

DAVID LOONEY
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Recording Session 1

U.S. District Court of Oregon Historical Society Oral History Project

DL = David Looney
JD = Janice Dilg

DL: My name is David Looney. I was the Chief Probation Officer for the U.S. District Court, Portland, Oregon from December 1991 until December 2000.

JD: This is Janice Dilg, the Oral Historian for the U.S. District Court Oregon Historical Society Oral History Project, and we are conducting this interview today in the Mark Hatfield United States Courthouse in downtown Portland, Oregon. Today's date is June 18th 2015. Welcome and thank you for participating in the Oral History Project.

DL: I am honored that you asked, Jan.

JD: Let's go back and get a few more details, your birthdate and place of birth.

DL: I was born on August 16, 1945 in Emmett, Idaho. I am one of four children, the third of three boys, and I have a sister following me who I think my parents were absolutely delighted to have—a girl after that many ruffians in the house. My parents were working people who were in the grocery business during my youth. They had both started in a little store in Emmett. My father was actually employed by Safeway and worked for Joe Albertson before Joe Albertson started his food stores. He was a man who didn't have a lot of education. He was born in Jordan Valley, Oregon and we are very proud of his beginnings down there. He was one of six children. I believe that he would say he had a pretty good early childhood but his father left with the babysitter, left the family which was not a good thing for family obviously in 1923, the times were pretty tough. After that the family had to move at some point and they migrated between

Emmett, Idaho and Portland, Oregon. My father came to Portland after working in the woods in 1929, deposited his money in the bank, and immediately lost it that October.

JD: Can you tell me his name, please?

DL: His name was W.W. Looney. It was actually Woodrow Wilbur Looney but everybody called him Bill. He was a very nice guy, but he was a very rough man. He had an eighth grade education, a little bit of the ninth grade, and he emphasized education to all of us. I think you could do a lot of things wrong and I think he would work with you, but if you skipped school or lied to him, let's say the working relationship deteriorated rapidly. So we learned early on that we were going to finish school and were going to do the best. Everybody in the family worked their way through school, everybody has a college degree. We have one lawyer in the family and we've got a couple of Master's degrees. I'm the least educated with just a plain 'ole Bachelor's, but I worked very hard, so.

JD: Undoubtedly. Tell me a little about your mother, her name and background.

DL: My mother was a remarkable individual. Her name was Ruth Harriet Henderson and she married my father in 1939. Prior to that she had her own story, a good story. She was born in a house with a dirt floor in Round Valley, Idaho which is near Cascade, Idaho and was one of five girls, no boys in that family. I think her father and mother always wanted to have a couple of boys because that is how you got the work done. But my mother was a tomboy and she milked the cows, she picked the beans, and she picked the turkeys and chickens. She had an older sister named Anna and they graduated high school together because my mother tried to accelerate her studies at Notus Idaho High School—and she did. And then they went off to various teacher colleges, Lewiston Normal School. I think they went down someplace else in Idaho, I can't remember the name of it now.

But times were tough obviously, she was about seventeen in 1930 and she was picking turkeys and chickens in Notus, Idaho when a fellow showed up, his name was Skinner. He said my brother has a ranch in Jordan Valley in Oregon and we need somebody to help raise the kids and cook the foods for the hired people and for the family. So my mother went off to Jordan

Valley, Oregon and worked for the Skinner family, which is still in business down there, many, many generations of them. I don't know how long she worked for Kurt and Jo Anna Skinner, but she then was offered a teaching job and that's what she wanted.

So she took this job which was in Watson on the Owyhee River, below as you go down the Leslie Gulch. You get to the Owyhee River then you have to go a couple of miles and you get to Watson. This was before the Owyhee Reservoir was filled with the WPA Project in the early thirties. Well, she went down there with a lady who gave her a ride in a wagon and she found out that there was no housing. The lady told her that there was no place to live. So she gave her a room with her daughter in a cave. We called them coyote houses. They would dig houses out of the side of sandstone cliffs or bluffs and then put a little auntie room in the front and that's where she lived for the first year. I think she may have taught there a couple of years before she moved to Big Bend. She did not meet my father in Jordan Valley because she was there after he had left, but they coincidentally had a history in Jordan Valley and were equally proud, the both of them.

So if you pass through Jordan Valley and you see the old stone coffee shop, that is where my father was born and it's still an ongoing operation. It's an espresso joint now and is run by the Skinner family. The white house next door was built by my great-grandfather who walked from New Jersey to Sacramento to Jordan Valley when he was fourteen. So our family is kind of centered in Southeast Oregon and we've enjoyed that, and we've all grown up here in Mt. Hood County. It's been quite an adventure for us to go from very humble beginnings in Adrian, Oregon where my family started a business. Mom and Dad when to Adrian after leaving Emmett in 1945 and were able to borrow money. A fellow by the name of George Sheamer [sp ?] loaned my father \$20,000 in 1945 which adjusting for inflation was quite a considerable sum. So, George must have trusted my mother and father and they did it again later when mom and dad needed another loan.

They ran that business in a town, Adrian, twenty-one miles south of Ontario on the Snake River. The town has a population now of about 140, it probably never really had more than a population of 150. It was a commercial center for farmers and ranchers. We had a school which was about 140 kids who came from as far away as thirty-five miles each day. That is quite a commute when you think about the old truck that didn't have but one fender and the icy roads in the winter. It was an exciting, unique and wonderful time in our lives. I don't think we

considered it as quite unique and wonderful as I do now, because there was a tremendous amount of work.

JD: Was there something particular that drove them to Adrian versus someplace else?

DL: Well, it was towards the end of the war, my father had served in the Navy and they had two kids and one on the way. I don't think they saw the prospects in Emmett as perhaps as being a new store. It was an existing store that they had bought. My father had actually grown up a little ways from Adrian when his grandfather had a farm in what we called Big Bend. Adrian is located in the only place where the Snake River is in Oregon on both sides, and that's a big bend. His grandfather owned property and my father worked on that ranch and farm. I think he saw Adrian as having some economic potential and it was something that I think he thought he could afford. I think he found that it was more difficult than he anticipated and he had to have more cash. Fortunately, George Sheamer [sp ?], who had been a German soldier in World War I, and who was a remarkably good farmer and a very generous heart, he and his wife were friends lifelong with my parents. They saw the same thing, they wanted a store there, they wanted another store there, they wanted to see the school grow, people were believing in themselves, they were believing in the future.

My mom and dad had that store until 1974, it was almost thirty years. They didn't make a lot of money, I don't think any of us were economically spoiled because there was very little cash, but by today's standards we would have been considered the lesser fortunate, but we didn't know that. Everyone around us was living the same lifestyle and there weren't a lot of people who had a lot of money. They worked seven days a week. They worked from eight to eight, seven days a week much of the time we were growing up. They did take a break later. I think we saw ourselves as people who could manage and could get ahead if we worked hard—and that was the message—and mom and dad believed that. My dad has his own issues, he was like I said a tough guy, he had issues because of his family circumstances from when he was a kid, and we saw those in him. We saw the difficulties and the depression that he experienced and the tough times. My mother was fortunately a woman of faith, as was her mother and she didn't press it. She didn't beat us up with it but it provided her solace and hope, and I don't think that resource

was there for my father. So he didn't understand that. His religion and his spiritualism came from the outdoors, outside. He would go to the hills and take us to the hills.

They never vacationed together except for a couple of times one or the other would take us on their own journeys and vacations. Most of the time I would go with my father who would turn me loose in Southeast Oregon someplace along a creek or a reservoir so I could fish and walk and chase snakes. We had a good time. But they were very hopeful people, that is, what they saw in Adrian—and the people are remarkably reserved, resourceful, very hardworking. Today we are so politicized and polarized in our politics they would be termed very conservative. I don't think we ever talked about politics when I was a kid, one, because dad didn't want it discussed in the store, and, two, because we didn't think it was important to us on a daily basis. We might have a discussion during a presidential election and that was about it. The people were fantastic, wonderful, supportive group. I worked for many, many farmers and loved them and their families and to this day I still go visit those who are surviving out there.

JD: Describe Adrian a little more, [*DL chuckles*] physically, and the house you grew up in.

DL: Well, let's start with Adrian itself. My earliest recollections of Adrian were two grocery stores, two taverns, one service station, one true blacksmith's shop next door—they pounded out just about everything and it turned into a full-fledged machine shop that made axles. They could build you a bed frame for your truck if you wanted. We had a mechanic across the street. We had one little office for an insurance salesman, I can't remember the agency. We had a little post office, the post office had been across the river earlier when the town was called Riverside, and there was a ferry there, but they moved the post office over to the western side of the Snake River when they put the bridge in. That was before my time, I didn't see them build the bridge.

The town didn't have a lot of other commercial activity. There would be a little business here, a little business there, there was no milkshake shop for the kids could—periodically somebody would try to put in a jukebox and open it up and sell a few hamburgers but 140 kids who work on ranches generally go home at night—because they have to. The one night of the week they might be in town would be Friday night and generally they came in with a brother or their parents and they went home with the brother or their parents. So there wasn't a lot of time for frivolity out there.

A few other little businesses; we did have a couple of churches and which provided some activities for the few kids who lived in town. We lived in town and like I said it was about 140-150 people. Some said it looked like a camp because the national flower in the town was a fifty gallon burning barrel and jumped cars. So, it wasn't attractive, a lot of people thought it was pretty rough. But for people like my parents who had made a commitment to the town—I heard my mother comment, when somebody said, wouldn't you like to move, wouldn't you like to have an easier life, she said, this is a great place with great people and I love my little store.

The little store grew from being a small established one where dad changed the oil from 6 to 8 o'clock in the morning for people who had parked in the cars outside and pumped a little gas to a full-fledged food store. Because he had been a meat cutter with Safeway, he could put out a case that looked comparable to a smaller New Seasons today. He did a lot of custom meats. People didn't buy a lot of New York steaks, they bought round steaks a few pork chops, lots of ground beef. He bought cheeses by the round and by the length, but he had a full meat-cutting operation if he needed to. He kept that up, the store then expanded into dry goods. We sold rifles and ammunition, fishing gear, Levis, and Ship-N-Shore blouses, tin pots, a few watches. If you can imagine watches for less than two dollars, they were there. And this store was the primary focus of their investment.

Our house was a basement house. It was built like a hole in the ground where you put up a form and poured the concrete from the outside and the concrete forms up against the dirt on the one side and against the form on the other side. It was a two bedroom house and was—I don't want to leave the impression that I ever thought it was inadequate, because it was adequate. People lived with a lot less. But we didn't have rugs on the floor and the windows were up high. In the winter time, they would freeze and water would run down the wall because the condensation would melt when the house warmed. It wasn't terrible.

My earliest recollection—we had a wood burner, people called them trash burners later, they were little 18-24 inch-wide stoves. This one I think was even smaller, and we burned coal in it, and then we burned trash in it. And finally, we got rid of it and dad bought an oil heater and the three of us boys would move from the bedroom which was chillier because there was no central heating, we would move from the bedroom to this heater pretty rapidly in the morning and put our pajama bottoms up to the oil stove [*chuckles*] and throw our underwear on top so we

could run back in the bedroom and get dressed. I think my mother was overwhelmed by all the boys and their antics, but she maintained a sense of humor.

So it was this little two bedroom house, lower, built into the ground, but it had a chicken coop roof on it—it wasn't particularly attractive but they put siding on it when I went to college. They put up a lot of things that had kind of a tar paper covering on thing; it was green so nobody knew whether we painted it when the paper started rolling off my father thought he would put something else on.

The money went into the business, the house was secondary. The only thing my mother ever said was [she had to give up..?] a nice house in Emmett when they moved. She loved that little house in Emmett and she kind of always wanted to have another little house like that but above ground, with windows that actually looked down on the lawn or the street, or tree or bird, or whatever. But she made do, and as we added the younger sister, I think I was ten when Mary was born, we were delighted. By that time, we had moved up to another little place. Dad had leased the store and mom was kind of delighted with the other place but unfortunately that lease didn't work out for the family; their son was killed in a gun accident so tragically my mom and dad took back the business, which probably, for them, was the best thing because they couldn't lose their investment in the store. So we moved back into the basement house and we have a little girl and these three boys so we kind of made that exist for a while. But here is this store that has received the major investment of the family's money and there were storerooms in the store, back there with the paper towels and the tomato juice and maybe a few cases of Buck Horn Beer, and a few other things that were back there in the back, and a couple of beds. And, we could open up the door to the dog pen and get a little ventilation in the summer time. It was pretty warm over there in the summer. By that time I think my oldest brother was getting ready to go off to college so there was a little more room.

So Mary got her own bedroom, as such it was, it wasn't more than a closet with a pipe that went through on its way to the shower [*chuckles*] and the shower was its own long room with a shower and a washer and dryer on one end. You know, we all did well, we all survived that. When my folks left the store, left that little business, they of course left the house too. They moved into a house that had been remodeled somewhat, that had previously been owned by my grandparents, my mother's parents moved to Adrian probably sometime '46, '48. I should mention they were quite prominent in our lives. I spent a lot of afternoons with my grandmother

and grandfather because they were wonderful people. They had no money, they were just poor as church mice, but they were really wonderful to us kids. So we played Canasta and if we won we got orange slices and if we lost we got orange slices, then we would get dinner and lots of lemonade and it was a grand time, and in this little town it was safe.

We could pretty much walk anyplace by ourselves after a reasonable age. We learned to swim at the end of the drain ditch, they didn't have sewers, they didn't have a lot of septic tanks, they had cesspools which they then ran to a drain ditch and it ran into the Snake River. That was the norm for that era. So we learned how to swim in that drain ditch so we nearly didn't need any shots or inoculations because we had been inoculated by every germ that was possible. To this day most of us are pretty healthy. I'm not saying that I know that's the reason [*chuckles*] but we didn't know the difference so it was a great place to grow up.

When I was in high school, my father would let me come home after playing football, or if I didn't have practice, I could take the shot gun and the dog and run a mile or so and hunt for two hours before I had to come do my chores. So for a kid, we thought we were in wonderland. It's much different in the city, I've raised some kids in the city and I wish they'd had some of the benefits of country life.

JD: So you mentioned there was an elementary school in the town?

DL: Yes.

JD: Could you talk a little bit about your school experiences, what you liked and didn't like.

DL: Ok. Another kind of nickname for Adrian was Kingman Colony. And the Kingman family had been immigrants; emigrants I should say. They didn't come by covered wagon, they came around the Horn on a ship and they brought lots of fancy things and lived probably with more fancy things than most people had. They contributed to the wealth and knowledge and the educational base of that area. The first elementary school was called Kingman Colony. There was another elementary school across the river called Big Bend. I think my next oldest brother who would have started school in probably about 1948 [and] was the first class to enter the

elementary school as first graders. So this elementary school was built, and that was started in about 1948.

The high school may have been there longer, but the elementary school was really a powerful and formative experience for most of us I think because you didn't have a TV. You had stories, little books and grandpa and grandma if they were available or mom and dad if they were available would read to you so going to school was a big deal. I had the benefit of two older brothers and they were active students and they liked school, so I assumed when I went to the first grade I would bring all of my books home with me each night and study them. So that's kind of the atmosphere, the aura. They finally convinced me that I didn't need to pack all of these things home with me back and forth every day, back and forth. It was exciting.

My first grade teacher was this wonderful, beautiful, sweet dark-haired lady who kind of radiated affection for all of us, even when we were not pleasant. And, you wanted to go to school. The books, the challenges, the recesses, and besides that we didn't have a lot of kids in town, there were a few, but you didn't see them a whole lot, and there was no organized play time. There was no swimming pool, the nearest swimming pool at that point was probably twenty-four miles away so that's why we swam in the river by the way. I think we soon found that our teachers were very influential; they were big people to us. They were not only bigger than we they were powerful people. I knew that my parents wanted me to learn. They wanted me to be successful in school, they wanted me to be well-mannered in school, so if the teacher said, we want you to do something, we considered that a request from our parents.

I don't think any of us were terrible kids or anything like that. We didn't get in a lot of trouble. I don't say this with pride, but I was probably the least well-mannered of the boys, I just seemed to have a little bit of a rougher time settling down than others. But, at any rate, they had a great influence. I can't remember the name of the first grade teacher, but I had Mrs. Newbill [sp?] twice, once as a second grader and once as a fourth grader. I had my aunt Anna Sparks, later Anna Long, for fifth grade, and she was marvelous. My sixth grade teacher was Mrs. Lowell who just died at 106. A marvelous lady who had wonderful stories. And I could go on; there were other people who were, really—Mr. Patterson, Mrs. Williams, and then you get to high school and it goes and goes. These people were really all remarkable people. They wanted us to do well, they wanted to learn, and I think they wanted us to succeed to whatever level we could. Some had bigger expectations. Some of them thought we should all be doctors and

lawyers and others thought we should be good truck drivers, mechanics and farmers, whatever, but I think the people who influenced us the most just wanted us to learn, and live up to our potential—and said it openly.

So I can say the elementary school, I can't remember how many kids were in it, we didn't have kindergarten, it was 1-8, and then it went onto high school. The high school was run by a World War II veteran, a wonderful guy who had been a foot soldier and infantryman in New Guinea, he's still alive, Glenn Wards [?] is his name, he's a remarkable guy, and remarkable demanding qualities. I'm not sure I was high on his hit parade; he was a very influential guy. But he had some other wonderful people. I had a teacher who was also a remarkable friend, who probably knew as much about me as my parents, and he took the same interest, and he died when I was a senior, and I can say it was a tremendous loss. That's how influential they were. He didn't just go away, you know?

JD: Mmhmm.

DL: So, I think we felt very hopeful, but I think we knew we had to use all the resources we could. Those people, those teachers in those schools were good resources. Now, it's not an accredited high school, it still probably doesn't have the accreditation that Madison or Wilson or Grant or many other schools around. We didn't have languages, we didn't have a consistent science program, we got the basics. That was what it was about. But it was still a place to get a foothold in education, learn to learn, or if you were smart enough and motivated enough by your circumstances, you could go on.

At that point, almost every college in Oregon had to accept you if you graduated. So getting into a college was not a problem. I mean, if you wanted to get into someplace else you had to do something else. Both of my brothers were very motivated. The oldest brother really led the way. He wanted to go to Oregon State because he was going to be in animal husbandry and we knew that when he was 13 years old because he announced it. And the next brother had cows, FFA projects, and 4H projects. I declared that I didn't like cows, that I wanted chickens. And my father was not into chickens so I had to do something, so I don't know what I did for 4H. I think I milked the cow or something like that. We had a milk cow when I was a kid. Anyway, those two guys were very motivated and off they went to Oregon State and I wasn't as motivated, I

was more inclined to go into the army and become a diesel mechanic. I actually, I would have loved to, if I could've, to work on ranches and farms and owned my own at some point, but if you're not born into ranchland and farm land, it's really hard. My father was not that into me being a mechanic, he saw that as being too tough and he said he thought I needed to go to college. My father was very convincing when he wanted to be, and so I did.

JD: Did you have favorite subjects growing up?

DL: I did. English had to be the first love because it was my gateway to everything. I loved to read the *Hardy Boys*. We had books everywhere. My next older brothers didn't wear them out and lose them, and then they were mine and they were everywhere. That's what we did, up to 14 when we all went to work, reading, finding a place to hide and read, because there were always chores. When you live in a little town that doesn't have a fire department, you gotta clean all the weeds away from any building, you gotta water the lawn, you gotta take care of the dogs, and all these other things. Later on we had cattle and whatever else, you always had other things to do. But up to 14, if you could hide, you could read.

So, English, even though I wasn't a master at it and still am not. I learned to write because I had these wonderful English teachers. One was named Mrs. Dilly [sp?]. Mrs. Dilly was very silly, but she was one heck of an English teacher. We conjugated verbs and sentences and tore them apart until I thought that was the only thing English majors did. But she also introduced us to fantastic literature. And then I had another one, who did the same thing, Mrs. Watts. And that was really my inspiration to go on. Sam Tyson who died when I was a senior introduced me to history. He also introduced me to the fact that you could really have a successful life as a teacher. There really was some potential out there as a teacher to make a contribution to kids, like me.

So, History, English, I also liked math, but I didn't go past Algebra 2 in high school. We didn't have really more than an introduction to trig or we didn't deal with calculus at all. College math. I wasn't really prepared for, but I was prepared to write. And I did very well in writing in college and that was a surprise to me —that we really were excellent English students if we had prepared ourselves. So I could write, I could read history and I could read the social sciences. I could describe on a test avidly what I had learned. So that's what became my favorite because I

was successful at it, not because it was going to get me a job, but it was more fun than anything else at the time. So that was what my interest ended up being and I graduated with a history degree at the University of Oregon with the intention of teaching. But I went through the draft process —this was the Vietnam era. There were some things that we missed in Adrian. I got to the University of Oregon in 1963. I didn't necessarily want to be there because I was a little reluctant; as I said I had other interests. I kind of wanted to go out and test the world. University didn't look all that good to me and I wasn't really sure what I would find in a university and probably I was a little more shy than I am today.

I missed the Civil Rights Era up to that point, a lot of things were going on in this nation, a lot of turmoil, a lot of hurt, a lot of things that needed to change, and I missed it. So I was somewhat surprised by that at the University of Oregon. And I was surprised that there was some hostility towards me by African American kids, black kids and I was having to learn that, I was having to learn why. I was learning that there were a lot of rich kids. I had never seen money like that. I mean if I spent \$16 when I was in high school, it was a fortune. So when I got to college, I saw people spending a lot of money on different a lot of things.

There were a lot of new things and I was afraid of that world. But the one thing I didn't miss was Vietnam. I mean, I understood by 1965 where that was going and where I was going. I think I got a draft notice three times. It's my recollection that each time an instructor failed to send in grades then I would get a draft notice because it would show that I didn't complete 15 hours or 12 hours or whatever, and I had a couple of those.

JD: Expand a little bit on what the draft was because a lot of people today don't know much about that.

DL: Well, the big word is conscription. Conscription came in during the First World War. I don't know if it ever lapsed but it was certainly used in the Second World War to induct primarily males, I believe, all males at that time into the armed services to serve in whatever capacity they were able to serve. At age 18, you had to register for the draft with the Selective Service Administration. You gave them a little card that showed your status and if you were '1A' that meant you draftable. Generally your local draft board, and it was a little board, determined the availability of people and their status. And so the local board could send you a note that said

you're draftable and we need you to come in on such and such a date to take your physical. After which you are given an assignment if you were found physically capable of serving in the Armed Services.

I don't think there was any question about whether I was physically able to do it. I mean it was always there, but when I was in college where I didn't necessarily want to be, like I said, I got a student deferment. I think I was 2S, if I remember correctly, that's what it said, "2S." So I got my little card that says you are deferred and you don't have to report. But to remain in that status you had to complete 12 hours and generally I would take 15 hours. So if a couple of the instructors didn't get the grades in on time, you were generally below that and you were down to nine and ten hours, whatever it was, and I knew I'd get a notice. And you would send your grades to the draft board. That was the way it was. So the draft board would take a look at it and you would get your notice three weeks later.

Anyway, I got a couple of notices. I think I even went to the physical at least once. And then I got a notice in December 1966 and I had two terms left before I graduate. And I called the office in Ontario and said I've only got two terms left, but if you want me to report as your letter says in March 10 or 11 of 1967, then there is no reason for me to return to Eugene and enroll because I can't complete the term. I need to know if you'll extend that to June, I graduate on June 10th but I'll be done the week before, June 12th or whatever it was. If you just extend it to June 12th, I'm yours.

They replied no, you couldn't do that because kids in Malheur County go off to college and got married a lot, and a lot of them had kids pretty early. So let's say you're 18 and you graduate, a lot of these kids in that time were 21 and they had two or three kids. So for my age group, if they graduated in 1963 and by 1966 they would have had some children. By 1965, they first said if you were married you were exempt. And by 1966, they said, you could be married and still be eligible, but if you had children you were still exempt. By 1966, the draft boards were really having a hard time, especially in a rural county. So they went through their listing and found all these family people and they found guys like me who had been floating around on a student deferment, and we were really it. There really wasn't anybody else.

So the draft board told me, we don't have anyone else; you're it, you and a couple of other kids. So I went looking for ways that I could graduate because it was very important for my parents. My father especially who had not had a chance to go to school. His comment to me was,

“I didn’t raise you to die in any jungle.” He was very opposed to the Vietnam War. He thought it was a waste of time. He thought it was a terrible—he just thought it was an enormous waste. He didn’t understand it. So I wanted very much to please him at that point. I went down and I first tried a couple of different branches of the service to get a deferment until June and nobody could get me a deferment except for the Navy. So I enlisted in the Navy in January of 1967 and they gave me a deferment until September or something like that. Which was fine, and then they called me and asked me if I wanted to go to officer candidate school. I had no idea what that was, but it sounded like a really good deal because they would pay me more and because I would only have a three year commitment instead of four years. So that’s what I did. I graduated and got my degree. I think I graduated on June 12, and I think was at officer school on June 17.

So it was a quick turn around, and I made that transition fairly easily, I can say that part of my studies was about Southeast Asia and about diplomatic history. It wasn’t up to me how to run foreign policy, maybe if they had asked me I would have commented. But at any rate, they didn’t call and I didn’t comment and I didn’t think that it was an appropriate decision to go to war like we did. But, once again, it wasn’t my choice.

But I went into the Navy. I enjoyed the Navy. I learned a great deal. They did more for me than I did for them. I don’t know that I was ever a particularly great naval officer, but I learned a lot. I met a lot of fantastic people who were committed to the service and they were committed to their crews. I had my ups and downs with it. Had I stayed in longer I probably would have been more satisfied with my career in the Navy, but I did ok. I served on a destroyer off Vietnam. We did a lot of gunfire. We did a lot of patrolling off the beaches, about a mile off the beaches. We needed to stay out there as these were fairly shallow oceans, so you don’t want to be taking your larger boats in close to shore to pick date palms or anything like that. I saw a part of the world that I wouldn’t have seen otherwise. I was transferred to an LST at some point.

JD: Which stands for?

DL: Oh, Landing Ship Tank. You know when you see John Wayne or MacArthur coming onto shore on the beaches in WWII where you see like MacArthur and Leyte Gulf somewhere in the Philippines out there behind him is a Landing Ship Tank, and the tanks and the jeeps are rolling off. It was a little slower Navy, [and probably not something...?]. I had asked them to

delay my return to Vietnam. My father and my sister were in the hospital and I really wanted to go see them, and go on leave. And they wanted me to return directly to survival school and onto boat school. They wanted me to be on a swift boat, and I turned that down. Actually I didn't turn that down—I asked them to delay it. They said they were going to change my orders and send me to the Landing Ship Tank. I went to San Diego, and that ship burned off the coast; which is a fun little story.

JD: You were on it?

DL: Yeah, our new assignment was actually to go back to Vietnam and we would be homeported in Guam and then we would go to Vietnam and haul ammunition and probably Buckhorn Beer to the Marines at Cửa Việt from Da Nang. So we were getting our ship ready to go and doing our chores and they had asked us to haul some 16" shells in the New Jersey to Seal Beach, so we went up to Seal Beach and offloaded some 16" shells. So we were coming back down through the channel off California and we had we had a fire in what is called the M-G Converter, which is nothing more than an electronic gear which converted direct current into alternating current and we generated direct current, DC, and converted it to AC, alternating current, for our lights, radio, radar, things like that.

At any rate, we had a fire, and put out the fire but when we put out the fires we destroyed the M-G Converter, so we had no lights, no radio and no radar, so we're traveling by set and drifts. I came up and took the watch and we're going down the channel towards San Diego and we lose the port engine, we hear the big "ka-thump," and we busted something on this starboard engine. So I called the captain and told him we had some issues, and he already knew about the fire. So then he kind of laughed and said, so you want me to come up there and hold your hand? And he said so sarcastically, you know. I didn't blame him, he was kind of like, why are you telling me this? And said, just do your job. So I said, well, I wouldn't mind if you came up and hold my hand, at which point he told me to wake him at 8 o'clock and that I better be at the No. 1 sea buoy, which is the first buoy you have when you go into a port. Every port has a No. 1 sea buoy.

At 8 o'clock the next morning, we were at the No. 1 sea buoy and that ship never really left the pier under its own power ever again. We got into port, tied it up to the pier, and ten days

later I was out of the service. They gave us a choice of signing over whatever time we had left, plus three years more, and I said I was not prepared to do that. My initial ship, the destroyer, was home-ported in Hawaii. And in Hawaii, I had married a gal I had met at the University of Oregon. I was too immature, and perhaps she was too, but she wanted to see the world and she had lots of things to do, and by that time all I wanted to see was a picket fence, roses, a garden, and a little house at the end of the road where I could have a family.

For whatever reason, we destroyed the relationship within a matter of weeks, so I divorced within a year after I had left the service. That person is a fine individual. She is a fine individual, very, very bright. In fact, she lives in Hanoi to this day. I think she was very opposed to the Vietnam War. She had really wanted me to resign the commission. And I can't say she was wrong, but there were some things I couldn't do, and I wasn't prepared and I was already making mistakes one after another, and I thought, it's time to get out of here. So we got divorced and I came back to Oregon and she went on her way, and served honorably in the Peace Corps and taught English in Sweden. I think she went to a kibbutz and then she got her masters in Hawaii and went to Hanoi and she's worked for, I think, the Red Cross ever since.

JD: And her name?

DL: Nina McCoy, very talented, very bright, and I think a committed individual; a very good person. But I wasn't prepared to be her husband and she wasn't prepared to be a wife in America. She wanted to travel so I wasn't the guy for her. But at any rate, that's a bittersweet recollection. I can't say strong enough that I have a lot of respect for her. She did exactly what she needed to do, and I think she is still doing it. I don't keep up with her but we have mutual friends in Hawaii and I know she still talks with them, and visits them when she can. She was from Hermiston and then from Cottage Grove. I think her family home is still Cottage Grove. Very good people, very good people.

JD: I want to just back track and fill in a few things. You talked a bit about going off to college and it was a very different culture, but expand a little bit on how you found college as you were there for four years. A little bit more of what your experiences were whether academic experience and/or social experiences as part of the college experience.

DL: I think by the time my father got done with his speech, in the back yard, about college and about why I needed to go and why I need not discuss it further. You know, I had said to him, you don't have money. My oldest brother had been going to the University of California. He was working and he was doing the best he could, but I think his scholarship had just run out or whatever. The second brother had decided to go to law school, and I think he was headed to Willamette and he was going to work, he had a job lined up. So my father told me that I needed to go. And my cousin, who was actually our fourth brother, Wayne Sparks, who grew up in the same town and was a year older than I am. He lives in Vancouver now and I'm very close with Wayne. Wayne was in college, but my father didn't have any responsibility for him. When I told my father he didn't have any money because I did part of his books, and I told him I knew what his financial situation was, and he told me it was none of my business.

So, much like all the other things about financial issues in our family, we just did not, it was not of merit. He was going to find the money someplace. And he told me I was not to work the first year. I think he knew that I was not a committed student as much as my brothers. I hadn't got poor grades, I had gotten good grades. If you can say that it's significant—I graduated second in the class of twenty-two. It's not significant, but I didn't do poorly, so he thought I would do fine and so I went. I found that the sciences, I didn't do well in math, I struggled with that, and so I stuck with social sciences and I got a job.

When he came to visit me, which he was prone to do once a year at least, I think just to get out of the house, maybe I don't know. At any rate he came to visit and he kinda chided me briefly for getting a job because he told me not to. I said I got a job. He said, ok, make it work, but you do your studies; you're not here to start a career. So I did. I worked through school. I worked most of the time, either in the dormitories or in the cafeterias or, later, I was resident advisor, dorm Counselor and they always paid my room and board. I did that plus earned a stipend later when I became a quote-unquote, head counselor.

I saw a lot of different things at school, none of which particularly shocked me, because I did understand that the world was different than Adrian where I grew up. But people had a lot of money. Like I said, they had cars, they had sweaters, there were cute girls, not that we didn't have cute girls in Adrian, but we didn't have many of them. And all of the sudden there were cute girls all over the place. And there were a lot of things going on. I had a neat roommate, Bill

Hansell from Athena, Oregon, another small town who is now a state senator. His uncle, I think, had been a state senator, a wheeler and dealer on the House Ways & Means Committee. But Bill was an enjoyable fellow and that helped. And he was from a small town and that helped. But I didn't feel comfortable with a lot of the people. I mean there was just this element that I felt like I was a little different, that I didn't have the money. Somebody came, one of my friends who later became a Marine Corp captain in Vietnam and is now deceased, and asked if I would like to join a fraternity. I replied, I don't know what that is really and I don't think I have the money for that. And he said, well, you can find out, just cough up eighteen bucks for, what they called "rush." Well, I didn't have eighteen dollars. I had approximately thirty-five dollars for spending money for three months. Other than what cash I could accumulate from doing odd jobs, I was not going to spend my money like that.

I had never been a person who had used alcohol in high school because my father was an alcoholic. He worked every day, but he drank a lot of beer. He was a beer alcoholic I suppose. Alcohol didn't cause him a great deal of difficulty, but it took a lot of money over the years. He got a break on the cost, you know, because he got it wholesale. But it was his area; I mean I knew a couple of uncles who did drink. Most of the uncles on his side of the family and most of them on the other side of the family, they were all drinkers, not crazy but they got together and had a good time. But my father was very adamant about it when I was growing up and when my other brothers were growing up. He said, you're not going to sneak any beer out of the store, and you're not going to go someplace and use the car after you've been drinking. So I was not into the beer parties, I mean I didn't have the money for it. I think I was probably a junior or senior before I expended any money at all on beer. But it was just something, there was this social thing that I didn't participate in. Most of the time when I wasn't studying, I'd gone to the library, I was no great—I mean I suppose I could have been a much greater student, but I had to work at most of the things that I was doing, so it took my time.

So if I wasn't studying, I was working. I didn't go to Armitage Park on the McKenzie River and drink beer with anybody. And I didn't go up to Hendricks Park and drink beer with anybody. I just simply was busy. So socially, I hung out with my cousin for a couple of years and dated a little bit, but not much, and probably, if anything, I was socially retarded, probably still am, who knows.

But college was exciting and I think it was a lot of fun, in that there were a lot of different things each day. I was busy and I liked being busy. And it wasn't the hilarity, it wasn't the Animal House scene for sure, from the movie you know, I think I worked most of the time. I think actually I had more money when I finished college than when I had started because I had worked during the year at whatever I could work at. And generally, I had a job that started the day after I got done with finals. In the spring term, I had a couple of farmers that called me and asked when can you be here? I'd say, my last final is Thursday night, and they'd say, well, can you get here Friday to cultivate corn or to irrigate or whatever. I love being needed, I loved it. So I would just run home as fast as I could pedal my Volkswagen bug. Because I did get a car, the start of my junior year, for which I paid most of it. My dad actually helped me because he said I hadn't cost him any money. I worked all the time, like I said.

When I graduated college and entered the service I had more money than when I had started as a freshman. You can't do that today, I mean it's impossible, you know. I got two kids and I know that's impossible. So, I just thought that college was a place where I was supposed to get enough skills so I could go make a living. I was much more concerned about security than I was about justice in America. I mean I probably missed part of that just because I was from small town America and it was all about getting a job—it was all about paying the bills and it was all about being independent so nobody was looking down your throat.

JD: So, when you finish college, and there was that overlap that you talked about where you'd already been drafted and signed up with the Navy, and then, go off to school again with Officer's Training, expand on what that was about.

DL: That was really exciting. Officer Candidate School, OCS, in the Navy, was probably more challenging than college courses. There is everything from naval engineering, navigation, those were my two nemeses, I mean I had to really work. If it hadn't been for a guy named Gus Tarbox, a little guy about 5'2" and a former submariner who graduated from Duke Nuclear Engineering Program, I probably would have had more difficulty, but he and I had worked together and he got me through some of that. The military part, I had no problem with that. You know, my dad was a very strict man. He told me he wanted to hear from me within three days after I was in OCS. I actually got a chance to call him the first night I was there and he said, but

what are you doing? and I said, well, I just got done running up and down the stairs and washing the stairs with a toothbrush because that was one of the chores that was supposed to help us get our minds right, I guess, and he said, oh man, how was that? And I said, well, it's no worse than shoveling manure in the barn until 10 o'clock at night because I didn't get it done in the morning. And I said, it's the same this is just a drill.

I had no problem with it, I could do it, I could run the PT, the Physical Training, I could go up and down the rope ladders. I loved Friday nights because we had sports and we were Foxtrot Company and we had about half of the guys who had never seen a volley ball or a rope climb or a rope pull. So we would get all fired up and go beat some big manly team and I thought it was great. I liked OCS, I mean it was as good as it got. I don't know that it prepared you for being on board a ship, later some of it. But if you just get your mind right and take orders and march in formation, and understand navigation it's pretty good. And I met a lot of really neat people, and I met a lot of dinks too—some people who just thought that rank was an indication of personal worth.

And I'd never been on an airplane before and I flew from Portland, Oregon to Montreal. It cost me six dollars to go out of my way to go from Chicago to Montreal where the World's Fair was held in '67. So I went up there and lived under a bordello for sixteen dollars a night for the room. Like I said I didn't have any other money to spend so I wasn't upstairs doing anything wrong, but I enjoyed this city, this bright lights silly city. I enjoyed the World's Fair and I met kids from all over the world who were having fun for a few days. And then I flew down to OCS, like I said being on an airplane for the first time, being involved in this massive project, whatever they were trying to do to reform me to make me a naval officer out of me was just kind of this magical thing. I mean I'd never been to the East Coast; I'd never been to any of these places. So I get to go to Newport, Rhode Island in 1967, the America Cup races are on, their refinishing twelve-foot yachts on the pier next to this restaurant that serves lobster, when I'd only had lobster once before in my life. So every Saturday that I got off, I would go down and spend part of my forty dollars, or whatever I got paid, and buy myself a couple of lobsters. Now that was my first stop. Then I would go drink beer and listen to music. Then I'd go home and get ready for Sunday morning because Sunday morning is going to be just like Monday morning and Monday morning is going to be just like Tuesday morning and all the rest of the mornings.

It was pretty exciting. I got to travel around a little bit. I did get to see New York City a little bit, and I got lost, I hitched a ride one time on the New York Central Train, which was really fun. I mean I probably didn't know I was being adventuresome, but I wanted to get to Beacon, New York from Rhode Island, so I got a plane into New York City and asked directions and they told me to go over and get on the train and it'll take me to Beacon. Well, the first thing I had to do was get a car which would take me to the train. So I got on this van which would take me to the train which I assumed was going to be Grand Central Station, well, it ended up at Dobbs Ferry, New York. I didn't know where Dobbs Ferry was but I walked through there and there were people there playing what I assumed was ten pin, was not ten pin, it was something else. But they were rolling the balls at each other and having a good time in t-shirts on a Saturday afternoon.

I walked down to the train station and the guy said, go on down there and stand, I don't think the train stops here, but if they see you in uniform they might stop. So the conductor stopped, he had a son in the military. I'm sure the passengers were not thrilled with having to stop at Dobbs Ferry but, he said, ok, let's try to get you to Beacon. So he takes me to Croton on Hudson which was another place which I had no idea where that was, and he walks up to the taxi stand and asks the driver how much it would be and he said, \$25, and the conductor said, no, it'll be ten dollars or else you'll never work the stand ever again, and then he shook my hand and left. The driver grumbled, but he took me to Beacon for ten bucks.

I don't know how I got back, I have no idea. I probably took a bus to someplace. I mean I didn't care at that point. People were really nice to you, I mean they see that uniform, and for the most part they were really nice to you. So those adventures were really fun for me and I still like thinking about them and telling about them because it was kind of an affirmation that people were really pretty decent around the world and around the nation.

You know the reception that we got after Vietnam was not nearly as warm and cuddly, but that was a good time, I really enjoyed it. I was there for about twenty-two weeks, got my commission and went down to Georgia. I got some advanced training in how to be what was called a CIC Officer, Combat Information Officer, which basically means you are a senior radar man and you give plots to the captain for ship movement, you give plots for gunfire, and things like that. And I needed more experience and I got it in training. I really had a difficult time with some of that, but it was all a learning experience.

We were home ported at Hawaii, Honolulu, Pearl Harbor. I love Hawaii weather, and I'd never been in anything like that. Georgia—I was there from October to March or something like that, we even had snow on the coast in Brunswick, Georgia so the weather wasn't really all that great. But Hawaii, that was just like heaven. You get up at 5 o'clock in the morning and go for a run. You would run to the beach and go swimming and then run back to your apartment before you went to work. That was pretty sweet. Our ship was in dry dock for part of the time so we had to have an apartment.

They give housing to married officers. They don't give housing to bachelor officers unless they have some excess, which they didn't at that time, so we paid for an apartment. The Air Force made some compensation for their unmarried junior officers but the Navy does not because they have two theories: 1. if you have a ship, that's your home, and 2. if you really need an apartment they would have issued you one. Much like they viewed wives [*chuckles*]. So the Navy has a few different ways they approach things. It's a great institution and they do marvelous things but there's a learning curve that you have to be prepared for.

JD: So, you're on the ship, you're with all these other sailors and officers, and you're off the coast of Vietnam, it's a pretty serious time in the war—

DL: Yeah, there's a lot of activity. At night, you're frequently firing illumination shells because the infantry groups did do night ambushes. They did do maneuvers in the evening and transportation at night, but much of the country was not safe to travel at night even around compounds, even around the fire bases. When dark came, you really needed to be home because, to my knowledge and the way that I had viewed it, it's my opinion and I say this as my opinion, I do not believe that the vast majority of Vietnamese citizens supported the war from with side; they wanted to be left alone, they wanted to farm like they had for centuries. They didn't appreciate the VC, the Vietcong. Nor did they appreciate the Americans. But the VC spoke their language and the VC had at least the patriotic label that we did not. So we provided illumination for those units that were dug in many times, and, if somebody *was* moving, and they weren't, then illumination was needed to see what was out there beyond the perimeters. You know, basically you were just shipboard artillery at that point.

Then if there was an offensive action, they wanted supporting fire. If they were going to burn an area, they wanted white phosphorus which is nicknamed “Willy Peter.” You would fire white phosphorus shells into villages that were to be burned. And part of the American policy at the time was that if you had a problem with a village, where they were taking fire, sniper fire or ambushes from a village, they would simply remove the village. You would give the people notice, that’s what we were told, and then we would target the village and we would burn it.

Then you have penetrating shells, which are armor piercing shells, we didn’t use too many of them. I can’t remember if we ever fired against what are known as “hard targets.” It’s a different type of shell which allows that shell to penetrate before it explodes. Basically they’re to destroy bunkers and things like that. There were a lot of Japanese bunkers still around over there and a lot of them were used, probably by both sides. But then the high frag, the last shell that we used most of the time what’s called high frag, it’s an anti-personnel round. If you had enemy troops in the open then you would fire that round and it explodes above ground and sprays shrapnel to—anti-personnel. We didn’t do that all the time, we were off the coast. We did some anti-submarine stuff. There weren’t a lot of submarines out there as there’s a lot of metal on the bottom and the South China Sea is very shallow.

There’s a lot of iron out there left over from WWII. We ran into Russian submarines up by Japan when later in April 1969 when the North Koreans shot down an Electronic Measures Counter plane [what we called the old EC-121, they looked like a continental airliner with a tri-tails, three tails, they shot one of those down and killed the crew. We went up there and did find the Russian submarine that was having engine problems and was surfacing, and we blinked back and forth several times with it. Most of the time when we were off China, South China Sea off Vietnam we were basically patrolling for craft smuggling guns, or weapons, or people into what was then South Vietnam, or we were on gunfire or doing some kind of ocean drills with the carriers. Or we were doing carrier watch a lot because the carriers were doing bombing various times we were there. And they had flight operations at least a couple of times a day so we would sit back.

We weren’t as fast as the carriers, we had a destroyer escort. I don’t know our top speed now, but it was probably, at least sixteen knots when we were really fired up, because we had a problem with the boiler because it actually used jet fuel, JP-5. The condensation units, you have to cool with fresh water, and you have to have condensers to get fresh water from the ocean. So

if you don't have good condensers you don't have enough fresh water and if you don't have fresh water for cooling, that engine brings in salt and it corrodes the cooling tubes and it leaves deposits. There was always a problem with the design of this engine, this power plant. But the carriers were faster than we were. Those big hulks would speed up and turn into the wind and wanted to do twenty knots and we couldn't, so we would have to be in a slide back position so we would slide back and watch the planes landing. Some of them came in shot up, I don't think I saw but one plane ditch, most of them made it back on. I can't remember now, but we did watch one plane ditch.

The rest of the time we set off from Da Nang—there was a lot of gunfire off the coast of Da Nang. There was a mountain there called Monkey Mountain. I think after the war they discovered the reason they had so many North Vietnamese troops in the area is that Monkey Mountain was honey combed with tunnels and hospitals and all kinds of things. So there were a lot of enemy troop movements in and around Da Nang. Of course, it was a major base for us so they wanted security; they wanted somebody to throw shells in there if they needed.

I was only there one tour we left in late October of '68 and came back in mid-May of '69. So it was a bit of a brief tour, but we had been up in the Sea of Japan with the EC 121 that was shot down, and they brought us back to Japan and I think they were just, ah, we'll just bring those guys back and send somebody else over. But it was an exciting time, it went by fast, it was very tiring. I was a Junior Officer on board, and you were called "George," and George gets a lot of different duties like being the Catholic Lay Leader and the Protestant Lay Leader at the same time. Being awakened by the executive officer and being told that we would be having church services that morning because we had an admiral on board. I remember coming off watch at probably 4 o'clock in the morning and being told I was going to have church services at 8 o'clock, and I remember going to bed and saying something *very* irreverent. I thought I was going to get court marshalled for that one but I didn't—the captain said he wasn't holding church services either, so I got out of that one. But I think when we were doing a lot of work, either gunfire, and such, actually you slept four hours a day, but you would sleep two hours at a time. You'd sleep two hours and then do your watch, then do your collateral duties, and your George duties. Then you'd get another two hours sleep and then you'd be up for twelve hours. So you got yourself to the point where you were probably intoxicated. You weren't under the

influence of alcohol, but you were so tired. I could lay down in the passageway and go to sleep. I could sit in a chair any place and go to sleep.

I was also the Registered Publications Officer, the RPO, and I was actually the nuclear—we actually had nuclear weapons on board for anti-submarine warfare. I think I had the nuclear key cards. I maintained all the crypto cards and I had all these registered publications. I probably got a 3,000 document library on the ship that I had to keep current. And you have a burn schedule, you have to keep track of when you burn them, you have to issue reports when you burn them, you have to go into an RPIO which is a Registered Publication Issuing Office and have the technicians go over all your books and make sure that you're doing it right. They come out to t your ship and make sure that you have a proper disposal program and whether you keep up with it. It's rather a significant collateral duty and it can drive you absolutely insane. You are supposed to see an RPIO every thirty days, and at some point in that time while you are at sea, I don't see an RPIO from the time we leave Pearl Harbor until we get to Subic Bay in April of the next year, so it's been six months at least.

In the meantime, they have issued a couple of orders to destroy a document, and now; don't destroy a document, and, oh yeah we need to destroy the document, and, oh no, don't destroy the document. And you'd get a long list of things. That the teletype might cover why your 5" gun on Mount 51 doesn't properly fire well after two hundred rounds. You might say, ok, here's a radar repeater which has had some deficiency and you're going to need a part for it. Down here, it'll say, [Kack 121 ?] which were these key cards, destroy them. And maybe there'd be thirty items and I initialed off on everything but the one that said "don't destroy it." I report that I have destroyed it [insasable ?] in 1968. So I send in the letter, I take it to the captain and I let him know and he's very, very concerned. The next thing I know I have a letter from the National Security Agency which says that this was really a big deal. So I think now that I am going to get court-marshalled. And the captain has decided that other than doing shore patrol, I need to be restricted to the ship. So they send the communication tech out and reassure the captain that ninety percent of the fleet destroyed this because we could never make up our mind what to do with it. And they said, this guy is doing just fine, he's got a good burn program and he does all the things right, and other than this one he is looking real rosy [*chuckles*]. Captain is not real certain, he's thinking this letter from the National Security Agency is probably gonna keep him from getting the fourth stripe, so he's very unhappy with me. So anyway he finally gets a

letter from somebody that says don't worry about it. At which point I get off restriction and I don't get court-marshalled. And the next month we return to Pearl Harbor and I never hear about it again.

That was probably after seven months, eight months at sea at which point as tired as I was that was probably my lowest point in the Navy. I loved my crew, they were wonderful people, I stood their watches, when they had family and needed to do something, I didn't have any problem doing that. That was the one thing I was most proud of, I took care of my people. I knew what they needed, and if we had a difference of opinion about something I was pretty firm, but didn't back down from conflict, but my people were number one.

JD: So you're on the ship for quite a while, you've finished college, which for sure your father wanted you to do, and then you are discharged in San Diego—

DL: —Discharged in San Diego, I'm still married at that point and I'm discussing with my wife what we ought to do. We've got the cash when I ended of college. We haven't spent it because in the Navy I earned a decent salary. She had taught in Hawaii so she said, let's go on a tour of the United States. So...I'm not boring you with all of this I hope?

JD: No!

DL: Ok, and I hope I'm not boring the people who ever see this thing?

JD: No!

DL: Ok, alright, here we go, this is sometime in November of 1969, and Nina and I decide that we are going to go someplace, we are gonna head to the east coast or something. And that seems to be ok with her. We know things are not good, and, I know for a lot of different reasons, they are not good. And this is an adventure for her, so she says, okay. So off we go in the Volkswagen and everything we own is in this Volkswagen, so we go across and see her brother in Kansas, and she says she wants to stay with her brother in Kansas for a while. And I say, well, I know there is some work down south. Camille had just gone through in August, big hurricane

lots of destruction, so I'm thinking I'll go down there, join the union, and start packing ships or building something. Off I go to Biloxi, where my cousin is, he's in the Air Force, and Nina is not interested in coming right away, so that's okay. I go down to Gulf Port, et cetera and the unions are not gonna let me in, they are locking up pretty tight what they've got and they aren't letting anybody else in. So I get a job cooking down there. I lied to a guy and told him I knew how to cook and replaced two other guys and I learned to cook. So I'm down there cooking in some beef and catfish restaurant and it's a neat experience. The chief cook drinks cooking sherry and sits on the chopping block and tells me what to do, so I'm peeling shrimp and making escargot and frying steaks and deep-frying catfish and French fries and making baked potatoes and at 6 o'clock the next morning I'm cooking eggs, pancakes, and hominy, whatever they call that stuff.

JD: Grits?

DL: Grrrits! [*chuckles from JD and DL*] With butter on it, and I'm thinking, oh man, somebody's gotta work with these people. But once again, it was a learning experience and I wasn't shy about that and I was a good worker. I would like to think that I am the kind of a person who could pick up the other end of the board, if you know what that means. If you have two people working together you pretty soon have to learn to pick up the other end of the board without talking about it, and who is going to do this. And I got that done.

So I'm down there for a few months and it's beginning to become obvious that Nina is not following. So I talk to her about it and she says that she doesn't think that we are gonna make it, and we oughta quit. At that point, she had moved on to DC and she was gonna go down to Williamsburg and live with some friends. So by hook and by crook, I determined where she was in Williamsburg and went to see her. Had a reasonably good time talking about what we needed to do, and we even went out to see a counselor. Basically it was that she just didn't want to be married and she didn't want to be married to me especially.

And so I went hitchhiking for a little bit, left the car in Williamsburg, headed down to the Outer Banks, and hitch hiked down the Outer Banks and screwed around. This was December of '69, probably spent a week or ten days just kind of walking it out. I slept in the toilets of Cape Paterson and in an abandoned trailer someplace else. Served beer for twenty-five dollars at Nags Head, camped in the middle of a field outside of Norfolk, which I thought I could do and then all

of a sudden the heavens opened up and I just was drowning. You know, I didn't know much about the world, and I'm staggering over the fence line trying to get out of there and I've got my stuff in my backpack. It's 1 o'clock in the morning. Two wonderful black guys pull up in this beautiful big car and they said, "Do you want a ride?" I say I am so dirty and I am so wet I can't believe you're asking me that. They said, you need a ride and we got a ride. I got in the back of that car and they wished me Merry Christmas. They had a can of crackers and I had a couple of crackers. They took me to the bus station in Norfolk. I can't thank them enough. I never knew how to thank them, I had no idea who they were. Why they would pick up some drenched honkey wondering around in the middle of the night on some rural road, I don't know. But for some reason they said this guy needs a hand. So I took that as a sign as maybe that is what I needed to do.

So I went back and saw my wife in Williamsburg again. I took her up to D.C. and gave her the maximum amount of money we could split, actually I gave her most of it. And I saw an old friend who had been on the ship with me and drove back to Oregon in January 1970. That ended a chapter in my life and it was a starting over time. I didn't really know what to do.

There were no jobs in Adrian. It made no sense to take my college degree, my experience in the Navy, my divorce and going to Malheur County thinking I was going to start over because I wasn't. So I went to Salem and got a job. I think I worked three jobs at various times sometimes all at once. I cooked in the kitchen at Willamette University. I was their set up guy, did janitorial work, cleaned their toilets, and stored their stuff. Then I worked at a golf course and at a Plaid Pantry. I got enough money to try to get back on my feet, get straightened out, and the president of Willamette University came to the store room where I was one day because he heard that I would edit papers. *[JD laughs]* For a dollar!

I said I could write and I felt that I could. Somebody had brought me a paper they were writing and said, would you edit this, take a look at it before I submit it? They put a paper clip with a buck on it. I would edit papers for a buck. I didn't do a lot of them, but the president of the university said it was rather unique that the student union janitor would edit papers for students. They had just offered me a contract that if I stayed at the university for a year that they would do this for me or whatever. I really wasn't insulted; I was pleased that they would think so highly of me that they wanted me to hang around for a year, but I didn't think that I wanted to sign a contract to be a janitor for Willamette University. So the president came, he had just come from

John Deere or something. He was a neat guy, a wonderful guy with a tremendous resume, and he said, there is a place for you at Willamette University. I said, yeah, I agree. It's in the janitor's closet and you're standing in it and I'm really busy. I don't want to sign a contract. I really thank you but I gotta get out of here. So I knew at that point in time that regardless of what I was doing, I was just hanging out.

I'd run into a guy that was an old veteran from the British Army. His father had been killed in Israel while in WWII. He had gone to Sandhurst and had wonderful stories. We compared notes. He also was a drama coach and he talked me into performing in the Pentacle Theatre in Salem in a couple of plays, *Man of La Mancha*, *The Music Man*, which took up my time and added to my resume of trivial and inconsequential activities. But it was fun, I was taking a break from the world, and I did. But pretty soon I had figured out, by October, that I was getting to the point where I was making just enough money to survive but I was never getting ahead. So I quit those activities and applied to the state and I got a job as a prison guard.

JD: And this is in the penitentiary?

DL: This is the Oregon State Penitentiary in Salem, and they hired me in late November or early December, 1970. I had been looking for a job, something that would pay, and I think it paid \$525 a month gross. It wasn't a great deal but it was probably more from one job instead of three jobs combined. I started on the outside perimeter on the walls. I learned that when Lieutenant Patton walked out the back door in the recreation yard, he would shine a light on the towers and you would have to blink your light. This was part of the system that was to make sure you were awake. I didn't have any problem. I was diligent, I didn't doze off, I didn't go up there with a pill and a book, none of that. I figured they were paying you so you should do what you're supposed to do. And I didn't have much contact with the inmates for a month, and then I was assigned inside the D Block where I had a lot of contact with the inmates. I learned they were pretty decent, and maybe it was a different era than later on, there were lots of property offenders, a lot of murderers, and there were lots of good people and lots of bad people. I guess I really, just like the two guys who picked me up in the middle of the night outside of Norfolk, there were people with good hearts who wanted to do the right thing. I guess I kinda went back to Sam Tyson my

high school teacher, maybe this is something I can do is work with people who otherwise wouldn't usually be candidates for reformation.

Not that anybody was asking me to work with them. I was asked to control them and so I went through riots and went through fights on the stairs, went through several pretty ugly things. I learned that it was a pretty serious place, but once again there were good people and not so good people, and that included the staff. There was a maturation period that perhaps I hadn't gotten to before, and I got pretty serious about it. You know I was always a "nobody." I was a worker bee but I was learning. For the most part, I think I was appreciated. The guy that ran the security, Gene Tribble, said I was doing ok. I got along with prisoners, although some of the old-time guards didn't like that. But on Christmas I would bring two or three packs of cigarettes and I would hand out Lucky Strikes to guys. It was really my gesture, now that wasn't really probably what they intended, but if somebody got a smoke on Dave that was ok. But they also knew I'd write 'em up. One of the first guys that asked me to pack things outside I said, well, you know, I don't think that's probably ok. I tell you what I'll do, I'll go discuss it with Gene Tribble and we'll see where it goes from there. And I did, and he got written up and went to the hole and never did it again and people said, well, you know Dave's not a bad guy. He'll give you a cigarette but don't ask him to pack anything."

I was a guard from the latter months of 1970 until the next spring when they had an opening for a counselor, what you call them today are case managers. I didn't do a lot of counseling besides, "Don't do that again." You'd manage their paper work, their files, their requests and their educational transfers, and their demotions and trips to the hole, and whatever else was going on. I had the "zeros." Somebody thought that everybody was zeroes. They assigned people according to the digit at the end of their prison number. So I had the zeros in D Block, but because I'd been a guard, every day at 4 o'clock, or pretty often at 4 o'clock, they would call me and say, can you feed in segregation and isolation, we don't have enough people. So I would go down, take off my tie and go to segregation and isolation and pass out chow until we got enough people fed that it was over that it was ok.

I worked there a lot, and I think I did a lot of different jobs there and got some kudos. I was working at that time, Hoyt Cupp was the Superintendent, Bob Watson was the second in command, and Frank Gilbert who was later Chief Probation Officer was one of the chief writers, managers, and assistants to Cupp and Watson.

So, that situation—being the guard, the case manager and the counselor—and doing the jobs, I did ok there, and felt good about it. The old joke is I don't like prisons because they're too confining, and that's kinda similar to my feelings: after a while, at 4 o'clock when the door slams shut, you do a count, or at 10 o'clock when you do a count, or at 6 o'clock in the morning when you pull the all bar and hear the doors open up. It's all pretty serious because you realize what can happen, and you realize there are some pretty ugly things. Like I say, we had riots where guards' heads were beat in, we had riots where guards were injured, and later on we had guards killed by prisoners, and it makes you have to think about it. I wasn't afraid, but I didn't like the environment and I didn't like how I was changing about it and feeling about it. So there was an incident where one of the managers asked me to take a guy to the building and I did, because once again I had been a guard, the guy was on my caseload. He was disruptive in the education department so I went up and got him and took him up to the building which is segregation and isolation. Segregation just means you are in a separate cell by yourself with pretty minimal appointments. Isolation is basically a darkened cell with a little slit in the door and a benjoe. There is not a toilet, there is just a hole in the ground. So that's pretty ugly, frankly.

So I took a guy down to segregation and then the manager called me and asked me why I did it, and I said, I took him down there because you asked me to. And I think what had happened was that he was a black guy who had killed a guy in a store in Eugene and he was a very intelligent young man and he was bitter, and he saw himself perhaps beyond black power; he saw himself maybe as correcting the world. I don't know whatever happened to him, but at any rate I took him down there and had no problems with him. I think there was probably some discussion about what the lawsuits would say when he was disrupting the education department, because he was insisting on Black history being included in American history essentially. So after I had this discussion with this administration person, I just said, okay. I had already seen the inside when people turn against each other, you have a guard that talks to the inmates about another guard, or you have an administrator who talks to inmates about another administrator, it really can be dangerous. I just didn't like the environment so I told Cupp that I didn't want to be there. I'm sure there was some immaturity on my part there and I didn't handle it very well. I just said, I'm done, I'm not going to take that from you. And Cupp came down and told me that I should stay, that he understood, and everything was going to be okay. And I said, don't think so; I'm outta here.

Frank Gilbert helped me get a job with Parole & Probation for the state and that was in April of 1972. Frank and I got along, and Frank and I hadn't always gotten along, we had argued about a lot of different things, there were privileges given out to a lot of people that I didn't feel were deserved but for political reasons it would happen so he told me to get over it. But I think he appreciated my integrity about things and my desire to do it right and be consistent. You know, whatever the final decision was, it was really his decision, but I felt they had really needed the benefit of my thoughts [*chuckles*], which they probably didn't need at all. At any rate, Frank helped me get this job with Parole & Probation in Portland. I worked there for a year, and I got an invitation from the federal probation office in December—I didn't quite work there a year as I went to Parole & Probation in April and in December I was asked to interview for Federal Probation, so it was eight months. So once again I think on Frank Gilbert's recommendation. So I went over to the old federal courthouse over there, Gus Solomon Courthouse, and I didn't really know what I was interviewing for, I just got the word that I should go over there and be interviewed. A fellow of the name of Palmer Lee who was then kinda the lead man over there interviewed me. They hired me before the background clearance came back so they had to do the FBI check work on me after I had started work, but it was ok. That was the beginning of another new chapter, and that was the best chapter of all.

JD: You've been talking for quite some time now, why don't we take a little break and we'll pick up your move to the federal probation office when we do our next interview.

DL: Ok, that's fine with me, you do whatever you want.

JD: Ok.

[End of Recording 1]

David Looney

20 July 2015

Recording 2

JD: Go ahead, please.

DL: I am Dave Looney I worked as a Probation Officer for the U.S. District Court for the District of Oregon from 1973 to the end of 2000. I served as an Officer and a Supervisor and as a Chief for the last nine years of my career here. I would say it was a delightful twenty-eight years if anyone can say that about working in Probation & Parole Office, but it was, it was a wonderful experience.

The historical project that we are involved in hopefully brings some facts and some interesting information about the probation office. I was listening to an interview with Wallace Stegner, I believe his name was, recently on OPB and he was talking about biographies and how biographies, and even autobiographies, are sometimes fiction. He was referencing the fact that sometimes our memories are not as good as we'd like and we remember things the way we want to and not too accurate, so I'll try to be as accurate as I can. Wallace Stegner also said that fiction was too important to falsify, so however it comes out I hope we get it right today. *[DL and JD laugh]*

DL: The starting point for this session, is kinda all about me unfortunately here, I'll try to make it more about the Probation Office. I came to the Probation Office in 1973. I had been working in the Oregon State System. I worked in a penitentiary. I worked in a probation office in Portland and was given the opportunity to interview. I was called up and I think I came to the interview not knowing particularly what I was interviewing for. It seemed that there were all kinds of choices out there in the world, but I was relieved when I was told the job that I was interviewing for was here in Portland. I had been moving around a bit with the Navy at one point and I really didn't want to move anymore. I wanted to be some place and have some stable place in the world to be. So I came with the idea that I would be doing, pretty much what we all do at

that point in probation, it was pretty much a medical model; we were out there to *cure* people. Having had the experience in the prison system however, I knew that not everybody was amenable to being cured, so to speak.

So there was this dichotomy that you find in probation and parole that on one hand you have a very structured expectation that everybody will abide by the law. The probation officers and parole officers or enforcement officers, they go out to do good and to enforce the law and to change their clients. We called them that at the time, later we called them offenders. There are all different kinds of professional, clinical references, but that was one swing of the pendulum. At that time, we were all trying to find a way to cure people of drug addiction and not so much the War on Drugs. But we had seen the late sixties bring a large amount of drug use. People were fearful of marijuana, people were fearful of heroin, cocaine was relatively new in some parts of the United States. I don't think it was terribly important to Portland at that time when I first started. Soon thereafter of course we went through cocaine to PCP and all kinds of other drugs, and later the thing that was most fearsome in the late eighties was crack cocaine.

But the emphasis on drugs and alcohol abuse drove to some degree this medical model and how we were to treat our offenders. We thought that if we could subscribe to the right treatment that perhaps we could keep these people from reoffending.

JD: If I may interject for a second, I am going to give the date, July 20th 2015, and we are at the U.S. District Court Courthouse in Portland Oregon.

So when you had this interview with Palmer Lee, do you remember much about how he described the job or the types of things he asked in the interview? And how did that then line up with what the reality of experience was?

DL: [*chuckles*] Well, Palmer. Since we want to talk about that, Palmer was a very interesting man. We were lucky to have somebody who had the experiences that Palmer had. Palmer had been an Oregon State policeman and he also had worked for Oregon Corrections for a number of years before he came to the federal system. And I think Palmer was a very congenial man. He could talk most people into doing what he wanted them to do. I think he saw the role of the probation officer much the way that some judges saw them—that we were to be the best friend these people ever saw. Primarily when I speak to that, the probationers that came from court,

maybe not so much the parolees, but the probationers specifically, felt that the probation officer was an active catalyst for change, and that we were the people that went out and became these people, if not friends, then at least guiding mentor in every situation. And Palmer *was* that person. Palmer wanted us to have that kind of involvement at least that is how he introduced the job to *me*.

He also introduced the job as being a six day a week job. He wanted us to come down to the courthouse on Saturdays and be involved in finishing our case work for the week, to clean up our cases, and to be available to be counseled by him if we needed to. It was kind of an interesting proposal because most places don't have the requirement when you come in on Saturday morning and meet with your supervisor and that's what Palmer was. Palmer was kind of the number two lead man. Our chief at that time was Walter Evans, who I think had become chief in the late sixties in this district, I can't remember the exact dates. He followed John McFarland who I think was the first chief in this district.

Both Walter and Palmer had a very social, I won't say social work reference, but they believed we were to manage resources to provide for our offenders so they had every opportunity to change. And that's how Palmer introduced the job, and when I finally got an interview with Walter Evans, that's how they introduced the job. I was the sixth officer in the district at that time. If you want the names, I will have to go back a little bit in my memory. You had John [Gregg ?] who had been around for a long time; you had Ernie [Carlson ?] who had been around for a while; you had Art [Aframo ?] who was our only MSW, but Art was a very talented man; and, you had Leo Roberts. Those were the four line officers at the time, and of course, you had Walter and you had Palmer. So I think that I was the sixth officer, not counting Walter. But we all were schooled by Palmer and Walt to be resources and we saw it as a medical model.

I say that's part of a pendulum because as the years went by it changed a good deal. I can say the court influenced us a great deal, as it should, and every effective organization is influenced by the people at the top, it should be at least. Many times the quality of the work product is determined by the talent and the diligence of the work force. But if you don't have the good leadership at the top generally it becomes fragmented and misused at some point. And we'd had at that point in our district we had I think some of the finest people that could have ever been on a district court. I don't say that just because I am a probation officer, and I'm supposed to love judges, but when you consider you had people like Otto Skopil who was a wonderful

gentleman, and very talented and a great lawyer—a very talented gentleman. You had Bob Belloni who perhaps was a little quieter but he had great expectations. Of course, you had Gus Solomon who taught us all how to write. You'd send a report and you would get it back and it would be graded. You would have little red marks if you didn't use correct grammar. I mean he insisted on teaching us how to write, which is a good thing, so Solomon was good. Then you had the magnificent and charming James "Just" Burns.

This was just such an outstanding group of people and they influenced us on how we looked at life and how we looked at our people. They understood the difficulties of reformation for people. They understood how some people were going to be a danger to the public all their life and they allowed us to think that that was the case and to know that and to protect ourselves. But they also, as Judge Burns once said, "All long journeys begin with small steps." He said it specifically to me during a revocation hearing because I was ready to send somebody to prison and he didn't think it was time. He wanted me to know that I needed to be more patient. I think their influence over all of us allowed us to still have in the midst of this dichotomy between punishment and treatment if you could call the ends of the continuum that it allowed us to think in both those terms and to try to be as patient as possible and yet use good judgment in protecting the public.

JD: Can you talk a little more about, in addition to the writing, what the frame work was for how you interacted with the judges at that point when you first came to the office?

DL: Yeah, and that's a good subject because that's even been the subject of court cases and how we interacted. When I first came, our meetings with the judges were primarily just before sentencing, or if the judge wanted to know about bail. If he had a person that was making a first appearance or who had made a first appearance in front of a magistrate and had been referred to them and they wanted us to review the person's circumstances to see if they would be a good bail risk. So it was based totally on what the individual judge needed. We wrote pre-sentence reports which had been written by probation offices whether state or federal for a number of years. I think the federal probation system actually started as a supervision system under the Bureau of Prisons and then later became a court service position. As soon as it became a court service position at about 1925, it began to produce pre-sentence reports, and the federal system pre-

sentence report monograph became kind of the standard for many state systems on how to write a pre-sentence that covered the offense, the legal ramifications of the offense, the person's involvement as they stated, the person's involvement as the government knew it. Then you talked about their prior record, and their social history, on whether they had an education or work history or something like that.

When we would write those reports, at that point they were just for the judges, they were only released to the judges and the judges could then say you could give them to the defense counsel or you can give them to the government. Later that became the standard practice but they were supposed to return those reports because it was just the judge's report.

The judge would look at them and was not often critical of content, they would have questions about it occasionally. They would say, I'd like to know more about this or I don't think you've described that accurately in your assessment because it doesn't appear to match what I am seeing in the person's prior record or the criminal behavior.

So there would be questions and the dialogue was very professional but it was almost always supportive. The judges wanted to encourage us to be honest and as open as we could. There was a time also when some judges invited the government in to talk about the case. I think there was some indication that even FBI agents would be invited in to talk to a judge before sentencing on occasion. That became more and more restricted in that the information passed to the judge for sentencing purposes needed to be disclosed. And that applied specifically at some point to our sentencing council .

I think everybody right now in the year 2015, we're hearing a lot about the fact that the federal government, and many state governments, have incarcerated far more people than they can afford to keep in prison. This has been a trend since about 1987 when the Sentencing Reform Act came into effectiveness on November 1, 1987—any crime committed after that was subject to the Sentencing Reform Act. Even as early as 1975, when we were meeting with the judges, the issue of disparity and the information given to judges during sentencing was a hot topic. We wanted to give the judges the best information that we could, we wanted it to be for their use, we were not concerned about whether it was disclosed to anybody at that point. We wanted to make sure that it was accurate to the best of our ability. We were still at that time providing a pre-sentence report and we might even provide another sentencing memorandum to the court for a while.

JD: And how would those differ?

DL: The report would be a formal report which often was disclosed to the government and then advanced to the court. The memorandum was not intended for disclosure. That, you know, was a questionable practice. It was never abused to my knowledge, it was never something that we purposefully put together to influence sentencing in a negative manner for the defendant. But it might be a last minute thing where the victim has called up and said something or we might have something that's come in that says, ok this was a conviction that involves a specific type of abuse, the sexual abuse of a child for instance or the death of a child. And maybe it was a count that was dismissed and should not be considered for sentencing, but we thought that maybe evidence was compelling. For a probation officer to make that judgment was somewhat heady, but I think it was still a practice that went on for not long but it was a practice.

Judge Skopil specifically said, you know we just don't want to do that. I think he was chief judge at the time and he said, we appreciate all that you do but we don't want that kind of information. If it's not in the pre-sentence report, we don't want it. But we did meet with the judges every Monday morning to discuss the cases and to discuss the pre-sentence report. And at that time even though we weren't writing a memorandum, there were times when there was oral discussion about the defendant that then of course was not disclosed anyplace else. It might come out during a question by a judge, it was inadvertent for the most part, but I don't think anybody went there with an agenda. In fact, we specifically said if it's not part of the report, then don't bring it up. But you may have a question by a judge about somebody, and at times probation officers have views about things just like judges and other people involved in the system, so there would be this discussion.

So when you talk about the interaction with the judges, it went from the time we were talking about a very specific issue: bail or sentencing, meeting with the individual judge to a sentencing council which allowed the pre-sentencing report and even an memorandum on the side that may have led to an additional report, to a time when sentencing council involved a discussion about the pre-sentencing report, and that alone with no other information. Even that was contested. I think, Steve Wax, public defender, said, we want to limit the degree of discussion in the sentencing council . We don't think it's appropriate for the probation officer to

be involved in providing information, and perhaps is even a discussion about the defendant that we are not privy to.

So I think that the sentencing council—although it was initially intended to: 1) be helpful to the judge in understanding the individual defendant before them, and 2) as it played later into the sentencing format—the judges were trying to in this district, the district of four judges, wanted to have some way of reducing disparity between them. They wanted to know what a person who had an unarmed bank robbery, with maybe a limited prior record, was sentenced to by other judges. So we not only provided them the pre-sentence report, we had the discussion in the sentencing council discussing prior sentencing. We would be able to give them the past years of sentencing or they would remember the individual. There were not that many cases that the judges don't remember their cases. They would be able to recall, well, that fella had limited prior record or he did have a prior bank robbery. So the purpose was two fold in this discussion with the judges: one, provide them with information; and two, specifically in the sentencing council to try to limit the disparity.

We understood that the national trend, this War on Crime and War on Drugs, that wanted to push what I think at one point was called Senate Bill 1, which eventually became the comprehensive Crime Control Act which I think was the Sentencing Reform Act that passed in '84 and became effective '87. We understood that this was coming and it was the Reagan Era manifestation what was started before Reagan, but we were gonna get tough on crime. The pendulum was swinging for us from the treatment of mentality over to we're gonna get tough on these people.

And we wanted to help the judges the best we could, not that they needed help in understanding the law but they needed help in understanding where this defendant was situated among other defendants and how to sentence. So that was kind of our whole emphasis. Walter Evans really was clairvoyant about the need and he worked with Judge Burns. Judge Burns was very active—he was on the probation committee at that point and he was very active in talking with others about what Senate Bill 1, the Sentencing Reform Act would really do to the sentencing trial courts.

JD: So can you elaborate just a bit about the sentencing council, and how that came about, was that just Oregon or was that nationwide?

DL: I think other districts had a sentencing council but to my knowledge ours was one of the first. And was perhaps one of the most organized and pointed in its efforts to not only inform the courts but to give them some perspective about where defendants were situated in the overall sentencing patterns. I think Walter Evens worked with Judge Burns to do that and he got the approval from the other judges, so it was a wonderful relationship in many ways. I can recall Judge Solomon coming in and saying, "I read your report and you have holes in your head." And then we would talk about it. I mean he wasn't saying that to be mean, he was saying that because he was really skeptical about what the recommendation was because we had to give a recommendation for a specific sentence. He would say, well, where are you coming from? And he might even walk by, I remember him taking his thumb, and I didn't have any more hair then than I have right now I don't think, and he'd come by and take his thumb and whack me on the top of my head and he'd say, "You've got holes in your head." Sometimes the comments were kind of pointed, but the judges were not mean-spirited. It was an active discussion about why you recommended what you did.

I think it was very useful for the judges—at least that's the impression that I got from them. They wanted to have the sentencing council. They didn't want to violate any tenets of the law or fair treatments of the defendants, but I think that they did enjoy knowing what we knew. And sometimes we knew more than we could put in them, and sometimes we just had to hold that and just not say it, because we had very strong suspicions of what we read in the police reports which were covering counts that were not used in the conviction. And we simply couldn't disclose those things, but judges wanted to know, and if they felt if it was significant they would then disclose that in sentencing. They would make a point of disclosing it in sentencing because they were going to use that information.

But it led to a very collegial type of environment among the judges. I don't think the judges ever abused it by any stretch of the imagination, but if a judge needed something they would come to us. And it gave them an opportunity to come to us and talk about what we did and how we viewed our jobs. I think the judges showed interest. Judge Skopil was such a gentleman, and he was always interested in how we looked at cases, not on sentencing necessarily, but if he had somebody that he placed on probation and wanted to know how they were doing he would ask. And that played out as an extension of the sentencing council.

I think Walter Evens at that point in time pretty much had to be in agreement, all the judges had to agree to it. The chief judge couldn't just say we could do it, and the chief judge, when I first came in, was James Burns and he certainly wanted to do it because he foresaw and continuously referred back to questions about the Sentencing Reform Act and where we were going before it came in. He'd ask us for white papers on how we viewed mandatory sentencing. He was very interested in what the probation office saw of the merits and demerits of mandatory sentencing. Other judges were interested but perhaps not so pointed in their inquiry. But that was the tenor not only of our relationship with the judges but with the sentencing council.

JD: In exploring judge-probation officer relationships more, how did that start to change as the district grew and more and more, Article III Judges were added, and Magistrate Judges came into the picture not long after you began as well.

DL: We had some Magistrate Judges initially. They did not handle the wide ranging cases that they do now. I think in 1980 the first big addition was Judge [Helen] Frye, Judge [James] Redden and Judge [Owen] Panner. I think it became a little more formalized because of the numbers of people and our relationship was already changing from this full disclosure, full conversation to a very respectful distance in trying to communicate but not violate any of the tenets of fair play. But all of the judges, new and old, remained very actively supportive of the probation office. I don't think we ever saw a time when the judges thought we were just a waste of time; at least not in my tenure. We learned from the judges. I can say specifically not only did Judge Burns teach me patience, Judge Skopil made an attempt to teach me how to be a gentleman, perhaps unsuccessfully, but at any rate he worked at it.

Judge [Edward] Leavy was such a great teacher for me about process, about the importance of integrity in process, and that's what this transition was from the very beginning, about the integrity of the process. When we had such a noteworthy case as the Rajneesh case; and we had to issue bail for the Bhagwan. I took a memo to Judge Leavy because he was dealing with bail, and we were dealing with bail with him, and he had had one major bail hearing. I wanted to make sure he was considering some of the issues, some of the difficulties we had in supervising anybody on bail who was going to live over in Rajneesh land. When I took him the memo, Judge Leavy welcomed me in and we chatted as we always did. And I said I had just

prepared a little memo about bail, and he said, well, is it something that you want to share with the defense and the prosecution? And I said, no, it's basically just a memo about bail. And he said, I don't do anything in chambers. I do everything in the courtroom. Unless it's going to be something that we disclose to everybody I'm not going to use it, but I thank you very much for working so hard on it. Very gracious, but once again this reminder of the professional nature. We can have the friendliest relationship. I consider Judge Leavy to be one of the finest individuals I've ever met, the most gracious individual, and I love to talk to him; he is so bright. Constantly helping us to learn the absolutely essential element of integrity in the process.

And I think that nature of the relationship is what I saw developing when I saw Judge Panner, Judge Redden, Judge Frye come on. Some of the old fraternal kinds of relationships became collegial, but based on what was going to be the best for the court. What's the best for the law, what's the best to preserve the integrity in this system. There were no shortcuts, we could be as friendly as we wanted to be, but there were no shortcuts.

JD: Which raises an interesting question about probation officers, I mean you've talked about your background in your first interview session, but I don't know what the general background was that probation officers brought to their job. It wasn't specifically legal training like judges have had. How did that work and can you even say there is kind of a standard background probation officers come from or it's just all over the map?

DL: I think it's all over the map. I think we saw some people, you know we had one MSW, the fellow came to us, I think, from Chicago which was very heavily weighted in social workers, the Chicago Probation Office had many MSW's. When I came, that person, Art [Aframo?], a fine officer and fine individual, was a rarity here. We had people who had been in law enforcement, that same person had been a sheriff in a rural county in Oregon, and also ran a gas station and had a business background. He had to have a college degree because we had to have a four year diploma, but not necessarily anything in corrections. He ran the jail I'm sure in the rural county and that constitutes corrections. We had a fellow who had been military police. Back then we had a couple of military police and they'd come up through the system and had been selected by somebody that probably had much more of the law enforcement background.

And that's initially where the probation system came from, it came from the Bureau of Prisons, an offshoot of the Department of Justice.

So there was an element for the old timers to be there. Later on we had people who majored in corrections and came to us with degrees in corrections. Some had wanted to be police officers but along the way decided that corrections was more their liking because they still wanted to be active in the reformation of souls, I suppose. They wanted to see a little less structured. They didn't want to deal with the police military aspects of it and they wanted to be working with people in the community, drug addictions, personality disorders, *et cetera*. So I think as we looked back, we had a lot of educators and we had some people who had been in the Peace Corps. There was kind of a social service trend among the people. They were not necessarily the hard and fast law enforcement people, there was much more of the social work approach. But if you said I am interested in social work that put you at odds with many of the people. Probation and parole is someplace in between and you have to be able to adjust every day, and sometimes every hour, and sometimes even a less period of time. You can start in the morning and deal with somebody who needs a referral to drug treatment, needs housing, needs food stamps, needs medical care, and many, many, many need mental health. So you can start with all those kinds of human resource needs and in the next fifteen minutes or maybe even that same person can exhibit behavior which is so dangerous that if you're not mindful of the law enforcement requirements of your job and the law enforcement requirements of public safety then you are not going to be able to do your job. You have to be able to wear all of those hats at once.

So when somebody talks about, well, he's a probation officer, and you'll hear this from some police officers, (*affects grumbling mumbling voice*), he's just a social worker and the social worker over here, or the children services worker says, he's a probation officer; he's just a rigid old cop. So you're in the middle of this continuum and you have to be able to constantly adjust each day each different client. You cannot approach it, if you, and that's one of the things that goes on, in probation officers' careers, they become, let's say, traumatized dealing with crisis. Crisis becomes such a mode of operation for them that they don't respond anymore. They either begin to enable people because they don't want to respond emotionally or physically, they just say, ok, well, whatever, or they go to the knee-jerk response that everything that happens is a crisis which requires law enforcement intervention and we've gotta put on our flak-jacket and get

our gun and go out and get a warrant and arrest this person. So some place on that continuum, some people, if they lose their balance in this process, if they do not keep mindful that their job involves all of that, then they begin to lose perspective and they begin to go one way or another.

And I can't say that there isn't any probation officer, including me, that hasn't had days of being irritated with the world to the degree that I just simply wanted them all to go to jail. And the other day that I just simply didn't want hear from them and I hoped I wouldn't until Monday. In fact I can even tell you that I took people to a halfway house and told them, you stay in there until Monday because I can't stand to deal with you anymore, and don't make the 6 o'clock news. And that was pretty much the way that I felt about it them. It's just that continuum that we want people to be able to function in, but they have to be able to very flexible.

I think sometimes that the education careers, the education training helped people do that. I think counseling degrees help. I think there is a lot to master's programs, because master's programs sometimes require a real definition of skills. I had a bachelor degree and I don't think I was as academically prepared to handle some of the things that some of the probation officers later. I had probation officers from the 'old school' that started with me who thought all the new probation officers were just not adequate. In fact, and they didn't like the trend—and we'll get to that in a minute—of hiring "all these women." You know, where did "all these women" come from? In fact, by the time I left, I think "all these women" were showing that they were just as talented and just as capable as "all those men."

These degrees that they were coming to us with, corrections, counseling, and a number of other kinds of perspectives along the way, were very necessary for all of us to get a piece of if we could, to help us do our job better. I think the new probation officers were probably a little better than the old ones.

JD: So you describe quite a range of skills, the things you might do on any typical day, so you come with a certain set of training, you had your bachelor degree. Are there formalized equivalent of CLE's that probation officers learned new things or learned the new administrative rules they have to follow?

DL: Well, they didn't have a lot when I came along. We went to a week's training in Washington D.C., an introduction to federal probation, basically, 101. It didn't tell us a lot. We

went through the pre-sentence process we went through, what would be good supervision kind of things. It was so basic, it was just common sense. If you were just trying to do your job, understand the people, and report to the court, that was it. Later, many of the state officers went through a training course and I think they still do. It's basically a course that maybe has been modified by some from the police officers from the academy, but it's a law enforcement academy, so you get people now who have been through the law enforcement academy. They come with a set of information that's perhaps a little more enforcement related but it gives them pretty good background in personality disorders, in mental health requirements, drug addictions, what to look for in drugs, a little bit of self-defense. They are quite a bit more enforcement oriented than we were in starting. Now we have training. We send people off to training in various places around the United States, I think they are still doing this. They go back and forth depending on budgets. Training is always the first thing that you get rid of when you don't have enough money. We don't need to train anybody, which is absolutely a fallacy.

At any rate, there are specific trainings on supervision. A lot of times there is training on system requirements, computer input. I think that's more so since I left as that wasn't the big part of our training when I was there, but I think that's been in the last fifteen years, at least I am getting the impression that it's based a lot more on system requirements now. But there is training. We send people off for training in mental health. Those people are supposed to come back and train the trainers, and those people come back to the district and put on informational training for the staff. I think it's fairly well received. I think there are always the people who don't think that they need any training and then there are other people who are very eager to learn.

There are a lot of requirements, or there should be a lot of requirements now, for mental health issues, because we have probably fifty percent or better of our offenders, are what I call dual diagnoses. They have both mental health issues and drug-related problems, addictions. So you can't treat one without the other. You have to be sober to be able to deal with mental health issues, so you have to get sober to do that. So of course you have to have your drug treatment first. I think that the CLE type training is there, although it's not as technical perhaps as it should be at times because the money is simply not available to do that. It would be nice to send everybody off for a week's training in mental disorders, specifically taught by mental health staff, but I don't think they have always got that kind of money.

JD: You also mentioned earlier the importance of who is the leader in an organization and the effect that has on how the organization functions, and you briefly touched on Walter Evans who was the Chief Probation Officer when you began. Maybe talk about him?

DL: I think that for us that was very important. Walter brought a real desire for professionalism. Walter was a very good man. Walter had polio at some point after the Navy and he understood disability. He understood what it was like to live with a disability and what it was like to try and overcome it. He started out as a probation officer in Los Angeles and had gone up the chain in Los Angeles. I think when the Central District of California split, then there was a Southern District of California, I think that's when Walter came here. I don't know why or whatever, but at least he came in '68 or '69, something like that. He wanted to see us become as professional as we could with these eclectic backgrounds, with these kind of non-professional, you know none of us came as correctional people, none of us came as probation specialists, you know, none of us came as addiction specialists. The closest I can think of was we had Art [Aframo ?] with an MSW. He wanted us to know what we were supposed to do and how to do it in the best fashion that helped the court and helped the community—that was it.

We had a red manual, we still have a red manual: Policies and Procedures of Probation. We called it the Probation Manual put out by the administration offices of the U.S. courts. That is probably bigger now and badder than it ever was, but Walter would say, that's good, that's good to have that manual but we need a district manual that is written in more specific written language, understandable English, detailing what we are supposed to do with a referral. When you get a referral that says this person is coming to the District of Oregon from the prison in El Reno, Oklahoma, what do you do? So that we all would do it the same. Walter started on that process and was doing pretty well on it.

He brought in Frank Gilbert who had been a federal probation officer previously but went back to Oregon State Penitentiary to work down there when they needed some help. I would say Frank was an exceptional writer and he was an exceptionally good administrative officer, very competent in understanding policy and how to use policy to determine procedure. He could write policy and then he could write procedure. So he started with writing our own Oregon District manual—expanding on it from where it was. I think it was a three ring binder with twenty-five

pages when maybe I got here. It was a three ring binder with probably 150 pages when I left. Now some people would say that's not good, people have to read so much and understand so much. Well, the fact is, that you did. You had to read it, understand it and know what to do and do it the same every time and make certain that it went through the checks and balances and made sense so that other districts could count on us providing a very professional job.

Once our business was totally court service. The judges really didn't care how we dealt with the Central District Californian in transfers. They really didn't care unless it made the news, and then they wondered what we were doing. Not in a mean way, they wanted us to do it in a professional manner, but they said, go do that.

Walter and Frank, between the two, they really made a difference for us. It was in this period of time when Frank was still working at the penitentiary—knew Frank at the penitentiary—and Frank and I didn't always see eye to eye at the penitentiary. We had differences of opinions about how to do things and of course I always thought I knew best, but we were always congenial about it most of the time. But when Frank came back up here he brought that talent. So Walter really depended upon Frank.

Here's Palmer Lee who has been in the number two for a long time. Walter is going to retire in 1979. For many of us Frank is the natural choice because he's the guy that's the best at interpreting policy and procedure. Palmer is a wonderful guy, I cherish him for his talents but perhaps doesn't have the same abilities. The judges selected Frank to be the chief, and I think it was a good thing for the office, a very good thing. Palmer, unfortunately, I think, was so disappointed that he left. He couldn't retire and we all wanted Palmer to settle down, you know, to get over it. These are hard things because you cherish—they are all mentors, they are all good people, but Frank is the guy who brought this top down concept of good policy, good procedure, do it the same, train people on it, send people out, and expect them to perform.

So I think we really benefited from when Frank took over. Frank took over in '79 and was there until '91, and I think we really benefitted by his presence. Frank wanted me to be a supervisor and I wanted to work for him because I held him in such high regard. He and I did have differences about things. I worked for him for about a year and a half and said I didn't want to be a supervisor under you anymore. I just told him that I needed to mature, which is probably true. I mean you have those kinds of differences even though you have such respect for this top down.

At any rate, I went back to the line in about 1981, and I came back as a supervisor in 1985, and I was ready to work for him at that point. Frank was very talented. When I had left the supervisor's job, we had got some fantastic people. We gotten our first women in 1975; Kathy Zimmerman was our first female officer. Kathy Zimmerman was a treasure wherever she went all of her life. I mean, we all have differences with people. I am sure some people wouldn't say that, that wouldn't know her in that high regard, but I did. I think the judges did too. She was a very talented lady. She used to get mad at me and I told her I would always clear a spot on my desk where she could stand when she was mad at me. *[laughing]* And she took me up on it a couple of times, not literally, *[laughing]* but we had very good communication. I bring that up because Frank saw the talent in Kathy and he wanted her to be a supervisor so Kathy was my supervisor for a while.

It's this top down—this insistence—sometimes it's very hard, sometimes we have lots of changes in probation, and probably we have lots of changes in anything that has to do with the law. But we would have administrative memos once a week approximately, that would sometimes dictate a change in policy and procedures. Sometimes they were unintelligible and we didn't consider them to be important. And sometimes I had to bring them to the U.S. Attorney's Office or an attorney's office and say, read this and tell me what it says before I make a mistake trying to interpret it. I would use the judges, whatever I could do to get that. But Frank would see somebody like Kathy and say, ok this is a person who can help make these changes, can help do the training, can help inspire people to want to do a better job. When I talk about the top down that's—I'm not going to say I was able to do that for people, but I would say that I aspired to be able to do that for people, to ask them to do a better job tomorrow than they did today. To want to make sure the court had the best opportunity to understand a sentencing issue and if we could do it better tomorrow than we did today, let's do that. So the top down is very critical.

JD: Can you remember much about when Kathy Zimmerman started and how it was talked about that there was going to be the first woman and what the reactions were both from her colleagues as well as the clients?

DL: Well, I will say that for some of us it wasn't a big deal because we worked with women in other aspects of our professional career. We had women in the state system, and I can name a

couple of them, Helen Platt for one, who was a state officer. These were highly regarded people so I would never ever consider a woman to be inferior to a man in a probation officer's job. So it wasn't a big deal to me. But I will say that prior to that arrival of Kathy, that this probation office, like a lot of male dominated places, had people in it who were very sexist in their conversations. And I think we even had one guy that was racist in his conversations. Pretty ugly, frankly, for those of us who had come through the military at the stage that I had. There were probably many sexists and racists in the military but it wasn't allowed, if you showed it you got disciplined. But here you would get somebody who would print off some sexist joke and it would go through the copy machine and passed out through the mail slots or transferred it around, female clerks. So, if they weren't offended, I'm surprised. But I can just say it was boring to me, I was really sick of it.

So Kathy's arrival was a breath of fresh air. I thought she was a wonderful addition. She came with, as far as I'm concerned, with the blessings of the court and that's all I needed was that she was highly regarded. I think Judge [Charles] Crookham in the county and Judge Crookham and Judge Burns were old pals. And when Judge Burns said we are gonna hire some probation officers and we need some women over there, he said, well we've got one of the best, and he was right. I think some of the officers had a difficult time with Kathy just because she was female. Others had a difficult time with Kathy because Kathy was smarter than they were, and a hell of a lot more competent. And to the day that she retired they had a problem with her. And some of those people were friends of mine and it irritated me.

I had lots of discussions with people, personnel matters are not pleasant and should not be discussed outside of the personnel matters. But I could say that there were people who were only interested in their advancement and they thought they should advance instead of Kathy and they were wrong. Kathy was my friend and she is gone now and I mourn her because she was truly a friend. Very loyal, a very hard worker; she worked as my Deputy Chief the last five years of her career and retired in about 1995. For me, I am very proud of the fact that Kathy and I were friends all the way through. I think Kathy had a difficult time too, and she was not a person who had difficulty making up her mind about things. She had good judgment, but she could be hard and fast, and sometimes people don't want to hear that when they don't want the answer. Like I say, Kathy would be mad at me and I would just clear the desk to let her have the arena until she got it out of her system or fully explained why she was mad at me. And often it was

because I hadn't fully explained what I was doing. Most of the time we got along really well, but I never ever had a time with Kathy that when she was mad at me that I didn't believe that she had a very good reason to be mad at me about something. It wasn't personal anger, it was, how and what are you doing that for, and why are you doing it? And we had lots of discussions as the years went by.

Our jobs began to change and we began to see a lot more rigidity about how the Administrative Office wanted to handle supervision; a lot more forms. There were good fundamental reasons to do some things, to have some rigid policies. But there were not very good fundamental reasons to impose some of the most ridiculous paper work on officers who do their best work out in the fields and not in an office typing on a typewriter. I understand today that they have so few clerks that the officers do most of their own typing which I think is just a waste. But I'm not there, it's not my job anymore, and I don't get to talk about that—much [*chuckles*].

JD: You mentioned hiring—both in talking about the judges selecting Frank and then talking about however you and/or Kathy or anyone got hired—what is the hiring process to become a probation officer?

DL: For a probation officer in general?

JD: Yes, and then we'll do the chief.

DL: Ok, well, a probation officer in general—if you want a job in the federal probation system you got to have a four year degree, you have to have a minimum two years of work as a probation or parole officer or equivalent, or treatment agent—I don't think they have changed it much. You can work as a psychiatric social worker in a facility that deals with corrections, and that would probably be equivalent. You can probably have some equivalent training and start at a lower pay if somebody believes that what you have may qualify down the line, but it's not going to qualify you to come on as, we called it a Grade 9 back then. If you have some military that helps, they give you some benefit from that but not a great deal. So basically it's a four year

degree and some experience. I don't think you can get hired as a probation officer without the four year degree.

The process is you select an office where you want to apply to as each individual office hire its own people. Oregon hires its own people. You come in for interviews. The interviews are conducted now basically EEO [Equal Employment Opportunity] documentation about the listing, there is a panel generally. For us, there was a written test; you would write a scenario and your writing would be evaluated. There were no personality tests and there were no lie detectors when I went through. I don't know that there are now, but that's been a trend. And then there is just an interview panel. And it's based on how you are rated during that interview. Generally what we would do is you would have a group of people, generally five, sometimes more, but that's a little intimidating when you get beyond five, and you would simply have a list of questions. Sometimes you'd have it spread around so you would have interviewers then everybody takes a break in the question and answer period. Then you would evaluate those answers and subjectively try to determine whether the people answered the question or seemed to know what they were talking about.

You know it's difficult to find, you know personnel is probably the most difficult process of anything in managing an office today. When I started, it was much more subjective, and today—I don't think it's bad, I think it's a good thing—EEO requirements require a much more specific process. But you always, in the back of your mind, if you were in charge of it, as I was for nine years, pretty close to nine years, your job is to hire the best people that can do the two things that are involved in your mission—serve the court and protect the public. You really have to find people that can handle those stresses that are involved in that process. You don't want to bring people into the mix that are divisive, unprofessional; you have to avoid any appearance of favoritism.

On one hand, you get accused of nepotism if you hire somebody that knows you, not nepotism in the strict definition—or unfortunately if you don't hire somebody, let's say their father knows you, then you're accused of being hateful and biased against the father or mother, or whatever. So occasionally you have to be very strict in how you manage that hiring process. You don't want to hire, sometimes these agencies are a little inbred. You know this person over there, you this person over here, that's fine, but you need to make certain that you are hiring specifically for your office and your court. That's why those interviews, they are subjective, but

you want to make certain they are people who can come in and function in your environment and have the intellectual capability of doing that, and the professional standards that are going to meet the requirements.

JD: Then what was the process, you can use your own example, of how a Chief Probation Officer is selected.

DL: When I came, and when Walter Evans came on, and I'm sure it was when John McFarland came on, somebody knew John McFarland from the army, or whatever, and said, do you want to be Chief Probation Officer? J Oh yeah, whatever that is, I'll do it. When Walter came on, I think the chief judges interviewed him. He'd had a successful career down in Los Angeles and the judges down there knew him. And probably one judge called another judge and said, this guy is a great officer and you need him. I think when Frank became chief, the judges simply got together and selected Frank, in fact I know they did. There were two choices, one was Palmer Lee and one was Frank, and they chose Frank. It was right in front of all of us, we knew that was going on. When I was selected, that was basically the same process, judges said, Looney's been the Contracting Officer, and he's been the Drug Treatment Officer, and he's been the Witness Protection Officer, he's been a Supervisor, and he's been a non-supervisor and now he's back being a supervisor.

Kathy was actually the assistant chief when I became chief. And I told Kathy, I said look, I don't know what's going on here, but Frank wanted you to be deputy Chief and if you want to be chief and the judges want you to be chief then you ought to be chief . And I said, I have no problem working for you. But whatever discussions I had with Kathy had absolutely nothing to do with what was going on upstairs because she made it known that she didn't want the job, and they just told me that I had the job. So it was all just plain—judges got to choose.

Later, the next go round when Eric Suing became chief, I think there was a much more strict requirements based on EEO. They had various applications came in and those applications were evaluated. They selected two or three people that they thought were the top candidates, all of them were interviewed, every one of them was interviewed, and after that the judges met and chose a chief . But it was much more based on the EEO requirements, and the requirement that

everybody should have a fair shake, which is the way it should be. It's just that over the years the processes have been much more refined.

JD: When you talked about being the sixth parole officer when you were hired in 1973, and then by 1977, it had just about doubled, and some branch offices had started to open.

DL: Well, by 1977, I don't think we had any branch offices open. But by 1980 or so, well let's see, I take that back, we did have because I went to Eugene in 1975. I was sent to Eugene; two officers were sent to Eugene and I think they already had—I think they wanted an officer in Salem at that point, too. So you're right, we probably did double in size in terms of number of officers and we started to build branch offices. We didn't have any specific offices. I think we had to use whatever anybody gave to us. I think the first office in Eugene was waiting for the courthouse to be finished and so it was between stacks of boxes in the post office, a long table with phones on them, which was just ridiculous. But I had worked in the penitentiary on the tiers with cracker box offices with two counselors in each office, and there is no inmate in the world that would have a conversation in there with another inmate in there, nor would they have a conversation even if they were by themselves because you could hear everything that was said through the tin wall. The post office was not too much worse than that.

We did end up with a decent office in the new federal courthouse. That was kind of a different world to have branch offices. We all, when I came, I was given the halfway house as part of my job. We had one specific release center; it was called the Portland Progress House part of the Progress Association out of Tacoma and the parolee's Bureau of Prisons people would come through there on their way to being paroled. They would be there on release status, they would still be prisoners, but waiting for a parole date. Then they began to take what we called public law cases.

This is the entire transition, the idea of a release centers—is a whole different subject, so we'll go back. We all worked in situations where we had field assignments. Some of us when we worked in Portland we worked strictly in Portland neighborhoods and we would have a few cases in the release center perhaps. My cases were in the release center in Portland and then I had also Eastern Oregon. So I would take off on a field trip every now and then and be gone for four or five days, which was always a break from the routine. Walter Evans said, well, you know

Eastern Oregon because that is where you are from, so you go to Lakeview and you go to Klamath Falls, and you go to Ontario, and Pendleton, and wherever. And that was always nice for me. The point being that we had always had these extensive and extended field trips. So the branch offices—as our client numbers grew—we might have six or eight people in Salem, I think we also covered Salem at one point. So I would have six or eight people go down to Salem and it would take you nearly half or three quarters of the day to get down to Salem, try to see your people, and then get back up and do your case recordings and handle whatever else was in Portland. So it really was to our advantage to have field offices to get us out there.

But it was never quite enough, because I went to Eugene with Keith Stewart, Sr. [*train whistle in the background*] He had the Medford, and he had Douglas County which Roseburg, Medford, Grants Pass areas and all the coastal areas, which he liked. And I had Eugene proper, plus I had Klamath County and Lake County, Harney County and Malheur County because I could go over the hill and head down there.

We never could quite find a way to get the probation officers in the same community because our people were everywhere. I mean, you might have a guy in Monument, Oregon—in fact have you ever been to Monument? Well, most people haven't. It's just on the other side of Kimberly and Kimberly has no people in it, it has a little store in it. And if you go to Condon and you go to Spray, and you take a left at Kimberly, you can get to Monument and Long Creek and all those places. But you had to go; if you had people out there, you had to go.

So there was an advantage to having us out there in those field offices and especially as the courts grew. Eugene, when we first went there had two magistrates, one full-time magistrate and one part-time magistrate, Judge [Michael] Hogan who later became a District Court Judge. And they had another fellow who I really really liked; once again my mind is failing me at this moment. But we had these wonderful people out there working in these kinds of distant jobs. They needed this type of support and they needed a probation officer so as we grew and our numbers grew so it was easier to get us out in the rural areas.

By 1992, we had offices in Bend, Salem, Eugene and Medford plus we had a remote office here in Portland, our Supervision Office. We didn't have enough room in the old Solomon Courthouse so we had to move our supervision people over on the east side off Burnside and Couch area, 10th Street over there. It was kind of a tough neighborhood over there, I won't go into how tough but it was a little tough. But trying to reach out was what the job was all about, it

was all based on numbers, but as to what you say, our numbers doubled, the number of probation officers had doubled by '77. We were up to a total number approximately 72-75 staff by '92. That wasn't all probation officers but gives you a good indication of when we had nine people in 1973.

JD: So you've mentioned physical location, which has a role in how the work gets done. Talk a little bit about where the Probation Office was and what it looked like when you first started and then as it changed.

DL: The Probation Office when I first started had a card system which is an important thing. Most people ask, what is that? What does that mean? It was an index card system that's where you kept the name of everybody who came through your system. So if you want to know if you have somebody in your system you didn't go to your computer and look it up, you went through the card system. It was centrally located right in the reception area so when you came in that was the hub. Walter Evans was off in one corner behind his Chief Clerk Helen. The card system was there and we had a couple other clerks and I think eventually there were three clerks down the hallway in the back. All the other offices, and there weren't many, had a probation officer in them. As the years went by of course you filled different spaces. You pretty much were really centralized in that environment. Your officer knew when you walked to your supervisor which later became Palmer Lee as the lead officer—I don't think he was ever, it later became a supervisor they tied it with a title, but at that time he was the lead officer—he knew when you walked in in the morning and so did Helen. Helen made a point of saying good morning to you, and if you didn't say good morning to her she would come down the hallway and stick her head in the door and say good morning to you. So that she eye-balled you to make sure that you were there. It was a pretty tightly controlled little thing.

Like I said, Palmer wanted you to come in on Saturdays because he wanted this tightly controlled little environment on how you did things, how you thought. If you had something that needed to go out the mail, you had to run it through them, everything was pretty approved and stamped. They were as tightly controlled too. If a probation officer needed a desk, they needed to write a letter, if they needed a stapler, or they needed—we did have a copy machine, I don't know how we got one but we did. If they needed paper for the copy machine, they had to write a

letter. Everything came through the administrative office. There were very few things that we had that didn't come through directly from the administrative officer with the purchasing power. They'd get the money sent to the clerk's office, the clerk's office would send it to us and then we'd go buy it. Very, very elaborate kind of, and structured set up; as we grew and as time went on, that changed completely.

And of course when you get a field office, you send two officers, or three officers out there. Generally you start with one officer, then there's generally two. It's better to have two officers than just one out there. You have to trust somebody. You have to send them down there and they have to be able to go down there and come and go by themselves. They can actually have a key to the washroom. It's kind of laughable when you think about it but, there was a time when you kind of had to have a— it was kind of a mother-may-I kind of a procedure. And I can see why, we were all pretty young and it was probably necessary to a degree. You would go out on a day trip or a two-day trip and you would call in. We didn't have cell phones then, obviously they didn't come until even in to my career. We didn't have cell phones to hand out until 2000 or so, and you didn't have telephones in cars. There were no such things so you had to have a system if you were out in the field and you'd managed to escape this tightly clustered controlled little environment. But if you're out in the field but you're outside of the local phone service you had to call into the office person-to-person collect. They would let you leave your name and number. If they'd say, I want to talk to Harry Nelson. Well, Harry Nelson doesn't work there. This is Dave Looney calling for Harry Nelson. There's no Harry Nelson here. But it's person-to-person collect so they would allow you to leave a number for Harry to call you back. So you'd hang up and the clerk would call you back at that number that you just left. So that's how you communicated out in the field. If you had an emergency, well, that didn't work obviously, you just had to run for it.

It was a different way that you had to think out there in the field, how to manage your system. If you had to go to Klamath Falls you obviously didn't ignore all the cases that you had between Eugene and Klamath Falls, you stopped at all those little places to see those people because you might not get back there for another month.

When you came back, instead of being in the cloistered little one office—when you came back from a road trip, you had a lot of work waiting for you. You had a lot of people sometimes looking for you, because of the things that go on, the nature of the work. So it was much

different when you're out in the field system. I'm sure that the probation—I mean I didn't have any problem trusting people for the most part. There were people I did not want in field offices, not that I thought they were necessarily bad people, although later on it was really confirmed that no, that's not the person you want. You need to have somebody that is fairly disciplined about how they approach things. You do kind of do a different selection process and organization.

I think we had fairly routine visits from supervisors and field offices that we were supposed to. In the transition between Walter and Frank and Palmer there was a disconnect, and I don't think we had as much supervision as we needed during that period of time, just because people were jockeying for position. I know that Palmer was pretty discouraged and he just didn't feel that he needed to be as involved in it. It became very important to me, and the reason I say that, it became important to me later that I thought the relationship between a supervisor and a probation officer was critical. Not because the supervisor needs to tell the officer what to do every day, but that he needs to be available to that officer all the time. There are a myriad of questions that can come up in supervision, or in pre-sentences, that need to be answered. It should be a very open communication and they should be talking all the time about their two jobs: serve the court, protect the public.

JD: You mentioned in a couple of your answers, in passing, one I believe you said something about grab your flak-jacket and your gun and head out, and now you're talking about in an emergency when you're out doing field trips, maybe that's an aspect of probation officers that's not as well known.

DL: Yeah, I think it's a timely topic. We have this pendulum that I talk about, this pendulum between treatment and enforcement. We always knew it was there and you know that the potential for problems are there, you see it every day. A police officer walks into a house not prepared for something and gets into a difficult situation and is hurt or killed. We had a fellow probation officer in Ohio in the late '70s, I think, walked in to see one of his clients who needed mental health treatment, that person shot him with a shot gun and then shot him again when the officer tried to leave, and killed him. There had only been one probation officer that I know of that has been killed in the line of duty.

But it's always because of who we're dealing with and how we deal with them up close and personal. I mean we are not standing back in a clinical situation with these people all the

time. We are down on a first name basis, why are you doing what you're doing, and why are you not doing what you are supposed to be doing, kind of a situation.

Sometimes those situations because we're so close we are protected to a certain degree, that person doesn't want to harm us. On the other hand, if you get the wrong individual, that closeness is a danger because we're right there, we're unprotected, we're by ourselves. And in my day, there were no cellphones. We did carry firearms. By the time I left, there were about sixteen of us. I didn't carry anymore because I didn't need to. There were approximately sixteen supervision officers out of the number of officers, we had almost forty officers, maybe even more, about sixteen who did just plain supervision and they did carry a firearm when they were in the field. That was their protection. They worked nights. Once again we didn't have cellphones until 1993 or something like that. They could check them out at that point. They didn't always check them out. And you could call 911 and get some help. We always knew that there was this aspect of personal risk.

I can remember in my own experience stopping at 39th and Powell and putting in a phone call to Portland dispatch just for the local district car to stop by because I had a guy down the street that I really had questions about and I wasn't certain what I was seeing and I wanted some extra eyes. Well, they misinterpreted it and next thing I knew I had six cars, Code 3, lights flashing, all converging on the Jolly Roger Pirate Restaurant. I didn't need that kind of help, but it was always nice to know that you could get it. And fortunately in my day, we needed to understand and we should understand, and we tried to train people that the gun does not protect you, it is your mind that will protect you. If you don't make good judgments, the gun is just going to complicate the problems. It might save your life if you do everything else right. And I think we did a fairly good job in our firearms training of getting that across.

There was a period in time when I was chief that I almost discontinued the fire arm program because probation officers weren't by statute allowed to carry a gun. Or a court had entered an order allowing us to carry. That might not hold up sufficiently for the liability involved, especially if the training didn't hold up and something went wrong in the shooting and the bullet went somewhere that it shouldn't have. Those were always risks, and even when it became statute that we could carry a firearm, those risks are still there, and they're there today. But what's transpired after 9/11, and this is my personal view, it doesn't reflect the Probation Office, it doesn't reflect anybody, but they've gone so far towards the law enforcement mentality

that they spend an enormous amount of time on personal safety and training for firearms. They have flak-jackets, and they are carrying the semi-automatic 40mms, which is equivalent to a 45-caliber weapon. We always carried revolvers, which I thought were safer and better for people who didn't train, and we trained periodically (*DL distracted and waving to Magistrate Judge Janice Stewart going by the mediation room windows*) but we didn't train sufficiently that we were firearm experts.

I was always uncomfortable if people thought they were King Kong—aggressive, offensively, trained military people. And I am still uncomfortable with the concept of officers being focused on having your flak-jacket, and your handcuffs and your firearm before you leave the office, it's just not something I am comfortable with. Semi-automatic weapons pose their own kinds of dangers. This whole concept that you're turning towards a police environment is—just because of where I came from—I'm not comfortable with that. I think our job should focus more on the resource building, not that it's totally social work, and I was very law enforcement oriented but not the “cops and robbers.”

JD: So I just want to do a little check in here, we've been going for an hour and a half and I'm wondering how you're feeling, if you want to say that this would be a good place to stop today, or do you want to go a few more minutes?

DL: I can go a few more minutes. I'm just not sure if I'm as focused as you need me to be so I'm not sure.

JD: So why don't we just call it good for today and we'll pick it up again for next time.

DL: Ok.

JD: Thanks very much.

DL: Ok.

[End of Recording 2]

David Looney
28 July 2015
Recording 3

JD: Today is July 28, 2015 and I am here with Dave Looney doing his third interview for the U.S. District Court of Oregon Historical Society Oral History Project. My name is Janice Dilg. I am the Oral Historian for the project and we are recording this in the Mark O. Hatfield Federal Courthouse building in downtown Portland. Welcome again!

DL: Thank you.

JD: I'm really sad I've ever asked you to do kind of a definition of probation and parole. At various times this office was involved in both of those so if you would start by giving a definition on how the offices involvement changed with those two factors over your tenure.

DL: Ok, the Probation Act someplace in the '20s established the probation service, I think it was initially part of the Bureau of Prisons it was not part of the courts as I understand. But very soon thereafter the Administrative Office of the United States Courts was formed the Probation Office became attached to it. Probation as a concept started in the 19th century where judges in the United States and I think in England were allowed to place people on some sort of watched supervision to see what their conduct was in the community. They realized it was a concept which worked there was for those people who were not prone to criminal behavior, or didn't have severe mental illness, they could probably conduct their lives if they had just made a mistake. I think they were looking for that percentage of offenders who fit well into that program. I think it was probably pretty strict initially, and they probably picked the very best of the people who came through the courts to be probationers.

Parole as a system, as we refer to penitentiaries was a place where you send people to repent. They were penitent supposedly in there and they found some way of reforming themselves. Then they came out to be supervised on parole, parole was a concept used during the Civil War by both the Union and the Confederate Armies when they would take in so many prisoners, and they could not administer those prisoners. They didn't want to march them off to some camp because they didn't have enough soldiers to guard them because they all ran away in

the woods anyways. So they would put them on parole and have them sign a paper that they wouldn't again fight. But most of them did if they went back to their company. The same system was considered by the Bureau of Prisons that people came out and although the Bureau of Prisons probably supervised them initially, at some point there was an agreement that the paroled people from the penitentiary who had specific conditions that were imposed at some point when the parole commission was formed. The parole commission was in charge of and authorized to impose specific conditions on those people. By agreement, federal probation officers who were attached to the U.S. courts would assume responsibility to supervising them.

But the overall authority always rested with the U.S. Parole Commission right up until—I don't know when it was finally terminated—when the Sentencing Reform Act of the 1984 came into place imposed determinate sentences and there was no more parole. But there were still a lot of parolees, so the probation service continued to supervise the parolees, there were just fewer and fewer of them. At some point after 2000, I believe that the jurisdiction covering all parolees, even those who were still locked up, was turned over to the courts and likely the sentencing district, but I wasn't there when that was finalized.

There was never really any distinction between the degree or type of supervision that parolees received as opposed to the supervision that probationers received. The probation service was guided primarily by administrative office regulations and while there were some nuances in the paper work, and of course you always had to go to the Parole Commission for authority to return a parolee, they were the ones who approved the final parole plans. The supervision was essentially the same. If a parolee was considered to be high risk then he received the same high risk that a probationer might receive in similar circumstances. Somebody might say, why would you have probationers who are high risk, because that's not the initial intent, for probationers, they should be less inclined to criminal activity. Of course, people vary, so they get back into the same situations and the same type of risky behaviors and generally through substances and substance abuse and often through their deterioration of their mental health.

The supervision was much the same, but the jurisdiction was different and the administrating authorities who we dealt with were different, and the paper work was different. So basically that was the distinction. Now, when the Sentencing Reform Act came in and became effective in November of 1987, then most of the people who came through the courts were sentenced to some type of confinement. Probation was still allowed and we still had probationers

coming in but the Sentencing Reform Act imposed more stringent types of regulations and the discretion initially of the judges was perceived to have been altered. Over time I think that has changed, and we'll talk about that in a little bit. But we seem to have fewer probation cases, so what would likely happen for a lighter sentence is a person would get 12 to 14 months or up to 27 months confinement they would have to do eighty-five percent of that, and then they would have a term of supervised release to follow. And that supervised release, was kind of treated much like a parole environment, with people coming out of prisons. They were much like other people paroled from confinement.

But it was a second sentence from the statutory penalty to be imposed if the individual came out. Generally, the supervised release terms, excuse me, were about three years. So, if you violated that supervised release term, well then there was a penalty of so many months in confinement. And that was viewed by some as an additional penalty on top of the statutory penalty, and an excessive type of situation. We were following the law, what the law seemed to be its intent to applying some penalty for those supervision violations, but they were viewed as excessive by some. We treated those cases pretty much like we would treat parole cases, and as I said pretty much like we treated probation cases.

We had to have gradients of supervision, not all releases were treated the same. We would look at their circumstances and if they were people with minimal or no prior record who had employment and a solid family situation—then generally we would look to see if they had some education. That seemed to make a difference in the elements that predicted success. Or family ties. Then those people were probably looked upon as much better risks than people who came out with much of what the public thinks of as the traditional criminal—someone who has had six or eight violent arrests, is a drug addict and crazy, is going to go get a gun tomorrow, and probably be back at his avocation soon. So we would try to have gradients of supervision, and well-founded. We used predictive devices which we thought would work. The Parole Commission issued one, we had one for years that Frank Gilbert and I worked on clear back in the early '70s which seemed to be relatively valid when we tested outcomes. And we were told it was relatively valid when compared to other devices used in other districts.

JD: When you talk about the general public having a perception, I think there are certainly a lot of portrayals out there in movies, television, literature, about stereotypical probation officers—[DL and JD chuckle]

DL: I've seen some of them that are not favorable.

JD: I guess I am wondering: a) if you would care to comment, and b) if you think that those portrayals have an actual effect on how probation officers do their jobs, get their funding or just control within the real legal system.

DL: Well, I can't speak for all of them obviously, but I do believe that the fear of crime has been used by politicians to get elected. They would say, "I'm going to be tough on crime," and we hear that periodically, "We're going to be tough on crime." We've seen that nationally and we've seen that here in Oregon. And it *is* legitimate, you can, I don't mean to dismiss anybody's concern about crime because the person who is a victim of crime wants it to stop. They want to be made whole. They want somebody to *care*, and what we find is that as probation officers often when doing pre-sentencing reports, victims sometimes would be very angry, sometimes they wouldn't want to talk to us, other times they would be very thankful that somebody seemed to care what they thought. Or how they were harmed, and what it's going to take to make them whole.

In dealing with the public about crime, there is the natural feeling that you just want it to go away. That people who work for a living, who are trying to raise their children, buy a home, live peaceably, however they choose to do that, and whatever manner, in whatever philosophical world they live in, and that's the vast majority of our citizens.

There is a small group that is anti-social that commits crime. And people who are doing their best to live by the rules don't want to have to deal with them. They want somebody to go take care of it. So when we dealt with victims or when we dealt with the public when doing our job, sometimes the people just want you to go take care of it. They don't understand why you just can't go out and get that guy and throw him in jail or send him to treatment, or make him quit drinking or using drugs.

So I equated it often when we get those frustrating situations with it was much like trying to raise children. And even though our clients were 45, 50, 60-year old bank robbers and fraud artists, whatever, you had to try to describe them to victims, and otherwise, sometimes as in dealing with them, as in trying to raise children, that you don't have the same success with every structured approach that you would like.

Some person if you shut the door on them, you lock the cell door, that's all you ever have to do. You'd never have to talk to them again. Others, you are going to lock them up in that cell over and over again, and they are not ever gonna care because their criminality and their anti-social mentality is just such that they're angry, they think it's a game—it is a game to them—and they are going to do whatever they can to play that game and to keep that game going. For drug addicts, we found that, it was my opinion, that people who are substance abuse users—alcohol or other substances, some used drugs and committed crimes because they needed the funds that they got from committing crimes and they were always going to commit crimes as long as they were using drugs. Now, others I've found drugs simply confirmed their criminal identity. They used drugs because all the other folks in their social circle use drugs, but that was peripheral to their criminal activity. They were all criminals. So whether the drug addiction was paramount or their anti-social criminality was paramount, so some place along those continuums we found people and we had to adjust approaches as we did.

I don't expect the public that's trying to live a decent industrious life to really want to be all that attached to all these nuances of therapy and punishment and the processes. We used to say that the wheels of justice turn slowly, but grind ever so finely. I think that's what the public really doesn't want to see is us grind slowly. They don't mind if we grind up people sometimes in the process, but they don't want to see it slow, they want it immediate. And that's the human nature.

JD: As you're talking, you're using the term "tough on crime" that certainly factored in, I think is fair to say, the sentencing guidelines that were a significant change that were part of the Comprehensive Control Act of 1987. Talk some about what that significant change was.

DL: That Act actually passed in 1984, but didn't become effective, in terms of its sentencing processes, until November 1987. That bill, we heard about it. I think at one point they were

calling it Senate Bill 1. There were people in the U.S. Attorney's Office in Oregon who were going back to Washington D.C. to help try and write some of this law to take a look at the potential for changing indeterminate sentencing. We had had indeterminate sentencing in Oregon and the federal government from the time that there were federal courts. At least, that is my impression.

JD: Can you define that a bit?

DL: Yes, indeterminate sentence is involved, parole. Indeterminate sentence also allowed for probation but it specifically speaks to the amount of what happens in a sentence. Let's say you get twenty years, that's a twenty-year sentence but it's indeterminate in the service of that sentence. You might serve four years, or you might serve eight, or you might serve twelve, or you might serve the statutory limit which is essentially two-thirds. The Parole Commission made the decision that once you reached the point where you were ready for parole, so in that sense, the sentence was indeterminate.

Determinant sentencing says, ok, you're going to get that that same twenty year sentence but the statute determines how much time you will serve. And in this case, the statute when the sentencing reform act came in, the statute essentially said you will serve eighty-five percent of that. So that person is going to serve much longer, potentially, than the person that has the indeterminate sentencing.

Determinate sentencing or indeterminate sentencing, under the law prior to 1984 and up to 1987 in its application, allowed judges a full range of discretion. If the maximum statutory imprisonment was five years, the judge could impose probation or he could impose one year or two years. There were very few mandatory minimum sentences. There were a few that required the service of a minimum of five years or one year, but few. The argument was that judge's discretion was being abused. Judges were abusing their discretion because you had such *huge* disparity, and a person who sold cocaine in San Francisco would get a much lighter sentence than a person who sold cocaine in Oregon because we were more strict about it. And the person in San Francisco might have sold a lot more cocaine than a person in Oregon and still get a lighter sentence.

So there was the argument that judges were simply just all over the place in their sentencing. As we talked about earlier, the Oregon judges saw a means of having a sentencing council to reduce—you're not going to reduce all disparity, disparity is normal. Defendants are different. How they violate the law is different. Your offence behavior can be egregious or it can be some stumbling ridiculous half-amateurish act. You get that, once again this continuum, the judges said, we can get together, discuss these things in a sentencing council, and we can compare one defendant to another and we can make a decision someplace along that continuum. It makes sense; we can use our discretion.

Well, pretty soon when the sentencing commission was beginning to finalize all these things and was beginning to show the results of their work, people saw that they not only wanted to reduce *undue* disparity, they wanted to reduce *all* disparity. So you had, there was an effort, or at least a concept, an appearance that the Sentencing Reform Act was going to not only require determinate sentencing but it was going to require lock-step application of sentencing rules. There were provisions for the judge to deviate from the guidelines and they did. But they were very proscribed and no one really knew how it was going to be treated by the circuits. There was a good deal of push-pull back and forth by the circuits and the sentencing commission. Because if the circuits began to allow something that the sentencing commission didn't think that they intended and then they would try and change the rules and prevent the courts from making this disparity possible, this deviation from the guidelines.

The Probation Office role was to apply the guidelines in the pre-sentence report so that the judge knew what the guidelines said. We were trained on them. A few of us went to training and then we came back and trained other probation officers. We even trained attorneys or we tried to. We tried to do it correctly so that we weren't adding any political message such as: this is sacred law, or anything like that. We're just saying this is how we view the sentencing guidelines and this is how we think they should be applied. Our job was not to tell the judge what to do; our job was to tell the judge what the guidelines were.

In that process, the probation office got the nickname: "guardian of the guidelines." Because attorneys being attorneys, and bless them for doing their job, they would look at the guidelines, read the guideline manual and say, no, that's not how you apply that, that's a judgment call so we don't think that's appropriate. Well, they should say that. Unfortunately we had to have standards between probation officers, so we said if there's admission of guilt in

court, but that the fellow says “I didn’t do it” in the interview with the probation officer, then we didn’t give him credit for acceptance or responsibility. Well, that got to be a push-pull. And the defense counsel said he’s pleading guilty, he’s accepting responsibility. Well, we’d say his statement is that he didn’t do it, so how do you put these two events together and come up with a rule.

Eventually we all came down to the feeling that we didn’t want to argue about all this, and the court didn’t want to argue about it. The courts didn’t want to hear people complaining back and forth over that kind of thing, so they said if he pleads guilty then you give him credit for acceptance of responsibility. And that was fine but we had to go through the discussions. But those kind of events led to some defense counsels and some prosecutors saying, you guys think you know everything. We don’t know everything, but we have to have internal rules about application of the guidelines so that all the probation officers do it the same. If all the parties in this world of law agree, and that would be the first time it ever happened in the first place, but if you all agree as to how something should be applied, let us know. Unless we find it to be absolutely defies reality and logic, we’ll accommodate everybody.

For a while, the Sentencing Reform Act structure and the discussions that took place around it were, I must say, hostile. It was difficult. A lot of counsel did not understand that it wasn’t our job to tell the court what to do with the guidelines. We were just supposed to tell them how to apply them, how we thought they should be applied. Then if they wanted to depart—I was talking about deviation, but the name of it was departure—if they wanted to depart and could find reason to do so, by all means. We still had a sentencing council, we still talked about it, we still said why would you depart, people made note of it, and remembered that the next time around. Once again, defendants varied so we knew some departures were very appropriate and needed to be undertaken immediately. But the law was very clear in that modifications in sentencings had to happen under very, very specific circumstances.

Now, I can say that some folks in the Probation Office had such a difficult time when the guidelines were coming in. It was *very* hard for them. They did not feel there should be any limits on the court’s discretion and they were very angry about how this was turning out. It didn’t bother me so much because I felt that we needed to go through this transition some place along the line. We needed to try to reduce disparity and give framework and foundation to sentencing without taking away the discretion. I wasn’t sure how to do that. But I did think that it was

important to reduce undue disparity—undue disparity. And of course, what one person thinks is undue and what one person thinks is appropriate is going to differ. But there was really an emotional reaction within the Probation Office about this process. To the point that in the course of my time I found that we had an officer who would talk to defense counsel about modifications, even produce an order and wanted to take it to the court without discussing it with the U.S. Attorney without involving all the parties to see if he could make a modification because he was thought it was appropriate.

Once again, that's not how I—I did not believe that was appropriate at all. In fact, I thought that it was just flat illegal. And, I was reminded of that by a prosecutor in the process that that was not appropriate. Of course, when we discovered it, we tried to get it corrected and we did correct the process. I think what people didn't see, when they thought of us as the “guardian of the guidelines,” they didn't see the differences of opinion within the probation office and how hard we had to struggle to have uniform applications of what the law required. And it took a long time to try to get there and it certainly isn't perfect. And I think the court, as the court meaning this court and the circuit court, and other circuits, have viewed the guidelines they have offered more discretion to the court. The court learned how to find discretion and learned how to make departures either through plea agreements or how to justify departures and make them stick when they think it was appropriate.

So I think, the transition, even though hard fought in the beginning, it was appropriate to stick with the law as it was written and then let the courts make up their mind. It wasn't appropriate for us as individual probation officers or as an individual probation office to somehow come up with something that was going to subvert or circumvent the guidelines. We wanted to help the court and in many cases that is exactly what we did. Here are the guidelines, what do you want to do with them? If you want to depart from this, here are the areas where we think are the weakest in the guidelines, here's where we think you can go with that. Sometimes they did it through mediation or negotiation between the parties.

JD: Did the Sentencing Commission come into existence as part of that legislation?

DL: Yes.

JD: Who did they answer to—?

DL: They were a presidential commission and I suppose they answered to the president, but it took a long time for them to form. And I think as members of that commission left, I think there were periods when they almost did not have a quorum on that commission. Justice [Stephen] Breyer who is now on the Supreme Court, was on that commission. He was a pretty liberal voice in a time when the momentum was on this pendulum swing we talked about; was going from the treatment, counseling, medical model over to the “tail ‘em, nail ‘em and jail ‘em” more of a concept and very structured. We’re going punish you into reformation. So I think the presidential commission was formed, it was hard fought at times to get people who could work together and agree on different concepts, but I know that there was a great deal of interplay between the circuits and the sentencing commission. As the circuits would interpret something then they might rule on some application the Sentencing Commission would want to rewrite that so that they could get what they wanted instead of what the circuit court might want.

So there was a lot of interplay, a lot of swing back and forth by various elements of the people involved. The individual probation officers were just basically in the middle of it. It wasn’t a bad place to be, we were learning a lot, and we were learning a lot about the court’s role in trying to determine a just sentence. I’m glad the Sentencing Council in Oregon was still in existence because we were privy to those discussions and the judges saw some of these applications differently too. We didn’t always get it right and we never pretended that we did. We just had to make certain that when we did write them, we did it as correctly as possible.

JD: So, about ten years into the implementation of these sentencing guidelines was when you went from being a supervisor to the Chief Probation Officer. So talk a little about becoming Chief Probation Officer and then just how the office worked within the sentencing guidelines as well as the other changes that are constantly occurring.

DL: I became a supervisor the first time in 1979 and worked for about a year and half. I didn’t like it and I talked to Frank Gilbert about it and said, I really don’t like it. I had come to the point where I would rather be a line officer and had gone back and worked as a line officer until 1985. So I got another five years as a line officer and then Frank came in and said, do you think you

want to try that again. I said, yeah, because I was getting a little burned out with the straight supervision.

I had always had a fairly serious case load in that many of them were high risk. We had a several years in Oregon with some very organized criminal activity including the Oregon family, did a series of bank robberies, a lot of dope dealing, and involved with an escape from Rocky Butte Jail during which they seriously injured a guard. I had had years of dealing with, at one point, America's biggest armed bank robbery out of Reno but it was committed by people from here in Oregon. So we dealt with that for several years. We had [*chuckles*] white supremacists which were running back and forth from Seaside to Boise to Hayden Lake to the Seattle area and I think I was beginning to burn out from the normal wear and tear of this thing. There were a lot late nights, so I went back to being supervisor, and I think it was about two years later when the sentencing guidelines came in and that presented a lot of different challenges.

In addition, in 1989, we formed Pre-trial Services Office in the district. I would say it was a mismanagement issue in the Administrative Office in their relationship with Congress. In that there was Congressman Hughes who really imposed a rule on the Administrative Office that said that if you had district that didn't want a pre-trial services office in the district, and if they were going to insist on doing it themselves in the Probation Office that they were going to penalize that office by not allowing them to have appropriate staff. So we were staffed during those first years that I was a supervisor again in '85, '87, '89, we were staffed in the low sixty percentile which is what that staffing formula said we should have. Nobody was supposed to get a 100%. But we saw office that was staffed at 105% because they were getting some special disposition from the Administrative Office to implement some project. But here we were down in the sixties, so we were all struggling to try to keep up with the workloads. So being a supervisor during that period of time taught me about time management and about frustratingly trying to accomplish what the court wanted to do with very very few people. I thought it was good training.

I wasn't always fond of it because I had one biological daughter and one adopted daughter and one foster daughter during that time. I think I was having a hard time keeping up with the work let alone what I was supposed to be doing at home.

Frank Gilbert saw the need and he said ok. He talked to Judge [Owen] Panner who said, go ahead and get this pre-trial services district going within the district. They did begin to

approve a few extra people so we got a few extra staff and that made it a little bit better. When the guidelines came in '87, we needed them because all of the sudden we are trying to learn these guidelines. I think at that point on top of being a supervisor, I was running what was known as the witness caseload—the people who were placed on the Witness Security Program and were on supervision—I had those cases. So I still retained certain supervision requirements and caseload around the district primarily in Portland.

I think as I was trying to struggle to get up to speed with all this and Frank said that he wanted to retire at the end of '91. We had talked about it and things were simpler then. There wasn't any requirement that they have an EEO process, which I approve of and I think is really important today. At that point, it was basically Frank and the judges who got together to try to determine who should take Frank's place. We talked about Kathy Zimmerman last time. Frank actually pursued Kathy and asked her to be Deputy Chief early in '91 I believe. But Kathy was certain that she wanted to be chief and finally said that she just didn't want to do it at all. I think we were so busy during those years that nobody really thought much about who's who and who did what. I think we just tried to keep up with the caseload and the changes in the guidelines and doing what the court needed us to do. I don't think any of us were getting in trouble with what we were doing; we were just very, very busy. So when it came to '91 and Frank said he was going to leave, Kathy said she didn't want to be the chief. Frank said, would you do it, and I said, yeah I'd do it.

You know it's a good opportunity to go ahead and maybe continue growing in this administrative—. Nobody could ever dismiss the fact that you got paid more eventually, although it took a long time for me to get anywhere because you always had to serve a year at the next grade up. So I think I was at the supervisor pay [*chuckles*] for a long time before I ever got to anything else. At any rate, what I *didn't* realize was when I came in the prior years had been pretty centralized. I mean everything that happened, happened in Washington D.C. The court made some decisions for us here and always the court's support of us was critical. We had had the support of Judge Panner, Judge Redden, Judge Leavy, Judge Burns, Judge Skopil, Judge Belloni and Judge Solomon through the years, and then it's Judge Frye and later, the other judges that came. I think we would not have learned as much as we should and we wouldn't have done as good a job as we did. But I felt that by 1991 we had a very good core of officers.

And I'm going to say something about that right now. The work doesn't always get done by stars. You can't have an office full of stars all of the time. We had a lot of stars but what we had was a good group of people who were very committed and very loyal to the office who came to work wherever it was they were supposed to be, whether it was in the field or in the office, every day. And wanted to be here. They came with great intent and they came, a lot of them, with fantastic talent, so between the guys who might do everything right over here and somebody who doesn't always get things right, we got a lot done. And I was very proud of all of them.

So when I got to be chief and looking at this core and thinking about how thankful I am I know that I have to deal with Washington D.C. for almost everything, and I go to the court with almost everything. But I had a great chief judge. I think Redden was there at that point in time, and Judge Redden was always kind to me and he was always a good teacher. He told me when I was out of line and he told me when he wanted me to do something. It was very easy to communicate and it was a good place to be.

But all of a sudden as Frank's leaving the administrative office, he says we are going to go from a centralized operation to a de-centralized operation; and by the way that means that you're going to get your budget based on your workload every year. And that is going to determine how many people you have. So if your workload goes up then you're supposed to get more people. If your workload goes down then you're going to lay some people off. You're saying, wait a minute, that doesn't sound like a real fun job. I'm not there to just ride a roller coaster in hiring and firing people, that's not very fair to them either. Well, there are factors that we'll all work out. So we went through some budget training, but it's all new; everything's new. I'm living in this past era where we have to write to get a new desk. It wasn't so bad that we had to write to get a stapler but we complained about it.

In addition, they said, we're gonna redo the personnel issues, you're going to rewrite all of your position descriptions. And you're going to write those descriptions which will then allow you to classify them according to the pay scale that we are going to publish, and if you deviate for any reason you not only have to get it approved but you have to justify everything. To which I initially said, ok, this sounds fairly innocuous because I have a great Human Resources person and I've got another person that is a budget specialist, and we'll get through this together. I didn't realize how many Saturdays that we would spend becoming close friends in doing all this. We had to rewrite all the job descriptions.

If you've had to do that and to talk about discretion and skills required, to sit down and really try to determine what you have, what your people have, are you really describing—when you say probation officer, which is the majority we have—does this description really describe them, is it really fair to ask all that. So we had to sit down and say, this has to work. Then you have to classify them to make sure they fit within the pay scale. When you did that—nobody was supposed to be just demoted; we weren't supposed to just demote people. If you got to a position that you didn't think you could justify then you should terminate the position or transfer that person to a new position, but you had to terminate that position. I don't think we had to do that here because everybody that we had fit within their job description. We were lucky, but I think some districts did. And they had a terrible time.

We later had discussions with people and they began to say, what is fair? I learned that fair had a lot of different definitions. Fair for many people is “to get what I want.” What's fair to the office is for the office to get what it wants and be able to serve the court and meet the mission with the particular person and job that you're describing. So we went through some real growing pains between 1992 and 1995.

No one in their right mind wants to treat anybody unfairly because that ruins morale. So you always had to double check to make sure where you were. You want people to have the best opportunities and to stay with you. You didn't ever want to lay off people that you had gone out and recruited. How you managed your budget had a lot to do with how you managed your personnel because, of course, personnel is the largest percentage of your budget. If you hire—one of the things I want to say, in '92, we were still staffed at about sixty-seven percent of our workload allotment. And I didn't feel that the Administrative Office of the U.S. courts was really listening to me.

We had a circuit representative that came out and visited and talked. I said, you've got people that are staffed at 105% because they are doing some kind of computer research for you. Well, that's fine, but that doesn't apply to the general mission and we are trying to do the general mission. We're trying to do what the court wants and you're staffing us below seventy percent, and, it's not working out for me. So, through hook-and-crook, and continuing to complain and being a nuisance, they finally began to increase our staff and that was great. Because I had money to hire, but you can't hire up to the full allotment. I think my full allotment was eighty-

five percent, which was a bit difference from seventy, or below seventy percent, but we had enough people to do the work.

But there were pressures from people around the district. You had an office that has periodically had a very high case load because a judge goes to that office or to that area and you have a lot of pre-sentences coming out of it, we would try to send somebody down to help out a bit. But you had to look at overall trends. People have a lot of different opinions on how I should do things of course, and you always should listen, but you really do have to come down to your bottom line decision. So managing the staff, putting them where they needed to be, and making certain that you had room in your personnel allotments so that if your workload dropped, and it did drop several times, it would go from god knows what, to who knows where it was going, and all of a sudden you're saying, they would—they being the Administration Office—would probably think that we need to cut back our personnel. Or maybe a judge would say, I want you to increase personnel. And you'd say, I can't really do that without leaving this margin that I have. I have to have that margin and you also had to manage that margin for other things that you had to have.

Let's say you didn't have enough money for drug treatment that year you would want to reprogram that money into drug treatment or some other thing. There were some restrictions on how we did things so that may not be an accurate example. But if you're going to manage it, and they did let us manage it, it was very interesting because most probation offices became very well managed with lots of money. I mean not tons of money, but enough money that we could actually manage our funds and it was fairly smooth sailing for a while. When the Administrative Office could see that we were doing such a good job of managing the money they began to think that they were giving us too much [*JD laughs*]*—so they began to cut back on some of the formulas. But those were pretty good years and we did learn a lot.*

At the same time, I think in 1992, we actually had to build out. When I say build out: we had to go and get space and build it out to meet our needs for six different offices. We had an office that had to be redone in Medford. We had an office that went in Bend. We had a separate supervision office here in Portland because there wasn't any room in the Solomon Courthouse for us, and that was not working. The Eugene office needed to be built out. We had to move from the courthouse because the judges needed more room over there so we had to leave the courthouse section. We moved to an off-site location, which was never perfect and it had lots of

problems but we made it work. The Medford Courthouse may have also had to be built out, but I can't remember now. At any rate, we had six different building projects going on over that period of time so there was just a lot to manage and a lot to find. Fortunately GSA [General Services Administration] would go lease the space. Sometimes they would want to lease huge spaces and we couldn't use all the room. We never had an architect; so most of the time I had to do the schematics and the drawings for the offices. Fortunately, I was pretty good with a ruler, I mean I was very low tech, you'd be amazed, I would give it to the GSA and they would give it to some architect and he would draw it. But most of the time we came out ok, but some of the things I drew were pretty absurd. So we had lots of learning going on, but it was fun. It was very, very busy years but we were managing our office, we were doing well. I don't think the court was displeased with us during that period of time. It seemed that we were doing fairly well. Well, sometimes we had difficult days and it was pretty serious, but it was ok.

JD: So aside from the decentralization new regime that was imposed you had been in the office a long time, what were some of the other kind of unexpected elements of being the Chief Probation Officer?

DL: Well, I was never a very good politician. I never really did think about being a politician. I was a technician or I was a probation and parole officer. So I didn't have a lot of those skills. I got along. I grew up in a small town and everybody knew everybody and if you worked for somebody they became your friend or they didn't like you based on how you worked. So I knew that hard work, diligence, and a very positive attitude was important. I had been scolded by Frank Gilbert for being a bit dour. He liked to be more of a happy camper all of the time. He thought that was how you were supposed to be. Well, it wasn't my personality or my style to just be glad-handing people all the time, I got along with people pretty well. I was there to put in a minimum of eight hours every day and sometimes we put in a lot more and I had a lot of work to do generally. And in the course of the time I was there, I did a lot of different things that nobody else wanted to do or Frank didn't want anybody else to do like drug contracting and the witness security programs or working on the projects. We should probably talk about automation in a minute—but you know I was busy. I was there a lot of times from fairly early in the morning, especially as a supervisor, until about 5:30 to 6:00 at night; and I wasn't alone. In those years

there were generally two or three people around the office all of the time. So I wasn't always "Mr. Cheery" but I didn't think I needed to be.

One of the things when I got to be chief, I had to learn to try to manage a little bit by walking around. It was this old management thing that was taught someplace along the line, that management walk around and talk to people. Find out how they are doing, making sure that people know that you—you're are not just back there in your office with doors shut and you don't have any time in any day for people. So I learned to walk around and try to assess how people felt. It wasn't about me. I wasn't really interested in how much people loved me. I was interested in whether people whether they felt they were treated fairly. And like I said before, some people think fair means I got everything I wanted.

So there were differences about how people saw that. There were differences about how I saw people. If I saw somebody who didn't appear to be very interested in something they were supposed to be doing then I want to talk to them about it. I wasn't there to beat up on them, but I wanted to know what the issues were. I asked a fellow one time at a pre-sentence, what does that mean? because I didn't understand what they wrote, and I was told that they didn't know what that meant. I probably didn't handle those as well as I could because I just didn't find that acceptable.

So I learned to find some things acceptable that I wouldn't have when I was a supervisor. My patience was sometimes thin and I wish it hadn't been so thin, but I did learn to try to extend it a little bit, to take time—I had some very talented people that I didn't get along with. And you can't just say, well, I don't get along with you so you gotta leave. You want people to be there to apply their talents and do what they are supposed to do.

So I had to learn—personnel work was difficult for me, I also had to learn how to say, no, because I had been raised—I had been there a long time. I had known most of those people when they came in the door, and I was friends with some of them, some of them we had been close friends. Suddenly you're getting their point of view about something which can be very hostile. You had to learn to say, no, that's not how that's gonna happen, you're gonna have to do it my way, because this is why I think it's the best. But you can't always explain all of those things. Personnel decisions are private, so there were some decisions that people didn't like about personnel that was none of their business so to speak. You could give them some general description but they had to live with the results. That was my decision; if anybody didn't like

it—if the court didn't like it then I had to change. And I went to the court most of the time and there was a serious personnel change that might affect them or they might have an issue with, and try to make certain that what I was doing was ok. Some of those worked out, some of them didn't work out.

Personnel were one of the huge things. Dealing with the Administrative Office, I always expected that people would do the best by you. You know, that there were no political hang-ups that one district was the same as the other. But I found that that was not the case, you had to learn to negotiate for yourself, you had to learn—I used the court whenever I could. I'm sure Judge Redden got tired of me in those early years because I was running up there with suggested letters—not every day, but certainly a couple of times a year—that I wanted to take on the AO because I felt like they were not taking care of our needs. And Judge Redden, as the guy he was, he was a remarkable mediator and he'd get me to calmed down and get somebody on the phone and we would try to hash it out. He did the best—and I can't think of a day that we didn't successfully deal with the issue.

Personnel, the AO, that was a big thing. And later on there was a time when I didn't feel I was being treated well by the court. It was a personal relationship in part with a judge. I always tried to be honest with the court if I thought there was a problem but I wasn't always as tactful as I needed to be. There were some things in there that I had to learn and maybe I didn't learn, but I'm still here, I'm still alive and I didn't get fired, so things must have worked out somehow.

JD: There were a couple of different organized training programs that you were part of as the CPO perhaps you could just take them in order in the Federal Judicial Training Centers.

DL: Yes, the Federal Judicial Center, the FJC as we referred to them. This was a very talented group of people, and I think David Leathery wasn't in charge of it most of the years I was there. He had a remarkable staff and they had remarkable clairvoyance, as far as I am concerned, about how far we needed to come in terms of issues like leadership. There are lots of different styles of leadership. There is leadership I referred to: learning to lead by walking around; management by walking around. There's the military leadership which I learned during the late '60s in the Navy which is a little less gentle, much more directive, not real interested in why something didn't get done, much more interested in *when* it will get done and if it's not going to get done than when

you're leaving. It was pretty abrupt; so trying to balance those types of things when you're unschooled is sometimes difficult.

I can't remember, I want to say Emily [Hubel?] was the person who called me and said would you like to go—and this was during the later stages during my career. And I had lots of different training and I'll mention that too—but the most significant training that I had and one of the most important and most timely was a conference on leadership at Gettysburg. It was training in leadership in how to make decisions based on President Abraham Lincoln's leadership and management during the Civil War. It was absolutely remarkable. We had to do some preparation for it, we had to take some guidance tests, there's some—I found them the other day—I managed to get them shredded before anybody saw. What was facing me at that time was how to make the transition. I was going to be approximately retirement age...let's put it that way.

We had to retire at fifty-seven. The end of our fifty-seventh year was a mandatory retirement and I think I was fifty-five. So I could have stayed longer right up to the blooming end which would have been 2002, or I could look at transition and see how to get the best qualified people in to present to the court as part of the EEO process. It was going to be an EEO hiring, but you want to be able to present the best people you have and to be able to prepare them. It's not fair to just not train anybody, it's not fair to keep everybody in a closet over here to maintain your power base just by keeping everybody away from the court or down here in some kind of sequester. And some people do that because they're so insecure. I didn't feel any threats. I didn't get along with everybody all the time—that's ok. We had a lot of talented people so I wanted to see how to make this transition.

So this training presented by the FJC talked about Lincoln's management of his Civil War generals and his cabinet which I think is fascinating and is based in part on Doris Kearns Goodwin, *The Team of Rivals*; a fascinating book, a fascinating training. And although I can't remember the specifics to the training, I do remember the immensity of the decisions facing Abraham Lincoln were certainly much greater than anything I was facing but I wanted to make the right decision. I wanted to make the right decision about the transition to get the best qualified people before the court. So when they brought in other applicants and stuff they could see what we'd done and how we trained.

You know, I had someone who thought I didn't do anything to lead, I had other people that thought I did way too much and was too military. And it probably depended a lot on what just happened in the course of management.

I remember being able to run across the battlefield from what would have been the Confederate lines to the area around Cemetery Hill in Gettysburg and be able to have this concept of what these people did and how they made the decisions to do it. Whether Longstreet really should have shown up earlier in the afternoon to aid Lee on his right and whether Jeb Stuart got lost in Harrisburg, or whether [George] Meade when he made the decision—"Old Snapping Turtle" made the decision to send those people over on Culp's Hill, or whether he brought them back to Cemetery Ridge at the right time. Some of those things were involved in discussion and what Lincoln said to Meade after that battle—I thought these are some immense decisions.

But what you have to do is to go back to Portland and make a decision about transition and how to present it to the court. And that during that period of time there also of decisions about whether the court—because members of the court said to me we need to combine pre-trial probation, whether that needed to be part of the process, and whether if you got to do that, how big is your staff going to be and how many deputy chiefs do you need to have, and those kinds of things. As I went to that training, those things were all in front of me and I needed to be able to not only think them through but to present them.

I thought that training—I hope they still have it, I know that somebody else puts similar training on in Gettysburg and maintains an affiliation with the Gettysburg Foundation. Those kinds of trainings are critical to probation officers because we are so myopic during the day. And I say that—from the time you are a probation officer, when you start in the morning you can start with a file on your desk and when you leave that night that file can still be on your desk buried by all the other files that have come up during the day. And you can have six to eight to ten files in the course of the day and upwards of twenty interviews or twenty contacts with cops, attorneys, whatever, and never ever get back to that first file. We can be totally immersed and when the FJC came in with training on not only on leadership but came in trying to help us learn concepts, behavioral change based on cognitive process—challenging our way of doing things, of just straight one-on-one counseling with somebody, go out sin no more, you need to get a job, you need to quit drinking—does that do any good? Some guys are good at it; other guys aren't so

good at it. So the FJC saw that we had these different levels of expertise. I think the FJC is a wonderful organization and I haven't been around for 15 years but I hope they are doing the same work they were doing then.

JD: So clearly there is a myriad of tasks, administrative and more that you're doing as the CPO, and some of what I want to talk about next is about the role of technology, and its technology whether we would consider it "old" technology or cutting edge, so when you were talking earlier about the index file and the index cards that was a technology that worked for a period of time and then didn't, and you were pretty integral to moving into different technology.

DL: Well, I don't know how effective I was. I was certainly in the middle in making as much mess as anybody in trying to make this transition. When I came in of course there was a card index file, the police department had a similar file and I'm sure the U.S. Attorney's Office too, and the clerk probably had a card file. From '73 to about '77 or '78, that was kind of the vision of what we going to probably always do. And in about '77 we began to get rumblings that we would have some kind of computer.

We didn't know what a computer was or what it was supposed to do. Then just as we had in the Navy, and I had done a lot of "crypto" work in the Navy and management of classified documents related to communications; and we had data punch cards for nearly everything. Every night at midnight, I had to put new punch cards in different kinds of communication devices so I knew what those were. I knew those somehow related to a computer and how it processed information but I didn't understand any of it really. So about '77, '78 when we began to discuss computers, the folks who were the most knowledgeable about computers in the Administrative Office, one person in particular, Steve Reynolds, came out to visit us. He showed us these machines and made them available to us. He asked, can you use these in trying to track cases?

Well, it was a machine that had a little screen like so. [*Using both hands to indicate size of screen.*] Essentially it was an electronic card file. You do basically the same thing that you would do to maintain a card file. So I wasn't really certain that was what we were supposed to be doing, but it seemed to be the wave of the future. So at any rate I asked Steve, What are we going to do with these things? He said, we'll put 'em up front and we'll do a bunch of input. I think there were even some data punch cards involved in this thing too, but that might have been how

we entered the information. So I said, well, the computers that I'm thinking about are easier to use and they're not so bulky and they have a wide range of uses in terms of tabulation, information and comparative stuff. They can be used as perhaps maybe to produce written material, word processing as well. These weren't for word processing at all; these were just the index file. And he said, yeah, they think that might cost them twenty million dollars and they're not going to do that. And I'm thinking, twenty million that is way too expensive.

Within a year we had some. All of a sudden the money came from some place, it became important to someone that these personal computers, PCs, we began to have access to personal computers, PCs. And we began to develop an information system. What to do with the information system was another thing. So they created a work committee called PIMS, Probation Information Management System. In 1978, Keith Stuart [?] Sr. and I began taking turns going back to Washington D.C. to work, and to various other places around the United States, to work with this committee in developing what this system would do and what it would be for. We saw it as an information system, we saw it as a word processing system, we saw it on how to tabulate and compare sentences, and we thought it might be pretty handy for the Sentencing Council's process.

There were other people who had different ideas. I had a conversation with a fellow who—I think he worked for just about everybody in Washington DC. He worked for the FBI I think and as he was leaving us he was going to the CIA. So it was kind of a Beltway employment system. They just worked around the Beltway where ever they could find jobs or a pay raise. He and I had very distinct differences about it. He saw the need to be able to get information from the districts to determine “what they were doing out there.” And it really came across in that manner: what are you doing? Why are you doing it? And how can we help you do what we want you to do and we need to determine what it cost to have you do what you think you are supposed to do and what we want you to do. It was like a “Big Brother” concept. I was very offended, and said, this isn't appropriate at all, if this is what this is about then I want off this project because this is not appropriate.

I'm not going to say it was a “Big Brother” project but I am going to say that the development of the computer system and the interplay between the Administrative Office and this district ultimately led me to believe that I was right at that point. They, they being the Administrative Office, the Probation Division, was more interested in trying to use this system to

control costs and determine what we really should be doing as opposed to what we were doing. A lot of it was revolved around budget, the decentralization of the budget, how we were spending the money, what we were spending it on, could we spend it different way and to do it cheaper. It's ultimately, I think it led, and, I can't speak to what's happened since 2000, because things were going pretty much in our favor when I left in 2000. But, I felt that as some of it developed and what I was able to see is that they used the computer system to determine outcomes of cases, to look at drug testing programs, drug therapy programs and they began to make quantitative judgments, excuse me, qualitative judgments about the programs, and whether we were spending money appropriately. And certainly as a watch dog, as a consultant in your spending, I think that's appropriate. I don't see anything wrong with it, but to make the final decision about that and to begin to determine what you do with your staff, and how you're your staff; those are things that I think were decisions that were the local court's decisions and the local unit executive's decision.

The automation from that point on for many years, we still ran our own systems. I had a wonderful information technology person who we developed our own information system. We ran our own information system; we used it as we thought it was appropriate and it worked fairly well. They wanted kind of a cradle to grave approach though so that when somebody came into that system through pretrial you would be in that system and they would march that person through the probation system and through the court system so they had uniform tracking; that made sense to me. I finally said, ok, we'll get rid of our unique and wonderful office information system and we will submit to your programs. And I hope it's turned out better than where I thought it was headed. But I haven't tried to keep up with it; it's not my business anymore.

JD: You touched a couple of times in the previous interview as well as today about drug and alcohol use and abuse by probationers, mental health issues being significant among that population, I gather you had a very hands-on role both as a probation officer, but also your involvement in some treatment facilities and halfway houses, could you talk about that a bit?

DL: Sure, this is kind of a broad subject. Because when I came in, we had a much more of medical model, we were emphasizing counseling and treatment resource management although resources were pretty thin, and mental health resources have always been terribly thin. We dealt

with anybody who had a halfway house; anybody who had a work release program in trying to manage difficult cases, cases that needed a little bit more control than what we could provide on the street. I mean you can have a probationer who gets right out of court and the next day has a relapse. If you don't have some resources—many times we tried to use a family, but many people didn't have a family and the parolee has the same thing. You'd have to write and get an addition on his conditions to get him into a halfway house or whatever you've got available. And when I first got started, the Bureau of Prisons actually ran the work release facilities out of jails. A guy by the name of Bud [Henimen?], I doubt that anybody would even remember Bud except us old timers. But Bud would go around and inspect jails and would also say, we've got a Bureau of Prisons guy that can get a job out here, can you throw him in your jail, and can you release him every morning at 7:00—that's what a work release facility was in many cases.

Treatment facilities, halfway houses, were almost nonexistent. You had a few, Alpha House, part of the CODA program was a residential treatment program. Many people thought that drug treatment meant you came in and saw a drug counselor once a week and gave UA. Other people thought that drug treatment was just giving—when I say UA, urine analysis, giving a urine test, and they thought that if they give a urine test was the same as drug treatment. Far from it. So the whole concept about it, you know we had a medical model, but we didn't have any resources.

The first chief I worked for, Walter Evans, between '73 and '76. He was associated with a facility out in Oregon City called Parrot Creek Boys Ranch. The director was a guy by the name of Steve Boucher. Walter and Steve got on, I mean, they agreed. Walter was a very big proponent of probation and treatment and a medical model philosophy. So he began to work on whether we could actually come up with a halfway house. And, in 1976, I think he and Judge Solomon had gotten several people together, and I don't think they were even mentioned in the original Articles of Confederation or Incorporation, but we just had to look at those again the other day and they were woefully inadequate, but they did the trick.

The corporation purchased an old house just off Southeast Hawthorne and 15th, and it was a traditional two story house with a couch out front where people sat and smoked. One Friday afternoon, Walter Evans said, well everybody is going to get some time off today and we're all going to go over to a halfway house and we're gonna paint it, not the outside, the inside. So they gathered clerks and probation officers, paintbrushes, rollers, tarps and by golly they painted it.

We began to use it, it was first, had a few beds like, five, and then seven. This concept of having a halfway house, and it wasn't a treatment facility, but it did they did have an AA meeting there. The halfway house staff would kind of mind the premises at night. They didn't have to be on point too much because they didn't have a perimeter patrol or anything like that, but they would manage the comings and goings. Walter helped them devise some appropriate rules. Steve Boucher had some experience though he hadn't dealt with adults too much but he had had these wild yahoo-juveniles out in Oregon City, so he had a pretty good idea of who we were dealing with.

The halfway house concept was hard fought because it's not just "build it and they will come." It's: how much money does it take? Will the neighborhood allow it? How to you manage it? Is it strict? Is it lenient? Is it based on treatment? Is it based on confinement? How do you manage it? And it was a moving target, but it was a wonderful resource even though it was small. We could say this person doesn't have a place to be and doesn't have any self-control and Steve will you accept him? We had to get an order to do that. We would run up to the court, add a condition and then we would take this guy over and drop him off. I could say without too much shame that I occasionally dropped them off on Friday and said I would get the order on Monday because I couldn't stand to deal with this guy over the weekend. Generally my admonition was he shouldn't go anyplace and my admonition to the guy was he shouldn't "make the news." Because I needed a break from them—sometimes you've been trying to manage these cases day to day and dig them out from underneath some bridge, and then they are to that point where their criminality is ongoing—you can pretty much be assured of that. But you're managing them on a medical model and/or treatment basis.

Simultaneously, the Bureau of Prisons began to contract with a guy by the name of Rev. Sam Johnson up in North Portland through the Progress House Association out of Tacoma. They brought in—bought a facility. I can remember them talking about it. Come over and see it, and going over to see it. A big two story house with some difficult access problems. They weren't really ever able to control it although they said they were going to work on it. But that was primarily for the parolees when they got out of prison they would go to the Progress House Association. The facility off Hawthorne, the Oregon Halfway House, was primarily for the lower-risk people, the probationers, but then it began to get mixed.

As these concepts about how you manage people and halfway houses and whether it's based on treatment or whether it's a referral—during those years, I was a contracting officer for treatment with the probation office—there were lots of varieties and different pressures to use different people. Most of the time, because we had over 100 maybe up to 200 people in treatment, I couldn't accept a contractor who didn't have a place of business. I even got in with that once with the AO. They wanted me to switch, to use someone else's recommendation, and I said, they didn't have a place of business. We had to have as much definition and structure as we could get because our halfway houses couldn't provide drug treatment. The Progress House Association did the same thing that Oregon Halfway house was doing: we'll house them, we'll try to refer them to work, and we'll provide a UA test every now and then to check and make sure they are not using.

But all this is in flux because as *this* is changing, we are also changing the whole concept about whether the probation officer is an enforcement agent or treatment agent. And that discussion goes on—I think we talked a little bit about it in our last session—and I would never shy away from the enforcement side because I felt it was very important for us to cooperate with law enforcement. In some ways, the most proud of some of the things we did being able to get some very dangerous people off the street by cooperating with law enforcement. At the same time, I did not want to see probation officers view themselves as police officers or offensively trained weapons people. That's just a hesitation for me; I just can't quite go there. At any rate, as this transition from treatment to a more structured halfway house situation, our own supervision practices are in transition, and we are making some progress to define it, but it's not a perfect process.

The Bureau of Prisons wanted a single contract, they didn't want two contracts, and they didn't want two types of contracts. They didn't necessarily want a halfway house that dealt only with low risk people, and they didn't want a halfway house that dealt with only high risk people. They wanted to be able to refer the general population. They talked about getting [*sighs*] a single use contract or single contractor to do both things but neither of these facilities was appropriate for any numbers—and Oregon Halfway House, even by the time I left was really only up to about fifteen beds.

Portland Progress House probably had authorization to be a little higher. They were having difficulty losing control. Sam Johnson did a wonderful job and later his associate, Celia

Landers, did a wonderful job, but what happens is that people begun to tire. It's a very difficult job. These are 24-hour a day facilities. You cannot possibly run with a small staff or with an inadequate staff. You have to have a trained staff that is awake and knows how to handle emergencies—both innocent emergencies, you know the who guy comes in and falls down the stairs or cuts himself in the kitchen to the guy that blows up upstairs and suddenly thinks that he's going to barricade his room and blow up the building. So you have to have people who can respond to all those different levels.

By about 1997, Portland Progress House was really not functioning very well. Celia had just left and Sam Johnson had passed away so they were really not at their peak. Steve Boucher only had fifteen beds and he was doing the best he could cooperation with other people involved with Oregon Halfway House to get a bigger concept. I know there were local attorneys over there. I think the public defender was involved. They were really saying, if we build it will they come? The fact of it is, though, the Oregon Halfway House was making money. I didn't have any concept of that because I couldn't see it; I wasn't involved in their money. But I could see there was this tremendous need. I talked to Steve Boucher throughout all those years, and even after I retired and I would go see Steve and take a look at what he was thinking. He was always excited about it, he was terribly excited about it. Then one day he brings out this drawing that is a beautiful rendition of what could be. I said, well when are you going to build that? He said, it's already built, it's an office building and we are going to lease it, and all of a sudden—nobody had ever guaranteed that he would get a contract, but Steve with all the pressures and with all the problems had managed to believe that if you build it they will come. Sure enough by 2002, the contract was written, the building wasn't ready and things hadn't gone quite as well as Steve wanted, but it was coming. In 2005, I went out to help him write some emergency management procedures and the next thing I know the doors opened.

I can't remember how many people came in, about thirty-five initially or so, then they were allowed to have up to seventy-five, and as the time went on it began to fill. Of course, [coughs] it was a work in progress because I think there were some things they had to just develop as they got there. I mean here is this treatment-focused facility that's now accepting up to seventy-five people. The number of people alone collapses the whole concept that you are going to have a couple of guys sitting on the front porch sofa smoking and watching the door. It doesn't work that way anymore. You've got to have staff to assess skills, people verifying where

people go, you have to have people that can help them find jobs, you've gotta have people down here to assess whether you've got some mental health issues, whether you've got physical health issues, you gotta have staff that are trained to be able handle emergencies and overdoses and know how to get help. I will say that when you have been working on a small scale, it's a different world to all of a sudden you start working in this new world.

By 2006, Steve just collapsed. Steve Wax, the public defender and Eric Suing called me on a Thursday and said can we meet tomorrow? We have had some issues out at Oregon Halfway House and it's up and running and we are doing fine but we need to talk about them, and we wondered if you can help us. So I said, yes, I'll meet you. And I had a feeling because I had met with Steve several times between 2005 and 2006 and I knew he was struggling. They said, Steve's no longer going to be able to function, could you start on Monday?' I can't say I was disappointed because I have been involved with the place since 1976 and that was even when I was in Eugene. So I saw it kind of opening up and its potential, I was pretty excited about its potential to see what could go on there. So I came in and was the interim executive out there for a year. There were lots of things to do in that period of time, and we began to envision—
[door opens, DL chuckles, person at door speaks briefly. Tape stops to address visitor, then resumes.] **START**

Since that time it's gotten to be an even bigger dream. We had a little setback. The person who replaced me embezzled money, was convicted in this court, and was sentenced to prison. She had a lot of talent and did a lot of good things but you can't overcome criminal behavior. She had had a background that included similar behavior but had a hush-agreement with that victim, so it was never reported or on the books, and she got through the vetting process without that happening. She had even had great work reports from the BOP who had supervised her in the other place where she worked. So we were a bit surprised by the amount she was able to get. And it was staff failures at Oregon Halfway House it should have been detected immediately. But for a variety reasons we shouldn't be surprised by these things. Anybody who has dealt with criminal activity as much as I have or as much as the other members of the board out at the Oregon Halfway House have—you realize that people who are going to do this are pretty good at manipulating and covering their tracks.

But we were able to get another fellow, Brian Martinek is the current director out there, and Brian comes to us with an extensive law enforcement background. But he is a convert, as far

as I'm concerned, to an eclectic approach to reformation of character. He understands the important role of counseling, and treatment, and occupational therapy, and vocational training and he is well aware of issue with character and criminality and drug addiction and mental health. He has been amazing in working on all these issues while simultaneously with building out a new building. We are in the middle of a five million dollar capitol building program that will be completed in 2016. After I left the Oregon Halfway house in 2006, it has become known as the Northwest Regional Re-Entry Center.

I think the program has been enlarged and greatly improved by Brian Martinek and I think it does great service for the court. I think most judges use it, some of them use it in different ways. They have a Drug Court here, of course, and the Re-Entry Court. And they are able to do short term placements out there and some pretty immediate type of intervention for folks. One of the things that we found over the years is that if you can intervene very quickly after an event, sometimes you can have a greater impact on people and to get their attention better rather than having them sit in jail for three or four months while everybody argues over what they are going to do. Meanwhile, they may manipulate themselves into some situation because you can't keep them in jail forever. I think that the house is being used very appropriately and we are going to be able to be in a position to be able to take it up to 150 people. It's become a multi-service, multi-use type facility.

We're swinging back—the pendulum has not swung so far back that we are going to have a huge medical model treatment focus because we understand now the leverage that enforcement has and we need to maintain. And the supervision as strict; we are using GPS, we are using monitoring and all sorts of things. And it's working to remind people that we know what they are doing and that we expect them to do the things that are positive. Of course, once again, you still have the failures in human character, but we are getting some results. As far as I'm concerned, we are doing as well as anybody is able to do and with a top of the line staff and top of the line facility.

JD: That's an amazing trajectory from going to paint the seven bed—I can just imagine that house on SE Hawthorne—just knowing the area.

DL: Yeah, it was a unique place. Like I said, I took people there on Friday night and dropped them off because I couldn't stand to deal with them, and said, can you handle it?, And Steve would say, ok. I also showed up at 3 o'clock in the morning to wrestle people on the stairs who had been drunk since 9 o'clock and nobody had called anybody, but now they needed to take them to jail. So you would go up with a marshal and wrestle around on the chair—I had just had knee surgery so I had this huge brace on my leg so we we're rolling around on the second floor with this guy trying to slap us upside the head with a can of beer. I mean you have to laugh about it now. You think about that and, well, that's part of the job and that's part of this process and how you get from a treatment facility to a well-organized multi-use re-entry facility, which I think is going to be long-term, and very well operated, and very professional. And I think the courts are fairly well aware of it. I haven't felt that it was my place to come back and preach to the choir about it. When I left the House, I didn't come back on the board until probably the end of 2008. I have been on it now for some time and I'm probably going to—when the facility is completed next year and everything settles down, I probably will ask to leave.

I am at this point happy with not being involved to the extent—. Over the years being on the board, or even before, I would stop by and see Steve Boucher and to see how that facility was going and that sort of thing, and during the interim after I left and while our larcenous friend was running it, I would stop and say, how it was going. So I have had a long-term interest in it and I haven't wanted to leave it. But I am at the point now where I've got other things to do and I really don't want to be involved anymore. Not that I don't enjoy watching it succeed. I love to see the court using it, however they want to use it, but I think these re-entry courts and drug courts they are very time demanding. Sometimes they can be expensive because they take a lot of hands-on time with the judge and with staff to negotiate those kinds of decisions in a triage-type of situation. But I think they have the best prospect for helping the average low-risk individual. I don't necessarily see them as being appropriate for high risk, violent criminals, but I think for people who are troubled and can use some mental health work and some drug treatment, especially if they have some family resources they can make some adjustments in their life.

It's possible for people to change. We don't need to be silly about it, you can't just say, go forth and sin no more, but certainly people can change and I think we have to have that hope and that expectation; knowledgeable expectation.

JD: So you have maintained your interest and activity in the Halfway House but in 2000 you did decide, or perhaps the decision was made for you, that it was time to retire. Can you tell me about that transition and looking back at your time, and your perception of it.

DL: Yeah, I think I was being treated very fairly by the court. After I had gone to Gettysburg and had looked at some of the prospect, there were several different decisions to be made, about whether it was to stay for another 20 months or whether to go. I was looking at two or three people in the Probation Office, who were really—and maybe more, there were quite a number of talented supervisors, all of those people kind of getting ready; had been there a long time. There were some who were—people get itchy and they are kind of funny, they don't want to act like they're crawling up your backside to get ahead of you, but they are beginning to feel like they could do things better. And you get a little sense of that. I hadn't lost any interest in the job, but I was looking at—when are these people ready, and when is a good time to do this. Twenty months is not a long time in the course of human events.

There were some things I wanted to do. I had just had a house built and I had gone out and started to landscape. Because like lots of things I had never done, I didn't have the money to finish everything. So that had immediately fallen down the hill with a railroad tie or something so I said well this is going to take more time than I thought. So, at any rate I was kind of contemplating some of these things ahead of me. My wife was still working, my daughter was graduated from high school and I wasn't certain how much financial demand was going to be on me but twenty months was not going to make the difference in their lives. Compared where the supervisors in my office who were ready to go; they were anxious.

One of the previous deputy chiefs, he had just retired the year before, and everyone kind of thought that new people, young people, were deserving of a chance to just go do it. I'd had twenty-eight years, almost twenty-eight years, beyond that I had worked for the prison and I had worked for the state probation. I didn't think I was going to hurt myself by leaving. In fact, I was kind of ready for something new. I also wanted to go fishing—a lot. So I just thought that was time, nobody told me I had to leave. I'm sure that there were times when Judge [Michael] Hogan thought about me leaving and he probably would have been glad. But he was all very open and gracious talking with me about retirement. I don't think he was too mad at me. We had a lot of

differences, but I don't think he was irate with me. I think he thought I had done a fairly good job.

But I was ready, I just felt like, ok let's go fishing, let's go take care of the daughter that's graduating high school and the younger daughter who was struggling with high school. My adopted daughter was Kim. She was eight years old when she came to us and we were her eighth home, so she was having her days that weren't so good. So I thought well maybe I can—my wife is still working and Shawn, my wife, has been extremely important in Kim's life and has done a lot of work but wasn't available to do much at that point other than get her to school and back. At any rate, there was a lot to do at home so I talked to Judge Hogan about it and told him I was ready; that he had his pick of a number of people and part of my job always was to make recommendations about who I thought was the best suited and the best ready. And I made those decisions. That wasn't always a happy moment for some people, and pretty angry about some things, but that didn't diminish how I felt about them, they were all capable people.

I think the transition went fairly well. What I would do was I would ask them to work on some project or I would ask them what they thought about some project. And what I saw was they immediately took the initiative. And I would say, well I'm going to go down to the U.S. Attorney's Office, or I'm go up to the U.S. Attorney's Office, or I'm going to go see Jack Ransom who is a wonderful local attorney. Basically I would make an absence. Well, I would come back and they would have had a meeting and made some decisions and were ready to proceed. And I thought well their level of energy exceeds mine. I was always pretty strong and still am about things. I haven't had a problem making up my mind about much in my life—flight or fight were always my two basic instincts. I learned to run, I learned to stand my ground, and sometimes I won and sometimes I didn't. Watching them I knew they were ready. And so I thought, this is the time to do that. I think it was fairly graceful, I don't recall any terrible events nor did I have any terrible anxiety about leaving. The new Chief Eric Suing called me a few times and talked to me about things. The guy I fished with at the time was an old FBI agent and he'd say, [*in a goofy voice*] "Tell Eric to get off the line, I think I'm getting a bite!" And things like that, and of course he wasn't getting a bite, we didn't catch that many fish. But at any rate, it was always nice to hear what was going on at that point.

I think some chiefs had a real anxiety about leaving because it was such a wonderful relationship [*knocking at the door*] with the court [*door opens, someone enters the room*].
Recording stops, then resumes

JD: Ok, we had a brief interruption but now we're back.

DL: Ok, I'll just finish the thought. It's such a wonderful job. It's been such a wonderful relationship with the court, and various members of the court, almost all members of the court, and the court's staff over the years. I mean I think we have differences in how we do things, we have differences in how we see things, but for the most part this has been a wonderful job. As far as I can see, all the chiefs that I worked for, and with, over the years, or knew, have a real loyalty to the court because the court has returned it, has extended to us. It's such a tight knit and *intensive* kind of work. From the years as a probation officer through being a supervisor through learning to contract, management of facilities, management of budgets, management of personnel, it's *very* intense. You don't want to make mistakes because people are important. Whether they are individual defendants, whether they're staff, whether they're attorneys—maybe you can have disagreements with these people, but you don't want to make decisions or judgments about people that aren't generous or going to build long term positive relationships that help the mission of the court.

So when you walk away from them, as you walk away from these jobs, there is a void. Like I said it is always nice to hear from Eric about things, and learn who's doing well, and what's going on. And he would consult with me about something that maybe was untoward or maybe something that happened, and generally it wasn't all that serious but it needed to be dealt with. But as I watched—you know, Walter and Frank both of them had some pretty severe reactions to leaving because it's so intense and it's such a good feeling to be able to get the support of such wonderful people as we've had on this court. And I think it's really tough if you don't leave when you're ready.

I felt like I left when I was ready. I didn't need to come back down here; it was nice when I did. I didn't come down much. I'd come see some judges and check in every now and then. I miss seeing some folks because the relationships were good and supportive and maybe some of the best experiences of my life. I'll get to see some of them again, but I am always thankful. But

there is that void and I think some folks are unhappy when they walk away from the intensity and the good feelings that come from this job. I feel very, very fortunate to be a kid from Eastern Oregon, to grow up in a tiny town on the Snake River to have been able to come to this court to work and to learn. And there is so much more to learn, I don't have a lot more time so I should stop talking.

JD: This has been wonderful to capture your recollections and I would just like to say on behalf of the U.S. District Court of Oregon Historical Society, thank you for taking the time to record all of this. It's been invaluable.

DL: It has been my pleasure.

JD: Thanks.

[End of Recording 3, Interview Ends]