

George E. Juba

An Oral History



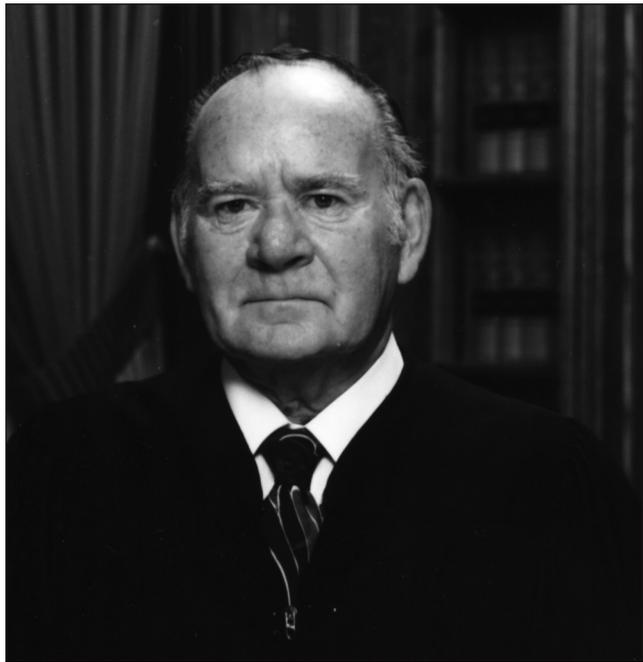
FOREWORD BY JUDGE OWEN PANNER

US District Court of Oregon Historical Society
Oral History Project
Portland, Oregon

George E. Juba: An Oral History

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FOREWORD

The Oral History Project of the District Court of Oregon Historical Society began in 1983. Through the efforts of Judge James Burns and his wife Helen, a gathering of lawyers, judges, and historians took place at the Society's inception. The Honorable Robert F. Peckham, District Judge for the Northern District of California, discussed the Northern District Historical Society and the inspiration was born for Oregon's District Court Historical Society, the second such organization in the country. The original Board of Directors of the Society was composed of twenty-one members with bylaws including the Presiding Judge of the Court, the Chief Justice of the Oregon Supreme Court, and the President and a representative of the Oregon State Bar. The original officers and directors included outstanding judges and lawyers – Judge John Kilkenny, Honorary Chair, Judge James Burns, Chairman, Randall Kester, President, Manley Strayer, Vice President, Elizabeth Buehler, Treasurer, Susan Graber, Corporate Secretary, and Robert M. Christ, Executive Secretary, along with many other top names in Oregon's legal history.

The Society decided to collect, study, preserve, analyze, and disseminate information concerning the history, development, character, operations, and accomplishments of the United States District Court for the District of Oregon. It was therefore logical that the Oral History Project should be established to preserve the histories of the judges, law firms, and lawyers who actively practice in the Court. With the assistance of Rick Harmon and James Strassmaier, the Oregon Historical Society held seminars to educate volunteers in taking oral histories with a biographical and Court-oriented focus. The Oregon Historical Society has been most

cooperative in agreeing to maintain these histories in their permanent collection for study by scholars and other interested parties.

These oral history interviews have been taken by recording devices, and are either transcribed or transcription is underway. A transcript reproduces, as faithfully as possible, the original sound recording that reflects the special value of oral history, namely its free and personal expressiveness. Most of the transcripts in the District Court Collection have been lightly edited and reviewed for clarity and accuracy by the narrators. That process continues. It is through these wonderful oral histories that the story of the Court is told. We now have recorded nearly 120 individuals since the project began. The goal is to record the individual histories of all the judges of the Court, as well as those of participating lawyers. The Court has a rich tradition reflected in the activities of the judges and lawyers of the Court. The recording has been done not only by professional historians, but also by dedicated volunteers. As one such volunteer said, "The opportunity to interview someone that you always admired is truly an exciting experience."

The history of the Court is being created by the men and women who have participated in its collection and activities. The Society's goals are to collect as much of that history as possible, because it is the history of the law and those who make it that constitutes the moral development of humanity. All of us who are students of the law venerate it. We are also interested in the people who make it.

Judge Owen Panner
February 28, 2006

INTRODUCTION

In the spring of 2006, George E. Juba recorded his oral history for the District Court Historical Society. Juba was the first Article I Magistrate Judge for the State of Oregon; his story adds an important chapter to the history of the US District Court of Oregon. Judge Juba was terminally ill with esophageal cancer, which limited his ability to talk at length, and narrowed the scope of his recollections. Readers may notice question marks in the transcript, but these have had to stand since Judge Juba isn't here to correct them. George Juba died June 6, 2006; barely two months after these interviews were conducted.

George Juba was born January 11, 1928 in Washougal, Washington to Katherine (Cymbykluk) and Dimitrov Juba. Both parents had emigrated from the Ukraine to the United States. Juba's father deserted the family when George was an infant, and Katherine worked at the Pendleton Woolen Mills, and at other semi-skilled jobs to support her three children. From those harsh beginnings, George Juba developed a penchant for hard work. Juba grew up in Camas, Washington, where he attended public schools, played football, and lived almost independently from the age of sixteen. Graduating from high school in 1946, Juba promptly joined the US Navy, serving aboard the *USS Dixie* in the North China Sea.

After completing his two-year Navy stint, George Juba, as did many of his generation, used the GI Bill to obtain an advanced education. He enrolled at Willamette University, where he joined the *Sigma Chi* fraternity, learned to study, and majored in business administration. It was also at Willamette that he met his future wife, Suzanne Mellor; they married in 1952. After a year of working "at a job that had absolutely no future" George Juba decided to become a lawyer.

Attending Willamette Law School, Juba demonstrated the work ethic that would define his professional style. To make ends meet, George worked as a bank teller and a bartender while Sue taught school. Juba was editor-in-chief of the *Willamette Legal Handbook*, yet graduated as the top male student in his class. Juba earned high marks and published an article in the *Insurance Law Journal*; he earned a Doctor of Jurisprudence degree in 1956.

Juba first worked for the firm of Miller Nash. He soon grew restless in his junior role and took a position as an assistant attorney in the US Attorney's office. Juba loved prosecuting cases and actively engaging in the legal process. However, the chance to become an FBI agent arose in 1959—a lifelong dream—and he seized the opportunity.

Following his training at Bureau headquarters in Washington, DC, Juba was assigned to Denver, Colorado. One of his fellow agents was G. Gordon Liddy—later convicted in the Watergate case. Juba’s next assignments took him to the South during the height of the Civil Rights Movement. Concerned about the divisive social environment affecting his two young children, Karen and David, he left the FBI, and the Juba family returned to Portland in 1962.

Juba returned to the US Attorney’s office, under the leadership of Sid Lezak, and soon became the Chief Criminal Deputy. His prosecutorial skills caught the attention of Multnomah County District Attorney George Van Hoomissen, who appointed him as Chief Deputy District Attorney. In 1965, Governor Mark Hatfield appointed Juba to his first judicial position, Multnomah County District Court Judge. He left that position in 1968 to become the Clerk of Court for the US District Court of Oregon. That job familiarized Juba with the federal court system, where he would make his greatest contribution to Oregon’s judiciary.

In 1971, George Juba became the first Federal Magistrate in Oregon. At that time, the use of magistrates was very new, and no statutory rules expressly defined their judicial powers. District Court Judges Belloni, Burns, and Skopil developed an active magistrate system in Oregon, which George Juba put into practice. Juba brought his strong work ethic and professional integrity to the position, prompting his peers to credit him with making Oregon’s magistrate system a model for the rest of the nation. A transcript of Judge Juba’s memorial service—a fitting tribute that captures Juba’s important role in the development of the magistrate system—is included herein as an appendix. Juba retired as a Magistrate Judge in 1993. After a lifetime of hard work, he pursued his hobbies of woodworking and gardening in Rancho Mirage, California.

In preparation for our interviews, I spoke to several of George’s colleagues. Each described him as a man of high standards, an incredibly efficient worker, and a modest man of few words. Judge Juba’s illness prompted an accelerated interview process so that he could review his transcripts, and we worried that he was not up to doing that work. But, *not* doing the work wasn’t George Juba’s style. His corrected transcript arrived on my desk postmarked June 5, 2006, the day before he passed away.

Janice Dilg
August 2007

Family Background

JD: This is an oral history project for the US District Court of Oregon Historical Society. This is the oral history of Judge George E. Juba. Today is April 24, 2006, and I'm interviewing the judge at his apartment in Hillsboro, Oregon. This is tape one, side one.

Judge Juba, if you wouldn't mind beginning by talking a little bit about where you were born and your family and just give us a little history of how this all began.

GJ: I was born in Washougal, Washington, January 11, 1928. And what else?

JD: You could just tell us your parents' names and what you know about where they came from and how they ended up in Washougal.

GJ: My mother's name was Katherine—with a K—Juba, but her maiden name was Cymbyluk. That's spelled C-Y-M-B-Y-L-U-K. My father, who I really didn't know—he left when I was an infant—his name was Dmitrov, D-M-I-T-R-O-V, Juba. He was born in Ukraine. My mother was born in Canada of Ukrainian parents. They immigrated to the United States through the state of Washington

before I was born, because I was born in Washington.

JD: Did your parents meet in Washington, then, or sometime earlier?

GJ: They met in Canada.

JD: Do you happen to know what part of Canada?

GJ: In the Edmonton, [Alberta] area. They were farmers.

JD: So they were drawn to the Washington area for farmland?

GJ: No. They were uneducated people. I don't know what my father's education was, but my mother went to the second grade, so they were uneducated. Why they came to Washington, I don't know, but she worked in a textile mill. What he did, I have no idea.

JD: You mentioned that you had two siblings when we were talking the other day.

GJ: I had a sister, Anna who is the eldest, and my brother Victor.

JD: Do they ever have any recollections of your father, since they were older than you? You said Anna was the eldest and then Victor the next.

GJ: If they did they never told me. Family was very rarely discussed.

JD: So your mother, then, was sole support of you three children?

GJ: I had four stepfathers.

JD: Okay.

GJ: But she always worked. Then, of course, they worked. A couple of them I didn't even know.

JD: Do you know what her work was when she was in the textile mill?

GJ: Working on machines, I don't know.

JD: Did she move around to different occupations or did she tend to stay with the textile work for a long time?

GJ: A long time.

JD: Mm-hmm. That was in Washougal that she was working in—

GJ: Yes.

JD: Do you know the name of the business?

GJ: Pendleton Woolen Mills.

JD: It was Pendleton Woolen Mills. You were born in '28, so she worked there sort of throughout your growing up?

GJ: Until I was in grade school, I suppose, when she married the first of my stepfathers. He worked in the paper mill in Camas, Washington.

JD: What was his name?

GJ: Platt, P-L-A-T-T.

JD: Was that when you moved to Camas, when your mother married Mr. Platt?

GJ: I don't really recall, but I suppose so.

JD: It was a few years ago, wasn't it?

GJ: Yes.

JD: You said that you had moved to Camas, Washington. That was where you went to grade school, is that correct?

GJ: Yes.

JD: Do you remember what it was like kind of going off to school?

GJ: I remember everyone was poor, but I didn't realize it. I have very little recollection of those days.

JD: Mm-hmm. You went to junior high, which you said was seventh, eighth and ninth grade.

GJ: True.

JD: That was also in Camas?

GJ: Yes.

JD: Mm-hmm. As you were getting older then, were the kids expected to work and help out in the family? What was your family life like during those years?

GJ: Well, yes, we worked. And did our household chores. I always had a paying job of some sort.

JD: What kind?

GJ: Chopping wood for people and doing chores around their houses, cleaning chicken coops, things of that nature.

JD: What were the years that you were in junior high? I'm kind to try to locate this, perhaps relative to the Depression.

GJ: I graduated from high school in 1946, so working back you can figure it out.

JD: Okay. Do you remember that time during the Depression as being more difficult for your family, or how it affected the community?

GJ: No, because everyone was in the same predicament. So I really don't feel that I was poor because I didn't know what poor was. I didn't know what rich was. Although I'm now aware that we were poor, I wasn't aware of it.

JD: It sounds like everyone worked hard.

GJ: Right.

JD: Then you went on to Camas High School?

GJ: Yes.

JD: What sizes were these schools? Do you remember generally kind of—?

GJ: All small. Grade school was very small, the same with junior high. High school was only about eighty or ninety senior students at the most.

JD: What do you remember about high school? By then you can kind of choose some of the classes you take and there's different kinds of activities.

GJ: Well, I was a poor high school student because my parents had no particular interest in education and didn't influence me in that way. I always worked in high school. I had jobs. I was sort of on my own by the time I was sixteen. My mother had divorced again. I went to live with some other people. But I had a job during high school all the time and was a real poor high school student.

JD: So work was one of the focuses of your time during those years?

GJ: Yes.

JD: Did you have time or interest to be involved in other school activities, like sports?

GJ: Sports, football and basketball.

JD: What positions did you play?

GJ: I played guard on the football team, and guard on the basketball team.

JD: Did you play all four years?

GJ: Well, three years of high school.

JD: Oh, that's right, just three years of high school.

GJ: Yes, I played all three years.

JD: Do you remember much about being on the teams or what their records were or anything like that?

GJ: We had a pretty good record for our size of high school, because we were in a league of mostly larger high schools, Vancouver, Longview, Kelso. We played some Portland schools. We did quite well.

JD: You would travel to these other games?

GJ: Yes.

JD: By bus, or—?

GJ: Bus or car.

JD: What was that like, going on the road? Would you go out for a day or two?

GJ: Oh, no. It wasn't that far. We only had two schools we played, where we had to stay overnight, that were Centralia and Chehalis, Washington. But otherwise, it was just that one.

JD: Out and back in the same day.

GJ: Mm-hmm.

JD: So what was the social scene like in high school?

GJ: Good. I had one girlfriend during high school and we spent a lot of time together. Socially it was good. I enjoyed it.

JD: What was her name?

GJ: Janeth, J-A-N-E-T-H, Ostenson, O-S-T-E-N-S-O-N.

JD: So what kinds of activities did kids do for fun in Camas, Washington during those years?

GJ: We went out in the country sort of, and we hunted and fished. Not too many of us had cars, but a few of us had junk cars that we worked on and things of that nature.

JD: Was there any sort of gathering place in town, a park, a soda shop, or anything like that, where the kids would kind of congregate?

GJ: Oh yes. Small town, but we had one ice cream shop where everyone would congregate.

JD: It sounds like most of the kids probably worked some, too, while they were going to school?

GJ: Not as much as I did. *[laughs]* But, yes, a lot of them had jobs.

JD: Even though you said you weren't

a very good student, were there particular subjects that you enjoyed?

GJ: I was just an awful student, that's all I can say.

JD: [*laughs*] So were you starting to think about what you were going to do after high school at that point and have any ideas, or have teachers or anybody else who maybe influenced you or gave you ideas of directions you might want to go?

Military Service

GJ: Not really. I just barely made it out of high school. I joined the Navy for two years. That gave me four years of college on the GI Bill. That's the reason, or how I went to school.

JD: So the war was already—

GJ: Over.

JD: The war was already over by the time you graduated?

GJ: Yes.

JD: And you enlisted?

GJ: Yes.

JD: What was your rank?

GJ: Seaman First Class.

JD: So tell us a little about what that experience was like, what kind of ship you were on and where you went and some of your ex,periences.

GJ: I was on the *USS Dixie*, D-I-X-I-E, which was a destroyer tender. We went to North China for the Chinese Civil War, it was in progress. We were supplying the Chinese Nationalists with war supplies and support. Of, course, they lost. We were in Qingdao, China, which is in North China. Soon after we left, the Communists took over China.

JD: So you were actually on the mainland at some point?

GJ: No, tied up to the mainland.

JD: Always tied up. So what was life like on a ship? What were you doing?

GJ: I had taken typing in high school, so I was what you call a Yeoman, a typist. So I was working in the ship's office. I enjoyed my time in the service, but not enough to convince me I should stay. But I had a good time there.

JD: What was the food like? My dad always complained about the food on the ships.

GJ: It wasn't all that bad, I thought. It wasn't a change from what I had before.

JD: [*laughs*] How many men are on a ship from that time?

GJ: This one there must have been probably 450 people.

JD: So you were someplace for nine months where it sounds like you didn't get any shore leave or anything like that.

GJ: Oh, we had a *lot* of shore leave. We could go on liberty anytime we wanted.

JD: Oh, okay. So what kinds of stuff would you guys do to amuse yourselves?

GJ: We had softball teams. We had picnics on the beach. They really have some nice beaches there. We'd go swimming. We played golf. They had a golf course.

JD: Really?

GJ: A very primitive golf course, but we played.

JD: They had clubs there, or someone brought clubs with them on the ship?

GJ: We rented them.

JD: I don't know much about Northern China. What's the topography there and the climate?

GJ: The city we were in, Qingdao, had been a German colony prior to World War I. It had been a very luxurious city at the time. It had big mansions. It was all crumbling by the time we were there, but at one time it was a nice city. The war, Chinese war was going on, there were a

lot of troops in the city. So the city itself was not in very good condition. The buildings were falling apart, and [there] were a lot of refugees, fleeing.

JD: Fleeing from other parts of China to get away from the fighting. Is it mountainous or flat?

GJ: It's on a peninsula in the Yellow Sea. So it wasn't mountainous, but they had hills, and wonderful beaches. Fairly flat, not too far from Beijing, actually.

JD: Okay. So if you were there for nine months, where were you for the rest of the two years that you were in the Navy?

GJ: San Diego and San Francisco, [California].

JD: What did you do there?

GJ: We were dry-docked in San Francisco for several months. In San Diego I went to boot camp and training. Otherwise that's the only place I went.

JD: Mm-hmm. So then when you were discharged in '48, did you know what you wanted to do next?

College Years

GJ: I was going to college, because I had the GI Bill.

JD: So how did you decide where you wanted to go and what you were going to study?

GJ: I had a number of friends from Camas, Washington, who went to school at Willamette University. So that's the main reason I went to Willamette. I didn't know what I was going to study.

JD: Were there any restrictions on where you could use the GI Bill or how it worked?

GJ: Not really. You could go almost anywhere. People got flying lessons, for example.

JD: I didn't know that. So you got to Willamette and you thought you would go to college. How did you decide that college was the thing to do, since that was not necessarily something in your background?

GJ: Because of my background. I worked in a paper mill. It convinced me I was not going to work in a paper mill. So I went to college. But my mother really didn't know what college was. She asked me when I got out of the Navy, she said, "What are you going to do?"

I said, "I'm going to college."

She said, "Oh no, get a job in the

paper mill and build up your seniority."

I said, "No. It's not for me."

JD: How did she take your decision?

GJ: [*pause*] I doubt if she reacted at all. She didn't know what college was.

JD: How long did your mother live, as far as when you advanced through your career, so she could sort of see the result of this as the sum of your studies?

GJ: I got out of law school before she died. I graduated from Willamette and then went to law school.

JD: So even though you didn't have an idea of what you wanted to study, what did you end up majoring in, or what did they force you to choose?

GJ: Business administration.

JD: How did you end up in business administration?

GJ: I had to make a selection of something, and that was it.

JD: Was there something about the courses in business administration that appealed to you? You said you weren't that great a student in high school, but you have to work pretty hard to make it in college.

GJ: I worked very hard. When I was a freshman in college I didn't know how to study. I worked like the dickens. I got a 2.3,

which is barely above a C average. But as time progressed, I learned how to study. By the time I was a senior in college I was making a 3.6. As I say, that's how I ended up in business administration. I had no real purpose.

JD: Did you think business was the way to go when you got out of school?

GJ: I really didn't have any idea.

JD: So you said you learned how to study. Was there someone who kind of took you under their wing? How did you figure those things out?

GJ: I joined a fraternity and they had mandatory study halls, study periods, where they forced the brothers to study. They didn't have to force me because I knew I had to survive. I actually did it on my own, I suppose.

JD: Were there any professors that you connected with who got you thinking about what you might want to do after college?

GJ: I took a number of history courses and had all A's. The history professor wanted me to major in history. I couldn't quite understand that; I didn't want to be a historian. [JD laughs] But other than that, no.

JD: What fraternity did you join?

GJ: *Sigma Chi*.

JD: Having mandatory study groups

is not necessarily the kind of activity that comes to mind these days when people talk about fraternities.

GJ: That's true.

JD: Can you talk a little bit about what that scene was like then?

Meeting Sue Mellor

GJ: Willamette University, at that time, was sort of affiliated with but not operated by the Methodists. Most of the students were serious students who came from educated families. There were a lot of scholars at Willamette. They had a great advantage over me with my background; I had to work like the dickens just to get through. But I enjoyed Willamette. I met my future wife there.

JD: What was her name?

GJ: Sue Mellor, M-E-L-L-O-R. We met when we were both in the same class. We got married after we graduated. Worked for a year at a job that had absolutely no future. Incidentally, I had no idea of going to law school. In fact that was one of the choices I *did* not make. I chose not to go to law school. But—

JD: You mean when you were still in college people talked to you about it? What was your reasoning then?

GJ: I had no interest. But after working in a job with no future for a year—I

couldn't go to medical school, I didn't have the background—but I did have the qualifications for law school, so that's why I went to law school.

JD: You'd had a good experience at Willamette, so that was why you chose to go there, to continue there?

GJ: Yes.

JD: What did you have to do to get into law school at that point?

GJ: Merely apply, nothing more.

JD: You didn't have to take LSATs, or something comparable, at that time?

GJ: No.

JD: Do you remember what the cost of law school was at that point? Was that an issue at all?

GJ: Oh, yes.

JD: Did the GI Bill continue?

GJ: No. It ran out when I graduated from college. I worked and my wife worked. We paid for it ourselves. She was a teacher. I had a part-time job always, through college and law school.

JD: What kind of jobs did you do?

GJ: I was a bank teller, a bartender, and worked in a florist shop; mostly I worked as a bank teller and a bartender.

JD: So that was enough to bring some income in but not enough to inhibit your studies as earlier?

GJ: Right.

JD: When you worked this job that you said was going nowhere, there are other choices besides law, and you had already sort of decided no to law earlier. What sent you back in that direction?

GJ: I had some friends that had gone to law school and they'd gotten out of law school, and they were doing well, and I thought, well, I'll give it a try.

JD: So did you talk to them about what was involved, and what the activities were?

GJ: Yes.

JD: Were there particular parts of that that appealed to you?

GJ: [*pause*] I hate to say this, but not really.

JD: Mm-hmm.

GJ: I went to law school with the idea that I was going to make it. So then I just studied awfully hard, and made good grades and graduated as the top man in my class. However, we had one woman in our class and she was the top student.

[End of Tape One, Side One]

Willamette Law School

JD: This is an oral history interview with Judge George Juba. Today's date is April 24, 2006. This is tape one, side two. So, you were talking about being in law school and that you graduated top of the class, so I'm guessing that means you really did learn how to study.

GJ: Right. I worked hard—very hard.

JD: So what courses interested you? What moved you forward once you got in law school and really kind of got involved in it all?

GJ: [pause] There again, I can't say. Nothing really stands out as an interest. But, overall, I enjoyed law school, because of making good grades. Which actually surprised me.

JD: A late bloomer. Were there any professors that you particularly enjoyed, that you thought were particularly good at their teaching?

GJ: One was Reginald Parker. He was an Austrian. He had a pronounced German accent that he preserved very well—and John Paulus.

JD: Oh, John Paulus, mm-hmm.

GJ: And Ed Butler. Those were three that were outstanding, very good.

JD: What did you study with them?

GJ: Paulus taught Property Law; Butler, Torts; Reginald Parker taught Administrative Law.

JD: You had mentioned when we spoke last that you were editor of the *Willamette Legal Handbook*. Can you talk a little about what those were, and how they were used, and what your role was with those?

GJ: Well, I was the editor-in-chief, because of my grades. All it was, was a compilation of Oregon Supreme Court jury instructions—ones that are accepted, ones that are rejected—by category. And I just went through all the cases and compiled them all.

JD: So this became a cumulative set of handbooks? Were they produced annually?

GJ: Oh yes, for some years.

JD: Then how were they used?

GJ: By lawyers when they wanted to prepare jury instructions.

JD: They would use them as examples to follow, or not to follow?

GJ: Or not to follow, depending on how the...

JD: You also mentioned that you published an article as a law student.

GJ: At that time, an LLB was your degree. If you had certain grades and you

did additional work you got a JD. So I did that for my JD.

JD: What was that article, and where was it published?

GJ: It was called "Judicial Review of Excessive and Inadequate Jury Verdicts." It was published in the *Insurance Law Journal*.

JD: The *Insurance Law Journal*? Do you know where that was published, where that came out of? Was that something local in Oregon?

GJ: Oh no. No, it was a national publication in the profession. Where it was published I don't know. I can't recall.

JD: Did you ever see a copy of it in print?

GJ: Yes. In fact, I've got a copy somewhere. I don't know where it is.

JD: Well if you ever find it, it would be great to make a photocopy of that and put it your oral history file.¹

GJ: Okay.

JD: So, besides being editor, did you have other activities that you were involved in, either related directly to law school or outside of it, during that time?

GJ: No, because I was working all the

time, and it's hard—you just work and go to school.

JD: Did you receive any other honors in your time at Willamette?

GJ: There were no great honors, but you know—

JD: Well if they weren't honors, what were they?

GJ: Well, recognition for things.

JD: Like what?

GJ: Well, from the publication. It, for some reason, got some publicity. I don't know why.

JD: What kind of publicity?

GJ: Oh, in the local newspaper, for example.

JD: So like something in the *Statesman Journal*?

GJ: Yes.

JD: What were the years that you were in law school? Would that have been 1950?

GJ: I graduated in '56.

JD: [pause] So where did you go right out of law school, then?

Early Law Career

GJ: To a Portland law firm, Miller Nash.

JD: Miller Nash, mm-hmm. What was your position there?

GJ: Well, associate attorney, but I was in the law library all the time.

JD: That was your assigned job, or that was where you liked to hang out?

GJ: That was my assigned job.

JD: So you did the research for other lawyers?

GJ: Exactly. That's all I did.

JD: That must have been great training. [G] *pauses* No?

GJ: [*pause*]

JD: No?

GJ: [*laughs*] Well, I learned a lot, yes. It wasn't actually exciting.

JD: Well, I think at this point, if it's okay with you, we could just kind of jump ahead here—

GJ: All right.

JD: —and shift gears a little bit. I know you had a lot of other experiences that

we'll get back to. But one of the reasons your name came up was because you were the first Magistrate Judge appointed in the State of Oregon. So I think we'll kind of jump there and talk about how that appointment came about, and who was involved in it beside yourself.

Oregon's First Magistrate

GJ: Well after I left the Miller Nash office I went to work as an assistant US Attorney. I got along well with the district judges, particularly Gus Solomon, who was the Chief Judge. We were good friends. Then I went in the FBI and came back, and went to the US Attorney's office again. Judge Solomon was still around. Then I went to be chief deputy district attorney of Multnomah County. George Van Hoomissen was the district attorney. And then I became a State District Judge. I kept my friendship with the federal judges during the time. Then this job came up and they asked me if I wanted it.

JD: So, what was the discussion, do you know? How were they deciding that magistrates were something that they wanted to instill into the Oregon judicial system?

GJ: Of course, it was used throughout the country. It was available to them, I guess, and they decided to do it.

JD: Were there certain types of cases, were there sort of overload of cases? Do

you know at all what the motivation was for adding a magistrate?

GJ: At that time, the job wasn't that demanding. Assignments were simple. The first things were on the criminal side—excuse me [*coughs*—and they predominately took criminal matters, which are not complicated. Really, most of the job was on the criminal matters in the federal court. But the court's become much bigger as time went on because of what I did. It was not a big job, you know, when I took it.

JD: It was a full-time position, is that correct?

GJ: Yes.

JD: Who approached you about it?

GJ: Judge Solomon.

JD: Do you remember what his pitch was, what the conversation was?

GJ: Neither one of us knew what the job was really, or what things it would entail. But, I guess no—we just decided that I'd take the job and I did.

JD: So they came specifically to you? There was not an application process at that time?

GJ: Well, others were interested, but he chose me.

JD: So, was there an interview process?

Did you meet with the district judges? I know you've mentioned that you were close with Judge Solomon and that you worked with a lot of them. But did they know you?

GJ: They knew me. I knew them. There was no interviewing for the new judge.

JD: So what's it like to create a position from the ground up? How did you start? Was there a swearing-in ceremony?

GJ: Oh yes.

JD: What can you tell us about that?

GJ: They put on quite a ceremony, as I recall, for what it was at the time. My wife was there. The kids were there. A lot of people were there. So they put on a pretty good show.

JD: So, where was the ceremony held?

GJ: In the courthouse, in Portland, the federal court.

JD: Would that have been the Solomon Courthouse?

GJ: Yes.

JD: Who did the swearing-in?

GJ: I don't recall. I don't know.

JD: So you're sworn in. Then is it the next day, or later that day, your first day as a magistrate?

GJ: Yes. They didn't have any place for me. There were a few empty offices that I took over. It really wasn't much of a job to begin with. But we only had three judges at the time—Judge Solomon, Judge [Robert C.] Belloni, and Judge [William] East, who was down in Eugene. Then Judge Solomon went through a period of poor health, and Judge East was in Eugene. Judge Belloni was, oh, he was pretty much by himself, and it was too much. So he and I started talking about it and decided we'd try and do things that weren't contemplated by the statute, but were not prohibited by the statute.

So we figured we would do what we thought we could, as long as it was not prohibited by the statute or the Constitution. So, I started out handling summary judgment motions. Then I handled all the summary judgment motions at the time. Some of them can be quite complicated. So that took up a lot of time. At the same time, they were talking about trying cases. No one had tried that in the country. But it didn't say I couldn't. So we devised a system where we *did* it. It was on a findings and recommendations basis. We did the same with the summary judgment motions. I'd make my findings and recommend that the summary motion be granted or denied. Then we started trying jury cases and court cases and devised a thing called Findings, Recommendations and Order.

JD: Findings, and Recommendations and Orders?

GJ: Findings, Recommendations, and Order.

Say I tried a court case and made my findings and recommended the judge rule for the plaintiff or the defendant. Then an order by a District Judge adopting my recommendation. They would put in, after a review of a file, I can recommend the case, I find the magistrate's recommendations should be granted or rejected. They were usually granted and adopted. Then we decided to try jury cases, [that it] could be done on that basis. So we devised a consent facility. Parties could consent to me trying the case.

JD: When you say, "we decided," is that you and the District Court Judges?

GJ: Yes. I started trying jury cases on that basis. Things were going well for a while and then someone appealed my authority on that, after they had consented to the case being tried by me. But the loser got another lawyer and he appealed to the Ninth Circuit, saying I had no authority to do that. The three-judge panel agreed and said I couldn't do it.

JD: Do you remember who the judges were on that panel?

GJ: Just one—the current Chief Judge—Schroeder [Mary M. Schroeder]. But they took it *en banc* and reversed the panel. And the Supreme Court has never touched it since then. Not only that I could do this, but this is starting a whole thing in the country that magistrates could try jury cases.²

JD: So that was obviously a closely watched case, probably both from supporters and critics of the magistrate. Do you remember what year that case came up?

GJ: No.

JD: You were appointed in 1971, correct?

GJ: Yes.

JD: So sometime after that, but still fairly early in your tenure as a magistrate, or had you been doing it a couple of years by then?

GJ: It must have been two or three years. They finally, Congress gave approval saying that we could do it with the consent of the parties.

JD: So that case ended up being brought into the statute. I guess they've done several revisions of the—is it the Magistrate Act?

GJ: Yes.

JD: Do I have the term right?

GJ: Yes.

JD: So did you have to go and testify? Did you file a brief in that case anywhere along the way?

GJ: Not me. I testified in Congress once. But I didn't file anything.

JD: When did you go and testify before Congress?

GJ: I don't recall that either.

JD: Do you remember what the purpose of it was?

GJ: When Congress was approving this procedure.

JD: So this was still tied to the consent issue?

GJ: Yes.

JD: So you went back and testified before a Senate committee?

GJ: Yes, it was the Senate committee.

JD: Do you remember anything about what was said, or the kinds of questions that were asked of you?

GJ: Not really.

JD: Mm-hmm. I know there was not unanimous agreement about the use of magistrates. In listening to some of the other oral histories, I know that Oregon has always kind of used its magistrates to the fullest, much more so than some other states.

GJ: There's no question about it.

JD: Mm-hmm. Were there discussions among all of you out here in Oregon, or concerns that at some point the system would be reversed?

GJ: Oh yes.

JD: Was it close?

GJ: We were very cautious of what we did. I mean, we did what we did thinking that this could be accepted. But we didn't go beyond that. But it worked out. Oregon has been the leader in this from the beginning.

JD: When you say you were cautious, were there groups that were kind of looking over your shoulder, or did you have to pass some sort of review?

GJ: There was opposition, of course. I can't tell you the person that organized that opposition. But, Oregon in large, accepted it. Some were not content, of course, but most did. *[coughs]* By virtue of that, we were able to attract really qualified people to the job—Judge [Edward] Leavy, of course, was on the Circuit Court. Judge Bill Dale of Circuit Court of Multnomah County.

JD: Do you want to stop for a minute?

GJ: *[coughs]* Yes. *[tape shuts off and resumes]* Judge [John] Jelderks, who was Circuit Court, Judge [Donald] Ashmanskas, who was Circuit Court. So they had well-qualified people who applied and got the job. The result of what we had here.

JD: So was there much made in the local press or the state press about your appointment, and did they follow any of your early cases?

GJ: Somewhat, but I can't recall which ones.

JD: Can you think back to what some of those first days were like and how you set up your court? What were people's reactions when they came in and found out they'd been assigned to the new magistrate instead of one of the District Court Judges?

GJ: They'd already consented.

JD: So consent always happened—

GJ: Before.

JD: How were cases assigned to you?

GJ: It was all done by computer and random selection. I got the same number of cases as the others.

JD: So from the very beginning you were just kind of right in the pool, and whatever came up came up?

GJ: Mm-hmm. And they had consented. If it went to trial, they consented to me trying it or they didn't. But all the preliminaries, I handled the motions and up until trial if they gave me consent, and if not, it went to a District Judge. But, you see, we got the same number of cases out of the same pool. It was random selection.

JD: So it sounds like you just kind of hit the ground running.

GJ: Mm-hmm.

JD: So, I know that you didn't have quite the same assignment of a law clerk and things like that. Tell a little about in the early days how you organized your office and staff, and how you accomplished the work without the support positions.

GJ: In the early days I hired senior law students and a clerical assistant. So I had their help doing research. As time went on my load became heavier. A District Judge would lend their law clerks to me. Then we got our own law clerks; we were allowed a law clerk, one.

JD: Did you have to trade them something for the use of their law clerks?

GJ: Doing the work. *[both laugh]*

JD: How many years into being a magistrate did they finally assign you one law clerk?

GJ: I can't recall the date.

JD: So you had a similar caseload, and they had how many law clerks and you had none?

GJ: They had two.

JD: They had two. So you would borrow someone, but did you continue to have to do some of the research on your own?

GJ: Oh sure.

JD: Or is that what you used the senior law students for?

GJ: I did a lot of research on my own.

Gus Solomon As Mentor

JD: So then you had offices in the Solomon Building, along with, well, Judge Solomon—had he gone on senior status by then?

GJ: I guess the Chief Judge was Judge Belloni, followed by [Otto] Skopil, and [James] Burns.

JD: I've heard.

GJ: He [Judge Solomon] was my mentor. I tried to emulate him in many ways. But, he was a stern person—a tough guy. I wasn't tough that way. But I worked in the same manner. I'm going to be on time; everybody's going to be on time. He said that. We start at eight, right on time. I'd be there on time. The lawyers would be there on time. He was a taskmaster. We all benefited from that. In fact, the lawyers practiced better in federal court than they did in state court. They worked hard.

[End of Tape One, Side Two]

Courtroom Practices

JD: —Judge George E. Juba. Today is April 24th, 2006. The interviewer for the US District Court of Oregon Historical Society is Janice Dilg. I am interviewing Judge Juba in his apartment in Hillsboro, Oregon. This is tape two, side one.

So you were talking about how Judge Solomon was your mentor and you tried to emulate his approach to the work. Can you talk a little about just kind of how you approached setting up your courtroom and hearing cases? How did someone know they were in Judge Juba's courtroom instead of someone else's?

GJ: Well, you know, [*chuckles*] I was, of course, not as demanding as Judge Solomon. I couldn't be. I had a different personality. But I took a tight control on cases and the conduct of lawyers. We knew what it was.

JD: Mm-hmm. I learned that one of the powers magistrates don't have is the power of contempt—or at least, at some point in time. I'm not sure if that's still true.

GJ: I'm not either. But I never had a time in my experience where I needed to compel anyone.

JD: Okay. So you didn't feel like you were missing a tool or something in order to—?

GJ: No. I suppose that that facility could arise but it never did.

JD: Did you have a certain way that you wanted lawyers to prepare things? And tell me how you did, kind of, all the pretrial work?

GJ: Oh yes. We'd have pretrial conferences and we decided how to conduct the trial, and the order of witnesses and I'd read facts. So a lot of things were really decided before the case actually started. But most of the judges did the same thing.

So we shortened the trials quite significantly in many ways. We'd decided whether we needed a witness because the parties agreed on what the witness would say, for example. These were all techniques realized by the other judges, and of course I learned as I practiced before them before. So we were able to shorten the trials substantially through that technique and the pretrial rulings on evidence.

JD: I did hear one story—in general, I've heard what an efficient worker you were—that you used to get more done in a certain amount of time than most of the other people. But I did hear one story about a particularly heavily scheduled day when you had twenty-five defendants that you had to set dates for and take pleas from. Is this ringing a bell with you at all?

GJ: It is.

JD: Can you talk about that?

GJ: It was a narcotics case involving a ship that came ashore on the Oregon Coast, a whole shipload of hashish and marijuana, and whatever. There were about twenty-five defendants, and almost the same number of lawyers, and some Boston lawyers who were sort of the lead defense lawyers—very good lawyers. They had defended a lot of the big narcotics people on the East Coast.

I was a little disturbed that I was preparing a hearing with that many defendants and that many lawyers. It could have gone on forever, but I finished it in about three, three-and-a-half hours. I didn't hesitate to let any lawyers ask any questions, hesitating to ask any questions, but they didn't have any questions. Usually if I did, they couldn't think of anything. No more questions.

JD: Donna Ausbie was the person who told me the story. She mentioned that you sort of did kind of a group—an oath, I guess at the beginning, so that everybody didn't have to be done individually. You just kind of lined them all up in a large courtroom and—

GJ: Advised them of their rights and their rights to a lawyer and to appoint a lawyer and all of that. I did it *en masse*. But I asked each individual if they understood those rights. That was how we got through it.

Making Judicial Decisions

JD: So can you talk a little about the process of how you make decisions?

GJ: I don't have difficulty making decisions. Not that you decide a case before it's over, I don't do anything like that. But certainly you get an impression of who's going to win that case. Usually it's the right impression that wins the case. That's the way it goes. But I used to stew over a decision when I made a ruling. I find that your first impression is usually the right one, so I stick to that. And if [?] said to take things under advisement I did, but not very often. The more those things stack up, the more trouble you are in. So [pause] generally I knew the law of the case pretty well before I started. So I knew what the law *was* and my first impressions as to the facts, and that is how I decided a case.

JD: Was there much consultation—or any consultation—between you and the other judges? I know at different points in time the judges have talked about setting up meetings where they would review each other's decisions.

GJ: No. Not really, no. We'd always distributed our opinions and decisions to each other for comments. But not really assessment.

JD: When you say "distribute," was it before the opinions were made public or after?

GJ: Before.

JD: Mm-hmm. So, again, just like getting assigned cases, your relationship with the other judges was pretty much just you were in the mix with everyone else?

GJ: Pretty much, mm-hmm.

JD: Did you ever have experiences with someone, I mean other than not agreeing to consent, did you ever have lawyers or defendants or anyone come in and say, "I'm not going to be in court," or argue about it, or just hear critics of the magistrate system in general?

GJ: Sure. One powerful lawyer in town, whom I'd known for years, and had actually offered me a job at his law firm sometime before and I turned him down, told a District Judge he thought I was an SOB. I said, coming from him I considered it a compliment. If he said I was a nice guy I'd be worried. *[chuckles]* He was a good lawyer, but if you didn't do what he wanted, he didn't like you. I sometimes did not do what he wanted. Actually I think he liked me, but he *[pause]*—thought that I should agree with him more than I did.

JD: Well, I know being a magistrate wasn't your first time being a judge. But can you talk a little about just the different skills you have to bring to being at the bar versus being at the bench, and how those changed, and how your relationship with lawyers changed as you were in the position of being a judge?

State vs. Federal Court

GJ: There was a good deal of difference. A great deal of the difference between the state court, and I don't want to say the state court is not a proficient court, it is.. But the lawyers don't work as hard in the state court as they do in the federal court. They work harder at being lawyers in the federal court.

JD: To what do you attribute that?

GJ: Judge [Alger] Fee, who I never knew, was called a tyrant, and Judge Solomon, who was a tough judge. They knew if they messed up in front of those people they were in trouble. So they always tried to stay out of trouble, and we all benefited from that background.

JD: So the standard was set high and you all worked to maintain that?

GJ: Exactly. I think we all benefited from having a Judge Fee and a Judge Solomon there. They lawyers did work harder when it came to federal court.

JD: By worked harder, they were—

GJ: More prepared. Preparation is probably the key to it. They were on time and got to work in time and had their briefs. Everything was just a step above what they did in the state court. That's my opinion.

JD: That's what we're after. How did

your relationship change with lawyers? I assume you had friends who were lawyers.

GJ: I had many many who were friends. I had good friends who I knew when I was a lawyer, practicing as a lawyer. We remained good friends. Of course that relationship had to change somewhat because of our respective roles. even though they were good friends, I never did any favors for them, and they didn't do any favors for me. So, they're fine.

Skills of a Good Judge

JD: Do you think there are different skills or different attitudes that makes for a good lawyer, and not necessarily for a good judge? What makes for a good judge?

GJ: Hard work, that would be number one. Being prepared, being on time, being fair, being demanding, and an intolerance for any form of dishonesty, which didn't occur very often. But being fair, *[pause]* and expect of yourself the same as you expect of them. You don't come late because you're the judge; you can't get away with it. *[Your job is to]* decide the case and be fair to the litigants. That's the way I approached it.

JD: Were there things that really were different about being in federal court, or that varied from what you thought the

job was going to be when you took it?

GJ: No, because I had been there before as an assistant US Attorney. I was a prosecutor at the time. Most of my work when I was in the federal court was on the civil side, which I preferred. Civil law is more interesting, much more complex, much more different than on the criminal side. Not very many ways that you can rob a bank, for example. *[JD chuckles]* The law on the civil side has been more demanding, more interesting, more complex. I enjoyed the civil side.

JD: I know that you do a certain amount of first appearances with criminal stuff. Was that part of what attracted you to magistrate, was that you would be working mostly with civil cases?

GJ: No, because when I first took the job it was almost all criminal. I worked into the civil side to the point where eighty percent of my work came from the civil side.

JD: Was that something you were sort of pressing for, or it just sort of evolved by virtue of the job?

GJ: Both. Both.

JD: Did you meet any resistance to that?

GJ: Not really, no. *[telephone rings, tape shuts off and comes back on]*

Elements of a Good Hearing

JD: So, I guess we'll just continue kind of while we're talking about how things operate in the courtroom. So, what do you think makes for a good hearing? What do you expect from the lawyers? What makes a good argument from them?

GJ: For example, motions, always prepared in advance the motions calendar. I'd have to say that I had pretty much made up my mind how I was going to go before I heard the arguments, because they argued what was in the briefs. So I knew what their arguments were. It gave me—a lawyer would make an argument that would make me stop and think, was I was right on this? Or, take another look at it. But, for the most part arguments by lawyers—maybe I shouldn't tell you this and maybe I shouldn't even talk about it—didn't influence me as far as making up my mind. Because I knew what they were going to argue, but there were occasions where I did change my mind. Can you accept that, or?

JD: You're actually not alone. In looking at some of the other judge's comments, I know that they limited oral arguments for some of the same reasons that you just stated.

GJ: You knew what they were going to say, almost in every case, and I knew how I was going to rule, and I did. *[pause]*

Memorable Cases: Melridge Fraud

JD: Can we talk about some specific cases? Maybe what you thought were significant cases that came before you?

GJ: If I can think of any. You go ahead.

JD: I had mentioned, the other day, the Melridge case [*Melridge, Inc. v. Heublein, et. al.* Civil No. 88-146-JU (USDC, 1988), and you had laughed and said, "Well, it had longevity."³

GJ: That was the most significant part of it; it lasted so darn long.

JD: Can you describe a little what the case was?

GJ: It involved numerous parties—lawyers, accountants, law firms, and good lawyers from all over the country. I've forgotten how many lawyers. I guess it was a big production because they had so many parties involved. Insurance companies and particular law firms.

JD: And what type of case was it?

GJ: Well, a massive fraud case. I've forgotten the man's name.

JD: Is it [George] Heublein?

GJ: Heublein, yes. He had a bulb farm down in Albany, [Oregon] or somewhere. Well, the stock had a diminished success.

People invested a lot of money in stock because it took off very quickly and went so high, but they were all based on B.S.—fraud. Heublein and his cohorts, it was all kinds of misinformation, which people accepted and invested in his company and suddenly found out they didn't have the what they claimed they had. Then the bottom dropped out. A lot of people recovered some of their money because of insurance companies, law firms, accountants. We settled the case, but the insurance companies paid off. I don't recall how much money the investors got back.

JD: I want to say it was five point-something million it seems like was the figure I saw somewhere.⁴

GJ: It could have been, I don't know.

JD: It was a record settlement. It seems like it was one of the larger fraud cases that had occurred in the state at the time.

GJ: As far as I was concerned, yes.

JD: Mm-hmm.

GJ: They had some very good lawyers. The lead lawyer was from Philadelphia. I can't remember his name, but a very good lawyer.

JD: And there was international intrigue along with it, too, right? [JD chuckles]

GJ: Yes, he [Heublein] took off and

he was spotted in London and Paris and they knew wherever he went. Finally, he wound up as a telemarketer in Florida. I've forgotten what he got—he was prosecuted criminally—and I can't recall what he got out of that. Do you know?

JD: I don't. I'll have to look at the records a little more.

I also understood that you had some *Posse Comitatus* cases before you at some point.

GJ: Well, yes, I did.

JD: Do you remember any particulars about those cases?

GJ: One of the fellows lived in Elgin, Oregon, which is somewhere near La Grande. He barricaded himself in some kind of building. I can't remember. But they were a constant problem because they opposed what we did, or anyone did. But, nothing in particular.

JD: So how would you deal with someone who was in court in a government they did not really support or believe in? What kind of complications did that add to your job?

GJ: Mainly, because I told them, "These are the rules." If they didn't listen there wasn't anything I could do about it because I didn't have contempt powers. But they didn't do that. I said if you play by the rules we'll be all right, and they did.

JD: What were the charges, usually, against them? Or did they range all over the place?

GJ: Tax violations were a lot of them.

JD: Failure to pay?

GJ: Counseling other people not to pay. Nothing very important. They were a nuisance.

Stephanie Pierce & the 24-hour Church of Elvis

JD: I'd also heard about another ongoing case, not of the scope or length of the Melridge case, but with the owner of the 24-hour Church of Elvis, Stephanie Pierce.

GJ: Oh, yes, Stephanie. She was quite a character. She was a law graduate from somewhere in the East.

JD: I think it was Mary Ann Anderson who mentioned that, and I think she thought Georgetown Law.

GJ: It could have been. Church of Elvis.

JD: And what were the circumstances that she came before you?

GJ: She got on the MAX train and didn't pay her fare. That's how all of it started. She was arrested for not paying

her fare. Simple little case that blossomed into a major production. She accused the police of misconduct, mishandling her and sexually molesting her. She sued everybody, including me. Who defended her, I can't recall, but she said I had been wrong and she never had been inside. It went on and on. She kept filing new cases, and finally, Judge [Owen] Panner, when he got the case, ordered her not to file any further cases. Otherwise, she'd be held in contempt.

I think I left the office about that time. I can't recall if she was held in contempt or what happened to her. She is a bright woman. She had to be to get through law school, but she had no judgment, no judgment. That Church of Elvis, I don't know what that was all about. It was down there by the Oyster House on Ankeny Street.

JD: Dan and Louis' Oyster Bar down in Old Town.

GJ: Yes. I don't know what she did there.

JD: I'm not sure either. We're almost to the end of the tape. Should we stop for the day?

GJ: All right.

[End of Tape Two, Side One,
Side Two Blank]

Writing Opinions

JD: This is an interview for the US District Court of Oregon Historical Society. The interviewer is Janice Dilg. Today is April 26, 2006. I'm interviewing Judge Juba in his apartment in Hillsboro, Oregon.

Judge Juba, the last time we were talking we kind of ended talking some about how you make decisions and that you would share opinions with some of the other judges for comments. I wonder if you could just talk a bit about how you approached writing opinions. Did you do many drafts, or—what was your process?

GJ: The initial work was done by a law clerk. They did the research. They'd make comments about the [opinion]. They would make suggestions and [changes] if they want, sometimes. But I'd read their work, of course, I'd read the briefs and all the other things, and read the cases I think should be read. [I worked with the] secretaries and law clerks, and then we'd proceed to put my thoughts into writing.

JD: Mm-hmm. Did you usually go through many drafts?

GJ: Not too many. I wrote and rewrote several times to make sure that it said what I wanted it to say, because when you

read what you've written a lot of times it doesn't make sense. So I made sure that things are clear.

JD: Would you say there are certain opinions that you wrote that will have some sort of lasting effect, and if so, what are those?

GJ: [pause] I suppose, but I can't think of any. It's been so long.

Law Clerks

JD: We can always come back. If something comes up for you then let me know. You mentioned working with law clerks. They tend to be a pretty essential component of any judge's office. Could you talk a little about the law clerks that you had that stick in your mind, and what their qualities were?

GJ: Well, one who particularly stands out is Allan Sobel. S-O-B-E-L. He graduated *summa cum laude* from Lewis & Clark Law School, and is very unusual, a well-known person. He was a hard worker, he worked like a horse. [JD chuckles] He was probably the best I had. He liked the job, and I could always count on him to do first quality work. I had a number of very good law clerks.

JD: You had a long career there; you were a magistrate for twenty-four years. Where did Al Sobel come in as far as when he was your law clerk during your tenure there.

GJ: Early on.

JD: I know some judges have talked about, particularly magistrates, have talked about sort of [that] the process was to have a law clerk for a year, maybe two. Some of them kept their law clerks for many, many years. What was your—?

GJ: I kept them for a maximum of two years. Most of them for one year. If you keep them too long, they, in my opinion, tended to become the judge. So, [pause] I didn't think keeping a law clerk too long was good. But others disagreed, of course.

JD: How did you train them? How did you set things up with law clerks? What was the process you went through?

GJ: We could hire the succeeding law clerk two weeks in advance of the time they were to take over. So they worked with my previous, outgoing law clerk who told him what I wanted and he should do it.

JD: Mm-hmm. So there was a bit of a transition. What influences do you think you had on your law clerks, or vice versa?

GJ: Well, I hope good. [chuckles] I expected them to get the work done. Say a motion's hearing was on Monday, I wanted their work done Friday; I *insisted* on it because I can't use it if I don't have it. I was very strict on that. I like to think I

set good work habits in that regard, doing things right and promptly. Of course, I would discuss the cases with them a lot, and get their views. We agreed most of the time. Of course, we didn't always agree. And if we disagreed, I always won. I prevailed. [JD chuckles]

JD: [laughing] What was the hiring process? How did you go about selecting law clerks?

GJ: Well, we had a date in District Court, I forget what the dates were—but we wouldn't hire before a certain date, or we wouldn't even interview before a certain date. And the law schools were aware of this. So, we had a lot of applicants. We didn't advertise, they just sent their applications in. If I had too many applications, I'd have my law clerk look through the applications and recommend people I might consider, which I did, and then I'd call in for an interview and—

JD: Did they tend to come from around the region or farther flung than that?

GJ: All over.

JD: Mm-hmm. Do you remember much about what careers the law clerks went on to? Did you keep in touch with them?

GJ: Most of them are in private practice. Al Sobel is the director of the American Judicature Society. Most of them went into law firms, private practice.

JD: Mm-hmm. And stayed in the area, or, again, did they just disburse all over?

GJ: Most stayed in the area, I think, but they disbursed often.

Memorable Colleagues

JD: Mm-hmm. I know that you had also talked the other day about admiring Judge Solomon and considering him a mentor and a good example. Are there other judges that you worked with over the years that you considered good examples, or that you particularly admired for certain things?

GJ: Yes, Judge Belloni. I think he is one of most *underrated* judges ever to be in the court. Judge Belloni. a no nonsense [man], got to work promptly and didn't waste any time at all. As I say, one of the most underrated people I've ever known, because he was so good at being a judge that he didn't get a lot of fanfare.

There were others that were good. Malcolm Marsh—excellent judge. Bob Jones—hard worker, smart, good judge. Judge James Redden—also an excellent judge, did a lot of work in a short time, [respected] by the lawyers and a very good judge. Owen Panner—very good judge. Most of them, I thought, were very good.

JD: Mm-hmm. How long were you the only Magistrate Judge, and what was the process by which they started to add additional magistrates?

GJ: I suppose I was there about two years by myself, I think. The workload kept getting bigger and bigger in the court. When we didn't get any additional judges, the workload just seemed to get larger. That's when Ed Leavy came on. It was just required by the workload that they added him.

JD: Who makes the decision that there's a sufficient enough workload that a new judge is warranted?

GJ: That's quite obvious. It's just the numbers of cases.

JD: Mm-hmm. But do the District Court Judges here in Oregon just make that decision, or do they have to go to some other—

GJ: No, they have to get authorization from the administrative office.

JD: Mm-hmm. And then was Judge Leavy's selection process similar, or quite different from yours, and were you involved in that choice.

GJ: Sure, I was involved. Of course, I knew Judge Leavy. We were all encouraged about his application because of his background. He was also a State Judge. So I suppose when he applied they—the court—was enthusiastic and pleased to have him in the group.

JD: Mm-hmm. So then how did that change your workload? How did the two of you work together, or, I guess,

integrate him into the whole pool of judges?

GJ: Well, I was handling all the summary judgment motions, or most of all of them, by myself. He took half, my workload was cut in half.

JD: Mm-hmm. So then, did he have offices near you? Did you two work together pretty closely?

GJ: Yes. We worked together, yes, but we had our own caseload.

JD: Mm-hmm. So what did the caseload look like? What was your workload? How many hours a week did you work and what did you take home with you?

GJ: I didn't take home much work. Most of the time I worked there I worked normal office hours. Of course, there were times, you know, when I had to do additional work at home, but not too often.

JD: Mm-hmm.

GJ: I worked hard, but I wasn't killing myself. And, I probably spent somewhat less time in deciding a case than some of them did. When I first started I used to stew and fret about decision making. After a couple months of that I found it was a waste of time, and I stopped that. You just had to make your decision and get on with the work assigned to you.

JD: Mm-hmm.

GJ: If you can't do that it makes a hard job even harder.

JD: Are there judges you know who have decided they can't do that and decide to stop being judges? Or do they just labor through it?

GJ: No. They labor through it.

JD: Mm-hmm.

GJ: There's just one I can think of [that was] difficult. But otherwise, just one.

Magistrates' Changing Scope of Work

JD: Mm-hmm. So how would you describe how the court changed from when you were appointed to when you retired?

GJ: Well, by the time I retired I had a lot more responsibility. A lot more work. There was more demand in the workload, but not too demanding. We survived it.

JD: Did the caseload change much over time, as more judges were added?

GJ: Quite a bit. As they added new ones, the work load, that sort of thing determined how many judges we had.

JD: So what was sort of the tipping point? What would finally be the clue, that there was too heavy a caseload. How would the judges decide that?

GJ: Well, of course, the decision was made by a judicial council in Washington, DC. They decided who were the judges.

JD: Mm-hmm.

GJ: They would give us a number, once that was reached you got a new judge.

JD: Did you see much difference in the types of cases, or what seemed to be kind of the chief problems that came before you when you started versus when you retired?

GJ: Oh, yes. Civil rights and equal opportunity and that type of case were more commonplace, to the point where—I would have to say civil rights cases. Criminal cases, *habeas corpus*, police misconduct, prisoner rights. [It was] tough to prosecute a criminal.

JD: I know you talked some about how you make decisions and that your first impressions were most often the ones that you went with. Do you think over time as you sat on the bench or developed relationships with other judges that your philosophies changed or were influenced by any individual?

GJ: No.

JD: There's also a lot of talk right now about what some people call judicial activism, or other people call judicial legislation.

GJ: I pretty much stuck to interpreting the law and didn't try to take a stand on anything.

JD: Do you think that changed since when you were on the bench, or what's sort of motivating those concerns or those choices?

GJ: Nobody had a record that I'd call an activist judge here.

JD: I know there's also been some discussions recently when judges are being appointed, I guess partly because often the incumbents seem to have kind of an advantage when they are up for election, that judges should come from certain geographical locations around the state. What do you think about that as a criteria for—?

GJ: Someone from Eastern Oregon would have more understanding of the needs of agriculture and farmers, of course, but I don't see any big difference. So I think the area would be relatively unimportant where they come from.

Judicial Reforms

JD: Mm-hmm. There's been some attempts of Congress to do tort reform and change different liability, or even term limits of judges. Do you have any thoughts about those kinds of actions?

GJ: Tort reform, depending on the

reform, I'm all for it. Advertising on TV with a 1-800 number that if you have had a certain medication call so-and-so and [obtain] a lawyer. Okay, you could, I suppose. There are far too many lawyers. And as long as we have so many lawyers trying to make fees, they are going to file. Of course, they file many for their potential nuisance value. Defendants settle them, because it's cheaper to pay them off than to go to trial. If they'd reform that I'd be more than happy to see it happen.

Term limits for judges? It seems to me that you should not be a judge, of course [if you] aren't fit to hold that job anymore. But to put term limits, I don't know if that's good because I've seen very many older judges who do a wonderful job, given their years and their advanced age. Judge Solomon, I don't recall how old he was when he died, but nothing bothered him. He tried everything before him and did an excellent job.

It would depend on the individual so much. What kind of person they are and their habits. So I couldn't say, but strict term limits probably wouldn't be a good answer.

JD: Are you very familiar with the Judicial Tenure Act and how that works?

GJ: Which one.

JD: It deals with ways to remove someone from a position if it is deemed they're not competent to continue carrying out their —

GJ: What are you talking about— federal judges or state judges?

JD: Federal.

GJ: Well, they do have methods. If you're incompetent...

[End of Tape Three, Side One]

Judicial Reforms, Continued

GJ: If the statute is constitutional and has no flaws, I apply it. Even though I thought if I were going to write the law I'd write it differently, I couldn't. That wasn't my job.

JD: Did you find it was more difficult to decide those cases in those instances?

GJ: No. No. Not for me.

Methods of Selecting Judges

JD: Mm-hmm. Another issue that's come up during this series of interviews is how judges are selected. There's some push to say all judges should be elected; none of them should be appointed. I'd like to hear your views on that issue.

GJ: I don't think judges should be elected. I think that they should be appointed by, I hope, a competent authority. Not to say the general electorate is not qualified, but when it comes to judges, for the most part they are not. To have judges running around handing out handbills and knocking on doors to get elected, I think, is undesirable. And not that every federal appointment for the most part is an excellent appointment, no. But for the most part they are very very good. Only qualified people are appointed.

And there are those judges who have been appointed by governors. Their performance has been, generally, very good. So I prefer the appointing of judges rather than elections.

Difficulties of Being a Judge

JD: What do you think was the hardest part of your job as judge?

GJ: [*long pause*] Probably those numbers of times that you have to make a decision, which might seriously affect the lives of individuals. I sometimes wonder why one person, such as myself, should have that—I don't know if I'd call it power—but the ability to affect lives of people so often. It's a responsibility that sometimes can be wearing, and concerning to me. [*coughing spell*] That's how it is, though, the most difficult part of it.

JD: I know a couple of judges have talked about one or two litigants over time that really kind of caught their attention, or really they had kind of a memorable experience with. Do you have anyone, or a couple of people like that, that you recall over your career?

GJ: [*pause*] Not so much litigants, but lawyers. Some lawyers I had a great deal of admiration for because of their willingness to take difficult, sometimes

unpopular, cases and I remember those types of lawyers more than litigants. I have a great deal of admiration for them.

JD: Mm-hmm. Is there anyone that you want to name specifically?

GJ: [pause] I don't remember. I wouldn't want to select one over the other.

JD: Okay.

GJ: I remember some very good lawyers who would undertake such cases and do an excellent job.

JD: Can you give me an example of what type of cases you were saying may be unpopular?

GJ: Discrimination and civil-rights type of cases.

JD: Mm-hmm.

GJ: That type. There were some lawyers who actually worked both sides. They would represent a person claiming police brutality. Next case they were defending a policeman who was accused of using excessive force. There were some very good lawyers in that area. It's hard now; I can't think of one. Usually it was the litigant that comes back and back and back.

JD: Did you experience a lot of that?

GJ: Yes. I don't know if a lot, but enough that it occurred.

Rewards of Being a Judge

JD: If I'm going to ask you what the hardest part of your job was I get to ask you what was the best part of your job—or parts? Maybe there wasn't just one.

GJ: [pause] The best part [pause] I think it was just having the job itself. I think that it was an honor to have it, and I hope I performed it honorably. People give you respect [that] sometimes you may not deserve, and you can't overlook the power that you would have, which is quite awesome at times. I enjoyed it.

JD: Mm-hmm.

GJ: I don't think that answered your question very well, but—

JD: No, I think you did. Was being a judge something you actively were interested in doing, or was it something that came along as you started to move through your career?

GJ: It just came along. I hadn't thought about it one way or the other for some time until there was an opening on the District Court and the State Court. And, I thought, "Why not put in my name?" That's the only reason I did it. I said, "What the heck, maybe I'll get it." Mark Hatfield was the governor and he appointed me, and so I took the job. There was nothing I did by design or career objective, no. Most of what I did in my life was not planned very well.

JD: You did all right for not planning.

GJ: Well, I'm satisfied. It was a very interesting career.

JD: So what effect do you think being a judge had on your relationships, both professionally, which we talked about a little, but also personally?

GJ: The effect of—say that again.

JD: How do you think being a judge affected your relationships in your personal life, with friends or other colleagues, or even your family?

GJ: I don't think it had much effect. I had the same friends, of course the same family. *[both chuckle]* I didn't feel or act like a judge when I was around my friends or with my family. I was the same person I was on the bench as I was at home or in my personal life.

JD: Did you belong to many professional organizations, or—did those things change from being a lawyer to being a US Attorney to being a judge?

GJ: Not really, no. *[pause]* I was never active in too many organizations.

JD: Are there certain professional organizations, though, that you are sort of required to belong to as a judge, or in some of your other—?

GJ: *[coughs]* I'm a member of the bar association.

JD: Mm-hmm. Well I've sort of run through all my areas of questioning about the District Court years. Was there something that you thought of as we've been talking that you want to go back to, or something that I might have missed that you would like to address before we move on to some other subjects?

“Career” Law Clerks

GJ: *[pause]* We were talking about law clerks and how many years law clerks were with their judges, and one of my comments was that I didn't think career law clerks was a good idea. I remember one time I was trying a case which belonged to another judge and the judge asked me if I *[would]* try it, and I said yes. I borrowed one of that judge's law clerks to work with me on the case. And that person was sort of a career law clerk, and during the course of the trial a lawyer would make an objection, and the law clerk would jump up and tell me how to rule. And after she did that a couple of times I took a recess and talked to the law clerk and asked what she was trying to do. “I'm the judge and I'm ruling and if I need help I'll ask you.”

Assistant US Attorney

JD: Okay, I guess then we'll start to go back and fill in some of the earlier positions that you held. If I have my chronology right—and certainly correct me if I don't—after you did a stint at Miller Nash you became an assistant US Attorney?

GJ: Yes.

JD: Do you remember what year that was, the first time that you were—?

GJ: It would have been about 1959, probably.

JD: How long did you serve in that position, at that point?

GJ: Three-and-a-half years?

JD: How did you decide that's the position that you wanted to take? What drew you to being a US Attorney?

GJ: When I was at the Miller Nash firm I spent hours in the law library researching, and that got very tiresome, never having an active part in one case, but bits and parts of all kinds of cases. But it's just the way they operated, and a partner or lawyer with an issue of research would give it to me. And that was it. I never got into the courtroom except to handle *ex parte* motions occasionally.

The first time I did, I didn't know what an *ex parte* motion was. I didn't know what the lawyer was talking about, but I was too embarrassed to tell him. I took this order and went to court and got a hold of a lawyer and said, "I'm embarrassed to ask you this question, but what do I do with this thing? No one told me what to do, and I didn't know what to do." So he told me, and I did it

In the US Attorney's office, of course, I was in court immediately. I had a very good instructor. Bob Carney was his name. C-A-R-N-E-Y. He and his brother are

identical twins, Dick and Bob Carney. They both practice law, and Bob was the first assistant US Attorney. So, he knew I had no experience and so he taught me how to try a case. It was a good experience. It was a new experience for me to have a case of my own and try it in court.

JD: Mm-hmm.

GJ: Anyway, when I was a kid I always had admiration for the FBI. The best thing on earth was an FBI agent. I had worked with the FBI in the US Attorney's office. Many of our cases were their cases and they came and recruited me into the FBI and so I joined the FBI.

JD: So that would have been like '62 that you went into the FBI? If I'm doing my math correctly here.

GJ: Yes.

JD: What was the process of getting hired as a US Attorney?

GJ: The US Attorney at that time was a man by the name of Ed Luckey, L-U-C-K-E-Y. I just wrote a letter to him about a job, and he interviewed me, and my good grades in law school were helpful. I had really good recommendations from the people in the law firm. That was it. It was a simple way of getting it appointed.

JD: What did you know about the US Attorney's office that drew you in that direction instead of a different kind of practice?

GJ: Well, I knew they practiced criminal law, but, which wasn't the reason I went there. And, of course, they had big federal cases and they had some good lawyers. I'd read about them over the years, and knew some of them, and it was in the courtroom and I had my own cases.

JD: Mm-hmm. Who were some of those lawyers that you admired?

GJ: Bob Carney was number one, a very good lawyer. Of course, it wasn't a very big office at that time. There was an excellent trial lawyer, James Morrell

JD: You said it wasn't a very big office then. I got on the website the other day and noticed that there are forty-nine attorneys now. I'm guessing there were a couple fewer when you were there.

GJ: [*chuckles*] Yes, I think there were one, two, three, four, five, maybe six lawyers.

JD: Mm-hmm. Did you handle a variety of criminal and civil cases?

GJ: Almost all criminal, a few civil, but mostly criminal.

JD: Did certain people handle criminal and certain civil [cases]?

GJ: Both. The office grew in numbers by the time I left, but not by much.

JD: Mm-hmm. Were there any particular cases that stick out in your mind that you worked on or that went through

the office at that time that had some lasting effect, either locally or nationally?

GJ: One case, involving gold. These fellows were arrested in possession of gold bullion, which it was illegal to possess at that time. This is all by executive order from the President of the United States—it wasn't a statute—made it illegal to possess gold and it actually had a penalty. So I tried that case and it was unusual because it was based on an executive order. Gold bullion wasn't in bricks, it was crude, just poured out into various shapes and forms. It was one of the few cases tried in the country on that type of case, so it was very interesting.

This one lawyer in Portland, who—I don't know how he got on the case—but he was interested in gold mining and was sympathetic with the possessors of the gold, even though the gold had been stolen from the company they worked for. That was a copper company in New Mexico that they were stealing ore from. They were thieves. And they were convicted and it went to appeal and was affirmed. It was one of the most unusual cases to come along for the whole country.

JD: Would that have been President Truman or Kennedy at that point? Do you know what the rationale behind the executive order for prohibiting possession of gold bullion was?

GJ: We went off the gold standard—⁵

[End of Tape Three, Side Two]

Joining the FBI

JD: This is an oral history with Judge George E. Juba. The interviewer for the US District Court Historical Society is Janice Dilg. Today is April 26, 2006 and I'm interviewing Judge Juba in his apartment in Hillsboro, Oregon.

We were just talking about how you decided to become an FBI agent and what that recruiting process was like.

GJ: They offered me the job. That's about it.

JD: What was the application process?

GJ: We had to do a rather lengthy application, background check, interview. They were quite careful in their selection—background checks. And finally I got a letter from J. Edgar Hoover appointing me and telling me to be in Washington, DC on a certain date, and I went. Hoover was a, I suppose you could call him a tyrant, but he was good for the FBI and he was a good director. Even now that there have been complaints and accusations about what he did, at my level, I didn't know what he was doing or why he did it. But, he managed a good bureau. Discipline was tight, people worked hard and if they didn't they got fired. If they were dishonest, they were out. It was a good operation.

GJ: My first assignment was in Denver—an interesting town. [*clears throat*] When I arrived there was an agent who arrived at the same time—in my first office, his second office—named G. Gordon Liddy. [*To JD*] You know G. Gordon?

JD: Oh, yes. [He was one of the main operatives convicted for the Watergate break-in of Democratic headquarters during the Nixon administration.]

GJ: He and I arrived on the same date in Denver, and he said, "Let's get together." So we became friends. He was a devout Catholic; he had four kids. He was devoted to those kids. But, he had something loose upstairs [*points to head*]. He was a very dedicated, driven person. We had an agent-in-charge named Scott Warner, who used to joke around a little bit. A good PR man, a good agent to put before the public; an excellent public speaker and made a good appearance. So, he was always cracking jokes. He was a funny guy. One day we had an agents' meeting and we had reserved citizens' parking spaces on the street outside of the building for us, and he couldn't find a place to park.

Scott Warner, the agent-in-charge, says, "Well, let the air out of their tires."

Every one in the room understood he was joking except for G. Gordon. [*JD laughs*] A few days later an irate citizen comes storming in the office. He said, [*GJ*

chuckles] “That son-of-a-gun [*chuckling*] let the air out of my tires.” Warner was appalled. [...]

He [Liddy] had a *burning* desire to advance in the Bureau. He had an uncle who had been an agent-in-charge somewhere before. And he advanced, a little bit, went on to an assignment in Washington, DC.

We were visiting him and his wife; they had several small children. There were several guns, all loaded. We called him George—his name was George Gordon Liddy—we called him George. And I said, “George, those kids, with all of these guns loaded around, don’t you worry about the safety?”

His response was, “What good is a gun if it isn’t loaded?” [*both chuckle*]. Those are my memories of G. Gordon Liddy. Just a little bit crazy, a smart, intelligent guy, but a screw loose, that’s all.

FBI Training & Case Histories

JD: What kind of training did you receive when you joined the FBI? What did they prepare you for?

GJ: We went to Washington, DC to Quantico, Virginia to the Marine base. [*coughs*] A lot of classroom work, lectures. We had good instructors. A lot of firearms training. A lot of firearms training. [*coughing spell*] Sorry. [...] Defensive tactics. How to disarm people and how to shoot people, if necessary. [*tape shuts off and resumes*] Search and seizure, weapons, all kinds of weapons, explosives, and preserving evidence.

JD: Mm-hmm.

GJ: I had good instructors. Most of my learning took place after the training period when you were out in the field and actually had to work. My second office was New Orleans, and my third office was Biloxi, Mississippi.

JD: Did you have any say in where you were assigned, or how frequently you were reassigned?

GJ: No.

JD: What kinds of cases or things were you working on in Denver?

GJ: All kinds. Bank robberies. At that time, we took stolen cars cases, we did those. Fraud. Nothing in particular, but routine ones. We had one big kidnapping case. A member of the Coors beer company [family] was kidnapped and killed. Our office worked that one for a long time; a big case with lots of notoriety. We spent an awful lot of time on that case. We sent in about twenty-eight agents from other offices to assist in it, but it was a big case involving a lot of investigation, family.

The first part of the case I spent with the father William Coors, the brother of the victim, who became president of the company shortly after the kidnapping. I spent from seven o’clock at night until seven in the morning in his house with his wife with a phone hook-up, a microphone, in case the kidnapper contacted her. She was nervous, excited, and wouldn’t ever sleep. God, she was

up all night long and talking. I wanted to rest [*both chuckle*] but she wore me out. Yes. Very good looking gal—she was a big beauty queen in the past and wouldn't let me rest. So, after about a week-and-a-half of that I asked to get off that assignment and get onto the normal investigation. It was an interesting case.

JD: Mm-hmm.

FBI & Civil Rights in the South

GJ: As far as the South is concerned civil rights problems were at the height. The Klan was active—Ku Klux Klan. The mistreatment of black people was just rampant. For example, we were just in a small town in Louisiana, [and] we were looking at court records. Black people who had been arrested for a tail light that was broken out in their car. Of course, all the cars were a wreck anyway, [*chuckles*] and they had a tail light broken or other minor things that were wrong with it, but they'd get arrested. The fine would be two dollars and thirty-seven cents. That was how much the black man would have in his pocket.

JD: That was how much it cost—?

GJ: The fine would be two dollars and thirty-seven cents. It would be how much he had in his pocket at the time.

JD: In his pocket? Wow.

GJ: The choice was the fine or a work gang for a month. They'd pay the fine:

“How much you got?”

“Two dollars and thirty-seven cents.”

“That's the fine.” Time and time again that happened.

Robert Kennedy was the [US] Attorney General at the time. A telephone call to the Justice Department by a black person would unleash the FBI, whom many times these calls made by black people would not be accurate. They'd complain about some police brutality and off we'd go to investigate. Oftentimes there wasn't any brutality at all. They'd mistreat them in jail, but not brutality. But Bobby Kennedy had us going night and day. A lot of legitimate complaints, but a lot of them were exaggerated or not worthwhile investigating.

JD: What were the years that you were in New Orleans and Mississippi?

GJ: Let's see, I was in New Orleans for close to a year, and about eight months in Mississippi. In the mid-'60s.

JD: Mm-hmm.

GJ: Then there were a lot of Northern white students who came down to assist the Blacks. One of the groups giving assistance there was a real problem. Students for a Democratic Society [SDS], was a real problem. They didn't trust us [FBI] at all, and of course, taught the

Blacks not to trust us. So when they were present the Blacks wouldn't cooperate. These white students and radicals were the source of many problems. I remember one time a black organization—Student Non-Violent Coordinating Committee [SNCC].

JD: Mm-hmm.

GJ: It was a black organization, and a good organization with good motives. We were doing an investigation in this town and there were a couple of these SDS fellows there. My partner happened to be White with a Southern accent. Of course, being White and with a Southern accent, that's a red flag to almost every black person. My partner, probably not showing good judgment, he started calling the leader—his name was Charles—Charlie. He shouldn't have, and I wouldn't have myself, but he did. But he did it just because he was trying to be friendly. The black leader said, "Why are you using a slave name?"

But I asked Charles if I could talk to him in private. I said, "Here look, he didn't mean anything by calling you Charlie. He was trying to be friendly, but apparently you didn't think so." I said, "You may not believe this, but—first of all, we're not supposed to take sides. We're supposed to be objective. We're not supposed to be on one side or the other." I said, "Look, we're on your side whether you believe it or not. If my superiors knew I told you that I would be in trouble."

We had a good little talk, and we kind of became friends. I wouldn't say

things went well, but if the SDS hadn't been there we might have been successful in that town.

Then one time I was interviewing a black man—he was pretty high in the ranks of the civil rights movement as time went on. Anyway, I was interviewing him. Very nice, and we became quite good friends. He was in jail at the time. We couldn't get him out of jail. It was the locals who put him in jail. He was in jail on some minor law offense. We became good friends. But there were varying experiences. Some of the older Whites hated the FBI. And most of the Blacks, because we were white—we had no black agents—didn't quite trust us and they created difficulties. They didn't trust us, which was very difficult.

JD: And this was mostly in Mississippi, or both in New Orleans and Mississippi?

GJ: New Orleans and Mississippi.

JD: I think that any dramatization, whether television or the movies always, or often, plays up sort of the conflicts between the federal agents and the local law officials. What was your experience of that?

GJ: On criminal matters, local law enforcement was totally helpful, totally cooperative. On civil rights matters, you couldn't even talk to them about it because they'd do nothing. But otherwise they were fine. On civil rights they were, "No." They wouldn't even—I remember one deputy, he started cussing out Bobby Kennedy and, oh God, you can't believe

the things he said. I just looked at him and—what could I do? Except to look at him, and he looked at me, and finally he shut it down. But, he hated Bobby Kennedy with a passion.

[I was at] Plaquemines Parish, Louisiana, which is down on the coast, on the Mississippi River. We were down there for a violation of voting rights. They had a banner in their local paper: “Do not cooperate with the FBI. Don’t talk to the FBI.” Big letters. Things like that. In Mississippi, you had to take a written test to be a registered voter; plus, pay a poll tax. The average college graduate, white college graduate in the north, could not pass that [test]. They’d [refer] a couple things to the Constitution as a [test]. No black man had ever passed it, but illiterate Whites passed it, no problem. In some elections, illiterate Whites would be paid five dollars to go vote for *a* candidate. It was awful.

JD: Mm-hmm.

GJ: But things there were improving, even then. The younger Whites, especially college graduates, were much more tolerant than the older Whites. And they treated Blacks a lot better.

JD: Were you in dangerous situations ever, or often?

GJ: Oh, I don’t think so. I don’t think I was really in danger. I was a bit apprehensive at times

JD: Were there occasions where you, or your partner, were necessitated to use your firearms?

GJ: Oh, I pulled my firearm twice in ten years. Once was up in Denver and once down there. But the rule of the Bureau was—don’t draw your firearm unless you’re ready and willing to shoot someone. On both occasions I was ready and willing to shoot someone, if necessary, but I didn’t pull it with the idea I was going to shoot anyone. They were very strict on that. I never fired at anyone.

Liddy almost shot *me*. [*both chuckle; GJ coughs*] Speaking of the topic—

JD: Hang on.

[End of Tape Four, Side One]

G. Gordon Liddy

JD: This is an oral history with Judge George Juba. This is tape four, side two. Okay, you were going to tell the story of how G. Gordon Liddy almost shot you.

GJ: *[laughs]* He didn't almost shoot me, but there was the Top Ten. You know the Top Ten list, Ten Most Wanted?

JD: Sure.

GJ: We had information [that a fugitive] was going to be in Denver. And, there must have twelve or so of us working and we knew he had been seeing this woman in Denver, occasionally. So I was just sitting on her house, and this car pulled in with one person in it. Then it pulled up out, and had three men in it, and how he got into that car I don't know, but he was a Top Ten fugitive. So we set out following him. I was in the car behind him and we had a car ahead of it.

And, finally we decided to pull the car over and the agent who was in charge of the operation said, "All right at the next block box him in." So, we blocked the car in front and the side and in back in the next block. So we all hit the sirens and stopped. The car stopped. Heck of a racket with all the sirens going off and I jumped out of the car and pulled my gun but I didn't point at him, but on the side of me, Liddy was on the other side with his gun pointed through the window right at me. *[both laugh]*. They were armed, the three of them, but didn't have their

guns out. Anyway, so we made the arrest. If someone got shot I was afraid it was going to be me. *[both laugh]*

JD: Like you said, Liddy was enthusiastic. *[laughs]*

GJ: Oh. *Very* tense guy.

JD: I'll bet.

GJ: He had a—in addition to his regulation sidearm, he carried a little tiny .25 caliber semi-automatic. It was a Colt. At that time, they had a TV program called "Colt .45" We called George "Colt .25." *[both laugh]*

Juba Family & Southern Culture

GJ: So, finally, I decided to get out of the South when my daughter came home and she had a little playmate from Mississippi, of course, with a Southern accent—*[coughs; tape shuts off and then resumes]* It was a Saturday and I was home. The little girl's name was Cindy. My daughter came from across the street. They were always playing together.

And my wife said, "Where's Cindy?"

Karen, my daughter, said, "Cindy's fixing to wash her hair," in this Southern accent. *[GJ using a Southern accent]*

I said, "We're getting out of here." *[both laugh]*

And, I was ready to leave by then, anyway. We'd been down in the South for a long time and it wasn't pleasant.

JD: Were you in Mississippi when the three civil rights worker, [Andrew Goodman, James Cheney, and Michael Schwerner], were murdered?

GJ: That happened as I was leaving, crossing the Louisiana border with Texas on the way driving home. That's when they were discovered.

JD: Mm-hmm.

GJ: I missed all that. The movie, *Mississippi Burning*?

JD: Mm-hmm.

GJ: A lot of it was fairly accurate. But if you see the FBI agents [dressed] in the coats and ties, of course, that doesn't happen. [JD chuckles] But all of it was somewhat [accurate]. The conduct of law enforcement officers was quite accurate in the way they reacted to civil rights offenses. So we didn't talk to them about civil rights cases, and they didn't talk to us about it. They would cooperate in criminal cases quite good, but we just stayed apart when it came to civil rights.

JD: I was just wondering what it was like for you and your family socially.

GJ: Personally, first in New Orleans and then in Mississippi we socialized with [?] people, a lot of them from the North, a lot of them were educated people. And, in Biloxi we were near Keesler Air Force base, so a lot of those who we knew were Air Force officers. Some were doctors,

professional men that weren't prejudiced, so we got along fine with them, but some of the other neighbors weren't too keen [chuckles] about me being a FBI agent. In fact, a friend of mine who was assigned in New Orleans had a cross burned on his lawn because he was an FBI agent. We only had one of our agents who was physically attacked in some town. Some guy hit him over the head with a pipe or something. But, I was never physically assaulted, verbally, yes, but—

JD: I think you mentioned earlier that at least when you were in law school, which I realize was quite a bit before this, but that Sue was a teacher.

GJ: Right.

JD: Did she continue to teach as you guys moved around the country?

GJ: No. When I went into the FBI she quit teaching and became a homemaker.

JD: So Karen would have been how old when you were in Mississippi, then?

GJ: Four years old, maybe.

JD: Mm-hmm.

GJ: My son was born in Denver, while we were assigned in Denver

JD: So when you decided it was time to get out of the South, how did you decide what you wanted to do next, and where you would go next?

US Attorney's Office & Sid Lezak

GJ: I just resigned and took off for Portland. We came back and—

JD: So, not a job waiting for you?

GJ: Not a job, but fortunately, there was an opening in the US Attorney's office. Sid Lezak was the US Attorney—

JD: Mm-hmm.

GJ: He just died. Did you know that?

JD: I did see that yesterday. That's too bad.

GJ: So I went back to work for the US Attorney's office. Then I went to the state court and then the federal.

JD: So, what was it like when you returned to the Attorney's office? How had it changed in the—

GJ: Oh, the office was a little larger, but it hadn't changed much.

JD: Mm-hmm.

GJ: Sid was a different type of US Attorney than Ed Luckey was. Ed Luckey, he was a working, and I mean working, he handled a large caseload himself as a lawyer. Sid was an administrator. Two different types of persons, but both did a good job. Ed was a soft-spoken guy and no one even knew who the US Attorney was.

Of course, with Sid, everybody knew. Did you know him at all?

JD: Well, I moved to Portland in 1977. So I was aware of him, you know, for quite a while. I never interacted with him personally or professionally.

GJ: He was always out in public and had a long term with the US Attorney's office.

JD: That was pretty impressive to be able to—

GJ: Even Nixon kept him on. [*chuckles*]

JD: Mm-hmm. From working with him, what do you think credited him with being able to last that long, and to span through that variety of presidents, from Kennedy to Nixon?

GJ: He was an excellent PR man. He got along with everybody no matter what—Republican or Democrat or otherwise. He was well-spoken, well-educated, he was just a good front man for the US Attorney's office.

JD: But he also had some fairly strong views about things too. I mean, sometimes that doesn't necessarily mesh with longevity in public life.

GJ: He was a liberal. If you classified me I would probably be right of center toward conservatism. But he never pressed his views on us.

GJ: We had draft dodgers during the Vietnam War. Of course, I was sympathetic with them myself, but not because I was a liberal, just because of the circumstance.

JD: Mm-hmm.

GJ: But he was truly liberal. Of course, he didn't impose his views on us. He didn't [?] plea, he just wanted us to handle them properly. We always did. He was just able to get along with a lot of people.

JD: Mm-hmm.

GJ: That was the reason he was able to survive as long as he did. I forgot who replaced him.

JD: I looked up some of that. There was one person, I think, between Sid Lezak and Kris Olson.

GJ: Turner.

JD: That's it. Charles Turner. That's it exactly.

GJ: Charles Turner was a real conservative, I admired him, a good prosecutor, smart guy. Just the opposite of Lezak, and I suppose, Kris Olson. Kris is a good friend of Hilary Clinton.

JD: I met Kris briefly when I was working at the Oregon Historical Society.

GJ: Pardon?

JD: I worked with Kris briefly on a book that she published with the Oregon Historical Society that just came out.

GJ: She's a nice woman.

JD: Mm-hmm. So did you only work under Sid Lezak or did you work under Charles Turner some, also?

GJ: Just with Lezak.

JD: That's what I thought, but I just wanted to check. So, you talked about some of the draft resister's cases that the office was handling at that point. Was there kind of any other distinctive shifts in the types of cases that the office was handling, or that you worked on personally from your earlier time there until the current one?

GJ: Not really.

JD: Mm-hmm. And were you still prosecuting criminal cases mainly, because there is a civil component to the office, right?

GJ: Yes, but I worked on the criminal side.

JD: Mm-hmm. So I know when we were talking about your work on moving, on handling more civil cases as a magistrate, you said they were more interesting and more complex. Did your time prosecuting criminal cases have something to do with how you developed that opinion?

GJ: It was just the nature of the work. Most of the work was on the civil side, which I enjoyed.

Criminal Defense Attorneys

GJ: Some of the criminal defense attorneys [were] very honorable, very good to work with. Some of them couldn't be trusted, you couldn't believe. But, most of them were all right.

JD: So what kind of things did they do that you couldn't believe?

GJ: They [would] outright *lie* to you about things. They'd try to conceal evidence, try to manipulate evidence, and tell the—used to get close to the witnesses and get them to commit perjury. But not all that often, most of them were all right.

JD: Mm-hmm. I know several judges have referred to when they were first lawyers and before different statutes were enacted, or different rules of evidence were enacted, that they considered it trial by ambush.

GJ: That's what they called it, yes.

JD: Mm-hmm.

GJ: Yes, surprise. They would almost have an open book and [knew] everything. That's how you knew which lawyers you can trust. I had this one lawyer, a criminal defense lawyer, and I opened my files to

him. So, then I found that he had a defense to everything that I had told him. He just created his case. From then on I wouldn't trust that man. I got a conviction, all right, but some attorneys you shouldn't trust.

JD: Mm-hmm.

GJ: Most of them are all right, good people. There are some darn good defense lawyers and I'd trust them with anything. Most of them are okay, but some former prosecutors, state prosecutors, I won't mention a name, but he's dead now, but he was a very successful state prosecutor. As a defense lawyer, he was very dishonest. We had a number of former prosecutors who were excellent, and defense attorneys. One man became a drug lawyer defense attorney, and he got hooked on drugs himself. He went to jail on a drug charge.

JD: So you talked about a particular case that you successfully prosecuted anyway. What was the expectation about your prosecution rate, or the number of cases that you won as far as continuing on as a US Attorney? How was your performance kind of rated or judged?

GJ: I won thirty-six cases in a row, and I began to think I was invincible, unbeatable. [*JD laughs, GJ smiles broadly*] And then, for the [?] case was an old-time defense lawyer whose defending won the case. He should have; he put on a very good case. I couldn't believe it.

[End of Tape Four, Side Two]

**Chief Deputy DA, Multnomah
County**

JD: This is an oral history interview with Judge George Juba at his apartment in Hillsboro, Oregon. The interviewer for the US District Court of Oregon Historical Society is Janice Dilg. Today is May 2, 2006.

So Judge Juba, I think we were talking about in regards to the US Attorney—you had just had your lengthy record of consecutive wins broken. What happened after that? How long were you at the Attorney's office at that time?

GJ: About three years.

JD: Mm-hmm. Did you notice any difference in the cases at that time?

GJ: No. No.

JD: Mm-hmm.

GJ: A good lawyer on their side.

JD: Mm-hmm. Then you had said the office had grown quite a bit during the time that you were gone.

GJ: Quite a bit.

JD: When you were in the South.

GJ: Yes.

JD: Did that change kind of how the office operated and the kinds of cases that you were assigned to?

GJ: Not really. I still handled a lot of criminal cases.

JD: Mm-hmm.

GJ: It worked out pretty well. And now, they didn't change, but just more cases of the same size.

JD: Mm-hmm. So you were there for three years. What spurred your decision to take a new position?

GJ: I was offered a position as the Chief Deputy District Attorney of Multnomah County.

JD: Mm-hmm. Was there something in particular that attracted you about that position?

GJ: Well, I liked George Van Hoomissen. He was the District Attorney. We were old friends. It just offered a new opportunity.

JD: Mm-hmm.

GJ: I was more of an administrator; I ran the Criminal Department.

JD: So, describe that in a little more detail. What did that entail?

GJ: I assigned the cases to the deputies.

Of course, I knew the deputies, their skills. There were those who were more skilled and had experience, who I assigned the more complex cases to. Those who were less skilled with less experience I gave the simpler cases to. I made most of the decisions about plea bargaining. Deputies who wanted a plea bargain could only do that with my approval or with Van Hoomissen's approval. I did most of those things. I was the liaison with the judges and the Attorney's office, particularly the Presiding Judge who was Judge Redding. So I worked with him a lot.

JD: So what years would this have been that you were in this position?

GJ: [pause] I think about 1967 to 1971, something like that.

JD: So what was the process of working out plea bargains? Maybe it didn't work the same every time, but just kind of, generally.

GJ: Depending on the type of case, and the seriousness of the case, whether violence was involved or injuries—I wouldn't bargain on the cases where there were serious injuries involved. But a person with a minor record, or no record, would give them the opportunity to bargain to a lesser charge, or a lesser sentence. We'd give anyone an opportunity to save [themselves].

JD: Mm-hmm.

GJ: But the career criminal, the person

who's been committing crimes their entire adult life, we wouldn't bargain. We'd just prosecute him and let him do their time.

JD: Did that plea bargaining process happen early on in the case?

GJ: It could, depending on the injuries; we'd rule on offenses charged. Non-violent crime. A person with little or no criminal record, we would consider a plea bargain early on, give him a chance to straighten out his life.

JD: So how would you get up to speed on a case so that you were able to make that decision, or offer the final verdict on that?

GJ: I handled all the arraignments and initial appearances so I could have personal involvement in every case in the office. So I knew something about every case. I did that with that in mind, so I'd have some knowledge of the case and the lawyer that I was dealing with.

JD: Mm-hmm.

GJ: Defense lawyers made a difference also. When they were honest, which most of them were honest, there'd be no problem in plea bargaining. There were some lawyers I didn't want to deal with at all. I just couldn't trust them. Not very many, but there are those.

JD: What size was the office? How many prosecutors were you responsible for?

GJ: Probably ten or twelve, in that area.

JD: Mm-hmm. Then what kinds of work division, or how did you and Judge Van Hoomissen work together?

GJ: Of course, he was an administrator, the [chief] administrator. Of course, we set all office policy. George Van Hoomissen was the chief policy maker, of course. But we discussed our approach to cases, types of cases, and plea bargaining, things of that nature, all the time. Our offices were right next to each other and so we were in constant communication.

JD: Did he remain in that position the entire time that you were in the office?

GJ: Yes.

JD: I'm not entirely clear on which of the positions were elected and which were appointed.

GJ: He was elected, but everyone else was appointed.

JD: Mm-hmm. What was your term of appointment?

GJ: No terms.

JD: No terms. Just once you were appointed, you were in the job until—

GJ: They either left or—

JD: Or somebody showed you the door,

or—[*both laugh*]. Did that ever happen?

GJ: Yes. We had two people we had to ask to resign.

JD: Mm-hmm. Can you just generally refer to what the reasons were?

GJ: One person was lazy and didn't do the work. He lost convictions because he hadn't prepared his case. Just didn't do his job as an attorney. Then one was involved in a form of dishonesty. It was personal conduct, not in the conduct of the office, but his personal conduct. He, in fact, was fired.

JD: Were there any kind of memorable cases, or significant cases that came before the office during the time that you were there?

GJ: Like any larger city we had a lot of homicides, and those are all important. But, there was nothing that spectacular a case that involved a lot of publicity or anything that I recall.

JD: Mm-hmm. Were there some of the lawyers that you worked with in that office who went on to sort of greater things in the judicial system within Oregon?

GJ: Yes. One became a Supreme Court Justice. One became the Chief Judge of the Oregon Court of Appeals. Many of them went on to very successful private practices. Not in criminal law, necessarily, but just as lawyers, they were good lawyers.

JD: And, who were the judges that you were referring to?

GJ: George Joseph was the Chief Judge of the Oregon Court of Appeals, and Jake Tanzer, he became a Supreme Court Justice, and so did George Van Hoomissen.

JD: When we were talking earlier you noted the difference between sort of the level of work, and the caliber of work, between federal court and state court.

GJ: I was referring mostly to civil cases.

JD: Okay.

GJ: First of all, lawyers would never come into federal court, by choice... Usually the good lawyers have to work harder when you're handling a federal case than one in state court, which is not so demanding. One of the reasons, I guess, is that they had a lot more cases in state court to do than the federal court. And we could require more of the lawyers because, well, it just did.

JD: Mm-hmm.

GJ: A mediocre or a lower level lawyer would not come to the federal court because they really feared it.

JD: So it was somewhat self-selecting.

GJ: Yes.

JD: Mm-hmm. Who was the Presiding Judge you mentioned earlier?

GJ: What?

JD: You were talking about presenting cases before the Presiding Judge, and I just wondered who that was.

GJ: Redding. R-E-D-D-I-N-G.

JD: Mm-hmm.

GJ: He was the Presiding Judge at the time that I was there.

County Court Issues

JD: I read that there was a merger of the Portland Municipal Court with the Multnomah County District Court in 1971, which I know is after you were there, but I just wondered if any of the issues that led to that merger were apparent, discussed, and what your recollections are of what led up to that.

GJ: The duplication of effort.

JD: I just wasn't sure if maybe it was something that was talked about for some time before it actually happened. Are there any other memories you have of that time there that—

GJ: I enjoyed my work there. We had a very good staff of lawyers. In fact, most of them were excellent, but there were exceptions. George Van Hoomissen was a very good district attorney. It was a pleasure working with him and for him. And, I appreciated working with the

caliber of lawyers, which we had. It was a real pleasure. I enjoyed it. Of course, we had a close relationship with the police department and the judges. We had a good relationship with the police department during that time, no problems. And I enjoyed the time I spent there.

JD: You were in the Multnomah County Courthouse?

GJ: Yes.

JD: Was the staffing similar as far as kind of the law clerk structure compared to District Court, or was it quite different?

GJ: Are you talking about federal?

JD: —at the county level.

GJ: We didn't have law clerks. I'm not quite sure what you're asking.

JD: Well, I'm not as familiar with the county court system as I am with some of the other levels. So I was just trying to get an idea what the structure was like.

GJ: You're talking about state court.

JD: Mm-hmm.

GJ: Compared to what?

JD: Compared to the federal court.

GJ: [*pause*] There are some differences. Our budget, of course, was controlled by

the county commissioners, and if they didn't like what we were doing they could make it tough on us. There was a budget process.

But another of our difference from the federal—in federal there is no politics involved. But, at the state level there are some politics involved because you had to work with elected county commissioners and keep them happy so they would keep your budget to where you were provided the money for operations. When I speak of politics, I'm not talking about partisan politics or that nature, but I think those considerations are more and more important at the state level, more than the federal.

JD: Was most of that political—I don't want to say, maneuvering, not that—not in a malicious way. But was most of that Judge Van Hoomissen's—or DA Van Hoomissen's responsibility?

GJ: Yes.

JD: I actually have one question that's not related to this that came up at a history conference that I was at this weekend. One of the people there has written fairly extensively, and has a book coming out, about the Teamsters and corruption scandals in Portland during the 1950s. I wondered if you were involved in those in any way, or have any recollections of what was going on at the time.

GJ: I have recollections from the newspapers, but I was not involved.

State District Court Judge

JD: I just knew you'd been in positions that you might have been during that time period, and I wanted to check and bring that up in case you did. So, you were Chief Deputy District Attorney for several years, and then am I understanding correctly that you became a State District Court Judge at the end of that time?

GJ: Yes.

JD: How did that come about?

GJ: I put my name in, and the governor appointed me.

JD: Which governor appointed you?

GJ: [Mark] Hatfield.

JD: Mm-hmm. So were you looking for a new challenge? What spurred you to decide to move to the bench?

GJ: A new challenge mostly. I'd done about everything there in the district attorney's office and going on the bench was something new and different, and I decided I'd like to do it.

JD: What was the selection process?

GJ: The state bar was consulted by the governor as to the qualifications of the candidates and people who are interested. But the ultimate decision, of course, is with the governor. I had known

Governor Hatfield in college. He was a professor at Willamette, and I knew him some time during my years at Willamette. So he knew me. And, I hoped I had done a good job in the past years, and so he made the appointment

JD: Mm-hmm. Then again, was that an appointment for a certain term?

GJ: Not for a term. State court terms were six years, I guess. I can't recall if this was a new position or someone who resigned. Actually, a new position, so I was appointed. It was four years; a four year term.

I served that out and I had no opposition when my term limit expired, so I was re-elected without opposition.

JD: Mm-hmm. So you had talked a little earlier about appointments versus elections. Did you actively campaign that first time?

GJ: No. No. I wrote a letter to the governor saying I was interested in the job.

JD: Mm-hmm.

GJ: But I didn't have to campaign or try to [beat] someone else.

JD: So then, what was your orientation like to becoming a judge?

GJ: Nothing. *[JD laughs]* It was all learned doing the job.

JD: Mm-hmm. So who were your

fellow judges at the bench at that time?
Who were you learning from?

GJ: Off the record. *[tape shuts off and resumes]*

JD: Mm-hmm. *[pause]* You were going to tell me who you served on the bench with at that time?

GJ: Carl Etling, John Gantenbein, Ray Shoemaker, and William Beers, B-double E-R-S. I was the fifth one.

JD: So the caseload had become big enough that they added you?

GJ: Yes.

JD: Mm-hmm. What were your experiences working with them?

GJ: *[pause]* We didn't really work together. We had our own caseload and work. I really didn't have any experience working *with* them.

JD: Had they all been serving for some time when you joined then?

GJ: Yes.

JD: So they had been reelected a few times, I guess.

GJ: Yes, they had.

JD: Did you want to comment on your working relationship with them?

GJ: As I said, I didn't work closely with any of them. Carl Etling was a good man who did a good job. I had more contact with him than the others.

JD: Mm-hmm. Those positions were elected county-wide, or did you each have a—?

GJ: County-wide.

JD: Okay. Can you remember back to your first day being on the bench and what that was like, or just kind of what your experience of being a judge was like?

GJ: They didn't even have a courtroom for me. They just took a large room and a table and some folding chairs. Of course, I had been in the court system and I knew what I should do. *[pause]* The minimum of folding chairs does not say "courtroom experience" I'd been in court so what I had to do I knew, was to *[create]* the appearances of a courtroom and they'll conduct themselves accordingly. So I didn't have any of that.

JD: So how long did you work in those conditions?

GJ: Not very long. Also, I went out to Gresham, once a week for a few hours, and heard traffic court cases out there. And that was in a building that had been a hamburger stand that they converted to a courtroom. It was kind of ridiculous.

[End of Tape Five, Side One]

State District Court

JD: This is an oral history interview with Judge George E. Juba at his apartment in Hillsboro, Oregon. Today is May 2, 2006. The interviewer for the US District Court of Oregon Historical Society is Janice Dilg.

So I had asked you about the first time someone called you "Your Honor."

GJ: Of course, it was a new and unusual experience, and it's flattering. I probably didn't deserve it at the time, but I kind of liked it.

JD: I can't imagine people not liking it, quite honestly. What was your staff like at that time?

GJ: I had a secretary and a bailiff. That was it.

JD: Were you responsible for selecting them, or were those appointed to you?

GJ: The secretary, I hired. The other one was made available.

JD: Mm-hmm. What kind of cases were you handling?

GJ: Traffic court cases, misdemeanor criminal cases, and minor civil cases. Oh, automobile accidents, usually no injury involved, just property damage.

JD: Mm-hmm.

GJ: Small cases.

JD: Mm-hmm. What was the caseload like at that time?

GJ: It kept me busy, quite busy. I was able to try, sometimes, two cases in one day, one in the morning and one in the afternoon. Because they were minor cases, not complicated. You could do it without too many witnesses. The ordinary workday ends at say, five o'clock, and in order for the next day's cases, I'd have to go into evening quite often. So, we had a heavy caseload.

JD: Mm-hmm. So you went on the District Court as a judge in 1970?

GJ: I went to federal court in '71.

JD: Mm-hmm.

GJ: I spent four-and-a-half years in the state court. That would have been probably, 1966.

Federal Court, Clerk of Court

JD: Then from State District Court Judge, you took the clerk of the court position?

GJ: In the federal court, correct. But I stayed there for less than a year.

JD: You did less than a year?

GJ: Yes.

JD: Okay. How did you come to move to that position?

GJ: I was asked to by Judge Solomon. I worked with him as an assistant US Attorney. I worked hard and he recognized that and he offered me the job and I took it.

JD: Describe what that position entailed.

GJ: Actually it was just an office manager. The clerk's office did the bookkeeping of the case files, and it had very little, or nothing, to do with the law.

JD: Mm-hmm.

GJ: So I wasn't interested in that job by itself. So I was an office manager in that job.

JD: So if the job content didn't interest you a lot, what made you jump from being a judge to taking that?

GJ: The prospect of being a Magistrate Judge.

JD: So that was already being discussed nationally at that time?

GJ: Yes.

JD: Well then, I would guess it was a fairly demanding job knowing that Judge Solomon had kind of been the person who reorganized how that court ran. You've commented on how he had high

expectations, so you had your work cut out for you I would guess.

GJ: Oh, yes. Judge Solomon was a very demanding person, but nothing I couldn't handle.

JD: So then you were already on the scene, in the federal court, when the decision was made to appoint the first magistrate?

GJ: Yes.

JD: Mm-hmm. Were there any things about the clerk of the court position that you changed during the time that you were there?

GJ: Not as far as I know. I can't recall.

JD: What was it like, I guess, first for yourself and for people that you dealt with, to go from being a judge to being in an administrative position and then going back to being a judge again?

GJ: I preferred being a judge. [JD laughs] It took a while for people to get used to it, the change. But, it was all right.

JD: I think those are all of my questions I have about your wonderful, varied career that you've had. But feel free to add any additional comments or thoughts that have come up as we've been talking.

GJ: I think we've covered it pretty well.

College Law Journal Article

JD: Okay. I've actually read the article that you wrote as a law student for the *Insurance Law Journal*. It seemed to me, if I'm understanding it correctly, that some of the issues that you're talking about there are ones that come up a lot when people are talking about tort reform. I wondered if you could think back a little and one, I guess, what made you write that particular article about that topic, and—

GJ: It was suggested by Professor Reginald Parker. It's an issue that did not arise very often in court. I had given it no thought until he mentioned it. But he thought if I did a good job on the writing I had a good chance of being published. So that's how it came about.

You didn't know Reginald Parker. [JD shakes her head, no] He was quite a person. He held some pretty important positions in the legal community during his career, in addition to being a law professor. He was a guy that I admired a lot—very intelligent man. He was right about the article, and I was published.

JD: Mm-hmm. What other activities did he go on to in the legal profession?

GJ: He succeeded Roscoe Pound as director of what was then known as NACC, National Association of Claimants Council. He wrote extensively and published a textbook on administrative law. He had extensive articles published in

law reviews and publications in the legal community. [tape shuts off and resumes]

JD: Okay, we had a brief break there. But you were talking about Reginald Parker's career.

GJ: I think I covered it pretty well.

JD: Okay. And has your thinking from writing that article to the present day changed about the issues you wrote about?

GJ: No, because that issue is not very often the subject of case law.

JD: Mm-hmm.

GJ: People don't often appeal on the size of the settlement.

Meeting Suzanne Mellor & Family Life

JD: So I mentioned that we had kind of taken some of our questions out of order. We just barely touched on when you met your wife, Sue. I thought we could go back and just explore a little more some of the personal things that were going on in your life. How the two of them meshed.

GJ: We were both students at Willamette University, the same class. She was a *Pi Phi*, I was a *Sigma Chi* and we had dinner at the sorority house and I happened to be sitting next to her. That's how we met. That's how we started dating.

JD: This was when you were in college, not in law school, is that correct?

GJ: Right.

JD: So how long did you date?

GJ: Two-and-a-half, three years.

JD: Mm-hmm.

GJ: Then we got married in the year of 1952. We had both graduated and we got married that fall. We both worked a year and then I went back for law school. We had two children—my daughter, Karen, who is now a school teacher in the Portland Public School district. She was born in Portland. One son, he was born in Denver, where I was assigned in the FBI. He now lives in Bend, building houses in Bend.

JD: Did I remember correctly that Sue was a teacher also?

GJ: Yes, she was a teacher. She taught school while I was in law school. I always had a part-time job, too, because we were paying my way through law school. I had the GI Bill in college, so that was paid for by the government. But I was on my own in law school.

My daughter is married with two children. My son is married, but has no children. That's the extent of my family.

JD: Was it difficult moving around the country at that point in your life, when you had young children and—

GJ: No, it was kind of exciting to go to new places and learn new things. Of course there was a big difference between Denver, Colorado and New Orleans, Louisiana and Biloxi, Mississippi. In Mississippi, at that time was at the height of the civil rights problems between Blacks and Whites. A lot of the older Whites hated us, and a lot of the Blacks didn't quite trust us because we were White. So it was difficult working down there during that period of time because of that.

JD: Mm-hmm.

GJ: We had a lot of opposition from local politicians. On criminal matters the police were fine to work with. They were cooperative. But when it came to civil rights, they just wouldn't discuss it.

JD: Do you remember Sue or the children talking about issues they had with people out in the community because—?

GJ: Sue, in particular, because she said what she thought, which didn't fit in well with what a lot of people down there thought about civil rights and Blacks and Whites and their relationship. So she got along well with people; except with those who had extreme views, she did not get along too well with. Of course, the kids were too young to be aware of what the problem was.

JD: Now was Sue from Oregon also, or had she just moved out to go to Willamette?

GJ: She was from Oregon, originally from Southern California, but she lived most of her life in Portland.

JD: So then when you moved back to Portland after the South, did Sue ever go back to teaching or become involved in any other activities?

GJ: She was active in the theatre; she was a speech and drama major in college, and she was probably the most important person in the establishment of the group now known as the Pentacle Theater in Salem, Oregon.

JD: I do know of the Pentacle Theater.

GJ: She was very influential in them forming. She was very active in public radio, PBS. She never went back to teaching. She was with a public relations firm at the time of her death in 1988. She was very active in a lot of things. She was president of the Portland League of Women Voters, and president of the Women's Political Caucus. It seemed like every organization she was a part of she managed to become the president of the group or organization. [JD chuckles] Very active and a very talented person.

JD: Well I know I heard of her when I first came to Oregon.

GJ: She ran the campaign for Connie McCready for mayor, who didn't win, but... She ran the campaign of Dave Frohnmayer for attorney general. She was active politically and she was always active.

JD: Mm-hmm. She must have been quite young when she died.

GJ: Yes, in her early fifties.

JD: What ages were your children at that time?

GJ: My daughter was in college and my son was in high school.

JD: So mostly grown. Did you remarry?

GJ: Yes, I married Carrie. She's now Carrie Juba. She still retains my name. She lives in Tucson, [Arizona] in the winter and up here in the summer.

JD: Mm-hmm.

GJ: She should be back in Portland this week and next week I think.

Family History & Final Thoughts

JD: Mm-hmm. You also talked just briefly about your sister and brother. Can you go into any detail about—?

GJ: My sister died many years ago of cancer. My brother graduated from the University of Washington. He worked for several oil companies. He's now retired and lives in Camas, Washington.

JD: That's Victor.

GJ: Yes.

JD: Am I remembering that correctly, Victor and Anna? So he stuck closer to home than you did.

GJ: Oh yes. I *left* Camas—[*both chuckle*—years ago.

JD: Do you have anything else you want to say about family history? That people should know about and associate with you?

GJ: My native family I know very little about. As I explained, my mother didn't say much, and I didn't know my father. I knew very little about them, except that my father was born in the Ukraine. My mother was born in Canada. They were both Ukrainian.

JD: Did they speak another language when you were growing up?

GJ: My mother did. She didn't speak English until she was in her early twenties. She learned to read and write on her own, but—

JD: What language did she speak and did you learn?

GJ: She spoke Ukrainian, but she didn't speak it in the home. So I never spoke it.

JD: Mm-hmm.

GJ: I have cousins who speak the language, but I never did. She was ashamed

of being a foreigner, an immigrant, so she did everything she could to conceal that.

JD: She was not unusual in that respect.

GJ: No.

JD: Well, we always like to give people an opportunity to just offer any kind of general reflections on your career, or the state of your profession, or the courts. If you would like to this would be a perfect opportunity for you to do that.

GJ: If I could speak better I would do it but I can't.

JD: Okay.

GJ: I'm sorry.

JD: That's fine. Should we wrap this up, Judge?

GJ: That's fine.

JD: All right. Well, it's been a pleasure hearing your stories, Judge Juba.

GJ: I enjoyed it.

JD: Thank you for your time.

GJ: Thank you.

[End of Tape Five, Side Two, Interview Ends]

1. George E. Juba, "Judicial Review of Excessive and Inadequate Jury Verdicts" *The Insurance Law Journal* No. 403 (August 1956): 517-529. A copy of the journal, and Juba's article, can be found in his oral history file at the Oregon Historical Society Research Library.

2. The case that Judge Juba was involved in, and that was appealed to the Ninth Circuit Court of Appeals challenging a magistrate's authority to try civil cases, was *Pacemaker Diagnostic Clinic of America, Inc. v. Instromedix, Inc.*, 725 F.2d 537; 1984 App. (9th Cir., 1984). The US Supreme Court denied *certiorari* when the case was brought before the court in 1984. *Pacemaker Diagnostic Clinic of America, Inc. v. Instromedix, Inc.*, 469 U.S. 824; 105 S. Ct. 100; 83 L. Ed. 2d 45 (1984). Copies of the Ninth Circuit and Supreme Court decisions can be found in his oral history file.

3. The Melridge Fraud case lasted almost ten years, with Magistrate Judge Juba rendering his first Findings and Recommendations to District Court Judge Helen Frye in 1988, and the final resolution of the case not occurring until 1997. The initial citation case is *Melridge, Inc. v. George Heublein, Gordon Flattum, Gary Wood, Thomas Thornton, and Kelle Heublein* (George's wife), Civil No. 88-146-JU (USDC, 1988).

4. The initial settlement for Melridge investors that Judge Juba oversaw was for \$6.8 million dollars. In 1997, when the final settlement was reached the total amount that attorneys recovered was \$55.4 million for approximately 4,800 investors, including about 1,750 from Oregon. George Heublein, Gordon Flattum, and Gary Wood all received jail time and large fines for their part in the company's fraudulent business practices.

5. In August 1971, the United States ceased using the gold standard—the practice of countries fixing the prices of their domestic currencies in terms of a specified amount of gold—when President Nixon announced that the United States would no longer redeem currency for gold.

Appendix: Judge George E. Juba Memorial, September 27, 2007

The memorial service for Judge George E. Juba took place on September 27, 2006 at the Mark O. Hatfield United States Courthouse. The memorial service was videotaped by Michael O'Rourke and the following is a transcript of the video.

The speakers at the memorial, in order of appearance:

Sheryl S. McConnell, Clerk of Court

Honorable Ancer Haggerty, Chief Judge US District Court, Presiding

Honorable John Jelderks

Honorable Edward Leavy

Honorable Michael Hogan

Robert Christ, former Clerk of Court

Honorable James Redden

Karen Hanson, Judge Juba's daughter

Tape 1, Side 1

McConnell: District Court in the District of Oregon is now in session. Chief Judge Haggerty presiding. Thank you and please be seated.

Haggerty: On behalf of the judges and staff of the District of Oregon and Judge Juba's family, I want to thank you for coming and participating in this special session of Court. I called around to a number of judges today and tried to find out who else besides myself had tried cases before Judge Juba, and although I got a couple of responses that there were all kinds of hearings and so forth, I may be the only judge that's sitting here that's actually had the pleasure of trying a case before Judge Juba. And one of the things I used to always pride myself in doing was convincing my opposing counsel to consent to a trial by the magistrate so that we could get Judge Juba or Judge Dale. And as you would suspect, if a defense attorney wants a particular judge, then the plaintiff's attorney would be saying, "Well I don't know if that's such a good idea." But after awhile and after the community and bar learned who Judge Juba was, it was a very easy task to get attorneys to consent to try cases to Judge Juba based on his demeanor, his fairness, his integrity, everything that goes with being a competent judge. I do recall many a hearing before Judge Juba. I recall my total satisfaction with having appeared before him. I'm sure

there are others here that had the same experience. And you think back and wonder if we're doing as good a job.

We have a number of people who are on our program to speak. First I'd like to provide Magistrate Judge John Jelderks to come down and say a few words.

Jelderks: Thank you Chief Judge Haggerty. It's a pleasure to be here this afternoon speaking as the Senior United States Magistrate Judge for the District of Oregon. Now senior doesn't mean I'm the oldest. For that we have Judge [Donald] Ashmanskas. Ash, would you raise your hand so they don't get us mixed up [*audience laughs*]. First I'd like to thank Karen especially for bringing George downtown on more than one occasion to reminisce. We had a chance to have a good visit a couple of times, some nice reminiscences and we really appreciate you doing that because that was a very valuable experience; not only to get a chance to talk to George before he died, but to really reminisce about how important he was in the role of this court and the role he had in the United States Magistrate system for the whole nation.

But also I'd like to thank George here this afternoon because I've been here for the last fifteen years, in part, because of George. I had known Bill Dale for almost twenty years. He was serving as a U.S. Magistrate Judge with George. At the time a new position opened up and I was trying to decide whether to put my name in for it. As I say, I'd known Bill Dale for a long time and I knew what a great guy he was. I'd known Ed Leavy for a long time and knew what a great guy he was, but I also knew he made the mistake of taking a promotion or two and wasn't still in the job. And I really wanted to meet George and see what he thought about the position. So, one time I drove from Hood River and stopped at the old courthouse to visit with George. And I was somewhat surprised that I really didn't know George. I'd really never talked with him before, but we knew each other because we had a lot of things in common. We'd both gone to the same college, Willamette University. We had both gone to the same law school, Willamette University College of Law. We were both members of the *Sigma Phi* Fraternity and so we had lots of mutual friends and acquaintances. We had both been State Court Judges. We had both been deputy district attorneys. In fact, Mike Shrunk can tell me if I'm wrong, but I believe that George at one time had been the chief deputy district attorney in Multnomah County when George Van Hoomissen was the district attorney. And I'd been the chief deputy district attorney in Marion County when Gary Gortmaker was the district attorney. Those of you with a good sense of history know that George Van Hoomissen went to the Supreme Court and Gary Gortmaker went to

the penitentiary. *[audience laughs]* So George and I had slightly different mentoring, but I think we both learned a lot from those experiences early on.

Well, so I stopped in Portland, went to George's office. He had my name in advance so I was pretty sure he'd know who I was, but I thought, well you know were fraternity brothers. So I slipped him the secret grip and that way I knew whatever he would tell me that I could rely on. And I don't recall the total conversation but those knowing George and having conversations with him know it was probably relatively brief. It was succinct and it was to the point. And George told me two things that I recall. One, that it was a good job and two, he thought I would enjoy it. So, based in part on what George had to say that day, I put my name in. And I'd like to report that George was right. It has been a very good job and I've enjoyed it, so I appreciate the good advice George gave me that day. But it wasn't until I'd been in the system for awhile that I really did appreciate that the Magistrate Judge System here in Oregon was a model for the whole nation. And George had been a big part of that, was instrumental in that, and I think one or more of the other speakers will be talking about that.

Those of you who know me know that sometimes I can be a little bit long winded. But I thought about this a lot and I thought, this afternoon I really want to emulate George to be succinct and to the point. So here are my formal remarks. And they're based either on first hand knowledge or what in the law we call really good hearsay.

I know that George's friends from Willamette University and especially his fraternity brothers, many of whom are friends of mine, that they really appreciated George's friendship over the years. And they were all very proud of his many accomplishments. Those of us Magistrate Judges who worked directly with George appreciated his spirit, his good humor, his willingness to help others out. All of us Magistrate Judges in the country and I'll speak for all of us in the country—I was on the National Board of Directors for awhile so I feel that I'm qualified to speak for the whole country. Now I've digressed a bit and this is where wouldn't have got off point like that *[audience laughs]*. But for all of us in the country, we'd like to thank George for his contribution in making these jobs better for all of us Magistrate Judges in the whole United States of America.

And for those of us here in Oregon, especially, for making our jobs more enjoyable, because we do have great jobs and one of the reasons we have great jobs is because of the District Judges. But also because of the good groundwork that George laid for us making our day-to-day work today more enjoyable than it would otherwise be.

Last but not least, I'd like to say that George was a really good guy and we all enjoyed knowing him and enjoying his friendship over the years.

Haggerty: Next we have the Honorable Edward Leavy, who everyone knows, who would be the person who's sat in more different judicial chairs than anyone else in the State of Oregon. So, Ed.

Leavy: Judge Haggerty, I'm thankful also for the opportunity to say a few words concerning our good friend, George Juba. As you know, he was the first magistrate in the District of Oregon. And for that matter, was one of a group of the first Magistrate Judges for the entire nation, having been appointed in 1971. I became acquainted with George while he and I were in the State Court, while we shared duties as a member the Jury Instruction Committee for the Judicial Conference of the State of Oregon. That acquaintance dates back to the 1960s. His tenure as a magistrate exceeded mine. He was here, of course, when I arrived as a magistrate and was here during my entire seven-and-a-half years. Now I got pretty well acquainted with George, but you have to understand that if you wanted to visit with George you had to go to his chambers. He never very frequently came to my chambers and as we all know, George wasn't into wasting his time or anybody else's time. And on each occasion when I would go to him, if he was not in the courtroom, of course he would be in chambers and he would be reading from a case that was assigned to him or from the advance sheets. And to this day I do not know a person who read more attentively the advance sheets from the Ninth Circuit and from the Supreme Court more than Judge Juba did.

Now he was aware of my farm background and I know he had some interest in gardening. So each spring I would have to listen to him tell me how great his tomato crop was doing. And finally, I fell awake to the proposition that what he would do is he would go down to some hot house and he would buy a tomato plant that was about ready to yield, bring it home and plant it. And then he would come to work the next day and tell me how great his tomatoes were. Now even after I fell awake to that, it never stopped him from doing it. He continued to do it throughout my tenure.

Now Judge Jelderks has mentioned that one of the positives that came out of Judge Juba's last illness was the fact that we all got to visit with him, to share with him the reasons why we appreciated him so much. I really don't think he needed that reassurance, but it didn't hurt any of us to get to tell it to him again. And because some of you may not fully appreciate why those of us who have any association with the federal courts have an appreciation for him, I want to go into some detail about what occurred right here in the District of Oregon.

When he was appointed in 1971, the law under which he was appointed allowed a magistrate to do essentially the things that the old commissioner had done under federal law. Essentially issuing warrants and setting bail and doing things of that nature. It also provided that a magistrate could try some petty offenses and misdemeanor offenses with the consent of the parties. And then it had a provision that said a magistrate might perform “any other duty not inconsistent with the Constitution and laws of the United States.” Now at that time, Judges [Robert C.] Belloni and [Otto] Skopil and [James] Burns were the District Judges along with Senior Judge, Gus Solomon. And that group of judges kind of made up their mind what they were going to make of the position of United States Magistrate. There was nothing in the law that told anybody what the position was ever going to amount to. And it was up to the District Judges to really kind of define the position. So, they took the attitude that whatever the law did not prohibit, a magistrate could do. And that was a kind of a scary proposition for judges in the other districts around the country because they weren’t sure just how much a magistrate could do that would be consistent with the Constitution.

Well in any event, with that attitude, Judge Juba began trying cases, civil cases, with the consent of the parties. And as time went by, Judge Belloni became acquainted with Judge Griffin Bell, a Circuit Judge from Georgia and Judge Skopil became a member of the Judicial Conference Committee on the administration of the magistrate system. And in 1977 along came a proposal to write into the law the proposition that magistrates could try cases with the consent of the parties. And Judge Skopil—well first of all, there were two bills that were introduced—one sponsored by the Judicial Conference of the United States of which Judge Skopil was a committee member. Another sponsored by the Justice Department with the advocacy of then Attorney General, Griffin Bell from Georgia, after a President was elected from that state. And so both Judge Skopil and Judge Belloni had access to the advocates for expanding the duties of a Magistrate Judge. In 1977, Judge Skopil, Judge Juba and Cap Evans—many of you may remember him as a practitioner here in Portland—testified in support of that legislation that would permit Magistrate Judges to try cases. And I’m going to take the time and impose upon you to listen to a question that was asked of Judge Juba by Senator Dennis DeConcini. He asked Judge Juba, “How many cases have you tried to a final conclusion?”

Judge Juba’s answer was “I do not know, but it’s quite a few. We have been doing that in Oregon for several years now and we were the first in the nation to start

the jury trials at any rate. I have tried numerous jury and court cases. I cannot give you an estimate, but quite a few.” That legislation was then passed that allowed Magistrate Judges or authorized Magistrate Judges to try cases with the consent of the parties. And it was based upon the experience in Oregon and very limited elsewhere in the country that the legislation was passed and now it’s commonplace for Magistrate Judges to be trying cases around the country.

Now it’s interesting that in 1983 the Circuit Court for the Ninth Circuit decided a case that Judge Juba had tried in this court called *Pacemaker Diagnostic vs. Instrumedix, Inc.* And upon the Court’s own motion, that is, upon the initiative of the three judge panel, they decided to take up the issue of whether or not it was constitutional for a Magistrate Judge to try a case with the consent of the parties. And that three-judge panel held that it was unconstitutional. Now suddenly the Magistrate Judges in the Ninth Circuit had a brand new constituency and a whole group of advocates on behalf of the power of magistrates because all of the District Judges come to the realization that whatever a magistrate couldn’t do, they had to do. [audience laughs]. Now that was going to make quite a difference in their job description, so suddenly we had all these advocates on behalf of what a magistrate could do and fortuitously by then Judge Skopil was on the Court of Appeals. And Judge Skopil called for an *en banc* re-hearing of that case. A majority of the judges of the Ninth Circuit decided that it should be re-heard and upon re-hearing by an *en banc* Court of the Ninth Circuit, it was determined that the three-judge panel was wrong and that, in fact, the legislation permitting magistrates to try cases was, in truth, constitutional. And that’s where we stand now. That opinion was written by now Justice Kennedy and that ruling has never been touched by the Supreme Court.

Now no matter what the Judges of the District Court of the State of Oregon may have wanted to make of the position of United States Magistrate, no amount of advocacy would work because as we know in baseball you can’t fake a base hit. And in their advocacy for making the position of magistrate what it is today, George Juba supplied the home run. And that’s what it amounts to from my perspective and that’s why all of us who have been magistrates or are magistrates or will be Magistrate Judges in the future, why the District Judges and all of us who are engaged in the legal profession can be thankful to Judge George Juba for what he did in shaping this position, not only for the District of Oregon, but across the country. And that’s why it meant so much to us to be able to express our appreciation to him. And he was, I’m sure, fully aware of it even though he was never a self-promoter. So, on this occasion I

feel like it is a perfect occasion for us to not only say thank you to Judge George Juba, but thanks for having him.

Haggerty: The next for the program is our Chief Judge from Eugene, Michael Hogan. Former Chief Judge Hogan.

Hogan: Chief, thank you for this opportunity to talk about our friend, George Juba, what he meant to me, our court and to this country. I feel like Ed Leavy had my notes. They're always looking for a way for me to make shorter comments and he's accomplished that today. But actually, I like it when the Ninth Circuit has my notes and I hope it happens many times in the future. I'll just fill in a couple of thoughts there.

In 1965 Joe Tidings was Chair of the Senate Subcommittee on Improvements in Judicial Machinery located on the fourth floor of the Dirksen Building, right across the hall from where Mark Hatfield's first Senate offices were and later, Bob Packwood's first Senate offices. And they were charged with this—finding some ways to make the federal court more efficient or productive. And as they looked at the commissioner's system as Judge Leavy told you, they came up with this idea of the United States Magistrate. There were thirteen of those first magistrates and as Judge Leavy said, in Oregon Judge Belloni decided they would do anything that the law didn't prohibit. And under 636c [Federal Magistrate Act of 1979 28 USC § 636c (Supp. V 1981)] there were six items that there was some question about, or one had to have consent for. Then there was a big open area. Judge Belloni said later that Oregon's plan was mothered by necessity. You heard that George Juba was appointed in 1971 and Judge Belloni wanted to appoint someone who was an experienced trial judge, who the lawyers and bar would accept because magistrates, in the end, are consent judges. You have to be good to be in that job, unlike some other jobs in the federal judiciary, because the lawyers have to accept you and he understood that.

There were thirteen of those first Magistrate Judges and George was hired before the act was even effective, as a matter of fact. The record around the country of how they were used was quite varied. There was a big controversy in those days about whether magistrates should be able to, or were entitled to wear robes in court. And there were many districts where robes were not allowed. There were controversies about whether magistrates could have lunch in the judge's lunchroom in various districts around the country. Finally in Pittsburgh, Jean Sensenich was one of the first

of those thirteen also and their court said, "Well, they can wear robes, but they must be gray robes, not black robes." [audience laughs] Down in San Diego there were three early magistrates but that was because of the then immigration problems. Their duties were just limited to that problem. It was a way to sort of move that out of our way.

In Detroit the Chief Judge there heard Judge Belloni give a talk about treating the magistrate as a colleague and made a statement publicly that this Swiss Italian was crazy when he talked about that. And in fact they're still feeling some of the effect of that. I was on a program with the District Judge from Detroit recently. They are trying to get more Magistrate Judges now and I said, "The system remembers, doesn't it, the position you took back then?" And that's exactly the case. The chair of the Magistrate Committee, currently Nina Gershon was one of the early magistrates from New York City. Tom Hnatowski, the staff for that committee, remembers those days. And it takes a while for people to retire, for people to forget about those things. So there was really a varied use of Magistrate Judges.

We had a challenge in 1973, I believe, when the Supreme Court decided a case called *Wingo vs. Wedding*. And that was a *habeas* case where the Supreme Court decided that they shouldn't be able to consent to a magistrate deciding a *habeas* case. And in those days the term was "magistrate," not Magistrate Judge as it became later in 1979. But, that threatened all of this dispositive jurisdiction. That didn't stop Oregon, didn't slow down Oregon a bit. Judge Belloni and George Juba kept at it and the necessity was true. There was a period of time in 1971 for about nine months where there was a senior judge, but it was before Judge Skopil and Judge Burns came on the Court and there was only one active District Judge in this district at that time, not this tremendous wealth of talent that we see today. I remember those days pretty well because George Juba was the new magistrate and I was the only law clerk for that District Judge. And so I had this tremendous drinking from a fire hose experience to learn the craft that hopefully I [have] developed a little bit since then. These were two judges who could accomplish more with fewer words than you can believe. They absolutely were decisive and it was done in a soft way. Judge Belloni was probably introverted in some ways. Judge Juba, as Judge Leavy said, "If you wanted to talk to him you had to go his chambers." I did on more than one occasion. I saw him reading the slip-sheets. When I became a Magistrate Judge in combination with the Bankruptcy Judge position in 1973, and it came time for my first jury trial, I went to George and said, "Can you just put a few notes down on selecting a jury?" And he prepared a little page-and-a-half program for me and that page-and-a-half, hardly with a change, is in every trial book

I use today when I select a jury. Absolutely solid bedrock principles.

And of course then we came along to the pacemaker days. What happened right before that is the Supreme Court had decided a case called *Northern Pipeline Construction Co. vs. Marathon Pipeline Co.* And I had a bankruptcy side to me at that time and our bankruptcy friends, if they've read the history, know that what the Supreme Court decided is that the bankruptcy delegation of authority from the District Court was unconstitutional. And that's the thought the Ninth Circuit picked up, that when the case was picked up *en banc* by the Ninth Circuit, Judge Skopil got a memo out within two weeks of the first opinion saying "You're going to kill the magistrate system." And then now-Justice Anthony Kennedy wrote the opinion affirming the constitutionality and in fact our current Chief Judge wrote the dissent in that case. For good reasons, I'm sure, because those were some theoretical issues being talked about and very alive at the time. George testified not only for the 1976 amendments to the Magistrate Acts, which changed nothing in Oregon. They just sort of adopted a few things that we had done. He also testified for the 1979 amendments. I had a chance to be involved in that because I was that year president of the National Council of United States Magistrates. And it was in that legislation that we had this term "Magistrate Judge" and really the jurisdiction that we work with now. But if you start with those early days and you look at some of the districts since then, they would send—judges who wanted to use Magistrate Judges—would send them to Oregon to see what George had been doing and to talk to him about it. I know they did that when Jack Shanstrom was the first magistrate in Montana, the first magistrate in Southern California and so on. And Oregon still sets the pace. It's been a great privilege for me to work with every person who's ever served in that job in this district. But certainly the standard was set by George Juba, a great friend, but the person the whole system really is modeled on.

Haggerty: But Mike, as the program states, Bob Christ was the former clerk of our court, but I believe he was the clerk of the court when Judge Juba served, so, Bob?

[End of Tape One, Side One]

Christ: Judge Haggerty, I will say one thing. One, I'm older than these gentlemen who have preceded me, so my memory is not quite as good, so I had to write things down. But for the benefit of all of you, I don't have access to government properties, so my yellow page [referring to notes] is shorter than they might have had for your benefit.

My recollections will be about George the man, George the friend. They go back to the '60s. George was there when I was practicing in Multnomah County. He was sitting as a State District Court Judge. I would take the opportunity whenever I could to chat with him when he was free. And it was during that time that I learned from him that he did not have a close relationship with his colleagues on the then-District Court Bench. And he urged me to seek a position on that Bench if I could because he wanted somebody to talk to. I thought it was a pretty good idea, but the timing was not right. But we continued to see one another thereafter. And in the late '70s I had lunch with George. He was then Clerk of the District Court of Oregon. He told me he was going to be appointed as the Clerk of the Court. And I said, "That's just great. What is that job?" And he really couldn't tell me. I was in a personal situation in which I disliked some of my clients and I thought it's about time to seek something else. So I said, "Who is going to be your replacement?"

He said that would be decided by the judges of the Court. He wasn't senior then, but Chief Judge, the guiding light of the Court, Judge Solomon. He said, "Judge Solomon will decide."

And I said, "Who has put their names in?" He knew of only one person who was then a Circuit Court Judge in Oregon. And I said, "Put my name in." On the way home that evening I thought, I've done something that I didn't give much thought to. And I told my wife, Jean, that maybe I did a dumb thing and through the night I thought about that more. And so the next morning I decided I wasn't going to really pursue this and I called George and I said, "Did you put my name in?"

"Yes, I told Judge Solomon."

"Oh my."

My secretary came in shortly thereafter as I was getting up enough courage to call Judge Solomon and she said, "He's on the phone."

And he said, "Bob, get up here." So I ran up, I ran up Broadway from the

American Bank Building [*audience laughs*]. I'm sitting in his chambers. If you've ever been there, it's a large room, great desk. I'm sitting across there. He says, "You want to be a clerk, huh?"

"Yes sir. Scouts Honor. I thought of nothing else all my life." [*audience laughing*]. I'm practicing law there. What am I going to say, no? [*audience laughing*].

The answer that he gave me was, "Okay, I'll talk to my colleague." That was Judge Belloni. "One thing I gotta say Christ, you're honest. Now get the hell out of here." Now that, for those of us who knew Judge Solomon, was the way he ended a conversation for those that he liked [*audience laughs*]. So I felt rather good, and anyway, I've told that story to young lawyers and honesty means everything in this business. So that's what I'm going to talk about now in the few minutes that I have left.

I did not serve as clerk when George Juba was appointed because we were appointed the same day, in the same courtroom. It was a blustery day and we lived, the Jubas and the Christs, not far from one another on the west side, and that Blazer I knew could get us downtown when I wasn't sure that our Honda would.

We were the family sworn in at the same time that same day. Neither one of us—I'll speak for George—had any idea what fully our jobs were to be or how long we were going to be in those jobs. I had made up my mind two years was about max. I was still there nineteen years later and George continued on after I chose retirement. One of the reasons why I stayed was because of the people on the Court, because of the practicing bar, and the respect that I probably wouldn't get at other places. But Judge Skopil was instrumental in seeing that I became part of a special committee of clerks to work with the Judicial Center in Washington on the promotion, the creation, by then the promotion, of what eventually became the electronics that run courts now in addition to the brains of these judges. And I went with that group to a different court, a different city of the country, probably every three months. And that lasted for three or four years, and from that I then served on other committees and I can tell you, I went to many, many courts, federal courts throughout the United States. And every place I went: "You're from Oregon, aren't you?" the judges would say, or others would say. And they said that with respect because of the quality of the bench.

And other things would come up such as Judge Hogan just said. In Detroit I spoke to the magistrate there and he says, "You've got that guy up there that tries cases, don't you?"

And I said, "Yes, we do, don't you"?

"Well" he says, "I handle all the CVB matters." Well, I don't know what they're

called now—Central Violations Bureau meant those traffic offenses that occur on federal reservations. He handled all those, he said with pride. Things, I'm sure, have changed since then, but I accepted that respect that I received because of this court, and much because of George.

Now, you have heard from these others that George was a little short sometimes, quick, or not long let's put it, when they went to his chambers. I'm going to let you in on a secret. George had a coffee machine, a coffee pot maker. His office was down at that end of the fifth floor. My office was at the other end and he would call me and say, "The coffee's on." And I would go down there very frequently and I would stay through not one, but two cups of coffee because I brought my own cup. Now, the secret is I paid him. None of you paid him. *[audience laughs hard]*. I gave him twenty-five cents for my two cups of coffee and he finally got around to it and said, "Come on, it costs me more than a quarter to give you two cups of coffee." And so, now, I'm sorry that I broke your bubble now. *[audience laughing]*.

We did spend a lot of time whenever we were able. We discussed many, many things. Problems, problems with the Court, problems with the world and we solved them. And that was very important. Occasionally people would accept those solutions. If they accepted all the world would be a better place. But one of the things that I think, I truly think we did, is we learned from one another. I don't know what I may have contributed but he listened. I know what I learned from him *[looking toward front row, where Judge Juba's family is sitting]*. I learned, David, more than I ever knew about motorcycle racing and I knew how good you were at it.

And Karen, I learned that I wasn't the only father of a girl, who had a daughter, who can be loved and *[he can]* be proud of. I learned that from your dad. And there may be a time when I can go and sit down with George and have a cup of coffee and I think I will learn from him because he will be there first. And I look forward to that time.

Haggerty: Thank you Bob. Next we have another former Chief Judge, now our Senior Judge, Judge Redden.

Redden: Thank you present Chief Judge. I'm one of the new judges in the Court and that's why I'm summing things up. All of you remember, of course, just a few years ago in 1980 there were three new judges appointed in the District Court—myself, Owen Panner and Helen Frye. And Judge Skopil had moved up into Circuit Court and let's

see, Jim Burns was the Chief and Bob Belloni was still active. Gus was senior and the Court was functioning because of Judge Juba and Judge Leavy. And the three of us, the new kids, realized how important the Magistrate Judges were. Now we had no idea about magistrate versus Article III or what they were supposed to do, but judge's lunches, they were there. All the policies they voted with us. They took as many cases as we did. They got consents. Ed and Judge Juba. Mike Hogan was down in Eugene and there we had some commissioners scattered about the state. But that was the Court and if it was not for the Magistrate Judges in the '80s, we would have sunk because we started new ways to get these cases formed up. ... You filed your case and it went in the circuit and boom it went up to a judge. And a judge had that case forever more.

And Magistrate Judges got them and the lawyers did summaries and consented every time. As Ashmanskas always said, "I always tell them you can consent or it goes to Redden." [audience laughs]. He said he never lost one. [audience laughing]. But that's the way it was and that's the way, really, that we survived in those early days in the '80s. Because the cases really began to come in and they knew there were more judges there that could get the cases done quicker than they did in the State Court.

So we were really working extremely hard. Except we noticed that George was always there early in the morning, but about 3:30 PM he was on his way home. Owen and I would talk about that and say, "How come he's leaving at 3:30 and we're not going home until 5:30 or 6:00 PM and he's doing as much work as we are?" He's trying as many cases and he's doing all these same things we're doing. And we concluded that he's the most efficient judge we've got in here. So we better go encourage him to work longer and not be so efficient and make us look bad. But he was just efficient. And he would get it done and he'd go. And I went to visit all the time. Bob was usually there. I never paid for my coffee. But I always went there with some question. I wanted some answer. I wanted a little advice and this went on, you know, for more than a couple of weeks because George knew it all.

And he was there and he would look at it and say, "Well, I think ..." and he'd bop-bop-bop-bop-bop.

And I'd say, "That's what I was thinking." [audience laughs] And I thought I was a pretty smart fellow by the time I left that office.

He was just so anxious to help, but like he's been described, he wouldn't call you up and say, "I just read this opinion of yours and you better get up here and we better talk about it this." If you wanted some advice, "Come on up," and I'll give you all the advice you need, as brief as I can do it, and it will be brief and just one cup of

coffee. And he was that way with all of the other judges.

It came to one point, as I said, after we were there, probably it was in the mid '80s or late '80s when we had the direct assignment of cases to judges. And all the Magistrate Judges were getting an equal number of civil cases. As I said, they were all getting consents and George Juba never forgave me. That was my idea and it only passed by one vote. Magistrate Leavy and Magistrate Judge Juba voted no. Fortunately, it worked [*laughing*]. But George was so much fun, too. We loved the social parties we had. The Court got together frequently. Judge Juba, of course, always seemed so solemn and quiet, except in judge's lunch when you'd get him started. In the parties, why we'd just have fun and for some reason or other, we all started picking on George.

I can still remember Bill Dale saying, "Now George." And he'd say, "Don't say that." But he had a delightful sense of humor. He was a remarkable man. We cried with him when he lost Sue and we cheered when he found Carrie and we all went on together.

But George was a little bit different. When he got to retire, he said, "Thank God" and "I'm not going to try another case in my life. I'm going home to the desert." He turned to Ed Leavy and said, "What are you going to? I mean why did you Article III? Now you can never leave, you can't retire. You can only go senior and you're going to have to work the rest of your life." George was smart and I've been trying to tell Ed. I mean Ed Leavy's seventy-seven years old and I think he ought to slow down. [*audience laughs*]

Man from the audience: "And how old are you?" [*audience laughing*]

Haggerty: Okay, next as the program says, we're just going to call on Karen Hanson Judge Juba's daughter. Karen?

Hanson: I'd like to thank all of you for coming today. It's so nice to have this memorial in honor of my father and to have so many of his friends and colleagues here today.

My father truly enjoyed being a magistrate. He was so proud when he was appointed to be first magistrate in Oregon. I was fairly young when he was appointed, however I remember standing with my dad as he was sworn in and what an important moment that was to him.

I remember visiting my dad's chambers on numerous occasions and I could tell how much he enjoyed his time there and in his courtroom.

I was so thankful he was able to reconnect with many of you before he died. I so enjoyed accompanying him to a couple of these gatherings and hearing stories about his career I had not heard before. I know how much it meant to him to see all of you or to be able to attend these gatherings. He also enjoyed the opportunity to see the new courthouse and the remodeled Pioneer Courthouse.

I spent many hours talking with my father the months before he died and one of his favorite things to talk about were his years as the magistrate, and how lucky he felt to have had the opportunity to have such a wonderful career and work with so many highly qualified judges.

Again, thank you for arranging this opportunity to remember my dad and for coming today.

Haggerty: Thank you Karen. We have a few minutes. Is there anyone else that would like to comment on the life of George Juba?

All right. Again, on behalf of the Court and the Judge and his family, we thank you for coming. These events are, I think, important. And especially when you have someone that you thought you knew, but the more you sit and listen, you find out that you may not have known as well as others. But, he will always be a member of this court and we thank him for having served. There will be a recess and we'll have some refreshments out in the lobby. The Court is adjourned.

[End of Taped Session]