNICEF's administrative costs were the lowest in the United Nations system, 7 percent, 7 percent during my time.

Now let me take up with you the role of the United Nations Information Office, which is part of the Secretariat of the UN, based in New York City, and with an Assistant Secretary General of the UN at its head. At that time that gentleman was the Honorable Genichi Akatani, a Japanese gentleman. Of course, the mission of this organization is to enlighten the world objectively, fairly, and clearly in an understanding manner about the role of the United Nations, whether the basic organizations under the charter, like the General Assembly and the Security Council, or the specialized agencies and other UN bodies. At that time, when I was at my post, besides the Sydney Centre, the United Nations had some ninety-five Information Centres scattered about the world. In perfect candor, I did not anticipate that I would at any time be the director of the Information Centre in Sydney. But this responsibility was cast upon me in late 1974, and I assumed this post for the calendar year of 1975. At the time, January, 1975, the Centre was clearly in need of leadership to improve the dissemination of information on the work of the United Nations throughout the region. I assumed this task with the assistance of a capable Centre staff, headed by Pat Price Jones. I was also assisted by a former Russian Foreign Service officer, Yuri Glenovich, who had been in charge of the Chinese desk at Foreign Affairs in Moscow before joining the UN At that time Mr. Glenovich headed the various centres world wide, and made a special trip to Sydney to assist the needs of our Sydney Centre in Australasia.

At the close of 1975, I informed the United Nations office in New York that I and my family would be returning to America in early 1976, and of course likewise informed UNICEF

and the High Commissioner for Refugees some months before my departure date. I was asked to stay on by UNICEF and the High Commissioner for Refugees, but declined for family reasons.

Then, in January, 1976, just before leaving, I received a very generous letter **[Exhibit 0080]** from the Honorable Genichi Akatani, the Assistant Secretary General, wishing me well and commenting upon my services at the Sydney Centre. It reads:

> "On the eve of your return to the United States I wish to express to you my deep appreciation of the valuable contribution you have made to the work of the Office of Public Information in your capacity as Director of the United Nations Information Centre in Sydney.
>
> You were assigned to the post in January 1975 when the Information Centre was clearly in need of dedicated leadership in order to bring about an improvement in the dissemination throughout the region of information on the work of the United Nations. I am grateful to learn that, under your direction, the Sydney Centre has won significant recognition for its services to all segments of the population and that it has helped raise the levels of understanding and support for the aims and activities in the United Nations. Through the dedication of Centre directors like yourself, the United Nations Information Centres system continues to grow and reach more people in all walks of life throughout the world.
>
> The record of your accomplishment is made all the more noteworthy that during this period of service you were also carrying other heavy responsibilities as representative of the United Nations Children's Fund and the United Nations High Commissioner for Refugees.
>
> We in the Office of Public Information are deeply grateful to you for all that you have done in Sydney and I personally wish you and Mrs. Bauman much happiness and continued success with your legal profession and also with your public service back in the United States."

I was fortunate enough as well near the end of my stay to receive a number of letters, both official and unofficial, about my stay in Australasia. One that touched me is this letter from Andrew Peacock, Minister for Foreign Affairs in Canberra. He writes:

> "January 8, 1976
>
> Thank you for your letter of 31 December informing me of your departure on 8 January on arrival of your successor, Mr. Gilberto Rico, a Brazilian gentleman. I note the arrangements being made for the direction of the United Nations office in the interim. I should like to thank you for the courtesy and cooperation which you have always extended to officers of my department. You and your successors can count on my support for the activities of the United Nations in Australia.
>
> Wish you and your family a good journey back. Every good wish in the future."

Then, let me mention this letter from Ole Volfing, a member of the Danish Parliament, who was a key staff member of UNHCR. I want to tell you this humorous aside with reference to Ole. We were flying into Wellington one time, to the capital. It was terribly cloudy and the airport was surrounded by clouds and I was concerned about our safety as we were landing. But we did make it down, and I said to Ole upon landing, "I'm just so pleased and grateful that we're here in one piece."

And he quickly responded to me and said, "You had nothing to be concerned about. Don't you realize that you had a Danish Lutheran minister on the plane?" [both laugh]

All right. But let me do refer to this letter from Charles H. Mays, one of the key men at UNHCR. "Dear Frank." This is December 16, 1975:

> "In the absence of the High Commissioner, might I say that it was with a considerable sense of deprivation that I realized that your duty as UNHCR representative for Australia and New Zealand, indeed, your service with United Nations, is drawing to a close. During the years in which you have acted in this capacity, my colleagues and I have come to deeply appreciate the quiet efficiency, diplomatic skill, and boundless devotion to the cause of protection and assisting refugees, in which you discharge your duties, and it is with great reluctance that I see you leave. However, I have full understanding for the reasons that prompted you to retire from the service of United

Nations and it remains only for me to thank you most sincerely for your valuable contribution to the humanitarian cause we are all serving.

With all good wishes for the future to you and Mrs. Bauman.

Charles."

Then, Counsel, let me close with a personal note. This in a sense relates to the Sydney Centre for the Office of Public Information.

One of the supreme pleasures I enjoyed over the last year-and-a-half of my stay was swimming with a group of Australians on mornings when I was in Sydney at Balmoral Beach, a saltwater bay adjacent to the Pacific Ocean. What a way to begin a day and how refreshing! The friends I made, I shall always remember. At the time that I departed Tony Onorato, President of the Auxiliary of the Australian Coast Guard, presented me with a painting of the scene which he had made. I have it in my place at the Oregon Coast. All of our swimmers were Australian except one Englishman by the name of Wheelwright, a professor of Economics at the University of Sydney, and myself. I mentioned Yuri Glenovich already, and one of the first acts of Mr. Glenovich when he arrived in my office in Sydney was to ask to use the phone and make a telephone call. Sydney is a city of something like 4 million people. His first call was to Mr. Wheelwright, one of my swimming companions. Small world indeed.

Now, I cannot leave without mentioning some of the staff people in my office that were ever helpful and without whom I never would have been able to carry out my responsibilities over the years.

First, was Alan Middleton, a Victorian lawyer—Victoria is a state in Australia, of course, as you know—who had served with the British Foreign Office for a number of years in East Africa, in developmental matters and was very knowledgeable and had the tact required to make an extraordinary contribution in dealing with the Australian and New Zealand governments, as well as the Papua New Guinean representatives. I shall never forget him. He had a rural background, 'off the land' as they say, and practiced law over the years and was a constant friend.

Then there was Veronica Bull, who carried out successfully the details surrounding UNHCR responsibilities in the office. Alan assisted her from time to time.

Next, I cannot overlook Rhonwyn Searle, a very dedicated individual responsible for UNICEF activities in our Sydney office. Shortly after I returned to America, she joined UNICEF in New York City, eventually retiring to Papua New Guinea with her mother.

Then there was Pat MacDonnell who headed the UNICEF Purchasing Office in Sydney, which I've already mentioned, a very capable, quiet I admit, but committed lady and absolutely reliable.

I've mentioned Pat Price Jones already. There are others of course, like June Encanaseo, my principal secretary, and I apologize to them and to the reader for not mentioning them, but these are only a few of the wholly committed individuals to the UN idea, who made the office perform in a stellar manner, I daresay.

There was Raymond Joy, our controller, an Englishman. There was Terry Jones, who assisted in the preparation of the Country Programme document for Papua New Guinea. As you might expect there were many, in the private sector, I've already mentioned Paul Cullen, as well as one or two others. But there were many in number and so devoted, so dedicated and such honorable people.

Finally, on a personal note, may I say that my dear wife, Mildred, and my three children, Barbara, Todd and Trisha, were ever-helpful and so essential in making this stay, without question a memorable experience. Each was ever-ready to assist, particularly at critical times, which I shall not set forth in detail at this late hour, other than to say that my life was threatened twice because of my position, requiring the help of the legal profession, the medical profession, as well as the highly respected Australian courts. I owe them much. The bench and bar in Australia and in New Zealand are both highly respected. In either jurisdiction an Abraham Lincoln is not required to make them stand taller.

Finally, in terms of world tribute and honors, to UNHCR and UNICEF, the former, UNHCR, has received the Nobel Prize on two occasions, once I believe in 1954 if I'm correct, and again in 1981. And the other, UNICEF, in 1965, at the time I believe Mr. Pate stepped down as its first executive director.

Need I say more?

KS: Very good.

FB: Thank you.

KS: Now I would like to just put on the tape that I actually think I will leave the documents with you again. I mean I've collected them.

FB: And there's probably, I confess, I've got them in a storage room, but it's going to take a very skilled person to put them all in order. I'm not throwing any away, I assure you, but they are mixed up with some other things, too.

KS: It'll be easy. When we get the transcript back, we'll create a list with all of the documents. We can simply go through then and collect them and put them in one, like a banker's box, to store them. So, I'll leave them with you today. And again, it is May 1, 2007 and we've done almost two full tapes. So, thank you.

FB: Okay.

[End of Tape 16, Side 2]

FRANK A. BAUMAN
May 15, 2007
Tape 17, Side 1
Portland, Oregon

Examining Bauman's Role as a UN Officer Rooted on *The Dignity and Worth of the Human Person* (Charter of the UN, para. 3), cont.

KS: This is Karen Saul speaking. It is a little after 2:00 p.m. on May 15, 2007. I'm here with Frank A. Bauman to continue his oral history.

FB: Good afternoon, Counsel, Miss Saul. I am honored to be with you again in your directing this oral history. We're going to move back in time, at least two to four weeks or so; not back to the '70s, so to speak. First, with reference to the United Nations Development Programme in Papua New Guinea, I am handing you with reference to our Country Programme. I prepared certain documentation.

KS: Thank you. We'll make sure that this is included in the exhibits that will go with your history.

FB: There were three proposals prepared and the process, I think we've touched on this already, but I'll repeat myself to a degree. They were first discussed with UNDP in New York, and then with the fledgling Papua New Guinea society in Papua New Guinea, with officialdom. And then with the Australian government, which was the trustee of Papua New Guinea at that time. The first written proposal is dated November, 1972, and in fairness it was largely prepared by Henry Kaufman, who was in the UNDP office in Australasia, and Terry Jones, both Englishman. But I, of course, put my presence into the effort and was involved, particularly in the negotiations with the governmental authorities in question.

I'm handing you the first proposal **[Exhibit 0052]**, from November, 1972, and then I'll follow that with the December, 1972 second proposal **[Exhibit 0052]**, Country Programme for United Nations Development Programme Assistance, a five-year program. Then finally, the third

programme, dated the 15th of March, 1973, which was ultimately adopted by UNDP in New York, I believe in June of 1973, and then executed between 1973 and 1977.

KS: Thank you.

FB: And you can take this folder **[Exhibit 0052]**, too, which is marked *Restricted* from the old days in Australasia. [brief pause in tape]

Now we'll move from the oral history meeting two times ago to the meeting we had in this edifice roughly two weeks ago. You'll recall, Counsel, that we mainly took up the role of the United Nations High Commissioner for Refugees, something about the history of the development of refugee care worldwide, particularly with reference to Fridtjof Nansen. Then we moved on to UNICEF and the role of Mr. Hoover, whom we consider the founder of UNICEF worldwide, and finally something about the United Nations Information Office in Sydney, one of ninety-five or ninety-six throughout the world. And then I talked about my last days in that lovely part of the world. I recapitulate handing you several exhibits that I feel are critical to the presentation.

First of all, UNHCR—I'm going to give you this documentation for marking, if I may please. The first is a book that I hand you, and it's entitled: *A Mandate to Protect and Assist Refugees* **[Exhibit 0057]**. It was prepared upon the twentieth anniversary of UNHCR, and circulated about the world. It's a blue book, bound, and there it is.

Second, I'm going to hand you a picture **[Exhibit 0040]** taken in the presence of the Prime Minister of New Zealand, Sir Keith Holyoake. The man on his right, on the left in the picture, is myself, who is presenting this very book to him in his offices in Wellington, New Zealand, the capital of New Zealand. I think it is sometime in 1971 I did that. And that is for you to mark in due course if you would please.

I give you as an exhibit to be marked, a document **[Exhibit 0058]** prepared by the International Commission of Jurists in Geneva, and dealing with the international declarations and conventions; in other words, treaties, made by the High Commissioner for Refugees over the years, related to asylum, particularly with application to Latin America and dated September, 1975. But it gives you some idea of the intensity of development and care applied by the legal

department of UNHCR in Geneva, and then the supervising role of the highly respected International Commission of Jurists, which is the principal international law scriveners in this world.

KS: Thank you.

FB: The next exhibit is an *Addendum to the Report of the United Nations High Commissioner for Refugees to the General Assembly* for the 28th Session **[Exhibit 0059]**. The United Nations High Commissioner reports to the General Assembly each year about his activities. His appointment is by the General Assembly in New York, in the first instance. For marking, may I hand this to you, please? I think it's dated 1973.

Also, I am handing to you a very important document—The United Nations Convention on the Reduction of Statelessness **[Exhibit 0060]**. I think we talked a bit about the burdens carried by the stateless individual worldwide, and the attempt of the High Commissioner over the years through international treaty to reduce the number of stateless individuals. I'm giving you this exhibit for marking, too.

Likewise, I am giving to you at this time, you will recall that I read portions of *The Man Without a Country* **[Exhibit 0061]**, written at the time of the American Civil War by a Unitarian minister in New England, Edward Everett Hale, later Chaplain of the United States Senate. And there, in poignant language he takes up—these happen to be African slaves who are in a stateless legal position, without rights, as well as the principal character, Philip Nolan. There you are, that exhibit for marking.

Then, with reference to UNHCR, my next to last exhibit I am giving to you a compendium **[Exhibit 0058]** here of the various treaties that Australia and New Zealand have become parties to over the years, beginning with the first international treaty of agreement of 1951, and treaties that came on board during my time in Australasia, specifically the convention and protocol related to refugees, updating the status of refugees, for post-1951. And Australia became a party and New Zealand a party in 1973. And then the statelessness convention, or treaty, which Australia ratified again in 1973 during the period that I was representing the High Commissioner for Refugees. I'll hand this to you.

Finally, my last exhibit with reference to UNHCR, and this applies to Australasia exclusively. It is initialed by me, but it's a document **[Exhibit 0062]** that my office prepared in late 1975, a report of the activities of the High Commissioner for Refugees through the Sydney office, pertaining to Australasia, particularly Australia and New Zealand, beginning January, 1975 through December, 1975.

KS: Thank you.

FB: Now, we are going to move along with reference to the United Nations International Committee for Children. I have a number of documents to present to you at this time, which relate to former President Herbert Hoover's role as the key figure bringing UNICEF into being worldwide. And I am indebted to Senator Hatfield, Mark Hatfield, for introducing me to Timothy Walsh, the Executive Director of the Hoover Library in West Branch, Iowa. As you know, West Branch is where Mr. Hoover was born and where he lived until he was eight years old when his parents died, and then he moved to Oregon and lived with a maternal aunt and uncle by the name of Minthorn. Minthorn was a doctor in Newberg.

They are three in number. The first is entitled, "We Are the Children" **[Exhibit 0054A]** and it's a celebration of UNICEF's first forty years, culminating with UNICEF's receiving the Nobel Peace Prize in 1965. It is by Judith M. Spiegelman and UNICEF. Number two is a documentary history **[Exhibit 0054B]** between President Herbert Hoover and President Harry S. Truman, and the influence of Mr. Hoover upon Mr. Truman as President of the United States at that time, in declaring that the United States was supporting the idea of the creation of an organization to assist children and mothers, initially limited to the immediate post-war period, to mothers and children in devastated Europe after World War II, including those of the defeated Germany, of course. And number three is titled "Herbert Hoover, An American Epic," **[Exhibit 0054C]** and is from the Hoover Institution on War, Revolution and Peace in Palo Alto. I have not spoken about this at this time. But I do commend to any listener, if he or she has the opportunity in Palo Alto, visit the Hoover Library, because there, speaking to the world is evidence of a concrete nature of what Mr. Hoover did during that period from 1914 to 1919. And [what he did] following the war in Poland and then in the newly emerging Soviet Union, by way of relief, not

only to children and mothers, but to starving people without regard to age, without regard to nationality, or without regard to which side of the war they were on, or without regard to politics.

For example, you will find there one room filled with Belgian lace. The Belgians are noted for their lace makers, and these are gifts to Mr. Hoover, which Stanford now has in the Hoover Library, by way of saying thank you. I'll hand you this exhibit, if I may please.

Now, UNICEF, I mentioned two weeks ago, if you recall, UNICEF at least in my time, from an administrative point of view was the most efficient developmental organization or order within the UN system. As I stated before, its administrative expenses were something like 7 percent. And here is a management survey of UNICEF **[Exhibit 0063]**, which gives you some idea of the issues that UNICEF was seeking to meet, problems it was seeking to overcome to administer its program even better than it was already doing.

UNICEF, in terms of the NGO sector, has UNICEF committees in the various countries of the world, and Australia and New Zealand were no exceptions, with very, very active committees. I am going to hand you at this time a conference paper **[Exhibit 0055]** for the UNICEF Committee of Australia, 1975, when the conference was in Adelaide. I have already referred to the governor of South Australia, His Excellency Sir Mark Oliphant, who was one of the two principal speakers. As you will see at the introduction prepared at the beginning of this folder, that I had the opportunity to close this particular conference. Incidentally, I had dinner with the governor the night before in his home and it was not only a moving experience, but his knowledge of the world was vast and deep, something I'll always remember.

KS: And that would have been near the end of your time over there.

FB: Yes, you're absolutely right, Miss Saul. It was in August or so of 1975, the last three or four months of my stay, yes.

Let me take up these organizations with reference to the non-GO sector of the UN system. First of all, the United Nations Association of Australia, just as we have a United Nations Association in the United States, headquartered in New York, and a United Nations Association here in Oregon, a branch of the UNAUSA in New York.

First, the "Annual Report for 1975 of the United Nations Association of Australia" **[Exhibit 0056]**. Notice the presence as immediate Past President of Major General Paul Cullen, and we will say more about him later, but at that time a respected lawyer from the Queensland, from Brisbane, Mr. Peter Underhill, was the president. He had succeeded Paul. Let me hand you this document for marking, too.

Let me say, too, and this is related to what I've just said with reference to UNA Australia, near the end of my stay I was led to believe that there would be a special dinner **[Exhibit 0064]** for General Cullen, Paul Cullen, in Sydney, and that representatives of the UN would attend; that is the non-GO UNA Australia, from other parts of the country. Mildred and I were invited. It turned out to be, not only honoring Paul Cullen, but it honored me and I was so deeply moved by this recognition that I wrote the president, Peter Underhill, this letter **[Exhibit 0065]** on December 30, 1975, my last days. And it reads:

> "Your presentation to me on behalf of the United Nations Association of Australia the other night caught me by surprise." The presentation was two brass drinking cups, very delicately made, on a brass platter and I still have them in my living room and they are exact copies of brass plates or goblets that the Australian government made at the time of the marriage of the Prince of Wales and Princess Diana. They're lovely. But here we go with reference to the letter that I wrote on December 30th to Peter Underhill:
>
> "The simple ceremony sought to honor Paul Cullen and no one else. That it became something more moved me at the time, and even now as I write you profound thanks and appreciation, not only for the gift itself, which I shall cherish, but for your exceedingly generous words. My work with the UNA movement in America covers something like a decade, and it is natural that I have sought the closest ties with the Australian Association. Now that Mildred and I are leaving, I feel that to a considerable degree this object has been accomplished. I am satisfied that the endeavor of the Australian Association on behalf of the UN idea is an essential ingredient if people everywhere are to stand taller.
>
> Fond good wishes,
>
> Most sincerely"

Again in Portland Linked to Memories that will never Fade

Let me add this, too, Counsel. This is not on paper, not on this exhibit, but I remember vividly as I was walking out of this meeting with my wife and with General Paul Cullen, Paul took me aside and said, "Frank, I want you to know that you are the finest UN representative we have had out here in twenty-seven years."

KS: What a compliment, particularly from him. I know you held him in high esteem.

FB: Yes. Let's continue with Paul a moment longer, Counsel. I have this book to be marked as an exhibit and its entitled *Paul Cullen, Citizen and Soldier* **[Exhibit 0053]**. I mentioned this before. I think it was published a year or so ago. Paul is still with us, he's in his nineties. The author is Kevin Baker, and it refers to him as a distinguished solider in North Africa, Greece, Crete, and on the Kokoda Track, which is in Papua New Guinea. Incidentally, our 41st Division, the Sunset Division was very much involved in Papua New Guinea, and preventing the Japanese who were on the north side of Papua New Guinea, from moving to the south side across the Owen Stanley Range, which are up to 16,000 feet high. The Japanese came within twenty-seven miles of the capital, Port Moresby. But the Australians and the Americans, particularly, the 41st Division stopped them. If I remember correctly, one of the key officers with the 41st, was a brother of Miller Huggins, manager of the New York Yankees in the early '30s. Huggins and both brothers were raised in Irvington in Portland!

I'm not quite through with reference to Paul. I am going to hand you something that occurred in early February, 1976 after my departure. Of course, the chief officer of the United Nations is the Secretary General under the charter. And that part of the world was honored when the Secretary General, Kurt and Mrs. Waldheim visited Australasia and were hosted by the United Nations Association of Australia at the Wentworth Hotel where I spoke with the Prime Minister, Mr. Whitlam, on behalf of refugees **[Exhibit 0064]**. Also honored at this occasion was General Cullen. And General Cullen received a peace medal, and there's something in here about his history as an Australian subject or citizen, and he, thanks to the president, Mr. Underhill, who

called upon Paul to propose a vote of thanks to all speakers; which included the Secretary General of the United Nations. Let me hand this to you for marking.

KS: You actually had missed this event then?

FB: By about thirty days. Thirty or forty days, yes.

KS: That must have been disappointing.

FB: It was, a bit.

KS: Someone kindly sent this on to you, though, so you could see.

FB: Right, apparently, apparently. Time, you know goodness gracious, [chuckling] this is more than last month. This was a few years ago. But someone must have. I have it anyway and it should be part of the record.

Now, here are some of the farewells on paper. Finally, a telegram **[Exhibit 0066]** from the former Prime Minister of Australia, Gough Whitlam, that I have marked.

KS: [reading] "Many thanks for your generous letter **[Exhibit 0066]** and best wishes to you and yours wherever you serve."

Many people were sorry to see you leave.

FB: Then a letter **[Exhibit 0067]** from the Foreign Minister. He's comparable to our Secretary of State, which would be Miss [Condoleeza] Rice at this time. It is a letter from Andrew Peacock. It is dated the 8th of January, 1976. I've already identified it.

Then, I wrote a number of responding letters **[Exhibit 0068A-C]** to various people that were wishing me well upon my departure. I'll have several of them marked at this time, if I may. I do not want to over try our case so I shall not mention them but cross the Tasman Sea to New

Zealand and turn to my friend in that sturdy and dependable country loved by nature and abounding in English heritage.

There's a New Zealand gentleman I have not mentioned up till now, and I apologize to him. He is still very much with us, and was truly a crucial figure during my stay out there and his name is Mr. James Belich, and at that time he was President of the New Zealand National Committee for UNICEF. He was also, during my time out there, President of the United Nations Association of New Zealand. Let me give you this example. I was there once two or three years earlier before leaving, and it was a meeting of the National UNA organization at Victoria University in Wellington, on a Saturday. These members of the board had assembled from all over the country. The meeting was called to order by Jim at ten in the morning. He looked at his watch and the first thing he says after calling the meeting to order is, "Oh, its 10:00 a.m. [laughing] Time for tea. There will be a thirty minute recess."

KS: I don't think you've told me that story before.

FB: All right. Well, here we go **[Exhibit 0068A]**: "Dear Jim, Warm and deep thanks to you for your note of appreciation that came across the Tasman last week." Of course, that's the Tasman Sea between Australia and New Zealand, 1,400 miles distance. "During our Australasian stay, you have not only served as President of the New Zealand UNA, but continued to hold the United Nations Committee presidency…"

[End of Tape 17, Side 1]

FRANK A. BAUMAN
May 15, 2007
Tape 17, Side 2
Portland, Oregon

Again in Portland Linked to Memories that will never Fade, cont.

KS: We are continuing the oral history of Mr. Bauman on May 15, 2007. And you were in the middle of reading a letter **[Exhibit 0068A]**. Would you continue?

FB: Right, to James Belich. I continue, "I count you a friend and counselor, whose advice is entitled to great weight. I trust that in the months ahead we shall stay in touch. Warm good wishes to you, Valerie, and your family."

I've seen Jim two or three times since writing this letter. More recently, he has been Lord Mayor of Wellington, New Zealand, and he's also been knighted by Queen Elizabeth, so it's now Sir James Belich. Lovely man, lovely family!

Let me continue with New Zealand for a moment. Here is a letter **[Exhibit 0068B]** I wrote to Miss Kora Lang, Executive Officer of the New Zealand National Committee for UNICEF, a pianist and a piano teacher highly regarded in that country. I don't think anyone did more for the UNICEF idea than Cora. She lost her fiancé in World War II, and never married, but what a jewel, what an absolute jewel. And here is the note to Cora:

> "Dear Cora,
>
> To your president, your committee and yourself, I express a warm thank you for your lovely pictorial book of New Zealand. This work shall always be a hands-across-the-sea link between New Zealand and myself. I shall miss each of you more than I can say. Fond wishes as always.
>
> Most Sincerely."

There we are, these exhibits are to be marked.

KS: Thank you so much. Now what I will do again—we should have this on the tape—is I've got them in a neat stack here, but I'd like you to keep them with the other things that we have been marking, and when we get our transcript, we're going to have a list of all these things. And then we will determine where they should be kept, if you would like the historical society to keep it all, or if you want to keep it somewhere in your home where people could find it.

FB: Oh, I think I said the other day, I think these exhibits should be in the historical society, but let's return to the Pacific Northwest.

Return to the Law as Teacher and Practitioner, 1977 – et. seq.

FB: Well, let me continue, and I've entitled this, "Hail and Farewell, A Word of Thanksgiving and Gratitude." This is a statement **[Exhibit 0069]** that I have in front of me that I prepared the other day.

> "Mildred and I returned to the United States, to Portland, in the early part of 1976, with our daughter Patricia, after the Australasian experience, which we always shall remember. At the outset, let me say that we made a mistake in 1972 when we sold our home in Eastmoreland, and as a result had to look for a new home. This took time. Trish wanted to attend Wilson High School, so we investigated Southwest Portland and finally obtained a house. Never far from my mind was the Hiroshima experience at the end of World War II. Whether it be Portland or Australasia."

May I refer again to *Oregon Benchmarks* **[Exhibit 0070]**, the U.S. District Court of Oregon Historical Society newsletter, and the September, 2004 issue at page three. I think you're treasurer of that organization, is that correct?

KS: That is correct. That's why I am here with you.

FB: [laughs] All right, thank you. I wrote at the time:

"After leaving the service I continued to reflect upon the bomb and its consequences. I began to ponder whether ways and means of a legal nature existed or could be created to settle disputes between nations without the use of force. At Hiroshima, man's ability to destroy his fellow man had reached a level that threatened the very existence of international society as we know it. If man could establish judicial systems to resolve disputes domestically, why not internationally?"

Apropos, I was offered an opportunity to teach international law at Northwestern Law School at Lewis & Clark College. I accepted and taught on two occasions. The course was an examination of international law, and by that I mean public international law, not private international law. Public international law deals with the subject of legal relationships between states and international organizations linked to the nation state system. Private international law pertains to individual parties in different countries who have legal issues of one kind or another to resolve."

KS: Now, were you teaching in 1976?

FB: No, no, I don't think I started until '78 or '79, and then I taught again and it lasted until about 1980, yes. As might be expected, and this is an aside, before that in 1977 my family journeyed to London to view the twenty-fifth anniversary of Queen Elizabeth II's reign. And then my son, Todd, and I, journeyed to Norway, Sweden, Finland, and then Estonia. Our aim was to circle the world via Russia which we did.

KS: What a wonderful trip. How long did you take to do all of that?

FB: Oh, it took maybe six weeks, six/eight weeks. And there were some difficult times. I think we made a fundamental mistake in the two of us seeking to cross the Soviet Union in the Cold War period without Intourist guides looking after us, but I shan't go into that phase. That period is passed. But it was quite a trip.

KS: What a wonderful experience for you and your son.

FB: Yes.

KS: Then you came back and, I assume, kind of tried to catch up with your private life back in the States.

FB: Right, and there was legal business of a family nature that was taking my time in various parts of the country that was quite a bit overdue, but I shall not go into that either at this time.

Returning to my teaching experience, may I say that, as might be expected, the course dealt with the history and nature of public international law, sources of international law, particularly international treaty, and customary law as well as generally accepted principles of law. Now let me refer to the Constitution of the United States briefly in your presence, with reference to the American law on treaties **[Exhibit 0071]**, which has been part of the Constitution since 1789. I refer to Article III, which takes up the judicial powers of the United States, and it says in Section 1:

> "The judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish." Then Section 2 continues: "The judicial power shall extend to all cases in law and equity arising under this Constitution. The laws of the United States," which would presumably be passed by the legislature, the Congress in Washington. And note this, please, Counsel: "<u>And treaties made, or which shall be made, under their authority</u>."

Please note that treaties were very much a part of the world, especially the European world when the United States came into existence. Even before we became a nation state, international law was honored and respected by the so-called civilized countries of the world. Thus the delegate at the Federal constitutional convention in Philadelphia at Independence Hall chaired by George Washington in the summer of 1787 debated in detail the importance to the new nation to observe international law. They drew up one of the most important documents in

world history. I refer you to James Madison's detailed journal of this convention referring to international law as "the law of nations."

Next, you discover these generally accepted principles of international law. I am going to refer to them briefly. This is from a paper **[Exhibit 0072]** I prepared back in my international law student days, under Dr. Schwarzenberger in London in 1951, and its entitled "The Basic Principles of International Law and their Hierarchy." These are the basic principles of international law. The principle of personality or existence of the state: This is the fundamental principle of international law upon which all other postulates rest.

The second principle is the principle of independence or sovereignty: Concomitant to the personality or existence of a state is the principle of independence or sovereignty. It is a fundamental principle of international law. As a practical matter, the continued existence of state depends upon the integrity or sovereignty over its territory.

Then, three, you find the principle of exclusive territorial jurisdiction: "Concomitant with the second principle of the independence or sovereignty of states is the principle of exclusive territorial jurisdiction. Each state has exclusive jurisdiction over domestic matters not only within its own territory but territorial waters as well."

Now here is a very important principle, the principle of the freedom of the seas. This principle, too, is concomitant upon the second principle. It is a corollary of the principle of exclusive territorial jurisdiction. The Permanent Court of International Justice has held that ships on the high seas are assimilated by international law to the territory. The Permanent Court existed during the League of Nations period. It is the same court under the same procedural rules or statutes as the International Court of Justice, seated in The Hague at this time. "This due to the independence or sovereignty of the nation, it may exercise its authority upon its ships just as in its own territory, and no other state may do so", *The S.S. Lotus*, Permanent Court of International Justice, (1928) H.10, p. 25. This was an issue that almost brought us to war with Great Britain during the Civil War. Have I mentioned that earlier? The Trent Affair?

KS: I don't think so.

FB: Well, this happened in the fall of 1861. The British ship *Trent* was carrying two prospective Confederate commissioners, Mason and Slidell, to England. It had picked them up in Havana, and they were passengers on the ship. The American captain of an American Naval ship, a man by the name of Charles Wilkes, was out in the Astoria area in the 1840s on a vast world wide exploration survey. Wilkes boarded the *Trent*, with Marines and seized these two Confederate commissioners and took them off the British ship and brought them to the United States. He was declared to be a hero, but it was contrary to a fundamental principle of international law, and the British government informed Washington that unless those men were released immediately and brought to London, Britain would declare war on the United States. And at that time, as a show of strength, Britain sent 8,000 Marines to Halifax. The attitude of the public was supportive of Captain Wilkes. President Lincoln's cabinet was sympathetic to Wilkes but not President Lincoln. Sitting with his cabinet, Mr. Lincoln ruled, "I have one war now on my shoulders. That is enough and I don't want a second."

KS: And probably as a lawyer he understood the argument that was being made.

FB: Right. And Washington sent these two, Mason and Slidell, to England. One was to be a commissioner to Britain, the other was to be a commissioner to France. And there they were. The reason they were going was to seek recognition of the Confederacy as a sovereign state by the British and French governments, and they came fairly close….

[End of Tape 17, Side 2]

FRANK A. BAUMAN
May 15, 2007
Tape 18, Side 1
Portland, Oregon

Home Again, Home Again as Teacher and Practitioner, 1977 – et. seq.

KS: This is Karen Saul speaking. It is the afternoon of May 15, 2007. I'm here with Frank A. Bauman and we are continuing with his oral history. This is tape two, side one of today's recording.

FB: Thank you, Counsel. Let me continue here. We have been talking about the principle of the freedom of the seas. I think I had better move along here and not stray with reference to these factual instances of history long ago.

There is another principle, the principle of equality of states. I remember Justice Marshall of the Supreme Court, our Chief Justice in the early part of the nineteenth century, opining in a case, whether it's Geneva (then an independent state) or Russia, both are equals under international law. *The Antelope*, 6 U.S. 337, 344 (1825).

Finally, let me say a word about this principle of the binding nature of international law, *pacta sunt sevanda*, a Latin expression meaning treaties are to be observed. So much for these basic principles. I will continue.

KS: So, you're explaining what the basic premises were when you taught at Lewis & Clark.

FB: Basic principles, yes, as well as treaties, the fundamental source and custom, the third source. I acquainted the students with these basic principles. We discussed particular cases, particularly those at the World Court Level that had dealt with these questions, dealt with treaties, dealt with custom and dealt with general principles of law. But let me say this, too, that with reference to consent, that consent of the courts' jurisdiction may be registered in two ways. I am going to turn to the Charter of the United Nations, and the statute of the International Court of Justice based on the former Permanent Court of International Justice in the League of Nations

experience and largely written by Sir Walter Phillimore of Great Britain and an American, Elihu Root, who probably is our greatest international lawyer. He was Secretary of War in the McKinley and Roosevelt cabinets and Secretary of State in the Roosevelt Administration, and a founder of the American Society of International Law, which just celebrated its hundredth anniversary. Accordingly, I refer to the process of consenting and I am referring to Article 36 of the Statute of the International Court of Justice. It defines the court's jurisdiction:

> 2. "The states parties to the present Statute may at any time declare that they recognize as compulsory *ipso facto*," which means to that extent "and without special agreement, in relation to any other state accepting the same obligation, the jurisdiction of the Court, and all legal disputes concerning it"—and here we're back to what constitutes international law:
>
> a. "the interpretation of a treaty;
> b. any question of international law;
> c. the existence of any fact, which if established, would constitute a breach of an international obligation;
> d. the nature or extent of the reparation to be made for the breach of international obligation.
>
> 3. The declarations referred to above may be made unconditionally, or on condition of reciprocity on the part of several or certain states or for a certain time."

Now, let me say in perfect candor, that the cases submitted to the World Court over the years, in its eighty-year or so existence—and I combine The Permanent Court and The International Court together—as just suggested both use basically the same statute—are devoid of saber rattling issues. These, in the main, could be before the Security Council of the United Nations and are termed political disputes as against legal disputes, which are filed with the World Court. As for the enforcement of the legal dispute, decisions decided by the World Court, to my knowledge have not been a major issue. But, as Elihu Root voiced in 1915, "Law cannot control national policy, but law if enforced, can." *American Bar Journal*, March, 1973, volume 59, page 305. The subject there is titled, "Can a World Court be made to work?" by Frank A.

Bauman. These three articles **[Exhibit 0073A-C]** were published in *The American Bar Association Journal*, during my stay in Australasia. I spent many hours writing them—traveling far and wide. It's some 10,000 words.

KS: Being published in that journal is quite an honor.

FB: Thank you. Now, I mentioned briefly about my legal practice. I opened my law office, I think it was after the world trip that I mentioned briefly to you, and in the main it was beyond the territorial boundaries of Oregon and primarily family related business; some matters as I have suggested complicated because of the years in Australia.

As for my *pro bono* interests, I returned to board membership again at the World Affairs Council of Oregon, and for the second time became its president. A related body close to the World Affairs Council of Oregon, ancillary you might say, has been the Portland Committee on Foreign Relations. I became active in it and on two occasions assumed the chairmanship.

Moving over to the non-government organization, the NGO sector of the United Nations and its family of organizations, I once again joined the board of the Oregon chapter of the United Nations. Here again, I was president for a second time in the '80s. Following this, I was elected to the national board of the United Nations Association, USA, headquartered in New York City and served, I believe, for something like nine years. I resigned in the early '90s.

Nineteen ninety-one is a landmark year in the practice as I was approaching my seventieth birthday and had been a member of the bar for over forty years, and made a decision privately and then publicly, not to continue the practice of law by not accepting clients.

However, at the time, a new *pro bono* interest arose. I became active in the English Speaking Union of the United States and beginning in the '90s began serving on the board of the Oregon branch. Then in 1997 I was privileged to be elected to its national board. Subsequently in 2000 I was asked to serve on the Executive Committee of the English Speaking Union of the United States, serving until November, 2003.

My English Speaking Union has been motivated by two forces! One—during my World War II period I developed an extraordinary respect for the British people, particularly their role in 1940 when that country and no other country in the world stood up against the Nazis. For that

we owe them an enormous debt. This approach was enlarged upon in 1951 and ’52 when Mildred and I lived in London when I was attending the University of London. The British or English people are not openly demonstrative. They have a quiet way about themselves. They respect the independence of their subjects. Nevertheless, at first subtly, but nevertheless always present, was a basic decency and kindness and ready support when an emergency or need arose toward their fellow men.

KS: You told me a wonderful story at the beginning of our session about asking for maybe two lumps of sugar in your tea, I think it was, and this gentleman saying, “He’s from the U.S. Give him his lumps!”

FB: Right.

KS: I loved that story.

FB: And you know it well. This reflects this attitude of appreciation for the United States. And to a degree I think it continues to this day.

KS: It is a *wonderful* story! I am so happy you’ve shared it with us.

FB: Thank you. Absolutely true. Thank you. You’re very kind.

KS: I think you’ve told me a few stories when we didn’t have the tape recorder running, so I am glad that you tell them again when they’re important.

FB: Well, it’s important we get it on tape if it *should* be, but we don’t want to put it on tape two to three times. But let me say this about the ESU, the English Speaking Union in the United States. Its mission today is the building of global understanding through the English language, and the English language of course is worldwide at this time. It’s the language of commerce, of trade, diplomacy, of culture, of education, of religion, and we find this with the ESU, its present

growth is in areas of the world where English is not the primary language. I'm speaking of Middle Europe, Russia, Asia, Africa. This is where new branches are being established, and we have something like fifty or fifty-five branches around the world. I met a number of those people, returning to Australia a moment, when I served as one of the two American delegates to the World Conference of ESUs in Sydney, Australia.

KS: Have you traveled to every continent?

FB: Technically, yes. But I—

KS: Not Antarctica?

FB: Not Antarctica, and the Arctic I don't know. And South America. I have touched South America, and yes I have touched that continent, but I would be overstating it to say that I [know it]. Europe, Asia, Australasia, North America, I know in some degree.

KS: You do.

FB: All right, well we'll continue here, if we may. I would like to say a few words about my dear wife who is gone, passed away in June of '97. This was indeed a major loss after forty-seven years of marriage, a truly remarkable lady. Where my heritage was Middle Western in terms of my parents, and Oregon in terms of where I was born and raised, hers was New England and she reflected the historic character traits in New Englanders that have long steadied and preserved our good country. Let me give you two concrete examples, Harriet Beecher Stowe, at Bowdoin, Maine, on Federal Street, wrote *Uncle Tom's Cabin*.

President Lincoln observed in 1864 when she met him, "You're the little lady that started this war."

It sold over a million copies in the '50s.

Then there is Joshua Chamberlain, another New Englander whom General Grant put in charge of the surrender at Appomattox Courthouse giving him 20,000 soldiers. The army of

Northern Virginia passed in front of them, tired, worn, hungry, to give up their arms and battle flags, and Chamberlain on his own motion—incidentally he won the Congressional Medal of Honor at Gettysburg—ordered his 20,000 men to salute the Southerners. And they did and their salute was returned all day by the Southerners. Chamberlain in his 1914 book, *Passing of the Armies*, terms it "honor returning honor." It was a noble way of his individually reestablishing harmonization between the north and the south.

KS: A wise man.

FB: Now, some final words. Without question over the years I have been surrounded by an atmosphere of hope and confidence, and I am the unquestioned beneficiary. The result has been a life beyond expectations, whether it is my father and mother, my wife Mildred, of course my three children, Barbara, Todd and Trisha, and the lovely families of the first two. My friends, the schools I have attended, my teachers, my Naval service in World War II, my career as a lawyer, the UN years, of course, and of course community involvement, for all of which I am most grateful.

Then, rather late in my stay on this globe, in February, 2004 at my beach house on the Oregon Coast, I received a call from the Dean's office at Yale asking me to serve as chairman of my Yale Law School's 55th Reunion. It is a high point of my existence. Truly another high point is my marriage to Mildred in 1950 in Evanston, Illinois as I have said before. I have already spoken of her. Let me bring on board too, serving as first chairman of the Oregon State Bar Committee on World Peace Through Law, a decade before the stay in Australasia. This is now the International Law Committee of the Oregon Bar, which deals with private international law in the main, rather than public international law.

I am going to now proceed to hand you some exhibits related to that service, *pro bono publico*. First, here is a memorandum **[Exhibit 0078, Note: Memo from Frank Bauman to Lyman Tondel is missing, reference instead letter from Lyman Tondel to Frank Bauman]** to a New York attorney, Lyman Tondel**,** Jr. of the American Bar Special Committee on World Peace Through Law, and it refers to my period as chairman of that committee in 1959 and '60, and discusses the rather extensive program that we had at that time, then in '61/'62, and so forth.

It mentions something about the television program that our committee assembled and performed based on an article in the *Oregon Journal* May 1, 1960, and it is headlined, "Oregon judges to play World Court TV roles."

KS: This was when a lot of homes were just getting television.

FB: Right, right, and this was not on the public channel but on channel 8, KGW TV. The *Oregon Journal* states, "Real life lawyers and judges, all members of the Oregon State Bar, will enact roles in a dramatized telecast of the World Court in action. The hour-long special is presented by the Oregon State Bar in cooperation with the Oregon United Nations Association and the Portland Council of Churches to mark the observance of May 1st as Law Day U.S.A. 1960. The television program was designed to carry out the theme of Law Day—justice and peace through law. The telecast presented an actual case from the files of the World Court, the oil dispute between Great Britain and Iran in which the court ruled against Great Britain by deciding the matter was domestic and did not fall under World Court jurisdiction."

"Taking prominent roles in the legal drama were such well-known Oregon jurists and attorneys, namely, Chief Justice William McAllister of the Oregon Supreme Court, U.S. District Judge John F. Kilkenny, Circuit Judge Alfred T. Sulmonetti of Multnomah County, Circuit Judge Lyle Wolf of Baker County, Circuit Judge James Murchison of Multnomah County, and Circuit Judge Eugene K. Oppenheimer also of Multnomah County.

KS: They pretend to be the World Court?

FB: Precisely. I am going to give you a picture **[Exhibit 0075]** of them being uniformed in World Court regalia. "Portland attorneys Phillip J. Roth, Frank A. Bauman, and William Joslyn will also have major roles. Roth will play the registrar of the court, Bauman the advocator of Iran, and Joslyn the Attorney General of Great Britain. They were assisted by Governor Mark O. Hatfield, by C.S. Emmons, President of the Oregon State Bar, and Lamar Tooze"—Counsel Tooze who seconded the nomination of President Eisenhower in 1952. "The law day chairman, Carlin Capper Johnson, President of the U.N.A. Oregon chapter," assisted as you might expect.

KS: Thank you. I'm going to clip it to the memorandum of your activities that you have here. I see that you are in the photograph **[Exhibit 0075]** here as well.

FB: Yes, yes. Now, here are some articles that were written at the time by various members of the bar and this committee. First, "A History of International Judicial Institutions" by Helen Althaus **[Exhibit 0076A]**. Helen was with the old King office, which became Miller Nash and still exists, and then later one of the principal attorneys in Bonneville Power Administration, and one of the first women lawyers in the state. Then, here's another article by Donald Walker, "Foundations in International Law" **[Exhibit 0076B]**. Donald was, I believe, attorney for the old Portland Beavers.

KS: Thank you.

FB: And then here is a third, "Review of Decisions of the International Court of Justice Since 1946" by Robert H. Huntington **[Exhibit 0076C]**, who was a leading partner, but I think is retired, of Stoel Rives.

And finally I hand you the following, a letter from Mr. Rhyne himself **[Exhibit 0077]** to me, again while I was preparing to go to Australia. We had been in Europe at that time, at UN meetings, September 8, 1971, and I'll just read it to you:

> "Enclosed is the release which summarizes the tremendously successful Belgrade Conference in the resolutions in the Pledge of Belgrade. Your contribution has indeed helped enormously with this, the largest and most productive international law conference ever held. We are most grateful to you.
>
> Sincerely, Charles S. Rhyne, President."
> (World Peace Through Law Center)

I hand you three issues of the *American Bar Journal* which include articles that I wrote **[Exhibit 0073A-C, see supra 0076A-C]**. The first was published in February, 1973, the second in March of 1973 and the third in April, 1973:

> The first is entitled "The Prospects for International Law," and the opening sentence is, "The law of nations is the product of history." The second is headed "Can A World Court Be Made to Work?" and third article looks to tomorrow and is labeled "The Promise of the United Nations." So be it.

KS: So, is this essentially like a three-piece article of these issues?

FB: Right. At the time as I observed before I was in Australasia it says, with reference to me, "a national of the United States, Frank A. Bauman is a member of the United Nations Secretariat and secretary representative of the United Nations Development Programme."

[End of Tape 18, Side 1]

FRANK A. BAUMAN
May 15, 2007
Tape 18, Side 2
Portland, Oregon

One Practitioner's Reflections on the Law

KS: So, this is tape two, side two, Karen Saul speaking with Frank A. Bauman and this is probably the last side of the tape of Frank's oral history.

FB: It begins at page 177, February, 1973, volume 59, but at page 179 **[0073A]** is a brief history about what I was doing at that time, particularly as a member of the Secretariat of the UN And then, I am also handing you the March, 1973 issue **[0073B]**, which takes up the question, "Can a World Court be Made to Work?" at page 303. And then the final issue, April, 1973 **[0073C]**.

KS: So, this would have been while you were in Australasia?

FB: Right, but I wrote most of it, the great bulk of it, before coming out. It took me two or three years, to assemble. I did much of my research here at the Multnomah County Law Library and the State Law Library in Salem. I used the resources of the Los Angeles County Library in Los Angeles, the United Nations in New York, and also the United Nations Library in Geneva, Switzerland, and finally met with one or two members of the Court at The Hague; including the Canadian representative and the American representative.

KS: That sounds like a very huge undertaking.

FB: The third issue covers the promise of the United Nations, and that's April, 1973 at page 420 of the *American Bar Association* journal.

But, before we bring down the curtain let us pause a moment at Stanford and Yale. As for Yale Law School, I observed in 1999 at the 50th anniversary of my class: There are remarkable changes in the practice of law today since I graduated in 1949. First, there is the *long* overdue

addition of women to the bar. Today, some 50 percent of law students are women. I have a very splendid example of a lady practitioner sitting across from me right here. When I was in law school, there were only four in our class, and they had difficulty getting jobs in law firms after they finished. One or two of them ended up as clerks in the county seats around the country, if I recall.

KS: We've all heard the stories of how Sandra Day O'Connor struggled.

FB: Right, right.

KS: I think she may have had to work for free, as I recall the story.

FB: Right. But let me say, too, in perfect candor, since 1949 the legal profession has declined at least to a degree in my opinion. There is undue emphasis amongst lawyers for the dollar at the lamentable expense of maintaining professional standards, including traditional individual courtesy and historic grace amongst lawyers. I sense, too, a decline in ethical standards, so very fundamental and essential to the profession if it is to have the respect of the public. Oregon, though, fortunately, is an exception in this respect. Hopefully, this liability will be overcome in due course. It can be accomplished by education and example. In my area of special interest, public international law and international institutions, I sense, too, a diminution of available courses and support by schools. As I've suggested, I speak of public international law and not private. The latter classification abounds and has mushroomed. This cautionary word carries over to national government. I'm speaking about American government as well. I am troubled by the lack of adequate constructive political participation by the U.S. government in international institutions, especially the United Nations system. I speak of the war and peace field particularly.

In my opinion the historical respect of America for international law and its obligation has not been the fundamental yardstick in our international relations as in the earlier years as for example when Theodore Roosevelt was president. Then of course there is Presidents Harry Truman and Dwight Eisenhower who adhered to the honored tradition of respect for what is termed public international law. Never forget that President Wilson was the founder of the League of

Nations and President Roosevelt and Honorable Winston Churchill were the creators of the United National concept. There is the Woodrow Wilson heritage, and of course the Franklin Roosevelt years. Mr. Hoover's Secretary of State Frank Kellogg, won the Nobel Prize in 1920.

Beyond the seas, much is expected of this nation and we have failed as a people and as a government to live up to these expectations. Domestically, we as a people do not appreciate sufficiently the world beyond us, east or west, north or south. We as a people must do more to create a more just world, a more peaceful world, a world that is more equitable in the terms of the distribution of the world's resources. We as a people should never forget that we represent something like six percent of the world's population, and we as a people use several times six percent of the world's material resources.

I have said in the past that I should perhaps write my memoirs. Conceivably this personal history may serve in lieu thereof.

I close by expressing my deepest appreciation to the United States District Court of Oregon Historical Society for its alliance with the Oregon Historical Society and to that organization, of course, for offering to take my oral history in the first instance. And to the gentleman in Salem, a Willamette University professor, I believe, by the name of William Long, who I understand recommended me in the first instance. I thank him.

And now, my profound thanks and indebtedness is expressed to you, Counsel, Karen Saul, who has spent many, many hours, ever constructively, and I underline ever constructively, advising me on this history and may I include Ken Brody, my esteemed law school classmate, and the respected Donna Sinclair**,** both so critical in correcting and clarifying the draft manuscripts as well as the recent participant, Lynne Hellstern, who edited the electronic copy of the transcript and is directing the orderly addition of the various exhibits and finally my special thanks to my ever helpful secretary, Rebecca Peer. I applaud and salute each.

Now let us all stand. The court is adjourned. *Siné Die*.

KS: Thank you, Frank.

[End of Interview]