

BETTY ROBERTS

Tape 1, Side 1
October 24, 2005

KO = Katherine O'Neil

BR = Betty Roberts

KO: It's Monday, October 24, 2005. This is Katherine O'Neil. I am at the home of the Honorable Betty Roberts. High above the Willamette River looking out on the fall colors, and this will be Tape 1 of our interview.

KO: Betty, when I think of you I think of a Texan, but in fact you were not born in Texas. Where were you born?

BR: I was not born in Texas, but I was raised in Texas. I have to admit Katherine sometimes I think of myself as a Texan too but one that has been long gone from Texas.

KO: Yes.

BR: I was born in Kansas, but my parents were Texans, born in Texas. Had all their family there. My older brother and sister were born in Texas. But I was born in Kansas simply because my father was transferred there for work. And we lived in Kansas while I was small until about the age of five, when we moved back to Texas. The years in Kansas were very precious to me because we were a typical family who Mom and Dad had been married four years before they had children so they had begun to accumulate a few of the nice things that families like to have. And we had our toys at Christmas and had a happy family life.

KO: What town were you born in?

BR: I was born in Kansas City, but really the only town I remember living in was Eldorado.

KO: Eldorado? And what year were you born?

BR: Born in 1923.

KO: 1923? And then at five you moved back to Texas?

BR: At five, we moved back to Texas under very unusual circumstances. My father worked for the railroad, and he did what was called gauging oil. He went to oil companies to test the quality of the oil for purchase to be used by the Southern Pacific Railroad. And, of course, in the late '20s there was the beginning of the stock market crash and although it hadn't happened yet, when I was five, but certainly the economy was acting strangely, I guess, because some people were being laid off and well my Dad had not been laid off. He liked to drink and he drank socially, usually only on Saturdays when he went out with a friend, or maybe more than one, man friend. He drank something that was then called "rot gut" booze. It really was poison. It was a Jamaican gin of some sort that had an alcohol content that affected the nervous system and developed into what was at that time called Jake Leg. It was pretty well contained in some of the Southern states. And Kansas was one of the most, in my research I know, was primarily Kansas and Oklahoma where it began and then spread. So wherever that substance that alcohol was being used, those who drank it became "victims" of it. It caused him to be paralyzed. He was not able to use either his arms or legs and he—I remember the doctor coming to our home and telling my mother that he had to go to a sanatorium and he did leave and went to a sanatorium in Oklahoma; Claremore, Oklahoma. When that happened my mother then had we three children, and the only thing that she knew to do was to take us back to Texas where she and dad both had family. So we went back to Texas, first to Sherman where my father's parents lived, briefly, to finish up school year. I had started in the first grade when I was five because my mother thought that all three of us were so bright that we should start early, and it ultimately caught up with all three of us, I think. But at any rate, I finished the first grade there. And then we went on to Wichita Falls where my mother had some family. After—

KO: So what year would you have arrived in Wichita Falls?

BR: I still was between five and six. So I would have become six in February of that year. So I was six when we went on. We didn't stay long in Sherman; a few months.

KO: Now what was your mother living on? I assume there wasn't unemployment compensation in those years?

BR: There was nothing, absolutely nothing. My mother had a half-brother who came to Kansas, loaded our furniture. I know that she sold her diamond engagement ring. So she would have enough money to get us back to Texas. And they packed what they could in his open truck and we all piled in and headed for Texas looking something like, I suspect, "Grapes of Wrath" people did a decade later. At any rate, we went on to Wichita Falls where her father lived and mother had not known her father growing up because her mother had died when she was born and so she had lived with a large family. Her mother's very large family had gone from Graham, Texas where she was born to Goree, which is a little town about 70 miles west of Wichita Falls. So Wichita Falls became my home, I grew up there and the Depression, of course came, making things even worse. Dad stayed in the sanatorium for almost two years, a good year and a half. And we lived with my Grandpa Higgins in Wichita Falls for a good; let me see, eight months or longer, until my mother decided that she had to have a place again for her kids. Finding a family in Texas in the—around 1930 after the crash and the Depression setting in and finding a family that was poor even before that was not exactly my ideal of a family. In fact going back to Texas, I didn't like, because we had gone there on visits from Kansas and I remembered the goathead stickers and the red ants and the horned toads and all that, and the dust, the hot dust, the water that tasted terrible. It was just not an appealing thing for me to think of our family in the dire situation that it was in, and without a father, and without a mother. With a mother, who was trying to care or her three children, but without a job.

KO: Well, what did you live on then?

BR: What we lived on was for temporarily was Grandpa Higgins. He only had a shoe shop to repair shoes and there were few people who could afford new shoes so he had some business, but it got so bad that some people couldn't even afford to have their shoes repaired. So that was not

exactly a good beginning for my growing up in Texas. But we did move. I remember getting food from the Salvation Army. We didn't buy anything. We continued wearing our clothes from Kansas. Fortunately, I was the smallest so I got all the hand-me-downs from the other two including my brother. And when dad was coming home from the sanatorium in Claremore mother decided that we'd live in an apartment over an A&P Store. I have no idea how she paid the rent. I think probably she didn't pay rent. I think lot of people didn't pay rent during those years. Houses weren't being bought so the landlords would rent them and sometimes they felt it was better for the houses to be occupied and not receiving any rent then for them to be empty. And so I *know* that when we moved to a larger house out on the wrong side of the tracks near a big flour mill that mother agreed to pay him some rent, five dollars a month, but I know for a fact that she did not pay it. Because there was nothing she could do to make five dollars a month to pay the rent. She did start taking in washing when we lived there, and of course we have to think back to those days again when women didn't have washing machines. They used a scrub board and the tubs. If there were some washing machines on the market there was a huge barrel-side machines but—and some of them ultimately that had the agitator but you had to run the clothes through the wringer and that sort of thing. My mother didn't have any of those but she nevertheless took in washing. Did it the hard way as she had learned growing up in this little community of Goree, and so that's what we lived on for—I mean after dad came back from the sanatorium he could use his arms when he came back but not his legs. He was walking with two crutches and he gradually was able to go from two crutches to two canes and by just walking and exercising, which they had apparently told him to do, and finally he got so he could use one cane. But he was never able to go to work. He did take some sort of an apprenticeship in shoe repair. I remember that—because I remember visiting him.

KO: From your grandfather?

BR: No it was some sort of local program of trying to get people to go to work. And this because he was disabled and I remember visiting him in the shoe shop where he was learning to do this sort of thing but that didn't last. I think that there was no job for him even if he did learn there was no place to do that. So I grew up going through grade school in a situation where mother did the wash for people who had enough money to have somebody do their washing

because they didn't have the machinery and so there were a lot of people doing washing in those days, and ironing. And we had enough, I guess to keep us in food. Although I do remember the Salvation Army baskets at Thanksgiving and Christmas, and I suspect that mother went there many times in between to pick up donated food. So it was quite a great thing in our lives when Franklin Roosevelt was elected in 1932. And he began then to distribute surplus food products. That was a way to help the farmers who were not able to sell what they raised. If the government bought it and then the government distributed it to people who needed it, which was a good one-fourth or more of the population in the country.

KO: Did you have a vegetable garden or raise chickens?

BR: My dad always—he was sort of a farmer-type. He had always said he would love to live on a farm. We didn't raise chickens, but he did plant a garden; okra, greens, radishes, that sort of thing. Nothing that I liked, of course. [*KO laughing*] That any of we kids liked, and the soil was not good. It was just a backyard garden. So it wasn't a garden that would produce enough to make much difference. What we did have, though, was this family in Goree who was made up—the patriarch of that family was our Uncle Bill Coffman and his wife Tessie—and they had a number of children. Those children were really my mother's cousins because Aunt Tessie would have been her mother's sister. And Grandmother Stone who had taken her to Goree after mother's mother died, and she lived there then with Grandmother Stone near this large house, the largest house in Goree,) with cotton fields all around it with dairy cows, with the cellar that was always full of canned goods, home canned goods, [*KO voices assent*] and the milk and the butter and all of the largess of that family were shared with us, but only on the trips when they came to Wichita Falls to do shopping. So it was a cause for celebration when the Coffman car drove up in front of our house on this dirt road because we knew that they would be loaded with everything out of their garden or with sausage and chicken or whatever, although there was no ice for keeping those things, so all of it had to be eaten quite rapidly, which was no problem since we were happy to have it. And then I spent summers in Goree and that was I think probably a wonderful—it probably was not only a wonderful experience it was a very unique experience for me for me. My brother and sister had stayed in Wichita Falls to help mother.

KO: To help her with the wash?

BR: To help her with the wash and my sister was very much more domesticated than I was. She became mother's companion, truly her companion after dad was ill, and helped her with household chores. Helped her with the wash. And my brother did, too. His job was to fill the tubs and to empty them and so on. And as soon as Bob was old enough he caddied at the country club on weekends, and my brother was born with only one hand, he had no left hand, which I'm sure was a terrible thing for my mother to experience. But I never I guess I didn't notice it until other kids pointed it out to me it was just something we all accepted in our family because he was able to do anything he wanted to do. Becoming an Eagle Scout and doing all those things that boys do growing up. But he started at a very early age caddying at the country club, or the alternative municipal golf course, and every Saturday and Sunday he would bring home a little bit of money for his caddying activities. When my sister graduated from high school, at age sixteen, because we had all started at five and Texas only had eleven grades then, she went to work and so she contributed to the household expenses. But, gradually, as these programs came on when Franklin Roosevelt—first the food program, and then the programs that were designed to put people to work—my mother went to work in what we called the sewing room at the City Auditorium. It was in the basement of the City Auditorium and it was simply to make clothes for people who needed them. And that was us. So, along the hundreds and thousands of other people during the Depression.

KO: I had never heard of that program. That was a WPA program?

BR: I'm not sure about the sewing. It was a part of a program to put women and artists back to work. The WPA program, the Works Progress Administration, was at first centered on major construction projects. Grand Coulee Dam, I think, was one certainly our Timberline Lodge here was one. Various heavy construction projects that employed men, and men who could do that kind of heavy labor. Then there was a program that was expanded to put women and artists to work and I think that this was a part of that program that mother went to work there. I know later then she got a job in the city library, which was certainly emotionally for her, and intellectually for her, a step up, a big step up, because she loved the library, she loved books and she felt then

that she was really making a contribution to more than just helping provide clothing for the people who needed it.

KO: Well when she got the job at the library would you have been in grade school or high school?

BR: By that time I was in high school. My brother was two years ahead of me, so when I would end the high school, and with only eleven grades, I have to keep repeating that, I was in the 9th grade and he was in the 11th grade, and my sister then was out of school and working, although she had been proposed to and was waiting to go to Virginia to join her husband there where he had a job with the telephone company.. And that would happen very soon, which then made a difference in our income, because we then we were back to having only mother's income. So how we progressed in all of those years depended upon whether my brother or sister was working, if they could contribute to what was happening in the family. There's a lot of stories about, that I recall from my childhood days and I've written about them, but I don't think they are appropriate here because they're too long to tell. But I spent all of my growing up years, poor, and not just poor in a sense that there are a lot of people who live from paycheck-to-paycheck. We *had* no paycheck and the only time that I ever remember seeing my mother cry because she didn't think a woman should cry. It was better to pray than to cry she thought. But I know that she did cry once because our water was cut off.

KO: Oh wow!

BR: And she didn't know how—and she couldn't do her washing. We didn't have electricity. We didn't have gas. We had a wood stove, though the house was connected for both of those. We had a wood stove in the dining room and a small kerosene stove of some sort in the bathroom for when it was cold, and we had a kerosene cook stove and we had no lights, no electricity, we had lanterns, we had to get our school work done, as a rule, before dark, or sit around the dining room table with a lantern. And so when the water— it's amazing how much people could live and get by without, we got by without, but it was not, it was very alarming to my mother because she had had a very good growing up years in Goree, but the family, Grandma

Stone and in that family was really quite prosperous in that small town. My uncle Bill was the mayor of the town. He owned the bank. He had the only real estate business. He created the town, in effect.

KO: How do you spell Goree.

BR: G-O-R-E-E.

KO: Goree.

BR: And the Coffman family was C-o-f-f-m-a-n.

KO: What was school like for you? Going to school. It seems like you might have been so distracted by the fact that you didn't know if you were going to have any dinner.

[indistinguishable]

BR: Well, there were a lot of times we wondered if we were going to have any dinner. And the thing that I remember about school was taking my lunch, and of course a lot of boys and girls took their lunch, but mine was always a slice of mother's homemade bread, sometimes two slices of mother's homemade bread. And that was it. And I remember my brother always, sometimes after we started at the commissary after we were getting some food, getting margarine so sometimes it was margarine, of course from the Goree people, we got real butter. So from time to time we had some variations at lunch, well, at least, butter between the two pieces of bread. I remember my brother used to say—he had a much better sense of humor about that than I did—and he would talk about his jam sandwiches. And he would trade them with some of the other kids who had actual lunchmeat between their two slices of real white bread, or bakery bread. And, of course, there was nothing between the bread, and he said well that's what makes it jam. And it was two pieces of bread jammed together.

KO: Oh, gosh.

BR: So, you know, you have to develop a sense of humor, I guess, and my brother, he had a good one. I tried to, but I wasn't very successful. I had a lonely childhood, really because there was no one to play with around the neighborhood, except boys. I grew up with boys. I played ball with them, played Kick the Can with them, Rover, Rover, Come Over, all those games, you know, King of the Hill, King the Mountain. We dug forts in a vacant lot across the dirt road and then tried to destroy each other's forts. I climbed trees a lot; loved trees. And I had the perimeters where I could go, that mother would let me go, and it was always within "calling distance," and that doesn't mean cell phone calling distance. That means her voice-calling distance. So I think growing up a child, I didn't like school, and I rarely got into fights with other girls, was always in the principal's office in grade school.

KO: But why do you think you didn't like school?

BR: Oh, I was angry. There was no question that I was very angry about our life. I had enough memories of Kansas that when we had toys, we would dress nicely, we had a car, we had utilities, we went to the library, mother took us to the library, she bought a set of encyclopedia books, she was always—we just had a good time. We were the model family that one would think was well on the way to prosperity. And then all of a sudden we don't have that. And we are back in Texas, which I wasn't sure where I wanted to be.

KO: Yeah.

BR: And I didn't like that people came and brought washing for my mother to do and that then she had to go out to the car to get it, then she had to take it back out to the car when they came to pick it up. I thought that was very demeaning to my mother. But on the other hand, both my mother and dad had a good philosophy, I guess, about it, it's tough times, it's tough for everybody, and we are not going to let it get us down. It was just that my mother worked so hard and we just didn't get anywhere, and mother would tell us, regularly, that we were not white trash. We were white and poor. But we went to church, we went to school, she worked and we were worthy people.

KO: What lesson do you think, or what beliefs or practices came out of that, that helped you in your later life?

BR: Well, I think the fact that we all sort of “grew out of it.” We grew out of it only because of what was going on at the national level. We grew out of it right along with the programs that Franklin Roosevelt was putting into operation. And out of that I think I learned to see that you can do something about your circumstances. That a person may be in dire need, but there are those who will help you, in our case it was the family members from Goree. And it was the government, and I think that it has affected certainly my view of government. Government, to *me*, is good and it is supposed to do things for people that they cannot do for themselves. And in the Depression there were a lot of things people couldn’t do for themselves.

KO: No matter how hard they worked.

BR: Well, there was no work. There simply was no work. They could look all day for a job, all year for a job and there was no job. And so government stepped *in* to fill that vacuum when we had the terrible so-called “Great Depression” to pull us out and so the lesson really is that while I was angry, I could remember how it was before, but I was too young to really see how we were going to make it out, but eventually then I could look back and see that everybody worked, we all worked, dad did the best he could, and mom gradually went on to other things. Ultimately, she started working for the Boys Clubs of America, which was not a federal program, and continued that until her retirement.

KO: That was in Wichita Falls?

BR: In Wichita Falls; then later, after my brother was in Chicago, she went there and worked for the Boys Clubs in Chicago.

KO: And she would have just had the eleventh grade Texas education.

BR: She had only the tenth grade, because in the little school where she went in Goree, and she was 20 years old when she graduated because they didn't always have a teacher. And it was such a small little town that if they didn't have a teacher the kids didn't go to school and very often the kids wouldn't go back to school the next year, and she was so proud that she at age twenty graduated from high school in the 10th grade with only six others in her class. But it was a tiny little town. But mother was—the one thing she always said to the three of us—you are going to go school, you are going to get an education. Of course, to *her* that meant getting out of high school. And my father had quit at some grade level—she claimed it was the sixth grade—I have no idea. He wrote well. He had good spelling, he read a lot, so, I don't know.

KO: But your older sister married when she graduated from eleventh grade and left.

BR: She worked for a year or so and then she left, yes.

KO: And then did your brother go to college.

BR: My brother, yes. He went to Hardin Junior College, newly established in Wichita Falls. Then he went to work for—he was a draftsman. He went to work for a real estate company when they were beginning to build small homes on the outskirts of Wichita Falls in the little suburban areas. He did the drafting for them. And then the war came, and he went to work for an architectural firm that was drawing plans for military bases in Eastern Texas. So he went up to Lubbock, where he is with that firm, and he stayed with them for a couple of years but he went on to Chicago. HE wanted to go to University of Illinois in Chicago to get his architectural training and to become an architect. But why he chose Chicago, I am not exactly sure, I think, probably some person he was working with influenced him to do that. He went up there at the time they were working on the Manhattan Project and so the war was going on and he was looking for work so he got a job in the Manhattan Project, which he told us he was working on something but he couldn't tell us what it was. But after, when the atomic bombs were dropped he told us that he was helping design the machinery that was actually used to put the bomb together. and at the same he was taking classes at the university, and so shortly after that then he became

a full-fledged architect in the state of Illinois and then went to work for a large architectural firm in Chicago.

KO: But when your mother was telling you that you must complete your education were you thinking eleventh grade?

BR: No, not exactly. But I wasn't seeing college either. In fact, my brother, when I graduated he was still in Wichita Falls, and he told me that he would pay my tuition—because he was doing the drafting for the real estate company—that he would pay my tuition if I'd go to Hardin Junior College. I was sixteen, I was sixteen in February, and I graduated in late May. And , so I agreed, I went for three weeks, and then left. I just said, "I am not ready." I knew in my mind that I was too immature for those courses, I just could not handle the work. So instead I played on the girl's football team for that fall. [*both laugh*]

KO: A girl's football team in Wichita Falls?

BR: We did. We did. Anything can happen in Texas, and usually does. And there was some enterprising men, couple of men who thought they could make a buck I guess on having some women football players, and so there were two teams of us who actually did some demonstration games and my mother had a fit. She had always told me, you know that I was never ever—she always tried to make me "be a lady." You must act "ladylike."

KO: Yes.

BR: And climbing trees and digging forts and that sort of thing was not her idea of—but she let me anyway. It was still within these perimeters that she set out for this young daughter but she didn't really—knew that I was not interested in around-the-housework. But when I played football and I came home and told her that I was on the team and I was going to play, she was so exasperated and she said, "Betty, you will never be able to have babies if you play football."

KO: [*laughing*]

BR: And I thought to myself, "So who is thinking of babies?" [*both laughing*] This didn't bother me one whit, but *she* thought that would be enough to make me decide that I wouldn't play football. But it didn't.

KO: But it didn't. So you played one [game?] [season?].

BR: So that fall, and then I got a job.

KO: So what was the name of your team? Do you remember of your team?

BR: I am trying to remember. I have got a little clipping some place on it. No, I don't. Rangerettes, or something like that, you know, some Texas name.

KO: So the two teams traveled around the little towns around Wichita Falls.

BR: We didn't ever get out of Wichita Falls.

KO: Oh!

BR: We gave some demonstrations, we played some games, and I enjoyed it. I loved the team spirit. I loved the teamwork. I realized that I liked athletics, very much. And frankly, back on track here, about going to college, I think that's what made me decide two years later, after I had worked in a drug store, in a dime store, then for an architect typing specifications, then for a pediatrician. I decided I wanted to go to school. I was eighteen then. By that fall, two years later, I spent two years in, you know, dinking around.

KO: Clerical work, different kinds of work and still living at home?

BR: Oh yes, with mother. And my brother now was gone, so it was just the two of us. We only had mother's income. And the little that I made, five dollars a week I think it was. The

pediatrician paid me eight dollars a week. So I thought that was really good. I was very active in the Methodist Church, and a woman from Texas Wesleyan College in Fort Worth came to see me—somebody at the church had given her my name—and she asked me if I would like to go to college at Texas Wesleyan in the fall, and this was July or so. And there were two other girls that I knew from church who she had talked to. And the three of us did go to Texas Wesleyan in that fall of 1941 and I was going to be a PE teacher. I knew for sure what I was going to be and I would go for four years and I would be a PE teacher.

KO: Did you like the Texas Wesleyan?

BR: I did. It was my first experience away from home. I liked that. It was my first experience living in dormitory; I liked that. What I didn't like was that mother couldn't help me with tuition or anything else for that matter neither could the other two young women's families. But Texas Wesleyan said not to worry they would get us a job, and they did at Leonard's Department Store downtown, Fort Worth that stayed open till 10'o' clock at night because we were in this war effort now, and even before Pearl Harbor. We were into the war effort, but Pearl Harbor *did* happen while I was at Texas Wesleyan in December of that year. And so we would go to work at one in the afternoon, we would work until seven on weekdays till ten on Saturday nights, and then we would catch the bus, go back to the dorm, try to find something to eat, which our parents had sent to us. Or we would have a little money to spend but we made eight dollars a week and four dollars of it went for tuition. So we had four dollars for bus fare and for food and for anything else we needed. And that was a tough year. That was really one tough year. If it hadn't been for the fact that three of us were there together I don't think anyone of us would have made it.

KO: I don't know how you were able to do your studies.

BR: Well, we weren't very much, except that on weekends, Sundays, lights were out at ten, we had flashlights and we did everything we needed to do. We studied from seven to ten after we got something to eat. One gal, who had a corner room and sort of have two windows and where you could get a little ventilation because we weren't supposed to have food in our rooms, had a

hot plate and so very often it was toasted sandwiches, or it was soup or it was whatever that just the three of us would pool our money. In the spring we found a boarding place nearby, and we could go there and have all we could eat and almost carry away because we would take desert and bread with us for thirty-five cents. And so come spring we really— we got well again, physically, in terms of what we were able to do. I think all of our grades suffered of course. You know I made average grades. I always made an A in PE, of course, but Bs and Cs that year. I went home for the summer. I went to work for the telephone company, started making more money than I ever thought existed.

KO: What did you do for the telephone company.

BR: I was an operator, at one of the old switchboards and because Sheppard Field being the Air Force base was being—the Air Force training base, it wasn't a flight school—had been constructed just north of Wichita Falls, and it was growing by leaps and bounds. In fact, it had been started when I was working in the office building and I start seeing all of these guys in uniform come, I thought they were so handsome, every single one of them, you couldn't tell if what was on their sleeves or what was on their shoulders, but it really didn't matter. They were in uniform. And so I went to work for the telephone company, and it was just begging for people to go work because this Sheppard Field was growing so, the personnel out there were making long distance calls everywhere, all over the country. And so I was a long-distance operator, sitting at a switchboard where you plugged in the plugs and had the ear phones on my ears and I would sit there until my fifteen minute break then somebody would relieve me and I would go back and sit some more, and that would go on for eight hours. But [I] made good money.

KO: Remember what your wage and salary was?

BR: I don't, I don't. But I remember that—I am sure my wage and salary was probably less than fifty dollars, but it seemed like an awful lot of money to me.

KO: Sure, sure. When you left Texas Wesleyan, had you thought you were going to go back in the fall?

BR: I did. I had thought it was a tough year, but I'll be back, because I thought the other two women would be going back too. But then I met a soldier when I was home, between semesters I had met him, and he had continued to get acquainted with my mother, go there on Sundays and visit with her. They came down to Forth Worth once in my brother's borrowed car and then when I came home this summer, I started seeing him and he, sometime during the summer, asked me to marry and in September I had to choose between going back to school or getting married, and so I got married thinking that—well, the circumstances, it wasn't great butterflies-in-the-stomach romance. It was just more a little practical decision and the practical part of it was happening to a lot of people then, because there were so many soldiers being called, so many young men going into the service, so many of them leaving their sweethearts at home and wanting to get married before they got shipped overseas. There were those who were meeting women in their new towns where they stationed and falling in love and wanted to get married before they were shipped out—very emotional time for young people.

KO: Yes. Yes.

BR: For young people that age, it was almost like a duty. If the guy is going to fight and he wants me to marry him the least I could do is get—is please him. Although, Bill Rice was a very nice man, he was about five years older than I was. He was from Oregon. He had left a job here with the First National Bank and he had had that job when he returned and I remember my mother saying to me, you know, he would be a good provider, Betty, those were her words, “he would be a good provider.” And that was what mother, of course, had wanted in a husband and what she continued to want all through the years that she worked. She never remarried. In fact, my mother and dad were never divorced, but I kind of thought about that and thought well, it was tough at the school. One of the young women was not going back, and one did, and she was ahead of us in school, and so she did go and graduate, but I didn't, and I continued to work at the telephone company and Bill then could live off base if he was married, so

[End of Tape 1, Side 1]

Betty Roberts
Tape 1, Side 2
October 24, 2005

KO: Side two of the first tape in Betty Roberts' Oral History for the Commission on Women. And we just took a break and I admired a wonderful watercolor of a pair of chickens that Betty has in her kitchen and it reminded me of a wonderful story Betty told me about her mother and a chicken, and so I've asked Betty to please put that on the record.

BR: Well the event happened at a time when I probably was in about the fifth grade, and Mother was washing. She had the fire built where she put the tub on a stand over the fire so that it would boil the water, you know, for all the white clothes to make them whiter. And she had her washtub and was washing. Dad was out in the garden—it was in the summertime, school was out cause it was early afternoon or midday or so. Dad was out in his garden, it was a very small, little plot, sitting on a stool where he could do the weeding and take care of his plants. And I was sitting on a back step. We had a screen door and then just one step and then down to the bare ground. And I was sitting on the step and we were all just doing our thing there. I was watching Mom and Dad and taking time out from climbing trees, I guess, when a small chicken wandered across our backyard with its head down pecking away, looking for bugs, and I saw Mother look at the chicken, and I saw her look at my father, and then she walked around, put the tub that she of clothes, and the tub that was on the fire between her and the chicken so that she could come up behind the chicken and she did, and she grabbed the chicken, wrung its neck in a matter of seconds before I knew what was going on. I was so startled that she could do this.

KO: Mm-hmm.

BR: Or that she *would* do that. And then she went over and picked up the bucket that was sitting there, dipped up some of the boiling water, and doused the chicken in the water, de-feathered it right there outside, then took it in with—and its head was still flopping around on the ground and the blood was on the Johnson grass and the bare dirt there— but she had that chicken in the house and had it gutted and cleaned, cut up and on the stove and was back out washing her

clothes before, I'm sure, anybody would discover their chicken was gone. We didn't know where the chicken came from. But to her it was something sent to take advantage of.

KO: Mm-hmm.

BR: It was, I know where dinner is tonight.

KO: Mm-hmm.

BR: And she did it. And I've thought about it over the years, but at the moment I was so shocked and surprised, and I thought where in the world did she learn to wring a chicken's neck. Well, of course, Goree.

KO: Sure.

BR: She grew up on the farms. She grew up in that family that did all of this sort of thing, and it absolutely was nothing for her. I mean it – instinctively.

KO: Yes.

BR: She knew what to do. She knew how to catch the chicken, how to clean it, and how to get it on the stove and ready for dinner. And mother was a very religious person. I am sure that she, all the while, was being very grateful and thankful for the chicken that somehow or other got in our yard. She would have considered it a miracle, I'm sure. I have used that story in a writing that I have done to try to use it as a metaphor to show that there are opportunities, but that we have to know how to take advantage of them, that women do, and knowing how to take advantage of them is being prepared.

KO: Yes.

BR: Is getting the training and the skills and the experience so that when the moment comes then you're ready.

KO: And you have the courage to act.

BR: And you have the courage to act, and do it, you know, and make it yours.

KO: Yes.

BR: Yeah. And it's a wonderful story, but – and to me, and how I continued to see that poor chicken. [both laugh] But he was no match for my mother that was for sure. And we t never, ever heard of anybody looking for a chicken.

KO: For a chicken?

BR: Yeah. And I don't know that anybody in the neighborhood kept chickens.

KO: Oh, wow.

BR: But somehow or other we had a chicken that day, and –

KO: You had protein that night.

BR: We had protein that night, yeah.

KO: Well, back to your _____, what year was it the summer you were the long distance telephone operator?

BR: Well I came back from—

KO: Texas Wesleyan.

BR: Texas Wesleyan in the spring of '42.

KO: So it would be 1942?

BR: 1942 I started work for the telephone company, and then Bill and I were married in September of '42.

KO: And then did he ship out?

BR: No. He never did. He stayed four years at Sheppard Field, which in many respects, most of the soldiers there would have preferred to have been shipped out because it was a lousy place to be, you know, with the plains there, where there's no trees, no mountains, no hills, no anything. The wind blows absolutely free and constantly. And one of the jokes of the guys was, you know, well Oklahoma blows in today and tomorrow Texas blows it back. He was a drill instructor for a lot of the time that he was there until he got a desk job. And then when he got the desk job, there was always a possibility that he would be shipped out. Now when he got the desk job, he was making up lists of where people were going and he could begin to see who was going to what and what direction, whether they were going to the European theater or they were going to a Pacific theater. But his name never came up, and I guess that they just decided, you know, that somebody has to do the paperwork, and so he did it. So he stayed there for four years and we lived in a small apartment when our daughter Diane was born in December '43. And then when my mother went to Chicago to visit my brother and to look at possibilities for her to go to work for the Boys Clubs there, then we took her apartment. And when she came back, we stayed with her for a few more months until Bill was mustered out of service.

KO: And how old was he in 1942? So in 1942 you would have been—?

BR: Nineteen.

KO: —how old? Nineteen, so you were nineteen when you got married and he was?

BR: Bill was twenty-five then.

KO: And Bill was twenty-five. And did you continue to work after you were married?

BR: I did. Well, no, I did up until I was pregnant. I worked until I was pregnant and then we decided—well it was hard, because I had the late—you know, as a newcomer to the company, I had the night shift and he had to be out at the field by 6 a.m., sometimes earlier, 5 o'clock, and so if I didn't—we had no evening time together. And so we just decided we'd live on his pay.

KO: Which was possible?

BR: Which was possible, yeah, then, particularly after we moved in with mother. It was possible, yeah.

KO: So your first child, Diane, was born in December '43.

BR: '43.

KO: And when was Bill mustered out?

BR: In '45, not until the war was completely over in—

KO: 1945.

BR: So she was two when we left. We stayed there for Christmas of '45 and then came to Oregon. Got here on New Year's Eve.

KO: Had you ever been to Oregon before?

BR: We came on a couple furloughs—when we came. Bill had an aunt, Aunt Jo Brooks, who was a part of the Brooks Scanlon – Brooks Company. And though she was a great aunt, and his mother came up from Klamath Falls, too. She was quite elderly, in her nineties, and she lived up on Council Crest. We stayed there overnight one night just because he wanted me to meet her, and she was quite frail and died soon after that. But usually we'd come to Klamath Falls where his folks lived and where his brother lived and where he had worked in the bank there. And then we went over to Lakeview to see Lakeview where he worked in the bank. That's where he was when he joined the service. And I had said to him, after seeing Portland and going to Klamath Falls and then to Lakeview, I made up my mind where I wanted to live. I wanted to live in Portland.

KO: Yes.

BR: But we came to Klamath Falls.

KO: Because that's where the job was?

BR: That's where the job was.

KO: What bank did he work for?

BR: It was First National Bank.

KO: First National?

BR: Mm-hmm. It's changed. It became the Oregon Bank, I think, and then Security Pacific bought it, and now it's Bank of America, I guess.

KO: So the Christmas of – New Year's Eve 1945—

BR: five—was my first time to live in Oregon.

KO: In Oregon?

BR: Yeah.

KO: And you had one child, Diane?

BR: Right.

KO: And, what was Klamath Falls like?

BR: Well, Klamath Falls was really dreary, I thought. Hills around, and I was used to the plains country. I couldn't see anything, and we lived in a part of town – we lived in a duplex. His folks lived in one side and they had been able to rent the other side for us. And we looked out at the lumber mill where they had the wigwam burner, and it was like hanging clothes out in Texas when a dust storm coming, you know, you had to watch for it and get your clothes in so they don't get all dirty again. I had to watch that darn wigwam burner to see if they were going to fire it up that day before I could hang my clothes out to wash. So, you know, I said here we go again. Just more of the same old bad environment that I thought I was getting out of in Texas because I'd seen Portland and we'd traveled by train down to Klamath Falls, gone over the Willamette Pass, all that beautiful country. You know, I was sad to live in Klamath Falls. That is just not what I had in my mind. I remember being in Portland, the first time that we were here, and all the windows were so clean. And it was in the spring when the rhododendrons were blooming. And to me a rhododendron bush was practically a tree.

KO: Yes.

BR: We had mesquite trees or bushes—

KO: Yes, yes.

BR: —in that part of Texas. And everything was in bloom and so green and clean that Portland was it, and I thought if we go to Oregon, that's where we're going to live. So to go to Klamath Falls was really quite a disappointment. But we stayed there for four years. We bought a house, a small house there. And then Bill was transferred to Lakeview for a year. They promised him, for a year. And they had had some problems and he was to go there to correct things. Some bad loans had been made and operations hadn't been going smoothly, and so the bank bought a house, in Lakeview, for us, but it had no insulation and had no fireplace and had only a little floor heater between the bedrooms and the living room, and it was the coldest winter on record up to that date. And we were in Lakeview with snow and ice all around us and ice forming on the inside of our windows. So I hated Lakeview even more than I hated Klamath Falls. [both laugh] And I got pregnant! Well we'd had John by then. We had John Rice, we had John in Klamath Falls.

KO: What month was—?

BR: John was born in May of '47.

KO: '47. John. [making notes]

BR: Yeah. And so then in Lakeview, besides this terrible cold and the house being so cold, then I discovered I was pregnant again. But true— the bank kept their word. By September, I was— and they didn't know where Bill was going to be located. They were going to send him to Gresham and then we got a little taste of Portland again for about nine months and daughter Jo was born here in Portland.

KO: And what month and year was she born?

BR: November of '49.

KO: November '49, Jo. [making notes]

BR: And then he was sent out to La Grande in northeastern Oregon, where we stayed for six years. He was the Eastern Oregon coordinator for the bank, which meant he traveled. He covered everything from Hood River out to Ontario and down to Klamath Falls and Lakeview. So he would leave on Monday mornings and return on Friday, by dinnertime, for the six years that we lived in La Grande. And in spite of him being gone so much, we had another child in La Grande and it was Randy.

KO: And Randy was born in?

BR: '52. But we had a nice big house, really big two-story house with: a fireplace, bathroom upstairs, bathroom downstairs, huge kitchen, huge dining room that we rented. It had been a family home of a woman who'd grown up there, and then they had bought a newer home that they wanted to move to and so they rented it, they left their upright piano for us, provided Diane would take music lessons from her. We bought the dining room furniture from them for seventy-five dollars. We just settled into La Grande. It was a tremendous six-year experience. The kids loved it. I loved it. It was not like Klamath Falls and Lakeview at all, though, Eastern Oregon, totally different. We were in the mountains or close to the mountains, and big trees, and just a different kind of people. Not the – I had this one good friend in Lakeview when I was pregnant I had some difficulties, so she would pick up Diane and John in the mornings and keep them during the day while the doctor said I had to be off my feet for about three weeks. And Delpha knew I was unhappy with Lakeview, and she was a very good looking woman, she'd been rodeo queen and all sorts of things and she was married to a local guy who flew for the Forest Service a fire watch sort of thing, and she was a good horse woman, and her family lived on a ranch, and she said, "Betty"—but her language was awful, you know, I worried about what she'd say in front of the children—in front of my kids. It didn't matter, you know. She was taking care of me, and she loved Lakeview, and she said, "Betty, in order to like Lakeview, you have to like to hunt, you have to like to drink, and you have to swear." [KO laughs] And I said, "So Delpha, you've made it." She says, "Yep. I do all that and more, you know." And she loved horses, too. And so, you know, later, much later, after I was involved in politics, she and I had some opportunities to be together.

KO: What's her full name?

BR: Delpha D-E-L-P-H-A, Plato P-L-A-T-O. And her husband, Glen. Yeah, they were great people, and really my only contact with anybody in Lakeview. But La Grande had a different type of—people out there liked to hunt too, but it wasn't such a frontier-type town. Lakeview to me still today seems like a very frontier-type town. La Grande was built on the railroad route so that it had a different type—I mean it had a lot of people there who worked for the railroad, the engineers and the crew, who would get on there and go out to Ontario or Huntington where they'd change, and then they'd make a trip all the way into Portland back to La Grande where they'd get off again, that sort of thing. Or go in different directions, I don't know where they went. But I made a lot of friends whose husbands worked for the railroad. So they were gone, and we women—

KO: Oh I see. The husbands were gone; your husband was gone, their husbands were gone.

BR: Yeah, yeah. And La Grande also, was kind of a hub for salespeople, mostly men, you know, in that day and age, who would settle their family there, but they would go branching out up into Eastern Washington and up to Pendleton, out to Ontario, down to Bend, John Day, doing their sales work. So La Grande had a kind of community that if you enjoyed women there were lots of things to do. And there was a Newcomer's Club for women, there were a lot of bridge clubs for women, although we usually formed our own, you know. We played in the evenings. There was a lot of activity for women who went to church, the Presbyterian Church, and I did. The town was pretty much run by the women who stayed there and their husbands, you know, were traveling. And so I got acquainted with a lot of women who helped me raise—gave me tips on raising kids, shared recipes with me, taught me how to play bridge—really serious bridge, because we put money on the table. Taught me how to play golf because we'd go for woman's day at the golf club nine hole—country club golf course. And then Diane started school, when John started school and Jo started kindergarten, and so it just seemed like that life in La Grande was going along very, very well because I had a lot of women companionship. And then Bill was home on the weekends, and, you know, holidays and so on. So we had a good family life, too.

KO: So that was sort of the family life that you had remembered from when you lived in Kansas.

BR: Well, yes, yeah. But it also, Katherine, was a very important time of my life when I started thinking about my childhood. I had four children and I didn't know how to do a thing, to go to work. I had thought in my head, if anything happens to Bill, the only thing I can do is go back and be a telephone operator. But they didn't use the old style long distance telephone operators then. I probably could have gotten a job in the telephone company because I had worked for them before. But that's all in my mind that I could think of and I remember, I was in my 30s, let's see, by 1955 I was 32, same [as] your age when you went to law school, when I started deciding that I needed an education. And the thing that prompted me was not that I really want to do this as much as I need to do this. I have to prepare myself in case—Bill's out traveling he could be in a serious accident or could be killed, you know, he had life insurance but, you know, nobody carried much life insurance then. And it just became sensible to me that I should go up to Eastern Oregon College and pick up my college classes again. And so I did without telling Bill what I was going to do. I just said I'll tell him after I do it, and I did go the registrar there, though it was "cute" that here was this housewife with four children who was wanting to go back to college. And I remember he said to me, "Well what do you think you want to major in?" And I said well when I was at school when I was eighteen, I majored in PE. He said, "Oh, I can't let you do that." He says, "We don't want any heart attacks in the gymnasium."

KO: At thirty-two?

BR: At thirty-two.

KO: And I'm sure you were quite fit.

BR: I was very fit chasing four kids all week long.

KO: Yeah, and playing golf.

BR: So I said, you know, it really doesn't matter. I don't know what I want to do so I'll take some classes. I want to begin to pick up what I need. So while Jo was in kindergarten two hours in the afternoon, the daughter Jo, I had a friend who wanted her daughter to go and in return she would baby-sit Randy was over with her little son. So the two little girls and I would go up to Eastern Oregon where the kindergarten was on the campus there, it was a training kindergarten. They would go in for two hours, from one to three, and I would go to class. I took whatever classes were available from one to three.

KO: From one to three.

BR: One was a sociology class and one was a U.S. history class. And so I took those classes and then that went so well that I talked to Diane, who by this time was in sixth grade, if she would mind if I did an evening one, would she baby-sit. And so, of course not, she didn't mind and these kids, she was babysitting them all the time when I'd run up to the store or do something. But it meant her staying up a little bit later than she'd usually go to bed. And so I added one more evening class and my bridge women thought it was nuts, you know. They said, "Well, why are you going to school?" And if I said, "I'm going because I think I need to learn something. That didn't go over so big, you know."

KO: It didn't?

BR: No. Not with them. Not just to learn. But then I finally said, I'm going to be a teacher and I had been thinking this all along anyway. When I said to them, I'm going to school so that I can teach, then that was okay, because women were accepted as teachers. I mean all of our kids' teachers were women. All of their kids' teachers were women. Yet the man was the principal.

KO: Yes.

BR: And so when I said I'm going to school so I can't play bridge as much, they were why do you want to go to school, well I'm going to be a teacher, then that was okay. But not just to go to

school. Anyway, so I had nine hours the second term, and then on the fourth term, I added another evening hour because Diane was doing so well. Diane remembers one of the nights was the Hit Parade and she said always hoped I didn't get home before they got to number one.

KO: [Laughing.]

BR: Remember the old Hit Parade?

KO: Oh yeah. Otherwise, she'd have to go to bed and not— know what number one was. [both women saying the same thing at the same time]

BR: And not know what number one was. Yeah. But I'd let her stay up. I knew how important it was for her. It was a little late, but it was important.

KO: Yes.

BR: So, she turned her evenings of babysitting into— we'd gotten the very first television set and so that was new to her, and all the programs were new. So, it was entertainment for her rather than for babysitting. Bill got notice that he was going to be transferred and they were eliminating these coordinating positions and so—the bank was—he was going to be moved to Portland and my U.S. History teacher had taken, for some reason, a real interest in me. Well, I know why. My first grade I got a “D” and he said to me when he handed me the paper, he said, “I think you can do better than that. Why don't you come to see me.” And so, I did after class I went to see him. His name was Lee Johnson, Dr. Lee Johnson. A good history teacher. He said, “I know you're coming back after your -- tell me what you had before and how long ago it was.” He didn't know my family. He knew I was married and knew I had kids because he may have been in our church. And he said, why don't I give you some tips? We talked about test taking, how, you know, to outline the textbook and do all —this sort of thing.

KO: How wonderful.

BR: Yeah. Yeah, I mean, he was great and then he said, "Now, you're have to do a term paper," and he said, "why don't you do it on 'women of the West'". That's a huge topic, you know.

KO: Yes.

BR: But he had said two or three times in his lecture about how important women were for the Western Movement and he said one of his hobbies was going places and visiting graves, visiting cemeteries, to see not necessarily who the people were that were buried there but the ages. He said in class that there were more women who died coming West, then men. Far more women, who died.

KO: Far more. I don't know that.

BR: And well, they had kids.

KO: Sure. Died in childbirth.

BR: Yeah.

[Break in tape, no audio]

BR: —Um. ...before when I went there. And they didn't have enough students for me to teach the senior Modern Problems class, which is what I wanted to do. So that first year I taught two Modern Problems, one U.S. History, and the superintendent just created the job of Dean of Girls while I was making my application to teach. He said, "Well, I want you and we're going to grow so he said, we don't have a Dean of Boys and Dean of Girls, yet, but I think it's time. We'll just have a Dean of Boys and Dean of Girls next year."

KO: Well that was you?

BR: I was Dean of Girls for three periods a day and then I was teaching three periods a day.

KO: Now, Reynolds is the Reynolds School District and that's East Multnomah County so that's suburban Portland?

BR: Right.

KO: So, it's middle-class suburban Portland?

BR: Right. And it was named Reynolds for Reynolds Aluminum plant because Reynolds Aluminum plant was the biggest property tax payer in the whole district out there and really supported all the schools in that area—in that school district.

KO: Did you live out there? Did you live in East—Portland?

BR: I lived in East Multnomah County because Bill had been—his job then was at Gresham Bank, as manager of the Gresham Bank, so we lived out in about mid-county of East Multnomah County outside the city limits of Portland. I stayed there for two years and then when the superintendent decided that I was going to be a full-time Dean of Girls, but without the pay that the Dean of Boys was getting, I said, no, I don't think so—for two reasons; I want to teach and I want the pay.

KO: Did he think that was a startling notion—the equal pay for equal work?

BR: He thought that was a startling notion that I would even challenge him on that basis of any sort.

KO: Yes.

BR: And so, I went over to the Gresham School District, which then had built the new Centennial High School where my kids went. Diane was there, and where the others would go,

and was hired right on the spot. So, then I went to Centennial High School for two years. In fact, I taught Diane her American Problems—Modern Problems—whatever. It was contemporary issues that we studied in the senior year and I had a full schedule, all day of that. And then it was fascinating for me because I looked at those seniors and said for many of them, this is going to be your last year and I need to tell you something about what goes on in the world. And it was just almost a crusade with me with those high school seniors. And if they were going on to college, great, you know, they'd learn more in college. But as far as I was concerned, they were going to get some good fundamentals about how as responsible adults they should view the political system, you know, the business community—economics we studied as a unit—and international relations, and so on. So, I loved every minute of my teaching there.

KO: Was one of the modern problems—did issues of feminism come into that course?

BR: No.

KO: No?

BR: And you know, and you know and issues of feminism weren't there yet. I was the only woman in the Social Studies Department at Reynolds. I was the only woman at the Social Studies Department at Centennial, and then I left Centennial and went to David Douglas. I was the only woman in the Social Studies Department there. A lot of the—a lot of the men teachers were coaches, even if they didn't have certification in math or science or languages, then they ended up teaching social studies.

KO: For which they had no particular training or interest, I suppose.

BR: Well, they'd taken the classes and they'd taken, you know, in college, but their main interest was being a coach. We had some good ones. We had some good Social Studies teachers. I think back, though, and they were generally the ones who weren't the coaches. [chuckles]

[End of Tape 1, Side 2]

Betty Roberts
Tape 2, Side 1
November 7, 2005

KO: It is November 7, 2005. This is Katherine O'Neil. I am at the home of Betty Roberts and this is the second tape in the series of interviews being done for the ABA's Commission on Women in the Profession. We are going to start with a couple of reflections that Betty has from her childhood about the impact of the Depression and her mother's reaction to the Depression.

BR: What I wanted to say Katherine, is that when you asked me at our last taping session about my reactions to the Depression and experience my family had during that period of time, and my father's health that made it so difficult for my mother that I responded that I felt angry a lot of the time, but I wanted to add that I certainly understood, after I became an adult, what an influence mother had on me and the fact that she worked to support the family and was really the only wage earner in the family, and that showed me how strong a woman could be. Though she did it out of necessity, I am sure she would have preferred to have had an easier life, but it, nevertheless, showed me that women can work and can help with the family and can succeed. Certainly in her later years as she continued to work until her retirement, and even though that was still necessary for her to have an income, she moved on to other jobs that were much more satisfying to her person. So all that—she was a real role model, as well as my mother, in that respect. The other thing is the role that resilience plays, I think, in anyone's life who has gone through some adversities and realize that they have to keep going and that somehow they get the strength to do it. My mother would have used the words faith and hope. That was just a part of her strong religious background that kept her going. I call it sort of internal strength and that could be whatever anyone wants to make it. But it really boils down to being resilient, being able to see the past and take it for what it was and then go on to the next task and work on that, and I saw my mother do that too as she moved on to other jobs and recovered her personal pride as well as taking care of herself.

KO: So she initially supported the family by taking in washing and then how was she able to go into another job.

BR: Well then she would work after -- when President Roosevelt was elected and did the make-work programs then, ultimately being at the library as an assistant there and then she went to work for the Boys Clubs of America, which I, may have been some funded by federal dollars early on but then later when she went on to from Texas to Chicago, I am not sure, I think that was independent work and it was funded all by the Boys Clubs, the non-profit corporation.

KO: And she only had a high school education.

BR: She only had a high school education, which we're reviewing back now some of the things that we said earlier, but that was a tenth-grade education because that was all that was offered in the little town where she grew up.

KO: Resuming now where, I think, we got to around 1962, this may be a bit of a repeat, but maybe not, what happened in 1962?

BR: Well in 1962, by that time, I had begun teaching and I was divorced from the children's father and had married Frank Roberts who was a speech teacher at Portland State. I didn't know Frank at Portland State. I did have one semester course from him, as a professor, but did not know him on any personal basis. But, we became acquainted after I was divorced and Frank and I were married in 1962 because he was very interested in politics. In fact, at that time, he was chairman of the Multnomah County Democratic Central Committee. He ran for the State Senate and I ran for the House of Representatives. We both were defeated. We both felt badly about that. The thing we hated most was that there was one news article indicating we were running as a husband and wife team, which angered Frank as much as it did me. Because he had been involved in politics long before he married me, and so had I, I had been elected to the school board and was active in the Democratic Party. At any rate, we both lost and in the summer of 1962 I had also completed my Masters degree at University of Oregon in political science. When I went to the chairman of the department, a person named Burt Wingert, W-I-N-G-E-R-T, I think, and Dr. Wingert, I thought, had been quite friendly just in passing while I was working on my masters degree and he of course than would make the decision on any one working any further in his department. So I went to talk to him about working in political science for a

doctorate and particularly in the behavioral science area, because I had become quite interested in public opinion polling, what makes people, what makes the voters vote as they do, what makes them react, it's sort of a public relations type work, but in politics helping with campaigns I would look forward to, have been able to do that. As an expert or teaching in college — that was really my great desire was to get a doctorate to teach political science in college. When I told Dr. Wingert that I just simply wanted to talk to him about getting a Ph.D. his immediate response was, "Betty, I can't let you do that," he said, "because you' are too old".

KO: How old were you?

BR: I was thirty-nine years old. But his remark was "you are thirty-nine and by the time you are -- and you won't get your doctorate until you are close to forty-five, you would only have twenty years to repay the taxpayers of Oregon for their investment in you. And I was stunned. I absolutely was stunned that he left no room for me to argue. There was no federal legislation that prohibited discrimination on the basis of sex or age. I had no recourse, no federal recourse. I had no appeal, within the University, because the chairman of the department could make that decision. I learned that there had never been a woman Ph.D. candidate in the political science department and I had to accept the fact that I wasn't going to be first because I had no recourse. So on my drive back to Portland, which was about a hundred and twenty miles on the freeway, it was an August day, very hot, it was in our old station wagon, it had no air conditioning. I was going down the highway with the window down with hot wind blowing through the car, and I kept being so angry at Dr. Wingert that I really couldn't think about what else might be an opportunity. But when I did begin to think about the fact that I am not through learning; that where could I go to do my work in political science. There were some private colleges here in the metropolitan area, but I knew I could not afford any of them and Portland State was still a college, not a university, so it didn't offer a doctorate. But in sorting through all of those institutions, I remember that I had heard about a law school, a night law school that had been established for many years in Portland by some local lawyers and judges. In fact, it dates back, I think, to the late 1920s, certainly the 30s.

KO: Yeah, it was the University of Oregon's law school in Portland and when the legislature moved the law school went down to Eugene, the faculty wouldn't go. The faculty stayed in Portland. So that was the origins of Northwestern.

BR: That explains a lot to me, Katherine, because I had heard that Northwestern was created because some of the teachers—they were either practicing, they were either judges on the bench or practicing lawyers—had been refused admission to the University of Oregon, so and one of those happened to be Tom Tongue, and that they were, that the dean of the law school at University of Oregon then was Dean Hollis, who was not well liked by many students because he did run that school like he was the general.

KO: Like a fiefdom.

BR: Like a fiefdom. It was his property and he decided who would go there and who would not. And sometimes it was not based upon scholarship at all but his personal likes, and so on. At any rate, that explains to me that I can see why—and of course they wanted to teach here in Portland. And if they were practicing they couldn't go down to the University of Oregon. At any rate, that private school, I then in a few days after I had decided that that would be at least an approach I could go and do the same thing I did with Dr. Wingert, just talk to somebody about what it would take to do it and if it would be right for me. So within a few days, I was talking to Judge Gantenbein who then was, I suppose, the dean, the registrar, the president, the everything...

KO: And owner...

BR: And owner. [both laugh] Katherine went there, too, just a year or two after I did, so our combined memories helps here. I talked to him and I just said I want to talk about going to law school. And he interpreted that to mean that not only talking about it, but that I really wanted to go. So he said, well you all have to hurry because we begin classes in two weeks. And, so I said well I guess that in my head, I said to myself well I guess that means that I am admitted. But I remember he said to me you don't have to take the test, that we require most of our applicants,

because you have a Bachelors degree and a Masters degree, so we will accept that. Then he said you should go right out here and talk to Dorothy Cornelius and she was also a fixture at the school that many of us from all those years remember. And Dorothy had some of those titles too, multiple titles. And he said work out paying your tuition with her and she will tell you what books you need and what day to be in class. So I started Northwestern in late August of 1962 after having been defeated for the legislature. I continued those night law classes while I was teaching days at David Douglas High School, teaching senior modern problems courses and at that time my oldest daughter had entered Stanford on a scholarship, so she was entering her undergraduate work and as I entered law school. I had a son and a daughter in high school and then a son in junior high. So there were three children still at home, I was married to Frank and Diane was off at Stanford. So I had a pretty good routine of teaching, going to night law school, studying on the other nights and working and studying on weekends and doing the housework and all that. And was on the school board, so I had a little bit of outside activity then. '64 was another election year. And Frank and I talked about running again, he still wanted to run for the Senate and there was not a seat vacant where he thought he could run and win, but I decided that I would run again for the House of Representatives from the district where we lived, out in the eastern part of the county.

KO: Does it still have the same number?

BR: No. Because, when I ran in 1964 we did not have single number districts. And we ran -- all of the -- we had three to be elected and we ran as a group and the top three then were the nominees in either the Republican Party or Democratic Party. That made six running in the general election for three positions. But it was so heavily Democratic that it was just almost routine. Now and then a Republican would be elected but it was mostly just routine, that Democrats were elected.

KO: What were the boundaries of that district?

BR: The boundaries then were from what was the boundary of Portland at that time which was sort of between 82nd and 92nd on the, which would be the west of my district and the

Columbia River on the north, the county boundary, which would be up around Bonneville and I would guess Bonneville Dam, which would be the east of my district and then the Clackamas County line would be on the south. So it was a very large district for the three of us to represent. At any rate that's the way we ran and in 1964 I came in first of all nine who were on the ballot that year, but we really put on a terrific campaign. I think Frank and I both decided that losing was not fun and he helped with this campaign. He was a good campaigner. He had a lot of good ideas and so I was elected, which meant then that I would go to the legislature in 1965, but I was still running for—

KO: You were still working—

BR: I was still working at David Douglas, but I would take a leave of absence to go to the legislature. So I go to the legislature and then I still had to come back for my three night law classes each during the week. So I did it and, unfortunately, Frank and I had already begun to recognize that our marriage was one more of convenience than romance and that we both liked politics and we liked to be around other politicians and so that was what we had in common. And I had thought that he certainly would be a good influence on my children, which he was, remained so the rest of his life, because they liked Frank very much, as I did, but as a friend. But, at any rate then we were divorced after the '65 session. So I certainly think we should talk about what happened in that '65 session, in terms of legislation, but on a personal basis, I am just jumping ahead there a little bit.

KO: Well, let me ask you a few questions about going to night law school. Do you remember how many people were in your class at the law school?

BR: I remember that on the first night of law school we had so many students that there weren't chairs enough for them. And, our first class was with Jack Kairns, K-A-I-R-N-S, who talked Contracts. I remember that students were standing up along the back of the classroom and down the sides, leaning up against the windows and alongside and somebody said, "Shall we try to find more chairs?" and his answer was, "No, don't worry, there aren't any more chairs." and there were two other classrooms but they were taken. He said, "We will have plenty of chairs by

the next time that the class meets.” and so everybody just said okay, well tonight is the only night I have stand up. And he was right, because after that first night a lot did not show up again. I would think that we had in that room somewhere around one hundred students, a hundred people.

KO: Now this isn't out where the Northwestern Law School is now.

BR: No, it was in a very old building. It was a telephone building—been remodeled since—that was just off Burnside Street near the North Park Blocks, and we had to go up one flight of stairs, it was a very long flight of stairs, in fact one landing and another long flight of stairs, as I recall, to get to the two classrooms. We had three classrooms with the desks were simply the ones of where the chair with the arm on it for writing, until you got to the third and fourth year of law school and those were the old fashioned desks where you had scoot in from the side and share a desk with someone. At any rate, it was not exactly Harvard, I guess, I would have to say. And the library was something else. I remember Dorothy Cornelius wanting to show me their library. She was very proud of it, the first day that I went to see about the school, and they had AmJur [American Jurisprudence] and a few things like that, and they had the Oregon Reports and Pacific 2nd [Pacific Reporters, 2nd series] and that was about it. [O'Neil exclaims, “Oh my gosh.”] The tables were dusty, the windows were dusty, you know, nobody wanted to go there. But we did have Multnomah County Library—that was in the county courthouse—was available to any of the students. And I know that the students who worked downtown, some of them clerking for judges, found that very helpful. I was not able to use it and had to just simply use the one at the law school. But we didn't have legal writing class, we didn't have really anything that thought us legal research. And so I guess the library from this standpoint didn't matter. Of course, it was hard on me later when I had to teach myself all that. At any rate, this was really a very small, old, dilapidated, and that is a good word to use for it, because it was the structure of the building may have been sound but the inside of it certainly had seen many, many better years, but that was where we were.

KO: Were there women in your class?

BR: There were some women in that first night, I think maybe five or so, and there was one who stuck with me all through the four years, but I didn't get to know Nancy until—Nancy Collins was her name—Nancy Carter was her name then. Nancy Collins, she married a man with the name of Carter. But everyone dropped out and by the time we met that next week we did have chairs, because just so many students just said one night is enough for me, you know, I guess whatever happened in class they just sort of scared them away. Or maybe they hadn't even paid tuition just went to see if it was something that they wanted to do.

I remember after about three months or so, before we took our final exams in the first semester, that one of the male students who had been sitting near me asked me if I wanted to buy all of his books, and I said, "Well, you are going to need them." And he said, "No, I am quitting." And I said, "Why are you quitting?" He had bought all of his—for the four years—books from somebody who just wanted to sell them for a little bit, just to get rid of them, and so he thought for sure he was going to go for four years. And I said, "So why are you going to quit?" He says, "I have discovered that if all these judges, that I read their opinions can't figure out what the law is, then I sure can't." [O'Neil laughs]

KO: He is not ready for the common law.

BR: So, no, he wasn't ready for the common law, he would have done okay, I guess, with statutory law, which is pretty well written. [O'Neil injects, "[With code study. ?]" But he couldn't understand why the law changed over the decades, and with different judges who found differently, and so on. I can't remember if I bought the books or not, but that's a story that just sort of is an example that law is not for everybody, that the brain has to be willing to take on something different than we had in undergraduate work, or even graduate work, that it's a different kind of reasoning.

KO: Were your fellow students and the professors welcoming to you as a woman?

BR: I think my fellow students were. I think the professors kind of thought that well these women are going to drop out anyway so they weren't going to give us too much time of day. I

think we were just tagged as those who maybe we are doing it for a lark. And, although I did have some of the judges that I was appearing before, that I did later appear before, after I graduated of course, but some of the judges that I knew from the Democratic politics, George VanHoomissen who was teaching Criminal Law, Harlow Lennon was teaching Domestic Relations, what we called it then, not Family Law, and I knew both of them from Democratic politics. I knew a little bit about Bob Jones [Robert E. Jones] because he had been in the legislature, I hadn't served with him. At that time—he was later known for teaching Evidence—but at time he taught me Insurance, which was just a single semester course and Mortgages, which was a single semester course. Bob told me later, when I served with him on the Supreme Court, that he hated those two courses and he could hardly wait for Tom Tongue [who] was teaching Evidence to resign and get a judgeship or something so that he could teach Evidence, and so we? became the Evidence expert in the state.

KO: Well you had three people that you later served on the order of the Supreme Court then as your teachers, George VanHoomissen, Tom Tongue...

BR: But Tom Tongue I did not serve with, I took his place on the Supreme Court. And George VanHoomissen came to the court of appeals after I was there, but George Joseph was one of my teachers at the night law school, and I served with, and went on the court of appeals, at the same time that George Joseph did. Yes, so I had later had a good association with many of those people who were actually my professors in law school.

KO: And that building may have been dilapidated but I believe at one time a third of the judges in the state of Oregon were graduates of Northwestern.

BR: That's what I have heard, judges and even more lawyers. You know, as many maybe as two-thirds, and certainly in the metropolitan area because they would tend to stay in this area to practice law. That's where most of them lived. Although some did commute from Salem, or some of the other towns down the highway. I have read about some of them and that long trip that they made back and forth for four years, at three nights a week, and they made it through. Scott McAlister particularly comes to mind. I think Scott's [in McMinnville?], he was in my

graduating class. So there were a lot of, to me, important people, I almost used the word distinguished.

KO: I think you can use distinguished and important both.

BR: As far as our bar association in Oregon is concerned, and as far as our judiciary is concerned.

KO: But, returning to the 1965 legislative session, how many women were in the House of Representatives and how many were in the Senate in 1965?

BR: Okay. In 1965, which was my first session, there was one woman in the Senate and that was Alice Corbett. There were five women in the House. There were Shirley Field, who was lawyer, and Shirley, by the way, had been, had represented me in my divorce from Bill Rice, the children's father. And Shirley was a Republican, I had selected her deliberately then as my lawyer because I wanted a woman and there weren't a lot of women lawyers. I knew Shirley as a Republican, a prominent Republican, I think she was maybe by then already serving in the legislature and but when I went— just to say a little bit about Shirley, because she later became judge. In the '65 session we knew we were no longer friends because we were adversaries, because she was of one party and I was of the other party. And you don't ever want to be an adversary of Shirley Field's, because she is a good debater and she's very blunt, forthright, and takes on any opposition, man or woman, very seriously. We would have our little fights on the floor and then we would go out to dinner together, so we at least kept some bit of contact. The other Republican was Fritzi Chuinard who represented the west area of Portland. Fritzi was a doctor's wife, well-known. Then there were three Democrats, Beulah Hand, Juanita Orr and Grace Peck, and then I was there and so [adding up the numbers] that made more than five, that made seven, we had seven in the House. I am sorry.

KO: Seven in the House?

BR: Seven in the House.

KO: How many members of the House? Do you remember?

BR: I'm sorry?

KO: What's the total membership of the Oregon House?

BR: Sixty.

KO: Seven out of sixty.

BR: The Republicans were in control that session, but only by two or three members. So we had Grace Peck, too, and she had been in the legislature for many years dating maybe back to even to the late forties and Katherine Musa from The Dalles. So there were really a larger number than I first believed to be the case. But, at any rate, we had quite a few then in '65. The legislation, I was new, I decided I'd be rather quiet, listen and learn, so to speak, but that didn't last long. I discovered that I wanted to participate more than I wanted to listen and so I took a very active role in that first session.

KO: What were some of the bills that were key to you, either going down to Salem or once you got there.

BR: Well, because I was teaching I was pegged early on as being interested in education, of course I was, both of as a parent, as a teacher, school board member, all of those three and—

[End of Tape 2, Side 1]

Betty Roberts
Tape 2, Side 2
November 7, 2005

KO: Betty, you were talking about legislation that you introduced related to education.

BR: Well, we shouldn't spend the time on the details on this, but generally it was sick leave for teachers, tenure, professional negotiations before we had collective bargaining, things of that sort. But I also was interested in legislation, of course it affected my district, that meant a lot of the fire districts and water districts that were independent out in Multnomah County, and services that the county gives to the citizens there. I really was just learning the ropes and I was happy to do that. At the end of the session I was selected as one of the outstanding freshmen by the press, so I felt good about that. I felt I had made my mark, but I was glad when it was over that I didn't have to go to the legislature. I could simply just teach and go to law school, because I was looking ahead then to graduating in 1966 from law school.

KO: Did that legislative session end on July 4, as used to be traditional?

BR: No, it ended much earlier. And in fact we didn't go, I don't remember going that long. We try to get out of there by very early June, if not late May, back then, with the idea being that—well farmers had to go home, and we had a lot of farmers. Businesses, where individuals were trying to run their own business or were needed. Lawyers who had to get back to practicing law and so on. You know, I didn't want the legislature to run that long. So I don't think we had a session that ran till the fourth of July until maybe into the early '70s, as I recall. At any rate, 1966 I graduated from law school, I took the Bar in the summer of '66 and I learned on the Monday after Labor Day that Nancy, who I had studied with, and we had taken the Bar Review together, passed but I didn't, and that was a terrible blow to me. I kind of thought maybe that would happen, just given the fact that being involved in so many different activities, taking care of the family whom I also had a personal situation there, when the kids' dad decided he was going to try to get custody. A lot of working women go through this sort of thing, you know, they have some personal problems. I have no idea on what basis he thought that he could get custody, except that maybe the fact that I was so busy that I wasn't spending the proper time with them. The kids thought I was doing just great and that's all that mattered to me. And so, but the total ended up to the fact that I just had not had the time to put in on studying for the Bar Exam.

KO: Did you go check your grades to see how close you were?

BR: I did, I did, and I was very close. I missed it by less than one percent and I could have challenged it. There was a provision for challenging it, but I didn't. I decided that I was going to do it the right way and not be given it. And so I just decided that I would take it again the following year and that was when the Bar was given only once a year in the summer time. That I would spend that year reorganizing my notes and then outlining, studying, and take the Bar Review in Salem in the summer of '67, which I did. I had to run for re-election in '66, that might have had a little effect too on us, all these things, but I did run for reelection and did campaign and I won again, which meant I would be in the '67 session again. I think just to kind of cut to the chase here Katherine and get to the point where I did pass the bar and began to practice. The '67 session, there were not as many women there because some of them had decided to run for statewide office, and unfortunately unsuccessfully. Shirley Field was one of those and Beulah Hand was one of those, Alice Corbett was one of those. So by the time we got to the '67 session there were only five of us who were in the House, there was no woman serving in the Senate and so the number had been cut in half from the '65 session. In 1967, I continued working on the education legislation but was also on a committee for economic development and was able to work in that one with professors from Oregon State University to get funding from our Ways and Means Committee for what we call then the Sea Grant College, but that has now become their oceanography program at Oregon State University. I was branching out into learning about legislation in a lot of different fields and so that was a challenge to me. I also got acquainted with a woman in the '67 session who was serving as the counsel to the House Judiciary Committee, her name was Jena Schlegel, J-E-N-A, Jena; Schlegel, S-C-H-L-E-G-E-L. And through my association with Jena—there were some of us who had graduated from law school—we had something that was called the Portia Faces Life club, that was an old radio program of a woman lawyer way back in the fifties or so and some of the women lawyers from Legislative Counsel got us all together. There weren't very many of us and I met Jena there. And Jena knew that I had not passed the Bar and she just said well you will this year, because I will see that you do and she offered to be my tutor. We got through that '67 session, there was a lot to say about any legislative session, but for me at this point the Bar and the law was a priority and I left the session about, a few days early, not very much, maybe as long as a week by permission of the

Speaker of the House to begin the law review that's offered in Salem and I stayed in Salem and made arrangements for my daughter Jo to go back East to be with my mother and sister. My son John had graduated from high school and was, unfortunately, going into the service, and this is during the Vietnam warfare, and then the younger son Randy was going to athletic camp with the University of Oregon for a part of that time. Otherwise he was with me in Salem while I was studying. So with the family taken care, I was a single mother, during this period of time, and I just stayed in Salem and took that Bar Exam and concentrated on it. Jena had me—I went to class in the morning and then I would go back to my apartment and write the questions at noon, then I would go back to class after lunch and write essay questions, and that's all we had, we didn't have any multiple choice, we had two and a half days of essays. And then by mid-afternoon we would were through with the review, I would to Jena's. She would take my outline and go through it with me so that I began to see that outline as though it was just a movie in my head, it was the script. And I could see it, almost like on a reel, like it was turning. And so that if I got a question, a practice question on Torts I could just see that outline and I knew that I had to see that outline, put as much of that outline as I could into that essay question. And Jena taught me, not only that, in terms of learning, no, just the abstract law, about how to apply all that to the essay questions. I remember Jena saying once, "Well you may think you know the answer, so you are just going to go right to it you're going to know the answer, but that's not what you should do. What you should do is think of all the possibilities that are here in this essay exam question and then you talk about all the possibilities as though you are a lawyer who says well I better cover this base and I need to research this and I need to think this one through carefully and understand why it's not the answer to this particular legal problem." And so Jena would then take my practice essays and she would go through them, after we had gone through them in class and, always, she found more to talk about. She found more than even we had talked about in class that I could work with. She was just a tremendous teacher, very patient. She had small children. She had two small children—she had a swimming pool in her back yard—but she also was the foster parent for two of her young cousins who were young teenagers, males, both boys. So she in effect had four children that she was caring for.

KO: Was she a single mother?

BR: No, no. She was married to Ralph Schlegel who was a lawyer in Portland. She later divorced. They later divorced. In fact, after becoming a lawyer and being a lawyer for some years I was able to be Jena's lawyer—

KO: Oh gosh.

BR: —when she got her divorce. And so I kind of returned the favor, a little bit, there. And that's a woman lawyer helping a woman lawyer and then seeing how it all comes back to you.

KO: So she was a talented teacher.

BR: She was very talented. She became the first woman judge in Marion County. And I think I maybe can tell you when she became a judge. Can you stop the tape for a second? [tape shuts off and comes back on]

KO: Jena Schlegel became a judge in what year?

BR: '72.

KO: 1972.

BR: She was appointed on January 12, 1972 by then Governor Tom McCall, and she was elected in her own right for secure term in '77 and then it shows, while we are talking about Jena here, that she left the bench in September 1977 and that was because she developed cancer of the liver. She stayed on the bench right up until within just a couple of weeks of her death.

KO: That's tragic.

BR: And then died. She was able, because I was sworn in as a court of appeals judge the day after Labor Day in September. She came to my swearing in. And, in fact, because my robe hadn't come, that was no woman would have been in the court of appeals, so they had to order a

robe to fit me, I am not a very large woman and so they had to order one and most of the ones that the men wore around there that I could borrow from somebody on the Supreme Court were larger. So Jena said, "Well, wear mine. It will fit you in the shoulders but it will come down to your feet." Which it did, because she was tall and slender. So I wore Jena's robe and she was at my investiture.

KO: And she was probably also at your swearing in because in 1967 you passed the bar.

BR: She might have been. I can't remember that. Can't remember actually being there. The lawyers, we lawyers are sworn in the House of Representatives and she being a Marion County judge right there, or, well in '67 she was not a judge yet, but being there she might have been up in the gallery. I don't specifically remember.

KO: So you passed the bar in '67 but you—excuse me.

BR: But one thing, she did tell me. She said, "Betty you passed this bar." See Jena was from Oklahoma and I was from Texas, and we joked about that a lot because we always— Jena said, "They even think I am a hillbilly or that my daddy has oil wells, one of the two, but no in between." And I said, "Well Jena, I get the same thing." Either I am dumb and have no brains, and that I'm "the hillbilly," or my family was very wealthy. And so she said to me, she said, "Betty if you pass the bar I will make you the best okra, fried okra and black eyed peas you've ever had, and she did. We had a great meal one day when she cooked all that.

KO: Wonderful memories.

BR: Yeah, and cornbread of course, sliced tomatoes of course. Everything that goes with fried okra and black eyed peas. Okay. Now, where are we? That was Jena, bless her heart. She was a tremendous person in my life.

KO: When you passed the bar in the fall of '67, then did you return to David Douglas to teach or—

BR: By that time I had gone to Mount Hood Community College that had been established right about then and started teaching political science and then when I passed the bar they asked me to teach business law. They were happy to have somebody on the faculty that had a law degree. I only taught part-time . I agreed with them to work part-time . I had three classes and arranged them so that I was on campus, usually, only two days a week. And the rest of the time then I could spend in building up a practice. I did have some clients come to me before I ever had an office and that generally were the teachers [..?] and some other friends. Sometimes it was for free advice, and that's the way most lawyers get started. Or it was for wills, or sometimes it was family law problems. And so I could do the petitions for divorce or any of those kinds of paper drafting things. So I began to have a small practice and I had one room that I turned into a small office. But I had met a legislator; his name is Keith Skelton, another important person in my life for the rest of his life, in the legislator in '65. We began seeing each other rather seriously in the 1967 session and he was divorced by then, I was divorced, and in 1968 we were married. But he had moved his practice from Eugene where he had a very active workers compensation defense practice and he was teaching part-time at University of Oregon, not in the law school, but in the business department of the university. And he decided that he would bring his practice to Portland and he did and he would go to Portland State and see if he could teach there, which he did, and then he ran for office in Multnomah County having served from Eugene in Lane County about 120 miles south of Portland, and was elected. So in 1969, and I ran then for the senate in 1968, and so we pick up with the beginning of the session in '69, I had married Keith Skelton in '68, I had been elected to the state senate and I had about a year or so of practice, law practice and Keith and I then, after we were married, decided that we would practice together. So we rented space with a law office downtown and began practicing together. So that was nice. We both taught, we both practiced law and we were both in the legislature. He had four children, two boys and two girls. I had four children, two boys and two girls. They were all almost the same ages. I mean in the same age range and it was great fun putting our lives together and our families together.

KO: What was the 1969 session like?

BR: Well, I was the only woman in the Senate and that is a total of thirty, so I was working with twenty-nine men and one of the first things that I recall about the '69 session was the President of the Senate asking to see me on the first day. So I went back behind the chambers to his office and what he had to tell me was that the last session because there had been no woman there they could turned the women's rest room just off the Senate Chambers into the nurse's station. And that he thought it should remain the nurse's station because he said you never know when some old guys like us might have a heart attack.

KO: Who was the President of the Senate?

BR: "Debbs" Potts, from Grant's Pass. That's spelled, D-E-B-B-S. P-O-T-T-S.

KO: And so did it stay the nurse's station?

BR: It stayed the nurse's station, and I said, "Debbs, you know, I really don't care where I go to the bathroom. What I care about is some of the legislation I am going to get passed here." And I said, "There is more important things for us to think about than where I am go to the rest room." And I just said to myself, well this is crazy, there is a rest room in the nurse's station and so I am just simply going go right by the nurse and go into the rest room because it was a separate room. She was a little nervous about that at first, because she had been told, you know, that this is kind of for the guys, and—

KO: The nurse's station was for the guys?

BR: Well, you know Debbs said it's not going to be the ladies rest room. And so and I just said, oh Maxine don't worry about it, you know, if you get in trouble just let me know, but no one is ever going to know that I am here. They are not going to see me go in and come out the restroom. And so I took care of that little problem and nobody ever knew. But that's an indication kind of what we women later call "potty politics," is that the men were also so worried when we got into the equal rights amendment, which is some sessions later, and some of the women's issues that became a big issue. So that was my first experience with what some woman

writer, I don't know who, maybe some syndicated woman writer, calls "potty politics." And the women in the U.S. Senate had the same problem and they didn't get a rest room near the Senate Chambers in the U.S. Congress until after there was a whole group of women there.

KO: Well there was no woman's restroom in the Oregon Supreme Court building up by where the judges are. Is there one now?

BR: Yes, there is one now There was when I went on the court, too, because of women judicial assistants and women clerks. And so yes, there is one there. At the Supreme Court I made the mistake of almost following a couple guys into the men's rest room though once when we came off the bench because it didn't say men's. And they were talking about a case and I was following Herb Schwab and Jake Tanzer, I guess it was Court of Appeals, I wasn't even on the Supreme Court yet, and our was sitting and we took a break. And so I remember that Herb walked on into the rest room and Jake, realizing I was following, turned around and stopped me. And he then turned to me and started talking about the case, then I realized that this was someplace that I wasn't to go, and then Herb came out and was very upset that he didn't have somebody in there to talk to about the case.

KO: That's typical of both men. [both laughing]

BR: Typical of both men.

KO: Yeah. Jake being considerate and sensitive, and Herb demanding the stage.

BR: Well, yeah.

KO: Yeah. So, given that reception in the Oregon Senate, how were you able to be effective to _____?.

BR: Well, I was. I really was. You know what, I just had to tell myself. I was the only woman on the school board, I have been the only woman in every social science department I've been in.

And I think we talked about this last session, about how many coaches were in the social science department. So I have been the only woman on many of the House committees. And, so being the only woman in the Senate just enlarged the number of men that I had to deal with. But I reversed that and I just said I am not going to deal with the men. This is not my problem. I am here as an elected senator, just as they are, to represent the people who elected me. If they don't like a woman being here that's their problem and that I am just going to proceed as a legislator, as a state senator, and you know, exercise all of my free speech and whatever. But, I made it a point—Katherine I think this is important, I am sure a lot of women have done the same thing—and I had done this in the House, is get acquainted with these men's wives because many of them served as their secretaries. And getting acquainted with their wives and being friends with their wives then made the men feel more comfortable with me. I also discovered that none of the wives influenced their husbands, in issues.

KO: Is the Oregon, in the Oregon Senate as I remember the senator sits here and then at the same desk is his secretary, right.

BR: That's right. And it is the same way in the House.

KO: So that the secretary is on the floor so it would be the wife that you knew that's sitting next to the senator.

BR: In fact, Wally Carson and his wife—who has been the chief justice of the Oregon Supreme Court now for some time just announced his resignation—Gloria sat right next to me for two or three sessions in the Senate, after Wally was elected to the Senate. I had, for a couple of sessions in the Senate, my daughter Jo, and so it was not unusual to have your wife or someone who is related to you, or a close friend, or whatever be, or a campaign worker as a rule or somebody who has worked with you for a long time, to be the secretary and they do sit on the floor. There is a chair there for a person. They don't sit on the floor now as much, I understand, because they have got wings and offices, private offices, but we didn't have them then, we didn't have those private offices so that was really our desk on the floor of the House. All the time I was there was our office.

KO: Do you remember any particular piece of legislation from the 1969 session?

BR: I certainly do. The abortion bill, which liberalized abortion in Oregon. I had a bill introduced that would simply just wipe out all the prohibition on performing an abortion, and would not write any conditions again into the statutes except that it had to be performed by a physician. Everyone said that bill won't pass because the American Law Institute was promoting a model piece of legislation on abortion that had a lot of conditions, requiring consent if a minor; or husband if married; required to be done in a hospital; requiring them to go through a hospital committee; requiring a second doctor's opinion; and on and on. So that all of these conditions that are now being promoted by those who oppose abortion were in that proposal and that was introduced by another senator from Corvallis, Senator Hoyt from Corvallis. And though he sympathized with my bill he said, "I don't think you can get it passed." And so, I said, "Well I have to try, I have to try, if we are going to do ...". Abortion had come on the scene publicly. There was a lot being written about it in magazines, newspapers articles. It was being discussed. Women's groups had begun to form. I think we have to look at the whole of what was going on in society at that time. The National Organization for Women had been organized in about '67 or '68 and they were really agitating for equal rights for women and abortion as a major issue. And, in fact, in 1967, Colorado had passed their bill on abortion and had liberalized it. I can't tell you that it had any of those conditions or not but it had been, at least they had decriminalized it. A doctor couldn't be prosecuted for performing abortion, if in fact whatever the conditions were met. New York and Hawaii and Alaska had come very close to passing legislation in '67, and I believe one or two or those states did in '68, when they had regular sessions every year, and of course we didn't have another session till '69. So with all of that going on in the other state legislatures, and with the women's groups now forming, and the Women's Political Caucus was beginning to take form. I can't tell you that it actually had occurred in '69, but that it was just an issue that had to be dealt with and it was an issue that the legislature had to do something about.

KO: Was it criminal, in Oregon? Was it a crime for a doctor to perform an abortion in 1969?

BR: Yes. And in fact . . .

[End of Tape 2, Side 2]

Betty Roberts
Tape 3, Side 1
November 10, 2005

KO: It is November 10, 2005 and I'm back in the lovely apartment of Betty Roberts now watching the fall leaves out the window and the river beyond. We are going to begin this session with a bit of a chat about married women and last names. Betty, why don't you take it from here.

BR: Well, we were talking about in 1969, in the legislature, but I think we need to go back just a little bit to the summer of '68, when I was married to Keith Skelton who I stated earlier I'd met in the legislature. Because we are both in politics, we are both lawyers, we wrote a letter explaining that I would retain the name of Betty Roberts though married to Keith Skelton and we thought that would be respected and that there would be no question in anybody's mind that was the name that should be used for me. But, as it turned out there were those who didn't feel that was proper even though I considered the name to be important both for political reasons and for my teaching. But, certainly, because I had begun practicing law as Betty Roberts and so that was the way I was known to clients and other lawyers and judges.

KO: And you had been elected to the legislature?

BR: Had been elected to the legislature. One of the first incidents that told me this was not going to be so easy was when the Register of Elections called me and told me I had to come in and re-register because of being married. So when I went in, he had my name down as Betty Skelton as a registered voter. And I knew John quite well because I had worked with him of course in other campaigns and had as far as he's the registrar for Multnomah County. And I just said, "John you can't be serious about this." And he said, "Well of course I am." He said, "You're married and your legal name is your married name and you have to go in your 'legal name.'" And I told him I didn't realize that there was "a legal name" for women in Oregon, and explained my views, and he wouldn't accept that. So I said, "I'm on the ballot running for the

state Senate in a really tough campaign and you are going to allow me to be on the ballot as Betty Roberts, but you are going to require me to vote as Betty Skelton.” He said, ”That’s right.” And so I accepted that, just that it would not be public, that I was being called by anybody by the Skelton name. But after the this session began he notified me that he had a letter from the Secretary of State saying that it was inappropriate and that there were legal opinions that stated that a married women could keep her name for political purposes and that voting was a political purpose as much as my running for office, so we got that one straightened out. But, then, before 1968 was over I had also had a letter from—a newsletter frankly nothing to me directly persona—but addressed to Betty Skelton from the Oregon State Bar. So I called up the secretary, what we called then the secretary of the Bar, since called the executive director, I believe, or whatever the name is, yes. And this was Holloway.

KO: Charles Holloway?

BR: Charles Holloway, Charlie, they called him Charlie.

KO: Okay, Charlie Holloway. BR:

BR: And I said, “Did you get my letter?” And he said, “Yes,” I said, “Well then I have this mailing using the name Skelton.” He said, “For the practice of law you will have to be Betty Skelton.” And I said, “No I won’t. We’ll have to do something about this.” And he said, “Well then take it to the Board of Bar of Governors or sue me, whichever.”

KO: Well, that’s certainly cooperative.

BR: And it was absolutely startling to be that he wouldn’t even listen to my arguments. He maintained that he had no choice. That somewhere or other there was some opinion by the Board of Bar of Governors talking about partnerships. And the name that had to be used in a partnership. And I explained to him that Keith and I were practicing together and had worked in the same office, we had not created a partnership. There was no legal partnership. We were married but that didn’t create a business partnership. And he disputed that. He thought marriage

would carry over into the practice of law. So I did go to the Board of Bar of Governors. Simply wrote a letter and said that I would be happy to appear at their next meeting if they wanted me to be there to put forth my position beyond what I did in the letter. I contacted one or two of the Board Bar members directly, as Keith did, also. He knew a few. And I was told that a personal appearance wouldn't be necessary that they would take it up and let me know. I ended that letter, I remember very well—Abe Fortas was on the U.S. Supreme Court at that time, and he was married to a woman who practiced law in Washington, D.C. who did not use the name Fortas—and I remember pointing that out to the Board of Bar members and just suggested that that was a pretty high precedent and that maybe they could see their way clear to follow that in Oregon. I got a letter soon after their meeting saying that they had adopted a new opinion and sent me a copy of it. That stated that a woman, who had begun a practice of law, need not change her name upon marriage. And it was more encompassing than just a married woman, it set forth, generally, that no one needed to change their name if in fact they begin practicing law. I saw the problem of changing the name as both deceiving the voters because I had no record that they could look up as under Skelton. If they wanted who I was running for office using that name they would have to know that I had run as Betty Roberts and been elected and served as Betty Roberts. So I saw that as sort of a deception upon voters. I saw it also keeping the name Roberts is a property right, because I was a professional person, I was a public person, and using that name was an income right. I was earning money by using that name that was well known. And so it was like a business or it was like, you know, a movie star or actor or actress that they establish a name and they never change it when they marry of course, because the public would not know who that person is. And the same for businesses that have a name, so though a name is not—I guess it can't be copyrighted or patented or whatever—but to me that was what was behind the seriousness of it. We didn't get around to putting a change of name legislation in, I didn't, until 1971. I didn't introduce legislation in '69 on the name but I did in '71, which it did not pass in '71. We tried again in '73, it did not pass. Finally, in '75, we do have now a statute that allows a woman to keep the name on marriage or to return to a previous name upon getting a divorce. So we have legislation in Oregon that allows a woman to make a choice about the name she wants to use.

KO: And prior to that legislation a woman who married had to take her husband's last name?

BR: Well the problem that developed, and I was doing a lot of domestic relations work, was that a woman didn't have to take her husband's name it was that in getting credit, establishing credit, or getting being covered under the husband's health care benefits or sometimes for tax purposes, or for any kind of activity where someone thought that this person should be known by her husband's name. Getting credit was a big one. In fact we had to pass legislation allowing a woman to get credit in her own name without having a husband sign with her and without her having to use her husband's name. So what was happening was that everybody was sort of making up their own rules and it was wherever they were coming from in terms of what they thought was proper for a woman to do. One particular judge, this was this was a domestic relations judge here in Multnomah County, Harlow Lennon, who was really from the old school of family traditions who would refuse to allow a woman to take back a former name if in fact she had children. And his rationale was that if she had children and she took back a former name then her name would not be the same as the children. And he thought that that was not good for the children. And so I simply asked him one time in court but what if my client remarries, then do you expect her to keep her former husband's name, which would be her children's name, or to take her then husband's name. And he didn't have an answer for that, he said I don't have to answer that he said but right now she keeps the same name as her children. So—

KO: And he was the only—he did all of the domestic relation cases in Multnomah County?

BR: Jean Lewis.

KO: Oh, Jean Lewis did.

BR: And Judge Stone. We had three domestic relations judges at that time. And then when Judge Deiz, our first minority woman judge, came on court and she did some domestic relations early on. Then we had a fourth judge there. But I went judge shopping, as other lawyers did, if they had a woman who wanted to petition for a name change along with the divorce decree.

KO: You stayed out of Harlow Lennon's courtroom?

BR: Stayed out of Harlow Lennon's courtroom. But, now, of course, then when we entered this legislation I was able to argue from that standpoint that this had been my experience and that it really was not proper for a judge to make that decision just because that's how he felt about it personally. And it wasn't right for some credit manager to decide that a woman had to use her husband's name to get credit because that person thought that that was the way it should be. And so there is this whole long list of experiences that various women had, and who testified at the legislature, that they wanted to use a former name or they wanted to not take their husband's name upon marriage because they were a professional person, and yet they were being forced to do so in order to have any of the other privileges that they needed.

KO: In order to take out a mortgage?

BR: That's right, that's right. So it was necessary then to put something in the statute that could be pointed to, to all of these individuals that no, they can't do that. They can't force a woman to keep a name just because they think that's the right thing to do.

KO: Another wrap-up bit here is we were talking about the situation in Oregon for women who wanted to have an abortion. Who were the doctors that would perform abortions in Oregon?

BR: Well they were only naturopathic physicians, as I recall, at that time. And it was before I was really involved in the issue but I know that one woman doctor, Ruth Barnett, would go to jail, get out, perform abortions, go to jail and so on just throughout her adult lifetime. She ultimately, in her later years wrote a book called, *They Weep On My Door Step* about women who came to her wanting an abortion because of their own personal situations. Not married, probably, poor women, probably, or maybe working women who couldn't afford to take the time to have a child. And, of course, that was a period also when if a woman became pregnant and was teaching then she of course couldn't teach because it was not "nice" for a pregnant woman to be teaching and be with younger people. And so the whole environment then was one of hush-hush and the women would either go and have their child and put it up for adoption, or if they kept it, they were, sort of, a "marked" woman. Well anyway it sounds terribly archaic. And it

seems strange to me that I even lived in that period, but we did, and so when abortion began to be legal in '67, I think, I said in the last session in Colorado and others that followed then. Then we introduced the bill in Oregon in '69. The bill that I introduced that would have no conditions did get to the floor of the Senate, but failed there. The bill that would have many conditions that a woman would have to meet did ultimately pass the legislature in that session.

KO: 1969 session?

BR: Yes, yes. [tape shuts off and comes back on] Well, while we are talking about the abortion issue, let's just continue along here a little bit in terms of challenging that statute. I had, in 1970, after the '69 session passed it, three women came to see me. They were from Medford, Oregon, which is the southern part of the state. They were all married to doctors who their husbands would perform abortions but for the conditions that were written in the law. They felt that they could be criminally accused if they didn't follow every single condition exactly as it was written. And there was a lot of question in the medical profession about what doctors had to do to meet the conditions of the law. There were a lot of cases being initiated all over the country, and Keith and I did take this case on a pro bono basis. We filed a complaint in the federal district court here in Oregon and began to do research on what was going on in the other courts around the country, and did in fact write an article for the Environmental Law Review for Lewis & Clark Law School about the number of cases that were challenging the old abortion statutes that still criminalized the procedure as well as cases that were challenging some of the new laws that were being passed that contained all of these conditions. So we were just one of many, really, but the only case in Oregon, and we filed that lawsuit sometime in '71. The lawyer in the attorney general's office, of course we were suing the State, and so the attorney general was named in the case and that happened to be Lee Johnson at that time. He had been elected, I think, in 1970. And there were other defendants but who were the district attorneys in the three metropolitan area counties here from where our plaintiffs practiced medicine. We had fifteen doctors, some of who were medical doctors, who had been more psychiatrists, as our plaintiffs and that was a problem getting all of those doctors to agree. Although word got around in a hurry and so names came to me and I went out and talked to all of the doctors to be sure they understood what they were getting into. But they were very willing to be our plaintiffs. And one

of the first questions that came up and the case was standing, whether or not these doctors had standing to challenge abortions statutes. And that had been a big problem with a lot of the cases. Roe v. Wade, which the Supreme Court ultimately decided in '73, which decided our case here in Oregon, was a woman who had been pregnant and had gotten an illegal abortion, and she was challenging the statute out of Texas. Sarah Weddington, well known now, was her lawyer. So the question was if you have a pregnant woman and then she's no longer pregnant, then is the question moot. And, Sarah was able to argue that that was not the case that she was representative of other women in the same situation, same condition.— But we took the doctors, and there were other cases that mostly had taken doctors, who were challenging the statute on the basis of vagueness and constitutionality. But they couldn't practice medicine as they were taught to practice and still comply with the law. So we won the standing argument and then there was a jurisdictional argument about that it should be in state court not federal court. And we won that one so we stayed in federal court. And I had a couple of interesting stories here. The lawyer who was assigned this case in the attorney general's office was a young deputy attorney general, his name was Michael Gillette, and he is now in our Supreme Court and I've served with him on our Court of Appeals, but Mick Gillette, as he's known, came into my office in Portland, introduced himself and, but I may have met him in the legislature because I think by then he was doing a little lobbying over at the legislature. But it was my first time to really have some sort of personal association with Mick, and we talked for a while about the case and he said well I hope we can do this on a professional congenial basis. And I said sure it's just a constitutional question issue you know, you do your job and I'll do mine. And as he got up to leave, he said, "Well Betty," he said, "I just want to say one thing, you are going to win this case and all I ask of you is to help me look good." [both laugh] And that's Mick all over. It was sort of like nobody had to make him look good because he was a good lawyer. He's a good Judge. And very intelligent and very quick and very articulate, but Mick and I took that case through, and Keith and I agreed that if he would do the—I did the work on getting the plaintiffs and help with the pleadings—and then he would argue any of the motions that came up, preliminary motions, but I had to take the substantive argument when it actually then went before the three-judge panel, which I very willingly did because I had been talking about the issues and I really knew it backwards and forwards. As it applied to a women, as it applied to the doctors, as it applied to

other medical providers, and so on. And I remember while we were sitting in the court and this is my first time to argue in the Federal Court before a three-judge panel.

KO: That was in the Ninth Circuit?

BR: No, it was here in the federal district court.

KO: Okay.

BR: And it was three-judge panel because it was constitutional question only. It was not a trial where we had witnesses. It was just on the constitutional issue. And I remember sitting there with Keith at my right elbow and I turned to him and said, –“How do you address multiple judges?” And he turned to me seriously he said, “You call them ‘Your Worships.’”

KO: Oh, good.

BR: And so as they walked in the room I was chuckling and he was chuckling and then I got up and said, “Your Honors, may it please the court,” and went on with my argument. But it was an interesting case from the standpoint of being a part of what was going on all over the country. Went to some office Christmas party in December of ’72 and the presiding judge, who was Ted Goodwin, then who went on to be on the Ninth Circuit now a retired Ninth Circuit judge, or I guess a federal judge never retires they become a senior judge in the Ninth Circuit. Saw Ted, and I said, “When will we ever going to get a decision?” because we had argued it in the summertime, and he said, “You won’t until we hear from the Supreme Court.” He said they have some cases there of course some cases that we’ve been informed that there will be a decision soon and so we are not to make any decisions until they have spoken. Well, then on January 22, 1973, I was down in the ’73 session of the legislation, was working in the Ways & Means Committee one morning when I was called on the telephone and it was Mick Gillette saying, “Well the abortion case came out of Supreme Court.” And I held my breath and said, “How is it?” And he said, “You won.” And I said, “How much did we win?” Because we had a lot of different provisions in the statute, and so they could have said one or two is okay and the

others were unconstitutional. And I said, "So how much did we win?" And he said, "You won it all." So in other words Roe v. Wade decided our case and just said the State has no interest, at least in the first trimester, of regulating abortions. And so then, of course, we had the order that came out of our court declaring our statutes unconstitutional. It's interesting, Katherine, though, to note right here before we go back to the legislature, that in '73 after that Roe v. Wade case came out there was a lot of talk about whether or not we should introduce anything statutorily where we should have anything statutorily that puts into the statute the reasoning of Roe v. Wade. Which says that in the first trimester the State has no interest in regulating, and in second trimester it may have an interest depending upon the circumstances, and in the third trimester it does have an interest, certainly from the standpoint of medical procedure, to help both the woman and so on. And the general feeling of those who were pro-choice was, no let's just leave it alone even though these old statutes were still there. It was not until 1983, long after I had left the legislature and went on to court, that those statutes were actually repealed and removed. So that now, with all the controversy going on nationally and has now for ten or fifteen years, very different then when we first passed the abortion legislation. It's important that Oregon not have anything in the laws because there is nothing to point to and say well we already have this. And so we'll just, while it was declared unconstitutional, we can reenact the statutes so to speak. They'll have to start from scratch in Oregon. And there a few states like Oregon where they actually have taken everything off out of the statutes. So somebody would have to introduce the language and it has to go through the whole legislative process. It's been done; every session there are bills in to do that. But so far nothing has gotten into this statute.

KO: These would be bills guaranteeing the right to choose?

BR: No, it would be bills that would then be put in, attempt to put back in, one restriction. For example, a consent of parent if the pregnant person is a minor. Or consent of husband. And right now at the federal level we have one of notification of husband, and that's being considered. So it would be just an attempt to recreate some of those conditions that were declared unconstitutional. And certainly the abortion issue is far from settled. It's going to be a controversy, little did I know way back then, when frankly it was treated as a medical issue. And it was treated as something of a civil rights issue for women that they could make the choice.

And often it was a choice that had to do with their health, their medical health and their emotional health, their physical health and heir emotional health. And that was a period of time, also though, and I think this had some influence. We were talking about zero population growth. And a lot was being written about it a book, I think, called Zero Population—I'm trying to think of the author real quickly—was written, and it was based on the idea that we were going to have so many people that we will outgrow this planet. And that we can't feed them, and we won't have the agricultural land, and so on. And some of that of course is very contemporary thinking by many people. But the emphasis was different then. That's the point that I'm trying to make here is that the emphasis was on a women making the choice and on what is the best medical procedure. And so the only requirement of the Oregon statute was that the procedure had to be done by a physician.

KO: Medical or naturopathic?

BR: No, not naturopathic. It's in, in fact the Medical Practices Act as well. I think in fact that's where it now resides in the statutes and no place else.

[End of Tape 3, Side 1]

Betty Roberts
Tape 3, Side 2
November 10, 2005

KO: This is the second side of the tape and we will continue a bit on the issue of choice. I think I had just asked Betty about the change now and the attitude towards choice and how she'd characterize how people look at choice today.

BR: Well it certainly become a political hot button issue and for both Republicans and Democrats. But it has become so controversial because of the so-called Religious Right that has made it a huge political issue and of course they see it as a major moral issue of our times. I don't think any of us at the time that the abortion legislation was being passed in the late '60s and early '70s and the Roe v. Wade case should not be interpreted to me that we didn't think of it in terms of moral issues either. Or that we did think of it in terms of moral issues but it was not the paramount issue. I'm sure that for every individual woman who had an abortion she went through a lot of soul searching herself and unfortunately that gets missed. You know a lot of the public shouting and screaming that goes on now that any woman who makes that decision she knows she has to live with that decision for the rest of her life. But that doesn't mean that she shouldn't be allowed to also make that decision for herself. I think that this issue is going to continue. Hopefully that there will be enough contraceptive education but even the Religious Right opposes that. And it adopts only abstinence as the only way to for birth control, which to me does not seem realistic. But certainly going into the next election, the 2006 election, it's going to be a major issue for both parties on how to talk about this issue. It's going to be a major issue now with two new Supreme Court justices on how they will interpret Roe v. Wade as all of these statutes are passed that are enacting conditions for a woman to get an abortion. So we just have to wait and see. But I never dreamed way back in 1969 that this would be an issue forty years later, [pause] and it will be into '09 and far beyond I'm afraid. But if women have access to other kinds of protection and family planning education, hopefully, that makes the need for abortion a lot less. Although, it ought to be there, in my opinion, for those who need it.

KO: I couldn't agree with you more.

BR: Good.

KO: So let's see we got through the 1971 legislature and since the Oregon Legislature only meets every other year the next session would have been in 1973.

BR: Well and I did not have to run in 1972 because Senators have a four year term so Keith did have to run and he was elected again so he would be in the '73 session with me again. 1971, just to back up just briefly here I did see a little bit of legislation because the dealing with women particularly in employment. The Congress had passed the Equal Pay Act and women were—no discrimination on the basis of gender or sex in the Civil Rights Act was passed I think in '64. So there was legislation in '71. My “name” bill was there, which didn't go anywhere, and a bill that would make the Federal law on prohibiting discrimination on the basis of sex applicable to smaller businesses in the state of Oregon. Federal laws exempted businesses that had fewer than 20 employees. And Connie McCready had—who was a representative—had introduced legislation to cover race in those smaller companies and businesses. And so I had joined with her and we worked together, and she permitted me to have the name discrimination on the basis of sex added to the bill after it got over to the Senate. So in '69 we had worked on that and we continued to work on that kind of legislation in '71, which is her picking up the pieces where the federal statutes would omit certain coverage for women. And we had to take then the action at the state level. I was, in '71, on the Ways & Means Committee, which was important to me and I was chair of Consumer Business Affairs. A lot of things were going on that I saw a tremendous change in the legislature and the most important I think to me was that in '71 we saw so many new citizen and nonprofit volunteer organizations lobbying. Before then it had been labor and business almost exclusively. They kind of owned the Capitol. It was either the labor lobby or the business lobby. But in '71 we had environmental groups, we had consumer groups, we had under the consumer legislation that was enacted, we had landlord-tenant proposals giving the tenants both more responsibility in caring for a place, but also more advantages if they needed to get the attention of a landlord to keep their premises in a habitable condition. We also had legislation truth and lending. At the state level we had unit pricing and I can remember how we all worried about how we were going to understand the unit pricing and it has to be on every label you have to be able to tell and we see it now in all the grocery stores, but that was not the case then. When

the scanners were first coming on in the grocery stores there was opposition to that and the consumer thought for sure they were going to lose their money, the machine wasn't going to be accurate. A lot of legislation passed that dealt with consumer rights. Giving more information to the consumers and I chaired that committee so I had a lot of the bills and that was fascinating. What we also saw during that period of time was the lobbying for all of these bills. Legal Aid Society was lobbying for the consumers as well as for the poorer people that they represented in their clinics. We had at the beginnings of the environmental legislation we had making the beaches all public in Oregon, which is unusual in the country. Which, in a sense, gave the beaches to the Highway Commission. They are now considered public highways so that the public has access to all the beaches from border to border in Oregon and that happened in 1971. We also had what we call the Bottle Bill in 1971, and that came to my Consumer Business Affairs Committee in the Senate, it had passed the House, and this was the bill that required a deposit on certain bottles and cans and whenever returned then we got the deposit back. And that was hotly opposed by the can-manufacturing people, and by the glass-manufacturing people. Thought they were going to lose jobs by having to recycle all of that, or to as bottles were concerned, to come back and be reused. But it was the toughest bill that I ever experienced in terms of lobbying, and the only time that I was ever offered a bribe, which I reported the next day on the floor of the Senate that this was an example of how desperate some of the lobbying against the bill was. But we did pass the Bottle Bill. So the '71 session was a turning point I think in many ways in society and many ways and that was reflected in the legislature. So that we had more groups forming on behalf of consumers, on behalf of the environment, on behalf of minorities, low income people, and they were showing up down there. I remember one lobbyist; I can't remember, representing some business, who made the statement to me, "Where did all these people come from?" You know this is our legislature, so to speak, and we resent all of these citizens coming here. Some paid nothing some paid very little to lobby during those early years. That was a part of it. Another part was opening up the governmental process. We passed legislation that opened up all the records of State government for the press or anybody who wanted to see any of the documents.

KO: Was that called the Sunshine Bill?

BR: The Sunshine Bill. Let a little sunshine in. And it's interesting that the state Senate had never taped its floor recordings until 1971. And I've done research to go back to try to get back into some of the floor debates, particularly in the '69 session when I was there. I wanted to go back to the debate on the floor on abortion issue for some research and I of course have no tape.

KO: Do you know how the Senate decided to start taping?

BR: Well, we had a change of party for one thing.

KO: It became Democrat controlled?

BR: Well there had been a majority of Democrats before but there had operated under a coalition of some Democrats joining with the Republicans, only a few, no more than five or six, joining with the Republicans and then electing one of those Democrats to President of the Senate, so it looked like the Democrats controlled but they didn't really it was the coalition of all the Republicans and that had been in the state Senate since 1957. And that was finally broken, to a certain degree in '71, when John Burns, a lawyer, became President of the Senate. As we had a 15-15 tie, but that tie, in terms of the makeup of party-by-party, meant that one Democrat was still with the Republicans. It was fourteen Republicans and sixteen Democrats. But one Democrat from Grants Pass, Debbs Potts, joined with the Republicans to try to keep the old coalition together. And it worked to a certain degree. We were deadlocked for two weeks trying to elect a President of the Senate. And finally John Burns just decided that he would be the President, he would allow the Republicans and his vote and Debbs Potts to make him President of the Senate. But with all credit to John, and I thought for sure that that was the end of John as far as being you know, ever having any power with Democrats in the legislature because they would see him as working with the Republicans. But John was very fair. In terms of the committee appointments that he made and I think really he acted in that session more as an Independent than as either a Democrat or Republican. And John is a very smart man, very good lawyer. And he was a very good President, I think. During that session Berkeley Lent who—Bud Lent he was known—was competing to be the President of the Senate because he had fifteen Democrats. Had sixteen, really, if Debbs would be with us. And so that was a terrible

disappointment for Bud. Bud did later that session, not until about May, become appointed to circuit court bench here in Multnomah County. And then in 1973 the coalition was in fact defeated. We had a large majority of Democrats and Jason Boe became the Democratic president. So this brings us up to '73. I mean there is so much to talk about, but we are sort of skipping over here. In '73 we had eleven women in the legislature. One woman joined me in the Senate in '71, that was Betty Browne from Cottage Grove, and she was back again in '73 to serve with me in the Senate and then we had—

KO: Was she an attorney?

BR: Yes, Betty was an attorney, yes and she was married to a doctor. Had four children while she drove from Cottage Grove down to the University of Oregon to get her law degree. She practiced law in Lane County, I think, primarily doing juvenile law and domestic relations. And she then was divorced while she was in the legislature and she married Bill Ford who was a judge in Lane County and that was one of the first judges to go on the court of appeals when we created the court of appeals in 1969. When I go on the Court, when we talk about the fact that I joined the court of Appeals in '77 we'll go back and pick up a little bit about the legislation that created the court.

KO: Okay. So you and Betty were in the Senate?

BR: Betty Browne.

KO: The women in the Senate, both attorneys, and so there would be nine women in the House.

BR: In the House, that's right. And one of those women was Norma Paulus who had been elected in '71. So this was her second term. Norma was Republican, but a liberal Republican, and a person that I realized immediately I could work with. Nancy Fadeley was a Democrat from Eugene. We had Mary Rieke from Portland. She was very active on the Portland School Board; education was her baby, so to speak, was her interest. Vera Katz, who later became Speaker of

the House and then Mayor of Portland, that was her first term. Frank's daughter, Mary Roberts, was elected that first term. He, unfortunately, was defeated didn't serve yet she was elected and that she was serving of course that began sort of some of the confusion about all the Roberts in politics in Oregon. Many people thought Mary was my daughter, but of course she was not because Frank and I never had children. We weren't married quite long enough to have children. We were too old to have children. All sorts of reasons we didn't have children. So we had a good group of women who came there. These women have worked in—some of them had lobbied the session before. Vera had, she'd been down there working on farm worker's legislation, migrant worker's legislation to get adequate housing for them. And better wages, just better working conditions and these people, so many people had also worked in the Robert Kennedy campaign in '68. If they hadn't worked in the Robert Kennedy campaign they had worked in the Eugene McCarthy campaign of '68, and they worked in the McGovern campaign of '72. We missed that one. '72 I didn't have to run, but I did co-chair the McGovern campaign in Oregon and went to the Democratic National Convention. And, of course, back in '68 I don't think we talked about the fact that I went to that terrible Democratic Convention in Chicago in 1968 as a delegate from Oregon. And so then I went to the one in '72. But these women, they were different type women, that came in there in '73 that I had worked with back in the '60s. They were aggressive, they were politically smart, and smart otherwise, you know, had college degrees. Some had been in the Peace Corps. They knew their way around the state legislature either by having lobbied there or in Nancy Fadeley's case because she had worked for her husband, Ed as the secretary there. And Nancy, in her own right, was a journalist. They came there in '73, those women came there knowing the issues that they wanted to work on, and knowing how to do it. And early in the session we had the Equal Rights Amendment had passed the Congress. And by the time we convened in '73, twenty-two state legislatures had already ratified. The ones that had annual sessions had been able to take it up and had ratified it. So we so that as really the ball rolling in favor of the ERA. We women had been working—some of us had been working—with women outside the legislation who were in the Political Women's Caucus, NOW—National Organization for Women, AAUP. This [was] professional women, a whole group of them, who wanted Oregon to ratify the Equal Rights Amendment. So they had formed a coalition outside the legislation among all of these women's groups to be the force behind getting it passed. That they would go and lobby and they would put their political strength on the line to get this thing

passed. So in '73 there was an organization called the Equal Rights Alliance that was Gretchen Kafoury was hired by the Equal Rights Alliance to be the lobbyist just to get the Equal Rights Alliance, just to get the Equal Rights Amendment passed. And Eleanor Davis who was the wife of Charlie Davis, who was very active in ACLU, was really the person who had helped organize the group that represented all of these multiple women's organizations. Carol Hewitt a lawyer, woman lawyer, who at that time, or just before that time, had worked in the labor commissioner's office and had done a lot of work on the discrimination on the basis of sex cases that had to be investigated in the labor commissioner's office. So Carol was very good and very knowledgeable and a good leader in terms of talking about the legal aspects of the Equal Rights Amendment. Early on in this session when all this stuff was happening outside and inside the legislature Norma Paulus came over to me in the Senate and she said, "Betty, well all of us, all of the women over there in the House have been talking about we really ought to get organized. We really ought to work on how we are going to get the Equal Rights Amendment passed." And so she said, "We are proposing that we have a Women's Caucus across party lines and that you chair it because of seniority and being in the Senate." And I truly hadn't thought about that with only two of us over in the Senate I knew that mostly action as far as the women were concerned was going to take place in the House. You know, Betty and I just had to keep our alliances together with the men that we had. And there were some good men in there who supported all of those issues. Not always a majority on every issue, but you know they, generally, would be with us. And it made sense by—and so I did say "Okay I'll chair it just let me know when and where we'll be there." And we stuck together through that whole session because as soon as the Equal Rights Amendment was ratified early in the session by early February it was out of there. We then began to take up, and collect, and organize, all of the legislation that all of we women and some men had introduced. It was amazing, Katherine, how much legislation had been introduced. It had to be twenty or thirty bills. Just dealing with women's issues. Credit. We talked last time, a little bit; about a women couldn't be an insurance agent unless her husband was bonded. Discrimination in insurance coverage, single women were having a lot difficulty getting insurance for themselves. It was just situation, situation, situation. Public accommodation, one that you really was so public and angered so many women, was the restaurant in the Lipman Wolfe Department store that was called Perkins Pub, and they closed during the lunch hour from twelve to one, only men could go in there to have lunch. And, on the

reasoning that women could eat anytime because they were just downtown shopping, but men, who had only an hour for lunch, who were working in the offices, they assumed, were the ones they had to serve. And then of course as we looked into there were a lot of other places that were discriminating too. Motels, we learned from people who came to testify, would not rent to single women because they were suspicious of what that single women's purpose was in renting a room. And a women who is in business and traveling, you know had to rent hotel and motel rooms. So it the stories were just endless in terms of what the women were experiencing. Particularly those who are now in professions and who are moving out into the business world and encountering the men who were being able to deny them what equality, what they should have and be able to do. We also had some domestic relations cases. I remember the first time we had, in Ways & Means, a proposal for funding of what was called battered wives retreats, or places, where they could go for safety. And that "battered women" was the first—now we call it domestic violence. You know you have to attach a name to some of these things before they become real. And you really didn't know how large the problem is. We also had judges, domestic relation judges who were denying women support even though they had put a husband through school, law school, medical school, whatever, while they worked. Then they stayed home to have children, and then a divorce happened, and their contribution was never considered as an economic contribution. It was just something the woman was supposed to do. We had passed in, I think it was '71, the No-Fault Divorce Law, which before that time there was a list I think five reasons that a person had to have to get a divorce. Were you practicing then when those old statutes were there?

KO: No, but I remember reading the cases. They were truly bizarre.

BR: Well to get a divorce there had to be abandonment or the spouse, the opposite spouse, convicted of a felony, or adultery and so you know the five there was one catch-all that it was, you know, irreconcilable indifferences exist between the parties making it impossible for the marriage to continue or language something like that. I remember saying that over and over and over because that's generally the basis on which we'd have to get it. And then we had to prove irreconcilable indifferences, which then exposed the parties to every mean thing each one ever did to the other one. But when we passed the No Fault Divorce law that truly was a landmark in

changing the way people looked at, and in fact we didn't call them divorces anymore, we called them dissolution of marriage. And, it became petitioner and respondent instead of plaintiff and defendant. It was almost like, before, divorce had some sort of criminal connotations to it. So in keeping with changing those divorce statutes and the waiting period for remarriage, and so on, there were these other domestic violence issues that came along with that. There were the old statutory provisions that allowed for a lawsuit to be filed for alienation of affections, but the court had always ruled that that was an action that the husband could bring not the wife, recognizing, I mean still reaffirming, that society thought of the wife as the man's property. So that he could sue for damages if, in fact, his wife was having some affair with another man. Maybe at her, you know and freely so, consent, arrangement. And perhaps over in the middle of divorce he could still bring alienation. And I had a client that that was the situation and the wife—her about-to-be husband as soon as she could get divorced from the one she was married to—was sued by the husband really as a way to get custody of the kids. And as—

[End of Tape 3, Side 2]

Betty Roberts
Tape 4, Side 1
November 10, 2005

KO: This is the third side to be recorded on November 10, 2005, Katherine O'Neil interviewing Betty Roberts. We're just talking about alienation of affection suits. What damages would a husband be able to get when he filed an alienation of affection suit?

BR: Well, it's whatever the jury said.

KO: Oh, so it'd be monetary or—?

BR: Of course, yes. They sue for damages. Missed property. After all, what's a wife for? You know.

KO: Somebody else takes his property, so he gets damages?

BR: Right, yes, yes.

KO: And that was in 1973?

BR: And I introduced the bill to repeal that statute and it did not get out of the Senate. It did not pass the Senate. So there were a number of these bills that we were working on. There was the prostitution bill, which I think is important here, that would make both parties liable. This bill came to us from Judge Shirley Field who had been in the legislature and who now is a judge whose taking up some of these causes. She was very pro woman. Well, she was more anti man than she was pro woman, but—

KO: She ended up on the right side.

BR: She ended up on the right side. Shirley was single all her life and I don't know, she must have had some bad experiences sometime.

KO: Single, and very difficult.

BR: Yes. Single, and very difficult. But, anyway, she didn't like men too well. She told me, she called me and asked me about this bill to introduce, because she said that she had had prostitutes brought in to her court and that she had for sentencing, they had pleaded guilty, so she had to sentence them, and she just decided that that wasn't fair. That this was, in her words, a contract. That it was business contract. That the man made a deal for services and that if it was illegal for her on her side of the contract, it had to be illegal for him too. And so, she challenged the prosecuting attorneys on this and just said when you bring the man in, so that I can sentence them both, then I'll start sentencing the prostitute, but now I won't. Well of course, they just took the prostitute to another court and got a different judge and took care of that. But Shirley called me and said, you know, that she just didn't think that was right. So we took this up with the

Women's Caucus and got a bill introduced. I'll have to look it up to see whose names were on it. But I think probably all the women signed it. I know they did as a matter of fact because I recall that the bill was introduced to the House, and when it came to the Senate, Jason Boe sent it to my Consumer Business Affairs Committee. The President has the authority to determine what committee is going to hear what bills.

KO: And prostitution goes to consumers?

BR: Consumer Business Affairs. And I remember him saying to me, after the fact, he said, "Well, you didn't catch that little joke when I said that you were going to get that bill, but he says, and this was after the session, that he says I just think it is a matter of a business decision here." And I said, "Well, that's what Judge Field decided it was." So, I was chairing my Committee and Betty Browne was my vice-chair. And so, I didn't think we'd have any problems getting that bill out. It had already passed the House, and so it did pass the Senate. So now, in Oregon, we have the bill that makes both parties liable.

KO: That was 1973?

BR: That was in 1973.

KO: That was whirlwind of a session, '71 and '73.

BR: Oh, they were big sessions. And in '75 still was a big session for women. Because the things we didn't get passed in '73, like the name change bill, then, we said alright; we've got to try this thing again. And sometimes, it didn't get passed in '73, I mean '75, so then, we were introducing them in 1977. So, I think, you know, we've talked enough about the legislature. We can go on and on about what was considered in those sessions. It would be important for me after, well '73 was by far the "women's legislature", the *most* accomplished in behalf of equality for women, I think, that has ever taken place, and certainly in Oregon. But that didn't mean that it's still isn't important; something that has to be watched constantly. There's always new situations coming up. So, in '77, well in '76, I worked on Jimmy Carter's campaign running for

President, and was co-chair of his campaign in Oregon, and went that year when the Democratic Convention was in New York, and went to that one. I spent a lot of time between those sessions and even during those sessions carrying legal files back and forth and working, doing my legal work at home on weekends. Keith had decided not to run after the '73 session. He had decided that he'd been there longer than I had because he had been there many sessions before I had. And he, I think, decided that he want to spend more time practicing law, and, he was, Keith was something of the old school of politics, that you work your way up and seniority means something. When these younger people started coming into the legislature, and the changes that I mentioned early in '71 and continued in '73, they had their own ideas about how they wanted to run the legislature. They wanted to be a part of it. They didn't want just seniority to be what gave you a committee chairmanship or what made you the Speaker or the President of the Senate. And so, they in a sense shook up things, quite a bit. And I think Keith felt a little uncomfortable with that. They liked Keith, the younger members of the legislature liked Keith very much because of his teaching at Portland State. He liked, most of all, to be a teacher, I think. And so, he'd help them with any question they had and along with a little fatherly advice, which they could take or not take, some of them liked it, some of them didn't like it. But I just think he thought his time in the legislature had been, he'd given enough and that he would concentrate on his teaching and practicing law. So, when I went back in '75, he was not with me. But we had bought a condo down there, and so he came down a lot in the '75 session. It wasn't as though he was completely, completely out. But as he then began to work more on his law, and I began to have more cases, a lot more cases, and I think probably cases came to me because of name familiarity, of being in the public eye, of well I ran, and we should not avoid this, I guess. In '74, I did run for governor in the primary campaign and was beaten only by a little over 8,000 votes by Bob Straub who went on to become governor for four years. And it was a heck of a good campaign. Few serious women had run statewide and certainly not in the time that I had been there. Shirley Field had run for State Treasurer and was defeated. Beulah Hand had run for Secretary of State and had been defeated. Alice Corbett had run for Secretary of State and had been defeated. So we had some women running, but no one was making it.

KO: Or coming close.

BR: Yeah. And the fact of more women's names being on the ballot was important. so that the voters would get used to it. And, there's some victory in that, is that somebody has to pave the way. So, when we began talking about the governor's race, during the '73 session, the press would ask me and others would ask me, and I had people who wanted to work in the campaign. And we did put together a whale of a campaign, in '73. Len Bergstein came on as the chair of campaign. He had been lobbying for Legal Aid, and I knew him as the lobbyist there, in the '73 session. And with the ball rolling for women's issues, looking better and better all the time, and with all the support I was getting, I did decide to run. And so I did. And it was a three-way race, with Bob Straub, and Jim Redden, and myself, in the primary. And I think by all accounts, press accounts, that it truly was an outstanding campaign. And probably did a lot for saying to the voters, a credible woman, a qualified woman needs to be considered seriously for higher office in Oregon, and in the country. But I didn't make it. And then in summer of '74, Wayne Morse had been trying to make a comeback. Bob Packwood had beaten him six years before for his U.S. Senate seat. And Wayne Morse had been there for 30 years or more. First as Republican, then as an Independent, then as a Democratic. He was really, truly a recognized statesman by anybody's measurement.

KO: The only senator to vote against the Gulf of Tonkin resolution?

BR: He was one of two. I think the other one was from Alaska. Senator Stevens maybe, I'm not sure or someone, no, it was someone who proceeded Senator Stevens. At any rate, at least that's my recollection, Katherine. Wayne Morse had run in the primary and had been elected, and he was looking forward to trying to defeat this young man who had beat him six years earlier, when he died. And he was elderly. But the Party, the Democratic Party, then had to select someone to run in that vacancy.

KO: What month did he die?

BR: In July, late July.

KO: Late July, wow!

BR: And the Democratic Central Committee [states its whole?] committee meeting met over in Baker—it was then Baker, now it's called Baker City—in Eastern Oregon, on the August 11th, to elect the replacement. And so many people saw me as coming off of a well-run campaign and being able to pick that up and go on and give Bob Packwood a real challenge. I hadn't thought about going to Washington and had never run for a position to go to Washington, D.C., because I had thought what I wanted to do is stay in Oregon, and would have preferred to have been nominated Democratic candidate for governor and stay in Oregon. But the pressure was on to get somebody who could run, at least, a decent campaign. And so, I got that nomination, and then had to change from state issues to national issues, from raising money locally, to raising money nationally. Particularly going back to Washington, D.C., to see the national organizations back there, and then talk to national lobbyists, talk to the senators, the national Democratic Campaign Committee in the Senate and the national party people—totally different approach. And I had lost some of my campaign workers, Len Bergstein had gone to work for Bob Straub. With my blessings, I said sure, I'm going to support Straub myself. But we did pick up some of the Morse campaign people who came over to work for me. But still it was a matter of getting the organization functioning again, starting again. And so I only had eighty-four days, I think it was, from the time of getting the nomination to the Election Day to do all that. To raise the money, to learn about the national issues, and during that campaign, we had three debates and the press called all three of them a draw. As far as I was concerned, that was good news to me, I held my own at least.

KO: Against the man who had been U.S. Senator for six years.

BR: For six years, and could have learned the issues for six years. He had a lot more money to spend than I did too. And I'd learned that campaign was getting pretty close, about ten days before the election. But Bob Packwood, I learned later, also had that same poll. So, he really went all out last weekend of the campaign and I don't think I ever really felt that I would win that campaign. But I thought I would come awful close and it was 45% to 55%, so that was not close.

KO: Well, for the campaign, your campaign lasted three months.

BR: Eighty-four days.

KO: Eighty-four days. His campaign lasted over the six years he was in the Senate.

BR: Well, Bob Packwood was a good campaigner. He is a good strategist. And he was given credit for really getting, taking the House back from the Democrats in 1965, when it became Republican controlled again, and in '67, and continuing in '71, Republican control. I remember really admiring Bob Packwood for his ability to put some of these campaigns together. But what people said about his own campaigns was that his support was very broad but very thin. We use to call it, during the days that I was campaigning, that it was a mile wide but an inch steep. So if you get below that inch deep to people who wanted to see more substance, more support for the things that they were interested in, and that's the way we carried on our campaign, was to try to do at. But in the last few days, he made me look pretty bad in terms of a few issues because he had the money to spend and he could compare—Bob Packwood is good, Betty Roberts is bad, you know, sort of thing that we see so much of in campaigns today.

KO: Which takes a lot of money.

BR: It takes a lot of money to do that, and so he won. But anyway, I had that year of campaigning. So in the '75 session, I said, I don't want to be on Ways and Means. I need to pay a lot more attention to my law practice and I want to be on Judiciary, because I had not yet had the experience of being on the Judiciary Committee. And Jason Boe agreed, I said but I probably will want to go back on Ways and Means next session. So, this is just a temporary thing to give me some other experience. So I had my Consumer Business Affairs Committee again, went on the Judiciary Committee where Betty Browne chaired that committee, and then was on the Agriculture and Natural Resources Committee. And we had a big one there because that was when air pollution—and we'd create a DEQ back in one of those sessions there, '71, I think—Department of Environmental Quality. And we had the grass seed farmers all up and down the Willamette Valley who maintained that the only way they could kill the fungus and the disease

that infected the grass seed business was to burn their fields. And they did that at the end of the season, always in late summer months and early fall months, causing a tremendous amount of air pollution all up and down the Willamette Valley, particularly in Eugene, where it would just go down into that, because Eugene is the end of the Willamette Valley, and then you bump up against the mountains down there, where it would just accumulate and people who had any kind of respiratory problem, just aggravated it. Well, it was a terrible health hazard, really, for many people. And we had accidents on the highway I-5. Do you remember that?

KO: Oh yes, you couldn't do, I-5 would be closed, because you couldn't see a foot in front of your hand.

BR: That's right, because of the smoke.

KO: And they'd start the fires whenever they decided they were going to start the fires.

BR: Well, it was whenever, right. After DEQ came, after then they had to get permission. DEQ would give them permission based upon the way the wind is blowing and so on. But, only after there had been all those accidents. One big accident, a huge one, hit, killed a number of people on the highway there. And, of course, the wind condition could change. So that committee, the Natural Resources Committee, Agriculture and Natural Resources Committee, had that big bill with them. And I was really eager to work on that on that issue, and did. [*noise interference from microphone*] So '75 led me out in to some other areas that I wanted to be in. Not just single issues or single, I was getting awfully tired of consumer issues, by that time. I needed a break.

KO: Having caused a revolution, you're going to move on.

BR: Right, right. Once a revolution is done, let's go on to another one. Find another cause. So '75 session, and I remember in '75, because my caseload, my lawyer caseload, was increasing that I took cases back and forth, when I was not in committee meeting, I was on the phone. Placating clients or talking to another lawyer trying to resolve a case or getting a settled rule with

the court or doing some darn thing or other. And then I spent Saturdays, all day Saturdays, seeing clients. And so when I came back from the legislative session in '75, I just picked up and said this is who I am, aside from being a politician. I had pretty much made up my mind I wasn't going to get in anymore statewide races and that I, like Keith, was beginning to think, well, maybe my political days, I should put behind me and just practice law. But I had to run in '76 and I wasn't quite there yet. I had to run for reelection in '76 and so, but I had no opponent to speak of, so I did very little campaigning. Keith and I bought a building over on Northeast Broadway near the big Lloyd Shopping Mall that we converted into law offices. So that instead of us paying somebody else rent with a group of lawyers downtown, we were in the Boise Cascade building over here by the Civic Auditorium, we would put together an office and we would rent to other lawyers. This was a building that had been part residential and part piano studio. So it was just ideal. The part that had been residence on one floor was the reception area. We turned this lovely wood paneled dining room into the library and the kitchen became the work room with a little lunch room, and then there were two offices there on the main floor, which Keith took one and we rented one out, and I redid the whole upstairs and had sort of an attic office in the upper part. The part that had been the music studio that had the recital room was a reception area for the downstairs and then there were about four or five practice rooms that became law offices. And it was just a really swell arrangement.

KO: What was the address?

BR: Twenty-two something. Twenty-two, maybe 2220, something like that.

KO: Northeast Broadway?

BR: Yeah. And we were able to put out in front the nice wooden carved sign of law offices with each lawyers name hanging there. As it came and went, we could change them on the marquee outside. So, we became really serious lawyers and landlords for other lawyers. And we got some good lawyers there who went their own way, had their own clients, and did their own thing, but we had enjoyment with them, in terms of some colleagues that we could talk to and share things with. So, we did that and my practice kept growing. And so that by the time I go

back to each legislature, I always had to have somebody take over a few cases. The alienation of affection suit that I told you about earlier was when we were in the Boise Cascade building. And a man by the name of Charlie Elliott, I don't know if you remember Charlie, he is a handsome man, older man, very striking and he really could argue to a jury well, because he was all the gentleman, proper gentleman. And he took that case from me. He didn't win it, the guy still had to pay some damages, but—

KO: The second husband had to pay damages in the alienation of affection suit?

BR: No, no. The first husband sued the paramour, and the husband won because the jury found that there *had* been an alienation of affections and there was the statute still on books, I'm sure there were jury instructions.

KO: So they had to find upon the facts as presented.

BR: Right.

KO: [They had to file for state?]

BR: Yeah. I don't think they found that the husband was too seriously damaged. I can't remember because Charlie tried it for me. But it was one I had to turn over to him. So I was encountering that. I'd have personal injury cases that were getting ready for depositions or whatever, and, so, Keith would generally take my cases for me. But if not, then I had some of these other lawyers who, with the permission of the client, could handle the case. Hopefully, I'd get back so that I could take them, but, if not, then that lawyer continued to represent my client. And, so in the '77 session, then, well, an interesting thing happened. Because I was on the Judiciary again, I had gone back to Ways and Means. I told the president of the Senate that I can't be the Consumer Business Affairs Committee chair any longer. And this is a funny story that I have to tell you. Beginning back in '71, we had a bill brought in by the barbers who wanted to prohibit women from cutting men's hair.

KO: That is *just* phenomenal.

BR: Well, it's unbelievable. It really is. And even to me at that time, I said, these guys can't be serious. You know, they just can't be serious.

KO: Was it the whole, the Barber's Union, or the Barber's Association?

BR: Barber's Union, yeah. I think they had a union, whatever it was. Because they had to be licensed, and they had to go through the barbering school.

KO: Yes.

BR: And then they had to take the test, and they had to be licensed. Just like hairdressers, women hairdressers had to do it. Or beauticians I guess we were calling them. Not now, they don't like that now. That was beauty school. People went to beauty school.

KO: Yes.

BR: As I recall.

KO: But the barbers went to barber school.

BR: Right.

KO: Okay.

BR: So their complaint was that they were taught to be barbers to cut man's hair. And women were taught to give permanents and to cut and style women's hair. And, therefore, there should be legislation that a woman could not cut a man's hair. So that came in '71 or '73 and, of course, the women hairdressers came in and opposed it, never got out of my committee. We had hearings

on it. I've gone back and looked at the minutes of those hearings, and they're fascinating to me, what the arguments were. But you know, a man just wouldn't be a man if a woman cut his hair.

KO: It must be biblical.

BR: It's just unheard of.

KO: Samson and Delilah.

BR: Samson and Delilah

KO:: Citing the Old Testament.

BR: Well, think back, now think back, Katherine. In all of these things that we've talked about here, you have to think back to the times. We were just getting through the '60s hippie phase there and men were letting their hair grow. I can remember my son's hair growing. I thought it looked like—.

KO: And it did.

BR: It did. And the guys didn't wash their hair as often as women did. So, it not only was long and ugly, but usually it was dirty, too, and stringy. And so you think about that, and then, when the men began to want some hair but they wanted it to not be cut all off and shaved up the back or clipped up the back, they went to women stylists. And this was what the barbers were complaining about. And even men were beginning to get permanents. I mean, *horrors*. Barbers weren't *about* to learn how to give a *permanent*. Because *a man, that's a man*, doesn't get a permanent.

KO: Right, and they didn't want any but any other varieties in their shop.

BR: Nope. And their shop was no place for a woman to be. And, therefore, they didn't think that the beauty shop was any place for a man to be. And they even talked about how a man going in to a beauty shop would intimidate the women.

KO: I'm sure.

BR: And that the women then couldn't feel at ease if there was a man around, all these sort of things. The arguments were amazing, but they believed them. They really believed them. So they keep bringing back that bill. Every session, and I kept not letting it get out of committee. It would have been, I don't know what would have happened if it had ever gotten to the floor in the Senate, but we didn't have the votes in committee for it anyway, because more and more women were cutting, styling, more and more men's hair. And so, it just got to be ridiculous. I remember, in '77, I said to Jason Boe, if you assign me one more time to be chair of Consumer Business Affairs Committee, I'll never call a meeting of the committee, because I cannot stand to listen to those barbers again. So, Jason thought it was funny, but he says, "Well, I could just test you on that." And I said, "No, please don't. I just do not want to be chair of Consumer Business affairs." So, these stories, Katherine, could just go on and on, it's amazing. And it's amazing I can recall so many, I guess. It was a strange period in there, really important societal transition period going on when people really didn't know whether they were supposed to be traditional or unconventional or new and experimenting or what. Anyway, '77, I was on the Judiciary again. I was on Ways and Means again, and I was on something else again, I don't know. We had a Committee on Aging in there somewhere. And I was really interested in problems of the senior citizens then. Coming before the Judiciary Committee was a bill that would add four members to the Court of Appeals, four judges to the Court of Appeals. We had six. When the Court of Appeals was created by the Legislature in 1969, it was created with five judges. And then I think, it was '71, we added one more judge because the work load had increased, and then, in '77, the Chief judge, Herb Schwab and the chief justice from the Supreme Court, Arno Denecke, came to the Judiciary Committee, and they were asking—their bill that they had introduced was for two judges. So, we were sitting and talking about the caseload. How much judges could do and so on. And how soon did they expect they're going to need more judges. And they said, "Well probably next session will be back asking for two more." And so, the general feeling on that Judiciary

Committee was well, if you're growing that much in terms of caseload, why don't you just ask for four judges now. And they said well, frankly, because they didn't think the legislature would fund it. So they'd take what they could get. So, out of that Judiciary Committee came a bill that would change the two to four and give them the four. That bill then went to Ways and Means and I chaired the subcommittee in Ways and Means where we considered funding those judges. I had all the court's funding, in fact, in that subcommittee. But as some background here that's interesting because of the purpose of this taping, before we had a court of appeals, every case that came out of trial court went directly to the Supreme Court. When the court of appeals was created in '69, they had to decide on a split jurisdiction. Not all cases would go through the court of appeals. Some cases would go there, others would go directly to the Supreme Court. Generally, the cases that went through court of appeals were the *de novo* review cases: the domestic relations, administrative law cases, probate that sort of thing. And then I think the criminal cases went through the court of appeals. Tort cases, contracts, others that tended to have big money associated with them and larger money, or more complex cases, went directly to the Supreme Court. Internally, in the bar association, there was a big debate about whether having one appeal or two appeals gave some clients more due process, because a case that went through the court of appeals then had another appeal to the Supreme Court.

KO: Two bites of the apple.

BR: Right. And some lawyers liked it because if there cases went directly to the Supreme Court, less expensive, and they got there faster, and of course the cases that had to go through the Court of appeals, more expensive and more delay. So, the Bar was backing, you know, let's do it one way or the other, and we've got the Court of appeals, so they are all going to go through the court of appeals. So we had support for the four judges from the Bar, just do it all, and when the bill then came to my subcommittee for funding, there was no problem with me, all I had to do then, of course I passed it— voted for it out of Judiciary. But then I talked to my other committee members, five on the committee I think, and assured them that the Bar was supporting it and most lawyers were supporting it and so it passed there and went in the court's budget bill and passed the Senate and then passed the House. In the '77 session, we got four more judges. I left that '77 session not giving a thought at all to being one of those judges and certainly had never

ever thought of it during the process. There was a little bit of discussion when my name started appearing in the press, and that's where I first saw it, frankly, that who was the Governor going to appoint for four positions. And with all of this that was going on in the legislature and all of the women's organizations that were making noises about women's equality, surely the Governor was going to have to appoint a woman.

KO: Now all of that there had never been a woman on the Oregon Supreme Court or the Oregon Court of Appeals.

BR: That's true, at that point. And so, during that summer after it was over with, there was the press began to talk about it, well who's likely to be the four. As far as a woman was concern, the early report was probably Helen Frye, who was a circuit court judge in Lane County and been appointed by Bob Straub during his administration, had been a good friend of Bob's, and had been married to the District Attorney there Bill Frye. And that she would be probably Straub's choice because he knew her. The press later reported—*[telephone rings, tape shuts off and comes back on]* So Helen Frye apparently declined. And I have since talked with Helen, well some time ago. I talked to Helen and I said here is the story as I heard it, and she said you're absolutely right that he did offer it to her and that meant though she gave up her seat on the circuit bench in Lane County; she'd go to the court of appeals, but she had to run for election statewide, then in '78, and she had never campaigned, she had not been elected to anything except to that circuit court bench, and if she had to run statewide, and then if she lost, she would have no court position. So I think it's important to say however, that later, Helen did get an appointment to the federal bench, the federal District Court here in Oregon, after Jimmy Carter was elected president, and I had a little hand in helping with that after I got on the court of appeals. Well then, of course, the press looks around and says what other women lawyers are out there that he can appoint. And at that time on the bench, besides Helen, was Jean Lewis, but Jean Lewis had already indicated publicly that she would soon retire.

KO: Jean was sitting on the bench in Multnomah County, Portland.

BR: Right, and there was Merce [Mercedes] Deiz, who was on the bench in Multnomah County, and Merce would not give up her seat to run either because she had won here in Multnomah County, but as the first African American woman on the bench I'm sure she would not have wanted to give up that for the possibility of not being elected. We had Shirley Fields on the bench here in Multnomah County, but she was District Court judge and she hadn't been on the bench that long and she was particular popular; even from the very beginning. Lawyers didn't like her. They would file affidavits against her, so they could get a different judge on a fairly regular basis and later we learned that Shirley had a brain tumor and had surgery for it. So undoubtedly that was affecting her judgment sometimes in the courtroom. And the fifth lawyer and the last woman was Jena Schelgel in Marion County and she was ill; and so if you looked at the judges, and Helen had turned Straub down, there was no women judge, although Jean Lewis did put her name in the bar poll, and I never talked to Jean about running. But, the press started talking about me as a potential nominee and I thought to myself, well, I'm thinking about giving up the legislature, being more serious about practicing law, I guess you can't get more serious than that, and that I'd really had not tried that many cases before a jury, I didn't feel I'd be supported, really, by the trial lawyers, I had had a lot of experience, I've had a number of administrative law cases, even the dog owners out at the race track were my clients. They were rarely before the Racing Commission and I'd done a tremendous amount of domestic relations work. But I just felt that I could do the work, I like to work. I have a good work ethic, and I felt that it might be a steep learning curve, but that I could do it and so I certainly did not discourage the fact of speculation that I might be appointed. But I did nothing about it either. I have a note in my file from Bob Straub; a handwritten note that says "Betty put your name in the bar poll," and it's very interesting Katherine, when some of these younger women are talking about being judges and they come to me and say "How do I get appointed?" Well, I can't rely upon my experiences. I have to look to other people's experience, because mine was very different. And you can't go back and say there were so few women lawyers practicing then that had been in practice, I'd been in practice for ten years, that who had risen up to the level of catching the Governor's eyes so to speak, you know—who would I like to appoint? Well the press started speculating that it could be me because Bob Straub might not like to have me run against him again in '78. I would not have, I would not run against Bob Straub, he was a good Governor, and he was a good Democrat. But it didn't hurt as long as it was still the press floating the idea. And,

so I did put my name in the bar poll, it was a big bar poll, it had to be twenty or twenty-five people whose names were in it. As I recall, I came in about ninth.

KO: So that would have been a statewide bar poll?

BR: Yes, because things change in terms of how the Bar gets involved in all these judicial appointments. And at that time it was not the Board of Bar of Governors. If it was a statewide position, court of appeals or Supreme Court, it was a statewide bar poll; and if it was a County, it was a County bar poll. And that was what the Governor used as sort of an indicator. It was not that—before I went on the Supreme Court, then the bar began to start making recommendations.

KO: Doing actual judicial screenings:

BR: Yeah, Yeah. Because I went through that process at the Board of Governors. At any rate when Bob Straub called me I was at a legislator's convention in Detroit and he said "Betty I'm thinking about appointing you to the Court of Appeals." but he said "some people have said to me, that you are so people oriented that maybe you'd prefer the trial bench." And I said, "Well, I'm not sure that I would." I said, "Well, what are you thinking?" And he said, "Well, I would appoint Jean Lewis to the Court of Appeals and give you her position as a domestic relations judge," and I said, "Bob, no thanks. If it were a general trial position, I'd have to really think about that, but if it's domestic relations, I can't do that for the rest of my life. I had had enough cases in that field to know that it's something that you can really get burned out on and its awfully stressful," and I said, "No I just can't do that. As much as I respect Jean Lewis, and she's done a wonderful job, I can't take that job. But if you want to appoint Jean Lewis, that's fine, because, you know I do admire her." He said, "No no, that's not the question," He said, "I'll appoint you." And I thought about that and I think probably that the chief judge, Herb Schwab, would have preferred to have Jean Lewis because he'd known her for a long time, and that I kind of see his trying to move the governor in that direction. But I also believed that Jean would not have run a statewide campaign. I think probably that would have been her retirement, and because she had already said she was going to retire; and she did, within the next year or so. And

so I just, my women's—whatever— aggressiveness I guess, came to the fore, and I just said “if we are going to have a woman, we had better have a woman we can keep there.”

KO: Who knows how to run a statewide campaign.

BR: Who knows how to run a statewide campaign, because if we are going to lose some of these other women on the court -- I knew we were going to lose Jena, didn't know that Shirley was going get removed, but I knew that Jean would be retiring, and so we'd get down to three judges, when that happened.

KO: You were the only woman in Oregon who was still active who had ever run a statewide campaign I assume, because—

BR: A lawyer, maybe a woman lawyer.

KO: Who'd ever run a statewide campaign, so it was you, if the woman was going to hold the seat.

[End of Tape 4, Side 1; Side 2, Blank]

Betty Roberts
Tape 5, Side 1
November 16, 2005

KO: It is Wednesday November 16, 2005. I'm Katherine O'Neil. I'm sitting with Betty Roberts in her condo in Portland, and we are looking at Mount Hood, clear and beautiful today over the east bank of — Portland—

BR: And snow covered.

KO: And snow covered, and snowed covered.

BR: Early in November.

KO: So Betty we were going to begin by talking about your decision to go on the Court of Appeals.

BR: Well, I think we covered that part about me deciding to take the opportunity to go on the court of appeals. When I began in early September right after Labor Day—

KO: Of what year?

BR: — of 1997. I began to get acquainted with the other judges that I would serve with. Of course, there were four of us who were going on the court of appeals. So I already knew Mick Gillette from our federal case together on abortion. I knew him from his continuing lobbying activities in the legislature for the attorney general's office. I knew George Joseph through Democratic politics and because he had been a professor of mine at my night law school. He had also supported me in my political campaigns, so I consider the both Mick and George friends. I did not know John Butler—a nice person, quiet, unassuming, and rather studious.

KO: He was practicing in Portland, wasn't he?

BR: He was practicing in Portland. I can't remember the name of the, was he with the Lamar Tooze firm?

KO: I think that's where he was.

BR: I believe he was. And I think he also served as Bob Straub's campaign treasurer, and that may be the way that Bob knew him or even before—Bob Straub, the Governor.

At any rate, I knew those except for John and was getting acquainted with him. Herb Schwab, S-C-H-W-A-B, had been the chief judge of the Court of Appeals since it was created in 1969 and had continued to be the chief judge. I think he was named chief judge—I'm not sure about this—but at least he was hand-picked by the governor in '69 who was still Tom McCall. And then there were four others who went on that court, but the four others were gone by the time I got there. So Herb was the chief. We had already on the court, Jason Lee and Jake Tanzer, Bob Thornton, Lee Johnson, and Bill Richardson was the newest member of the court. Bill had been a district judge when he ran for the court of appeals. Bob Thornton had been Attorney General. Lee Johnson had been Attorney General. Jake Tanzer had been in practice for a long time and had also headed up the Human Resources Department for a period of time before going on the court of appeals, and had practiced law with a firm in Portland, and Jason Lee was a lawyer from Marion County.

Interesting bit of politics here going on that I think it is important because when we talk about a collegial court and the importance of an appellate court working together. This was a very difficult court to do that. It wasn't because there were four new members coming on, and we had to learn. It was more the problems that already existed at the court when we went on. Jake Tanzer had been appointed to the court and he had to run for office, and Jason Lee ran against him and defeated him. And there had been a court case that went to the Supreme Court under our Corrupt Practices Act that defines what is illegal in campaigning. And Jake was challenging Jason Lee on some of his campaign tactics. The Supreme Court found that there was no violation and so Judge Lee then took his place on the court of appeals. But then Jake Tanzer was again appointed to fill a vacancy and so we had these two people serving who had run against each other and had been litigants against each other. Unfortunately, the same thing had happened between Lee Johnson and Bob Thornton. Bob Thornton had been attorney general of Oregon for many, many years and Lee Johnson ran against him in 1970 and beat him—Bob Thornton. So then Bob sued Lee Johnson under the Corrupt Practices Act hoping that the court would set aside the election, but the court did not. The court found for Lee Johnson. Bob Thornton then ran for the court of appeals and was elected. The name was well known throughout the state and so I don't recall whether Bob ran against a sitting judge or whether he ran for an expired position that someone didn't run for again.

At any rate, we had four judges, two sets of judges, so to speak, that had been political opponents and that had run against each other. Now that sort of thing doesn't make for a lot of camaraderie on a court. I think that Judge Schwab probably handled that in the best way he could, I have to say that Jason Lee was considered a lightweight, both in the practice of law and as a judge, and never would have been appointed in order to be on the court of appeals, he would have had to run. But his name was good too because his ancestors were well known as founders and frontiers people in the early years when Oregon became a state. So he really was elected on name familiarity and not on his quality of being a lawyer or a judge.

KO: He would have never gotten elected if his last name was anything other than Jason Lee.

BR: That's true, that's true. And so Jake Tanzer really resented that because he was really considered to be a top-notch lawyer and a good judge; and they never spoke to each other. I never saw Lee Johnson and Bob Thornton speak to each other unless in our full court conferences when it was simply about a case, and it would not be directed to each other, it would simply be directly to comments about the case. Bill Richardson told me some time later the he was so happy when the four of us came on the court because he had been a junior judge and the chief judge had thought that he wasn't qualified because he was only a district court judge. And that was before our courts had merged and the districts courts were doing misdemeanors and small civil litigation type cases while the circuit court had the larger damages jurisdiction cases and felony cases. So there was a hierarchy that existed even in our trial courts at that time. But Bill Richardson told me that he thought he went through a hazing period with the chief judge, and he probably did. Because that was Herb Schwab's attitude, which was very much like run the court like it was military unit. And that had been his background; he had served in World War II. Herb had also been a very respected circuit court judge, lawyer and Circuit Court judge in Multnomah County. He had done community work; he had headed up a committee on race and education that was sort of the model study for bringing higher quality education into the "disadvantage children," that could be read differently for the people of color up in the northern part of our city where it was predominately an African American population. At any rate that study was an important study for the school board and did lead to a lot of changes, model schools

program, model cities program, and so on. So Herb was a civic-minded person, but when it came to doing his job at the court he was very strict. And he demanded a certain number of cases be written. Kind of his motto—and we all adopted that—was “don’t get it right, get it written.” Meaning get your opinions written and into full court conference where all the other judges can see it and we will tell you whether it’s right or not. And then you’ll have to go back to the drawing board and work on it. So, that’s the way we worked at the court of appeals was turn out those opinions, rapidly. We all were very conscientious about doing the work well, initially. But it was important that we show some movement; that we show that the cases were being worked on, and that they were moving from one spot on our desk to another into conference.

When I went on the court, Herb had already selected a clerk for me, as well as for the others who were new, because we hadn’t had that opportunity to interview for ourselves. And I had a young man by the name of Rich Patton who just graduated from Willamette Law School, which is, by the way, just across the street from the court and from the state capital building. And Rich was a good selection for me. I would have to say that he, even as a young man, his ideas and mine in terms of fairness and looking at cases from a standpoint of not whether the litigants had status but what the issues were and what we needed to do to bring about justice. For some people, that may sound a little hokey that you look at cases from an intellectual standpoint. But from my point of view, it’s important to look at them also from a standpoint of—how do we do justice here? What’s fair to the litigants? And Rich felt that too. So we get along fine. I depended a lot on Rich to teach me about the procedures of the court because there was no orientation. There was no sitting down together with the four of us with the chief judge explaining how we functioned in terms of hearings and what was expected of us. It was just sort of by osmosis, we were to pick it up. And through Rich who had been there through the summer time, I was able to do that, but also through all the notices that came to our desk. And so, of course, I learned in a hurry—very big hurry—that we sat for argument three days a month. That would take about one week out of our month, including the days we needed to read the brief to prepare for the arguments. And, then we were assigned the cases by the chief judge, and then we began work on it. And each week we had full court conference so that we had a time schedule, a deadline for getting cases in to full court conference. And then we met in that conference to talk about the cases.

KO: Have you heard, were you sitting as panels of three?

BR: Not then. No. When we first went on, we were sitting as a full court, as the court of appeals had before us when they were fewer numbers. That didn't last long. Within a few months, we were sitting in—as by what we called—panels and Herb divided the nine of us up in to three panels, but he himself felt that he had to sit on every panel. And so, he did. He worked himself harder than any of the rest of us because he also as chief was the administrator for the court. He also sat on the Motions Committee and then the other committee that he had to set up to do the business of the court. And so what he did, ultimately, then was decide—then that was after about a year—that he would not sit on any of the cases except where it was necessary to fill in if someone was absent. Or, if it was some source of special case that he felt he wanted to be in on from the very beginning and in the panel conferences.

KO: What was your first panel? Who was on your first panel and how—

BR: Well, I'm trying to remember that. I'm not sure, but I think that perhaps Jake was the presiding judge. Well, Herb continued to be the presiding judge when he sat on a panel. As the chief judge, he then was the presiding judge.

KO: Okay.

BR: And I early on served on a panel with Jake Tanzer and with Lee Johnson. Then as time went on, I think that the chief, when he decided he would not sit on the panels, that he would select the presiding judge and he would, by that time, was better acquainted with the four of us who had come on and that he would put panels together where he felt there was strengths or weaknesses, or whatever, and that we'd all function individually as a very effective panel. So, it kind of meant a reading of our personalities and our work ethic and I ultimately ended up with a panel in which Mick Gillette was the presiding judge. And we had Doc Campbell on that—Bob Campbell—who had come on the court later. Jake Tanzer had been appointed to the Supreme Court. so there was a vacancy there. Jason Lee died; there was a vacancy there. So, we were

having new people come on the court and Bob Campbell from out in Eastern in Oregon was one of those new people. And he was on my panel. So, there were three of us; Mick, Bob, and Betty Roberts. Then when Bob Campbell was appointed to the Supreme Court in about a year or so later. Tom Young, from Eastern Oregon, who I had known in the legislature took his place, and he came on our panel. And so I spent most of my time, I would say at least the last two years, and I was only on the Court for about four and a half years—probably about the last two-and-a-half to three years—Mick Gillette was the presiding judge, and I stayed on that panel throughout the rest of the time that I was on the court. We would have panel conferences. First, our opinions would be written and go into the panel for the other two judges to read and for the chief to read. And then we would have our panel conferences that the chief attended. And then we would have our full court conference once a week. So, we had our arguments, we had our opinions to write, we had our panel conferences to go to, have opinions in, be ready to defend them, argue them, and then we had our full court conferences. Cases only got to full court conference if two judges outside of the panel referred them. So, there had to be a lot of administrative work going on behind the scenes here to get all of this worked out. And I do give Herb Schwab credit for that tremendous amount of administrative ability he *had* to do those things because the court did work very smoothly and we did produce.

KO: Now, going back to when you first got to the court, what did Herb, the old military man, think about having a woman on the court?

BR: He didn't like it, to tell you bluntly.

KO: Did he tell you?

BR: No he didn't tell me, but, I had heard that Wally Carson, who had served with in the Oregon Legislature, in the Senate, had been interested in going on in the court of appeals. It had been suggested to him, that he go and talk to Herb Schwab and, that Herb would help getting him on the court. Well, what happened was and I verified this with Wally since is that he went to talk to Herb without going on the court and Herb told him that he wasn't ready for the court of appeals. That he should first be a circuit court judge. And that he should first work to be a circuit

court judge. And Wally who has just now resigning as our chief justice of our Supreme Court, and who I also did serve with on the Supreme Court, did then seek a circuit court judge position and then did serve as a circuit court judge. And someone suggested to me that I might go and talk to Herb as a sort of breaking the ice sort of thing. And I thought about the rumor I heard about Wally and I said to myself, I don't need another man telling me not to do something. Or, that you're not prepared to do it or that you shouldn't do it, or whatever words you might use. And so I didn't go. And I think that in a way that didn't sit well with Herb. I think that he wanted to hand pick his people.

KO: Sure.

BR: On the court, because he knew he'd have to work with him. And I think that he had some influence on the governor on who he wanted on the court. And, that might had been why it was suggested to me that Jean Lewis should be, should go to the court of appeals if I wanted to be a trial judge. And of course, I've already told that story. So, I think that when I went on the court, Herb didn't expect me— There were a lot of things, a lot of strikes against me so to speak. Not only that I a woman, but that I'd never been a trial judge. Not even a district court judge like Bill Richardson. And I had not done, in his opinion, the required amount of trial work as a lawyer. And I conceded that point, that it would have been much more ideal if I'd had more trial work, I knew that.

KO: But you *had* tried cases.

BR: I had tried cases, yes. And I had lot of experience. I thought I had a lot of experience, but not as much as he thought I should have, and not in the way that I should have. And of course, haven't been in a big law firm, haven't been dealing with business transactions, or that sort of thing. And so, I think he just was very concerned that I wouldn't be able to do the work. Another thing that I think bothered him was that I had been a very active Democrat, had been very active in women's legislation. I had made my mark in the legislature. I really had developed a good deal of power in the legislature. I had to resign from the Emergency Board, which is sort of the interim legislature for funding of a certain money that's not appropriated during sessions left to

the Emergency Board and agencies have to come before that board for any interim funding. And I was serving on that board.

KO: Because the Oregon legislature only meets every other year.

BR: That's right. And I was serving on that board and I had been on Ways and Means in fact, the money for the four judges on the court of appeals had gone through my subcommittee. And I think Herb just thought I was going to bring a political agenda to the court. I don't think he saw me as an ideologue of any sort unless it was on women's issues, and he would be right there, if he thought that. Fairness for women, equality for women, yes, that's where I was.

KO: Was he in favor of fairness for women and equality for women?

BR: Well, that's debatable. He had a sister. Mildred Schwab, who served on city council, [Portland City Council] and he thought the world of her, but Mildred was single—a rather tough woman—who had her German Shepherd dog with her everywhere she went, as well as her pack of cigarettes.

KO: And wore tennis shoes—

BR: And wore tennis shoes—

KO: —and never changed them, no matter what the occasion was.

BR: And many—this is probably not nice to pass on—but many people said that her brother was better looking than she was. And that's true. He was a very handsome man, I thought, and she really didn't care about her looks. At any rate, I think that a woman from Herb's standpoint had to be more like his sister than one who was more feminine looking as I was, and am, and who might have more feminine traits.

KO: And charm. .

BR: Well, whatever.

KO: [So that he?] We? could begin with charm. [*both chuckle*]

BR: And so, I think, he had an idea that for a woman to succeed she had to be kind of a tough bully.

KO: Yes.

BR: And I was not in that category. So he had a lot of reasons, I think, in *his* mind that he could say that he just didn't think I had the experience and that I was too much of a politician to serve on the court of appeals.

KO: Now what did he *do* coming out of those beliefs? How did you—if he didn't tell you right out?

BR: He didn't tell me, but he ignored me. Being ignored, you talk to people of color who tell you about not being included in a conversation. Or people looking right past them and knowing that they are there, but ignoring them. That's what happened to me at the court of appeals, for a very long time.

KO: When you were a judge and you were working there?

BR: When I was working there with Herb. What would happen in our conferences is that because I was "the junior judge" by one year, Mick Gillette beat me by one year in terms of passing the bar. So, we four took our seniority position on the court by the year that we passed the bar.

KO: Okay.

BR: And so of the four that went on, I was “the youngest” so to speak, in not age, but in passing the bar. So I was the junior judge. And as Bill Richardson explained to me, he said, “Betty, the junior judge always gets hazed.” And so, he said, “You kind of have to look at it,” he said, “I went through it and that’s why I was glad when the four of you came on.” So, he said, “I know what you’re going through.” And unconsciously, and maybe on the part of some consciously, that sort of permeated the court with a few people. I think certainly, well, Lee Johnson and I had not gotten along too well in the legislature.

KO: Because he’s a Republican?

BR: He is a Republican and though he and I had worked together on the Bottle Bill—he was the attorney general; we had worked on some issues together—on a personal or social basis, certainly, we had nothing in common. And so, Lee—and he didn’t agree with me certainly on women’s issues. He did not agree with me.

KO: He comes from a very wealthy timber family.

BR: He does, he did, yes. And I think Lee had a fairly good legal mind, certainly as attorney general, but he had a lot of lawyers working for him. It’s interesting that Lee later resigned from the court of appeals to become a part of the executive branch in Governor Atiyeh’s office when he defeated Bob Straub in 1978. So, I think it was about ’79 that Lee left the court of appeals. And that was fine with me because I had always had the feeling that we needed to work together and that we needed to support each other and needed to help each other if it was necessary in order to turn out good opinions. We certainly needed to recognize that we were all working hard and respect each other for that, but sometimes that didn’t happen. There were some incidents along the way. We had a rape case in full court conference that I objected to—the issue was on whether the woman, who was the victim, had given consent. And the theory that the defense lawyer was promoting was that she didn’t fight; she didn’t fight back. There was no evidence on the defendant that she had scratched or fought or bit or anything to try to get out of the situation. Therefore, this meant it had to be consent. Well, I didn’t agree with that, and this was particularly at a time when women’s organizations were even holding sessions to teach women

how to not be killed in a rape situation. And one of their points was don't fight, because if you fight, you're going to get subdued, one way or another, and it maybe that you're subdued by being killed. Choked to death or something of that sort. And so, the opinion had been written approving of the trial court admission of this evidence that she didn't put up a fight. And that was not error to allow that evidence in, which then could left the jury conclude that she did consent. So, I talked to my clerk about that, Rich about it. Rich felt very, very strongly about it. And so together, we wrote a dissent saying that the court made an error that you don't have to show that somehow or another that woman was able to inflict some physical evidence on the defendant. And that we put that dissent in and if a person wants to dissent—

[End of Tape 5, Side 1]

Betty Roberts
Tape 5, Side 2
November 11, 2005

KO: You were saying.

BR: —and my clerk came to me one day and he was so angry, and right after we put the dissent in. He said, “I just passed the Chief in the hallway.” And I said, “Yes.” He said, “And he said to me, ‘I see you’re working for women’s lib now.’” [*KO gasps quietly*] And I said, “Oh my gosh, Rich, that’s so unnecessary. That’s so wrong.” And Rich said, “Well, I really wasn’t going to tell you about it, but the more I thought about it, the more I angry I got.” And he said, “I think that, if in fact that’s the way he feels, our dissent is getting to them.” And I said, “You’re right on.”

KO: Good point.

BR: That’s—that’s and so—and that dissent saved the day.

KO: Well, so you turned the opinion around?

BR: We did, we did. And the opinion then came out in the other direction, which made it all worthwhile, even the comment. Rich said to me once, because he was picking up things from other clerks like—how is it to work for a woman judge? And my secretary, —now called JAs “judicial assistants”—also said to me that there were a lot of other women, secretaries, asking her what it’s like to work for a woman. So, we sort of said, well, just ignore it or else say it’s no different than working for a man, whatever you choose to say. But, Rich kept getting all sorts of feedback from clerks about what their judges would say. And the clerks, of course, being a generation or more younger, thought it was pretty awful. So they would pass it on to Rich, and Rich would pass it on to me.

KO: Well, Bill Richardson supported you to a degree. Did you get any support from—

BR: Well, Bill Richardson supported—well, and Mick did, of course, and George Joseph did, yes, of course, I did. It was just that the whole atmosphere—that the chief sets the atmosphere.

KO: Sure.

BR: And it was that it wasn't congenial. It wasn't friendly. It wasn't a place where you wanted to go and work all day long, because you never knew what the attitude would be. The women who worked there, the women secretaries called then, now called judicial assistants [clerk?], seemed to me they were just afraid almost of everything that went on. And they just kept their heads down and worked. There was one woman who I was told when one clerk left that year had said that she would do everything in her power to see that I did not succeed as a judge because she didn't think a woman should be a judge. Two years later, I was told by a clerk that that woman said she had changed her mind, but that if her judge ever hired a woman clerk, she would quit.

KO: So there were no—

BR: So the women there were even, because of the sort of attitude, the atmosphere that was set, really didn't want to associate with me. And maybe because they felt that I'm a judge, they're secretary, that there has to be some deference paid, I didn't see it that way. I wanted to be friends with all of them. But anyway, that secretary didn't—her judge did hire a woman clerk and she did not quit. But Rich said to me once, "You know, people are saying that you got this job because you're a woman. He said, how do you feel about that?" I said, "Well, I'll tell you what, Rich, right now who we are in society, you can either get a job because you're a woman or you cannot get a job because you're a woman. And of the two, I prefer the first."

KO: Well said.

BR: So, if I got the job because I'm a woman, fine. I'm going to take it and I'm going to do the best job I can here as a woman—as a judge—even though a woman. And, really, that kind of is what happened. John Warden came on our court after I'd been there a couple of years and

about four months into his term, he came to my door and he came in— he said, "Can I talk to you for a minute?" I said, Sure." And he closed the door. And so I thought well, okay, I wonder what's on John's mind? Nice man. I don't know if you know him, John Warden.

KO: Yeah. Very, very, nice man.

BR: He was judge for Coos/Curry County. And he said, "I've been watching a lot of things around here, ever since I came on the court and it doesn't seem to me like you're being treated like everybody else." And I said, "John, you're a very perceptive person and that's exactly right. But it's so much better now than it was when I first came on that I really can't complain." As I said some judges have changed. You're here now. That will make a difference. We had Bob Campbell come on. That made a difference because he was very good—a good person. You know, people didn't matter—they hadn't really worked with women but it didn't matter to them. They certainly were not going to carry on any vendetta against me for being a woman. They were going to work with me. And so, things gradually did get better and I think even with her they got better. I think he saw—what happened was he saw me working and he saw my opinions coming in and he saw that I was keeping right up there with everybody else. And so, he couldn't very well say that I wasn't a good judge. There was a story run in the *Oregonian*, a series of stories on the court of appeals, how it was created and the judges that had been on and so on, and one column talked about Jason Lee and about me as being considered by some to be weaker judges. And so that bothered me tremendously because my statistics—I knew I had a steep learning curve—but my statistics were certainly up there with them and I was doing good work by the time that came out.

KO: Well that just has to be pure gender bias.

BR: So, that was old news.

KO: Yeah. Jason Lee was a zero.

BR: Yeah, right. Well, but then, the funny thing, the very last series was one that came out that said chief judge called, “cold, sexist, and biased and”—

KO: By the *Oregonian* reporter or by—

BR: Quoting—

KO: Quoting, okay.

BR: *Quoting*. Quoting someone who said that. And so, Herb walked into my office with that paper and he said, “Who’s been talking to this reporter?” He said “Judges don’t talk to reporters. Clerks don’t talk to reporters.” And he said, “So, your clerk must have said it.” And I said, “Herb, my clerk has not talked to any reporter, nor have I. I have no idea who said that.” Well, I saw Gary Babcock, who is the public defender for the state of Oregon, in the parking lot. We had to go from our office through the parking lot to the Supreme Court building when we went for argument over in the Supreme Court chambers. Gary said to me, “How’d you like that article in the paper.” I said, “Well, you know, one I didn’t like, Gary.” He said, “Oh, don’t pay any attention to that one. He said you’re doing a good job.” He said, “I mean the other one, the last one.” I said, “It kind of got to the chief.” And he says, “Yeah, I figured it would, and I told the reporter he use my name and he didn’t do it.”

KO: Oh, good for him. Good for him.

BR: [*laughing*]. So that—

KO: I noticed that the chief didn’t ask you if that was—would be accurate. He didn’t ask you if you thought that was an accurate statement?

BR: No. No. No. But he blamed it on me. Blamed it on my clerk who was by that time was a woman clerk. It wasn’t Rich. It was Marjorie Spears. And I said she wouldn’t do that. Anyway,

after Rich left then I had Marjorie Spears who was a clerk. And then I had Kathi Bogan who came on as a clerk. And both of them were just fine clerks.

KO: Were there other women clerks? Did any of the other judges—

BR: Yes. Yes. Other women clerks started appearing. Mick Gillette hired Denise Frisbee. Now Frisbee—I've forgotten what her name was . . .

KO: Denise [?]

BR: Denise [?] And he hired Linda Meng who is now a Portland City counsel. There were others who came on and we had a good group of women clerks then. And, truly they did make a difference in the court.

KO: How did they make a difference?

BR: Just by their presence. Just by their presence, and the fact that they were working with male judges and they were helping very dramatically in the work with the court. And, so there just couldn't be any differences in treatment of the men and the women clerks, they were all the same. They all felt the same. The men clerks didn't mind; they liked the women being there. And so did most of the judges. Herb resigned; retired, I think, in 1980. And I stayed on the court until February 1982. He did come to see me after I had made my announcement that I was seeking the appointment to the Supreme Court. And Herb did get—when I was still on the court—got into the practice of stopping by my office and sitting down and talking with me. As a rule, I'd be pounding away on my typewriter or something or other, but I'd have the books there. He couldn't ignore it. He couldn't ignore the fact that I was working, that I was producing opinions. Both from the standpoint of statistics and as he observed me everyday being there. He did come and told me, he said, I'm going to support you for the Supreme Court, which was really a big change. He said I think those guys over there need you. I didn't want to ask him what he meant by that because there is always some competition between the Court of Appeals and the Supreme Court. When the Court of Appeals judges write opinions, and they are taken for review by the

Supreme Court, everybody—that judge always wonders am I going to be upheld or am I going to be reversed?—what’s their thinking going to be? Often times the Court of Appeals’ judges don’t like what the Supreme Court does to their cases. So, I think, that Herb felt that there were a few judges over there that he thought needed to—I interpreted it as though thinking that there’s never been a woman on the Supreme Court, this may be demeaning to some of them.

KO: Wow.

BR: That this may be—that they may have to come down a notch or two and not consider themselves to be such important people. I think that’s what happened. A lot of people talk about breaking the glass ceiling. Is that where there’s been an all male—and you expressed this, Katherine, and you might want to share that again—you shared it with me off the record, but, where there has been an all male hierarchy and a woman becomes a part of that other males see that as demeaning to them. They’re no longer “Gods,” so to speak.

KO: But at the same time I was litigating cases in Multnomah County in the state and federal courts and I noticed that clients might say it was okay to have a woman be in second chair, but they didn’t want—if the case was really important—they didn’t want the woman to be first chair. The thing that I think was most startling was, well, is, was, to opposing counsel, if I went to the courtroom and I was sent over there as the only person with the file, then the opposing counsel the male attorney—would feel demeaned by the fact that this is a case that was assigned to a woman. So, I was saying—

BR: Same thing.

KO: The exact same thing.

BR: Same thing.

KO: Yeah, this case isn’t important enough. It’s so unimportant they’re letting a woman handle it.

BR: And I think that that's what probably was Herb was getting at; is that the Supreme Court— all males—think they're so important that now if a woman goes there they can't be that exclusive male club anymore and have that importance. And, of course, that's what Herb had to get over at the Court of Appeals, himself. And any other men who find themselves in that position have to understand that if a woman is capable and qualified they're a co-equal.

KO: Yes.

BR: And it is not demeaning. In fact, it may mean just the opposite that, in fact, there is strength here.

KO: Sure.

BR: So, let's go onto the Supreme Court because, unless you have some specific—

KO: Oh, well, I just wanted to ask you, why did you wait that number of years before considering moving on to the Supreme Court? Was it because there hadn't been a vacancy before? Or, you wanted to—

BR: Well, I needed that experience. Four and a half years wasn't long, really, on the court of appeals, and I needed that experience before I could promote myself, so to speak, as being qualified. And what happened was that Tom Tongue announced his resignation from the Supreme Court for health reasons. I went over there and talked to Judge Tongue who I had known from his being my teacher—Evidence teacher in law school—and asked him if he could just hang on for the rest of that year—he was going to be resign in February—the rest of the year, announce his resignation, but then allow me to run for that position because I had been a good campaigner and I knew I could be elected to the Supreme Court. And he just said that he couldn't do it for health reasons. That he really had to quit early. That he'd very much would like to do that. He very much would like to have his seat up for election. Tom was something of a

populist individual in terms of his attitude. He liked for the people to have the say rather than the governor.

KO: I didn't know that. That's interesting.

BR: Yeah. At least that was my impression of him.

KO: But you would know. You would know.

BR: And he said that he would like to do that but that he couldn't do it. So then I had a press release prepared for when he, in fact, did announce publicly his resignation. I indicated that I would be seeking that position and if I wasn't appointed to that position that I—what the press release really did was announce my candidacy for that year, '82. His resignation would be effective in February '82, that would be an election year. And so I was announcing my candidacy for that position no matter who the governor might appoint. So Governor Atiyeh—

KO: Who was a Republican.

BR: Who was a Republican, but who I'd served with in the state Senate. I put my name in then to the statewide bar poll. Well, I don't remember whether we had a poll or not, come to think of it, Katherine. I put my name in any way. There were three of us who went through the Board of Bar of Governors and one was identified as well qualified. That was Judge Weatherford, I think, from Eastern Oregon. And two of us, Judge Rossman and I were identified as both qualified by the Board of Bar of Governors. So our three names went to Governor Atiyeh, then I went and talked to Vic Atiyeh, who I knew quite well; I'd served with him for so long. And he said, "Betty, I really don't like for you to challenge me by saying you're going to run against whoever I appoint." George VanHoomissen had done the same thing; he had run against John Warden and he'd beaten John Warden. But then John had been appointed again so he got back on the Court of Appeals. Interesting to follow all of the political events that went on along here. At any rate, I told Vic, I said "Vic, I'm not challenging you at all. I'm simply saying it's time for a woman to be on the Supreme Court and that I think I can qualify to do that since

I've had my work on the Court of Appeals." Then he took time to tell me about a case he didn't like I'd written that had to do with where the prison guards were a part of collective bargaining. It happened to be a part of a statute that he and I had both voted for in the legislature and I said well Vic then you need to change that statute but don't be angry at me for interpreting a statute that you voted for. And so after that we chuckled a little bit about us and about how things had turned out between him becoming governor and me becoming a judge after we both served in the Senate. And, he appointed me to the Supreme Court. Norma Paulus entered into that though. I think he looked around for another woman—rumors came to me—for a Republican woman to appoint to the Supreme Court. And Norma Paulus told me later that she went to Vic and just said, "For goodness sakes, Governor, why don't you appoint Betty Roberts who you know could keep that seat and who if you don't appoint is going to run against anybody you do and will become the judge—the justice. So why don't you appoint her and then claim this as a political first, that you named the first woman to the Oregon Supreme Court. So Norma said that there were other people, other Republicans, who also talked to him and convinced him that that was the thing he should do. And I think he felt very good about it, I really do, because we'd had a good relationship in the legislature. So then I went to the Supreme Court and I found there a very warm welcome. We have seven judges in our Supreme Court. Arno Denecke was the chief justice. I was sworn in, I think, it was February 8, 1982. And Arno, by anybody's standards, is a real gentlemen. With all the administrator of all the court systems in the state he treated everyone very courteously and very friendly. Certainly he had already set the stage for the atmosphere there. And then I joined Bob Campbell who I'd sat with on the Court of Appeals. I joined Bud Lent who I'd served with in the state Senate and in the House of Representatives. I joined—let me look at my little blue book Jake Tanzer was there. He had been appointed and he was serving there. Ed Peterson who had been appointed. I did not know Ed. I think he was the only one of the seven I did not know, but became quite well acquainted with and discovered that he had been, sort of, transformed into a feminist by his wife, Anna. At least he said so. He said that she really influenced his thinking a lot about women, as I got better acquainted with him through the years. Hans Linde, who I knew through Democratic politics, and he was also one of my teachers at the University of Oregon one summer I was working on my master's degree in political science. So, I knew them all, except Ed Peterson, I knew them all to be very good intellectual, hardworking, fair people. So my four years at the Supreme Court, I have to say was truly a wonderful working

relationship there. When Bob Jones became a federal judge— Well, first of all, when Arno Denecke resigned, still in 1982—later in 1982—Wally Carson came on the court from his circuit court bench. Wally, of course, I had sat right next to on the floor of the state Senate, and he had been a good friend there. Then Bob Jones, Robert E. Jones or what we called Robert “Evidence” Jones, who taught Evidence then at the law school, came on the court when Jake Tanzer resigned. Tanzer resigned simply to go back to the practice of law. I think he told us for alimony reasons.

KO: I think that’s accurate.

BR: That he needed to go back and make more money than a judge makes. At any rate, even losing those two and then the two more coming on, it still was a very fine court. I’ve looked back on those years as being probably a very fine example of a collegiate court in action. That didn’t mean we agreed with each other; certainly not. But it meant that we were willing to work with each other on an intellectual basis, on a professional basis.

KO: Were there cases—you cited that rape case as a case where you’re being on the court made a difference for women. Were there any such cases in the Supreme Court?

BR: Well, let me back up just a little bit and say that I think it makes a difference when any, when any minority person or any woman is on the court. It makes a difference because of the perception that is given to the public. It makes a difference because of the perception that is given to the lawyers. I had women lawyers tell me and, Katherine, you didn’t tell me that, but you were certainly among the few women who argued when I was in the Court of Appeals because you were doing appellate work. But I had one woman lawyer tell me that she was so frightened the first time—she was from the attorney general’s office—when she went on to argue before the court of appeals and then when she got in court it was before my panel. And she said having me on the panel, a woman on the panel, made all the difference in the world and how she felt about arguing her case. And that was Virginia Linder, who is now on the court of appeals, and who is running for the Supreme Court. And, so, I think that that is where it makes a difference internally. I can talk about some domestic relations cases in the court of appeals where

I think I made a difference. I can -- in one case where simple language makes a difference. In one case at the court of appeals, Lee Johnson had written an opinion and it referred to a woman using the word "maiden name" I don't remember the context in which that was done. And I said Leigh could you change that to "birth name" or "family name." I said, you know, women are concerned about the use of that word. It implies that the woman can never keep her name her whole life because—

KO: It's a maiden—

BR: —because it's a maiden name, and she is expected to get married. Well Lee didn't like that and he said you know how I feel about these things, Betty, and the word stays. And to Herb's benefit, now we're back in the court of appeals, again. To Herb's benefit, he turned to me and he said you mean it's something like Christian name and he's Jewish.

KO: Yes.

BR: And I said, you're right, Herb. It's the same thing. That might have been one of the turning points in my relationship with Herb, is when we began, he began to understand some of the things of where I was coming from.

KO: He was a minority. You were a minority.

BR: That's right. That's right. We had more in common— *[laughs]* KO: Yes. Right.

BR: — than we had differences. And, at the Supreme Court because the guys were all so great there, Ed Peterson used to regularly ask me in full court conference about some language, and he'd say, "Betty, is that sexist?" I hadn't even thought of it as being sexist, and I'd have to say to Ed, well, how do you see it as sexist? Maybe *I'm* overlooking something here. It was just an entirely different group to work with so they were very sensitive to that. But nevertheless, I do think, yes, being a woman made a difference to those who were arguing before us. I remember when I first asked a question and it startled the lawyers and the other judges, not on the Supreme

Court, but on the court of appeals, so much that I think it inhibited me not to ask any questions—to be very vocal from the bench thereafter. But it was though here is a woman's voice coming from where only males' voices come from.

KO: Has ever come from the preceding 100 years.

BR: And judges are gods, you know, and this is god's voice. And so, if it's not a male's voice what am I hearing here? It truly was startling. The lawyers sort of jerked and looked and the judges sort of moved about like I'm uncomfortable here. I just said golly, I didn't realize that just hearing a woman's voice in a courtroom as an authority could make that much difference. But it was a very perceptive difference in how those men reacted. And my question was answered but—

KO: That's remarkable.

BR: So, at the Supreme Court, it still was good. I remember the swearing-in day, and the courtroom was packed. They were standing around the back. They were standing down in the hallway and down the stairs. And when I was sworn in the applause was just enormous and sustained.

KO: I was there.

BR: It just went on and on and on. And I had to say to myself, it was very moving. But I knew that it was not for me the person, but for me the woman.

KO: The first woman on the Oregon Supreme Court.

BR: It was for the women, who ever that woman might be, going on the court.

KO: In part.

BR: In part. Well, I have to say a lot of them were my old campaign workers. [*both laugh*]

KO: Right. They were there applauding for you.

BR: They were there applauding. They were finally saying, well, she finally made it to something or another.

KO: Yeah. [*laughing*]

BR: Yeah. And a lot of family, too, I might say, was there. Well, there was a case that I'm not sure made any difference—

[End of Tape 5, Side 2]

Betty Roberts
Tape 6, Side 1
November 16, 2005

KO: This is the second tape on the afternoon of November 16, and Mount Hood is now turning a little pink,[BR chuckling] but we are going to carry on and wrap it up today. You were mentioning a case on—

BR: *Hewitt v. SAIF*, which it was— Let me just back up and say that Kathi Bogan who'd come on—who had come to me to be my clerk at the court of appeals and had been there with me almost two years. Marjorie Spears stayed for two years, and I was one of the first to have a law clerk stay beyond one year. It's just the accepted thing to do now. You train for year and then you get some work out of them the second year, but Kathi had been with me at the court of appeals and then she went with me over to the Supreme Court, and her tenure didn't end until that fall. So early on in '82 we had, or soon after I went over to the court, one of the cases that came before the Court was a case called *Hewitt H-E-W-I-T-T v. SAIF* capital S-capital A-capital I-capital F, which is our worker's compensation benefits insurance.

KO: State and Accident Insurance Fund.

BR: State-sponsored insurance company. The facts were that a man had brought a case before the worker's comp board asking for death benefits for his wife who had been killed in an automobile accident in Eastern Oregon while she was on the job. And I need to back up because they were not married, but they lived together, and they had a child together. The Oregon statute provided that in the event of the death of a male worker who was cohabiting with a woman and they had a child that that women would be paid the death benefits. But it didn't apply to the reverse; to the situation where it was the woman who was killed. I don't know how we all wrote that one in cleaning up all the statutes while we were working on the equal rights amendment and various other pieces of legislation, but we didn't. And so he was claiming that he was entitled to those death benefits and that the statute was unconstitutional. The Board denied him—the hearing officer denied the claim—the Board denied the claim, the Court of Appeals

denied the claim, and it came to the Supreme Court and we took the case. It was assigned to me to write. Well, ultimately, we decided that the statute was unconstitutional and the importance of that case was that we used Article I § 20 of our [state] constitution, which is our equal privileges and immunities provision in our statute, to say that the law was unconstitutional. That it was discriminatory and therefore unconstitutional. And we went into full court conference. There was a debate about whether this particular defendant could recover. That it was enough that the law was declared unconstitutional, therefore there was no law under which he could recover. And I argued against that saying that there is a concurring opinion written, I think, by Ed Peterson saying that he agreed with the reasoning but not the outcome. That we couldn't then just legislate and make that law then equally apply. Well I got a majority vote for my position that after he had taken, that the law was unconstitutional but that wouldn't did not deny him the benefit under the law. And so we had that little debate, but all the judges were with me on that conclusion. What was significant in the case is that we did develop the suspect classification in that case, which to lawyers and judges means a lot, because it means that if there is discrimination, if this is on the basis of sex—and race has for many years been seen under the federal Fourteenth Amendment as a suspect classification—in which the burden shifts from the plaintiff to prove discrimination to the defense to prove there was *not* discrimination. And that makes a lot of difference in terms of how the litigation proceeds and how the court proceeds then in examining the law. So we were able to, in spite of the fact that Oregon ratified the Equal Rights Amendment to the federal Constitution, Oregon does not have an equal rights amendment in our state Constitution. And there was a lot of debate going on during that period of time with women's groups and I knew about it sort of peripherally because I was not really working with women's groups then. Some people were arguing that they should get an initiative and put on the ballot a state ERA since the federal ERA was never ratified. *Hewitt v. SAIF*, in order to make sure that it was treated very much like an equal rights amendment—we also were able to get in language in the text and then by footnote—that while Oregon does not have an equal rights amendment it is not necessary under the Article I § 20 provision of our constitution, and that this case says so. That was a great breakthrough, in my mind, for women in Oregon not—unfortunately case law is not looked upon as permanent as statutory law—but sometimes it has more permanency because the legislature can change it each session. As the legislature can change case law if they so choose. And courts can change case law and do over a period of time. But I was able to have Kathi Bogan with me

on that case and also Maureen Leonard who took Kathi's place. There was a little overlap that for about a month when those two women were my law clerks. And so the three of us worked on that case and we kept trying to move into that case everything we possibly could that would make it so strong in terms of prohibition against sex discrimination. And, you know, I had a bet going with them that we weren't going to be able to get that suspect classification through full court. And we weren't going to be able to get the reference to the ERA through the full court, but we did. And so with small changes, but not with changes in the important parts of the decision, it was approved by the Supreme Court. Unfortunately that case was so significant to me and—that I thought surely there were going to be a lot more like that on the Supreme Court—well that's not the case—you don't get a case like that every day.

KO: No.

BR: Unless you are at the U.S. Supreme Court, I guess.

KO: Yes.

BR: But there were others that were certainly important. Not ones that I could actually point out made a difference because I was a woman, but there was one that I was able to get into a footnote and leave in the quote from the Statute of Liberty and I had a note from a lawyer writing me saying "I never ever thought I would see something such as this." The lawyer was defending a person who was about to be deported for a crime he committed and the immigration authorities then got into the act and they were going to deport him. And in that case he was not deported. But things like that that I think my clerks, both Katherine and Maureen, were very good at suggesting that, you know, let's make these cases a little bit more human. Make them particularly deal with something so significant to the individual that is so personal as having to leave the country for goodness sakes. That we can use something that recognizes the fairness in this decision. And I think that those are things that a lot of the guy judges don't get, they want to be just all business.

KO: And forget that there is a person in the case.

BR: And the significance of the decision to that person. And sometimes to the lawyers who have been wrapped up in that case for years. So I guess I can only say that in you know, kind of finally answering does it make a difference to have women and minorities on the court. Of course it does. Probably in a lot more ways than we realize.

KO: Why did you leave the Supreme Court, and when?

BR: Well I left the Supreme Court before I intended, in 1986. I had thought when I went on—I was 63 in 1986—and I had thought that I would stay there at least until I was 65 maybe 68 ,maybe even until I was 70, because I *did* like the work. I did like the judges. I did certainly the judges who were there then. But a couple of things happened. One was the work is very demanding. Now people see only the opinions that come out but I think it was a harder working court than even the court of appeals. Now the court of appeals is just opinion after opinion, after opinion. At the Supreme Court you also have Petitions for Review and some of those Petitions for Review take as much time, sometimes, as writing an opinion because you want to be sure that you haven't missed anything. You want to be sure that if this is a case that the Supreme Court should take and those are assigned to judges, just like opinions. And memos are written and sent into full court conference where they are discussed. Some are easy to deal with, fact-bound cases that are easy to deal with. We used to have what we called the "Oh-my-god-cases," which would be the *de novo* review cases. The court of appeals would decide a domestic relations—a custody case for example—or a termination of parental rights based on facts, and we'd get the appeal and we would read it and say well that's not the way we would decide it but we wouldn't take the case. Because it wasn't a case where it was a matter of settling law that would seem to be in conflict. Or whether it was a new interpretation of a new statute or whether it was a constitutional question or whether it was setting some policy that needed to be resolved legally. So Petitions for Review were important, we also had discipline cases. Any lawyer who wanted to go all the way to the Supreme Court and have the Supreme Court decide on a discipline matter., we had those cases.— We had all the cases from the Tax Court, came directly to the Supreme Court. Ballot measures were always in election season, early election season, always very busy because we had to review the ballot measures and approve the language to go on the ballots, if

they were contested. We had petitions, mandamus petitions that came directly to the Supreme Court. We had habeas corpus petitions that came directly to the court. So it seemed to me it was always something that we were getting together, the court was getting together to get the papers, read this we are having a conference tomorrow morning at eight o'clock or at one o'clock or we would get it in the morning be prepared for a conference at one o'clock. Where we'd have to make these decisions, *and* we'd have to take the time out to write on ballot measures, to write on the discipline cases, and so on. So the work, it was a very heavy load, and I found myself working as I did with the court of appeals, but in a different way. Nights. Weekends. Holidays. And I was driving back and forth up the I-5, the fifty miles to and from everyday. It was hard in the winter time. You leave home at dark and get home after dark.

KO: And its pouring down rain, and you're out there with the eighteen-wheelers.

BR: And it's pouring down rain, and you are fighting the big trucks. It really was very difficult. I was really beginning to feel burned out. I remember reading something about stress and about burnout in that period of time, and, particularly, how it was affecting professional women. Kind of new for women then. What's happening here if I, you know, don't feel quite right. So I was feeling very pressured. And then Keith said to me one weekend, "Well, I'm thinking of winding down." Of course, all through this, I had this lawyer husband who when he argued before the Court of Appeals I had to recuse myself. His cases were never assigned to my panel and when we discussed them in the full court conference I left, and the Supreme Court, if he had any cases on appeal there then, of course, I did not sit on his cases. But he was doing primarily workers' comp defense cases so they rarely came all the way to the Supreme Court. But he was tired, and Keith was a little older than I was, and he just said he wanted to have some time of not practicing law. And he wanted to do a lot of traveling and sure would be nice he said if you'd go with me. Well I couldn't go with him and still be on the court. And so I decided that it was more important that I spend time with him and it was not as it turned out and I don't know, maybe that was a part of the stress, maybe I just knew it was time to quit, or something was *telling* me it was time to quit. We did travel. I did resign and it was effective in February of 1986. So I spent four years on the Supreme Court. We did do traveling that first year. We had already had plans to go to Hawaii, we went to Barbados, we went to Italy, we went to England—

a long fall trip in England, a bus tour that was great. So we did a lot and then in the following February, Keith had a heart attack right at noon, we were sitting down for lunch and I was there, and if I had not been there he would have not made it to the clinic, which was only about ten blocks away. Just got him in the car and we went, and so he had triple by-pass with some complications, but came through that. And then he decided while he was convalescing from his heart attack that maybe there were still some things that he needed to do and he had always been politically active, but had left the legislature after the 1973 session, and so he decided he wanted to spend time working with the Portland Community College Board. His son, who had some drug problems, and had, therefore, had some problems with the court, needed to come and live with us which he did for two years but only on the condition that he would go to Portland Community College. And that was while I was on the Supreme Court. And so he did do that and really turned his life around. He became a BMW mechanic and, thereafter, had a good job, as good, at his level, he could become. And so Keith decided he wanted to repay some of that to Portland Community College and so he ran for election to the school board taking Howard Cherry's place—and Howard had talked to Keith and had wanted him to do that—and he had said no and then had his heart attack, changed his mind and said yes, I will do it. But that took care of traveling. So I quit the Court to travel—[laughs]

KO: And then didn't travel.

BR: And then *he* changes his mind. But I still was happy that I was with him through the heart problem because I truly don't think he would have gotten himself attention and saved himself. But, nevertheless, that's something we will never know. I then became involved in what was developing in our court system, was arbitration and mediation, that came along toward the end of the '80s and took some training through Judicial Arbitration Mediation Services in California that was recruiting retired judges in Oregon to work for them. And then began doing cases, through what's called JAMS, with insurance companies that they had initiated, that they had contracts with and so I started a whole new career. And by 1990, I was mediating and arbitrating cases because by that time the legislature had an act and statute that made it mandatory for cases below \$50,000 to go through arbitration first, or mediation. And so with that those kind of cases requiring review before they would be set for trial and because I was meeting plaintiff's

attorneys through the work I did with JAMS, I sort of began to build up a practice. It was very much like building a practice as a new lawyer. You have to have some clients. And that helped me have clients so that the plaintiff's attorney then would ask for me to work with them on other cases, not just through JAMS. U.S. Arbitration and Mediation Services that is a local—well its Washington and Oregon organization—then asked me to join their panel, and so I worked with them, but also took cases on my own. So from that time forward until just recently I've began to cut back. I've had a very good, another legal career in mediating and arbitration. Keith died in 1995 from, I presume, a heart attack or something happened to his heart, it just stopped beating in his sleep. So I continued to live in the house where we lived together for a number of years and do my legal work and remain a part of the profession and still feel very much a part of the profession. So are we at the end of this now? Do we say the end?

KO: Do you want to say something about the start of Oregon Women Lawyers?

BR: Oh I do, by all means. But you are going to have to join me in this.

KO: Okay.

BR: In 1989, and I'll tell this from my viewpoint, and then Katherine can add hers because she was the one who called *me* and asked me to join a group of women who she was getting together to talk about forming an Oregon women lawyers' organization. The purpose of that organization was to promote women in the legal profession, women and minorities in the legal profession, and Katherine saw this need, she had a real vision in terms of more and more women were coming out of law school, and minorities. We don't have a large black African American community in Oregon, but we've grown with an Asian American community, a Mexican American community, and so on. And so we had very few minorities in the bar and even women who were coming out of law school, many of them were not going in to the practice of law or were not staying very long in the practice of law. And so we met as I recall, Katherine, in 1989 at the Oregon State Bar Convention at Seaside for breakfast.

KO: Wasn't it in Eugene?

BR: Was it in Eugene? It could have been Eugene.

KO: It could have been Eugene.

BR: It could have been Eugene. I remember the breakfast, and I remember the discussion, and it was really kind of a formal debate because there were those who opposed it.

KO: Yes.

BR: And I was surprised I couldn't possibly see why anyone would oppose an organization that really was, to me, it was going to enhance the image of the bar. It was going to encourage more women and minorities in the bar. But we did have those who felt that it was going to dilute, as I recall, the Oregon State Bar, and that we would separate ourselves from the bar and that we would be a separate bar sort of a women's bar and a men's bar. And that was not what was intended at all. But I think you ought to add your comments here about your motivation in doing that.

KO: Well, that certainly was the motivation. Women were, let's see, when I graduated from law school in 1977, I was the first woman associate hired by the Bullivant office, which is one of the major firms in Oregon, and the other major firms had one or two women. At any rate, women weren't being hired. If they were hired they weren't being mentored and they didn't last very long. And in the process of not lasting very long they suffered a lot. So that was the motivation and we came along at the right time because we were just ahead of the wave of baby boomers coming through into the system. And you lent your prestige, you and Mercedes Deiz, that morning.

BR: Well we both spoke that morning. In fact I still have my remarks, I've noticed, in my file by going through them recently. We both spoke and Mercedes, the first African American woman on the bench, the *only* African American woman on the bench.

KO: Who's *ever* been on a bench.

BR: But we have African American men, but we've not had another African American woman on the bench. [Deiz] favored it, and I favored it and I think that the majority there said, "yes," as I recall, I don't know if an actual vote was taken, but a Board was formed after that to begin to make it a nonprofit organization, right? And to develop the bylaws and do that sort of thing. I'm not sure that I was on the Board at that time, in fact, I'm not sure if I was ever on the Board. I did go on the Board of the foundation that was created when in 1996 or '97?

KO: Yeah.

BR: As an arm of the Oregon Women Lawyers we have the Oregon Women Lawyers Foundation, which is attempting to grow an endowment that then gives assist to the Oregon Women Lawyers, and all of their programs, as well as doing whatever the foundation thinks is necessary.

KO: Like providing paying for the Bar Review Courses for single parents.

BR: Right. And we've donated money to the Child Care Court Care, and have helped fund the CLE's that the Oregon Women Lawyers put on and given the scholarships to those CLEs for new women in the bar, and certainly for law students, an endless program. It certainly has been encouraging to me to see the difference that I think woman have made in the bar. First of all to see the numbers, just to see their numbers, but then to see their professionalism and the fact that they are in all areas of the law. We now have a woman as president of the bar association, which makes what our third woman for heading up our bar?

KO: Yes.

BR: There was Judy Henry, and Julie Frantz.

KO: and now Nina [Kilt?]

BR: Nina [?] And, all of those women have certainly supported the Oregon Women Lawyers. We have very talented women, and it's a part of my continuing to *feel* a part of the legal profession is not only the work I've done in alternative dispute resolution area, but just to be with the women lawyers. It has *truly* made a difference I think in how our bar has functioned, the full bar, has functioned, and it's made a difference in the lives of many of these women lawyers.

KO: That's right. Thank you.

[End of Tape 6, Side 1; End of interview]